



# City of Saint Paul

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

## Legislation Text

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**File #: SR 24-6, Version: 1**

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Reviewing request of Owner, Alex Delendik, to a Vacant Building Registration Notice at 827 AGATE STREET.

Appellant, Alex Delendik, is asking for the Legislative Hearing Officer to revisit this matter



+ 1968 BERKELEY AVENUE  
SAINT PAUL  
MINNESOTA 55105  
CELL: 651-470-8753  
bdobiepec@icloud.com

PROFESSIONAL ENGINEERING CONSULTANTS  
INCORPORATED

December 16, 2023

Homestead Road LLC  
Alexander Delendik  
4820 Minnetonka Blvd.  
St. Louis Park, MN  
[adelendik@homesteadroad.com](mailto:adelendik@homesteadroad.com)

Project: Review of Constructed Retaining Wall  
827 Agate St.  
St. Paul, MN  
PEC #6186

Dear Mr. Delendik:

This report concerns our review of a constructed retaining wall behind the front sidewalk at 827 Agate St., St. Paul, MN. The property owner, Alexander Delendik, of Homestead Road LLC, performed his own construction of the wall in general conformance with a detail sheet entitled "8" Block Wall Option." However, the inspection department at the City of St. Paul required that the wall be inspected by a Registered Engineer who could answer to the construction requirements outlined in its identification sheet.

On December 15, 2023, we arrived at the site to find the wall had essentially been constructed. We therefore met with the owner and reviewed a series of photographs which were taken of the project in progress. Using these photographs and questioning the owner, we were able to ascertain the details of the construction.

Over the last several weeks, the old retaining wall was demolished and the footing construction removed from the front stairway eastward to the east property line. This amounted to a retaining wall length of slightly less than 30', since a higher concrete retaining wall had been left in place to the west of the stairway. A new footing was dug in behind the sidewalk, providing a new footing which was approximately 12" deep and at least 32" from the existing front sidewalk toward the rear of the property. Reinforced concrete used 1/2" rebar for the longitudinal steel in three locations at the front of the footing, the rear of the footing, and half-way between these bars. The front and rear bars used a 3" cover of concrete to the dirt forms. The first course of 8" block was placed

in the wet concrete and the footing was stabbed with ½" bars spaced 20" on center toward the rear face of the concrete block first course.

Using this layout of block and rebar, successive courses of 8" concrete block, both double corner and common, were placed with a mason's mortar using a common bond pattern to top of wall height. The completed wall was approximately 4-1/2 courses in height. The vertical rebar were left at least 2 to 3" below top of wall. The completed wall section was then filled with a 4000 psi curb and gutter mix. The rear of the wall received a 4" corrugated drain tile with an exterior sock. The backfill material behind the wall was filled with a granular backfill material and then capped off with the natural excavated soils which consisted of a silty sand material with topsoil mix. The entire backfill region behind the wall was estimated as less than a 33% grade, and the entire backfill area received a grass mix and was covered by a straw mulch.

Since the entire project was completed just recently, the owner will also reseed in the springtime and will seed as needed for a grassy embankment. Based on our observations, the owner has protected the finished grade as much as possible and will continue with seeding and mulching this spring to establish a lawn. We informed the owner that such embankments should drain over the top of the wall and not behind the wall for maximum stability of the wall construction. It is our opinion the owner has used good workmanship on this construction.

Respectfully,  
Professional Engineering Consultants, Inc.



Brian R. Dobie, P.E.  
President

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

Brian R. Dobie, P.E. 

Date 12-16-23 Reg. No. 9798

# 8" BLOCK WALL OPTION

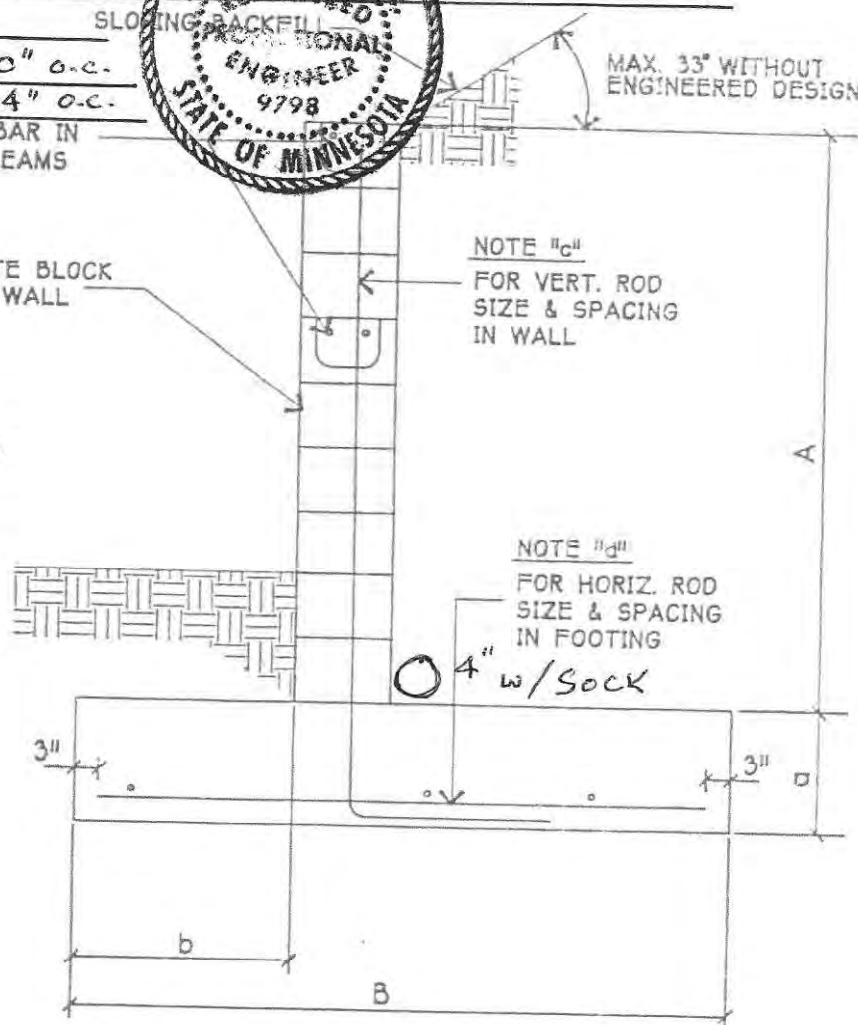
BUILDING A BETTER COMMUNITY  
THROUGH BUILDING CODES

427 AGATE ST. ST. PAUL, MN

A HEIGHT	B WIDTH	a FOOTING THICKNESS	b DISTANCE TO WALL FACE	c SIZE & SPACING OF VERT. RODS	d SIZE & SPACING OF HORIZ. RODS
3'-4"	2'-4"	0-9"	0-8"	#3 @ 32"	#3 @ 27"
4'-0"	2'-9"	0-9"	0-10"	#4 @ 32"	#3 @ 27"
4'-8"	3'-3"	0-10"	1'-0"	#5 @ 32"	#3 @ 27"
5'-4"	3'-8"	0-10"	1'-2"	#4 @ 16"	#4 @ 30"
6'-0"	4'-2"	1'-0"	1'-3"	#6 @ 24"	#4 @ 25"

\*WALLS GREATER THAN 6'-0" HIGH REQUIRE FORMAL ENGINEERED DESIGN & DRAWINGS.

A	37" to 39"
B	32"
a	12"
b	6"
C	1/2" bars @ 20" o.c.
d	1/2" bars @ 24" o.c.



\*Note: all details on this sheet must be followed as depicted on this design. Otherwise, structural engineering is required for the retaining wall

8" CONCRETE BLOCK RETAINING WALL





**CITY OF SAINT PAUL**  
OFFICE OF THE CITY COUNCIL  
310 CITY HALL  
15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MN 55102-1615  
Marcia Moermond, Legislative Hearing Officer  
EMAIL: [legislativehearings@ci.stpaul.mn.us](mailto:legislativehearings@ci.stpaul.mn.us)  
PHONE: (651) 266-8585 FAX: (651) 266-8574

January 26, 2024

Alex Delendik  
4820 Minnetonka Blvd, Ste 402  
Minneapolis MN 55416

VIA EMAIL: [adelendik@homesteadroad.com](mailto:adelendik@homesteadroad.com)

Re: Discussion for Property at 827 Agate Street

Dear Mr. Delendik:

I want to inform you that after our staff meeting yesterday, January 25<sup>th</sup>, the best course of action at this time is for you to contact Supervisor Leanna Shaff at 651-266-8980 to schedule an appointment for a full inspection of the interior. Building Inspector Clint Zane may have advised you that a permit is not required for the wall; however, the building inspector supervisor is requiring that a building permit be pulled for the retaining wall under MN Rules Chapter 1300.0120 Permits Subp 4. Work exempts from permits

(4) retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, **unless supporting a surcharge** or impounding Class I, II, or III-A liquids;

There is now note in the system to allow issuance of this permit.

There will be a Legislative Hearing on **February 13, 2024 between 1:00 pm and 3:00 pm via telephone** to further discuss the outcome of the inspection and to establish a report to go to City Council. You may attend in person to Room 300 City Hall if you wish to do.

Sincerely,

/s/

Mai Vang  
Legislative Hearing Coordinator

c: Vacant Building Staff  
Fire Supervisors  
Robert Humphrey  
Clint Zane



Nathan Bruhn  
Therese Skarda  
Ayesha Khan  
Stephen Ubl  
My Lam, [mlam@homesteadroad.com](mailto:mlam@homesteadroad.com)



February 5, 2024

Hsr Msp Llc  
4820 Minnetonka Blvd Ste 300  
Minneapolis MN 55416-5708

## **Revocation of Fire Certificate of Occupancy and Order to Vacate**

RE: 827 AGATE ST  
Ref. # 127078

Dear Property Representative:

Your building was inspected on February 1, 2024. Since certificates are for the occupancy of buildings, it has become necessary to revoke the Certificate of Occupancy. The status of the building will be determined by the Legislative Hearing Officer at the Legislative Hearing on February 13, 2024

Saint Paul Legislative Code provides that no building shall be occupied without a Certificate of Occupancy. In order to re-occupy the building, the following deficiencies (if applicable) must be corrected and a complete Certificate of Occupancy inspection will be required.

### DEFICIENCY LIST

1. 2nd floor - Front bedroom - SPLC 34.09 (4), 34.33 (3)- Repair and maintain the window in good condition. All windows shall be maintained in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Right side window doesn't open.
2. Basement - MMC 504.1 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work shall require a permit(s). Call DSI at (651) 266-8989.  
Improper materials.  
Update 2/1/24: Vent has been replaced without permit.

3. Basement - MPC 312.0, MPC 313.0 - Provide approved support for all plumbing piping.  
Piping in washing machine are unsupported and hanging. Per Steve Fernlund, Senior Plumbing Inspector, this work Shall require a permit(s). Call DSI at (651) 266-8989.
4. Central air conditioning - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.  
Inoperative
5. Foundation - SPLC 34.09 (2)(a), 34.33 (1)(a) - Provide and maintain foundation elements to adequately support this building at all points. This work WILL require a permit(s). Call DSI at (651) 266-8989.  
Concrete coating falling off, mortar missing, patches failing, large crack interior south wall, interior north wall/corner missing rocks and mortar.  
Update 2/1/24: South wall floor joists do not meet rim and are inadequately or not supported.
6. Front door - SPLC 34.09 (4)(i), 34.33 (3) - Repair and maintain the door frame.-  
Update 2/1/24: exterior rotted wood under threshold.
7. SPLC 34.08 (2) - Provide and maintain the property grade to slope away from the building to minimize the accumulation of water near the building. This work may require a permit(s). Call DSI at (651) 266-8989.
8. Revocation is due to, but not limited to long-term failure to allow access for inspection, and long- term failure to abate code violations.
9. SPLC 34.10 (3), 34.34(2) - Repair or replace the damaged handrail in an approved manner.  
Handrail to second floor is loose.

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>



If you have any questions, email me at: [leanna.shaff@ci.stpaul.mn.us](mailto:leanna.shaff@ci.stpaul.mn.us) or call me at 651-266-8980 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Leanna Shaff  
Fire Safety Inspector

Ref. # 127078

**Date:** February 02, 2024  
**File #:** 23 - 061661  
**Folder Name:** 827 AGATE ST  
**PIN:** 302922430012



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HSR MSP LLC 4820  
Minnetonka blvd MN  
55416

**WE ARE LICENSED BONDED AND INSURED**

To:

For: 827 Agate street Saint Paul MN

# Latitude 45 Design and Renovation INC

Fax: 952-500-8410

Phone: 763-424-6230

res.bldng contractor

License: BC752829

## Estimate

INVOICE NUMBER  
117811

DELIVERY DATE  
2/13/2024

DUE DATE  
3/30/2024

DESCRIPTION	UNIT COST	QTY/HR RATE	AMOUNT
<i>Proposal - to correct deficiencies from the below list if required by code to obtain assistance from licensed Engineering/Plumbing/HVAC vendors.</i>			
<i>1.2nd floor - Front bedroom - SPLC 34.09 (4), 34.33 (3)- Repair and maintain the window in good condition. All windows shall be maintained in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Right side window doesn't open.</i>			
<i>2.Basement - MMC 504.1 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work shall require a permit(s). Call DSI at (651) 266-8989. Improper materials.</i>			
<i>Update 2/1/24: Vent has been replaced without permit.</i>			
<i>3.Basement - MPC 312.0, MPC 313.0 - Provide approved support for all plumbing piping. Piping in washing machine are unsupported and hanging. Per Steve Fernlund, Senior Plumbing Inspector, this work Shall require a permit(s). Call DSI at (651) 266-8989.</i>			
<i>4.Central air conditioning - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code. Inoperative</i>			
<i>5.Foundation - SPLC 34.09 (2)(a), 34.33 (1)(a) - Provide and maintain foundation elements to adequately support this building at all points. This work WILL require a permit(s). Call DSI at (651) 266-8989.</i>			
<i>Concrete coating falling off, mortar missing, patches failing, large crack interior south wall, interior north wall/corner missing rocks and mortar.</i>			
<i>Update 2/1/24: South wall floor joists do not meet rim and are inadequately or not supported.</i>			
<i>6.Front door - SPLC 34.09 (4)(i), 34.33 (3) - Repair and maintain the door frame.-Update 2/1/24: exterior rotted wood under threshold.</i>			
<i>7.SPLC 34.08 (2) - Provide and maintain the property grade to slope away from the building to minimize the accumulation of water near the building. This work may require a permit(s). Call DSI at (651) 266-8989.</i>			
<i>8.Revocation is due to, but not limited to long-term failure to allow access for inspection, and long-term failure to abate code violations.</i>			
<i>9.SPLC 34.10 (3), 34.34(2) - Repair or replace the damaged handrail in an approved manner. Handrail to second floor is loose.</i>			
<i>* Labor, Materials and permit fees are included</i>			

SUBTOTAL	\$10,000.00
DISCOUNT	-\$0.00
(TAX RATE)	0%
TAX	\$0.00

estimate TOTAL

**\$10,000.00**

## Mai Vang

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**From:** Alexander Delendik <adelendik@homesteadroad.com>  
**Sent:** Thursday, February 15, 2024 10:16 AM  
**To:** Mai Vang  
**Cc:** Leanna Shaff  
**Subject:** Re: 827 Agate St. plan  
**Attachments:** 827 agate estimate.pdf

**Think Before You Click: This email originated outside our organization.**

hi Mai - thanks for your help with this property.

Per resolution received during the phone call I obtained a bid from a licensed contractor to complete all the work orders.(attached)

Here is the estimate obtained from the general contractor to complete all the required work orders and pass all permit inspections by the end of March.

We hope to complete all the work earlier but the delay may be caused by the permitting process approval/inspection - after our last inspection a permit to fix the wall was submitted but this Tuesday they were still processing Jan 25th applications.

Plus

We now have snow and doing exterior grading and checking AC unit may be weather related and therefore - I think end of march seems sufficient time slot of 45 days - provided the weather gets warm enough in the next couple of weeks.

Alex Delendik  
Founder and COO  
cell: 6126442757  
4820 minnetonka Blvd. Suite 402  
Minneapolis Mn 55416

On Fri, Jan 26, 2024 at 8:28 AM Mai Vang <[mai.vang@ci.stpaul.mn.us](mailto:mai.vang@ci.stpaul.mn.us)> wrote:

Yes, go ahead with the permit. There is note in the system at DSI

---

**From:** Alexander Delendik <[adelendik@homesteadroad.com](mailto:adelendik@homesteadroad.com)>  
**Sent:** Friday, January 26, 2024 8:27 AM  
**To:** Mai Vang <[mai.vang@ci.stpaul.mn.us](mailto:mai.vang@ci.stpaul.mn.us)>  
**Cc:** My Lam <[mlam@homesteadroad.com](mailto:mlam@homesteadroad.com)>; Clint Zane <[Clint.Zane@ci.stpaul.mn.us](mailto:Clint.Zane@ci.stpaul.mn.us)>; Nathan Bruhn <[nathan.bruhn@ci.stpaul.mn.us](mailto:nathan.bruhn@ci.stpaul.mn.us)>; Therese Skarda <[therese.skarda@ci.stpaul.mn.us](mailto:therese.skarda@ci.stpaul.mn.us)>; Ayesha Khan <[Ayesha.Khan@ci.stpaul.mn.us](mailto:Ayesha.Khan@ci.stpaul.mn.us)>; Stephen Ubl <[stephen.ubl@ci.stpaul.mn.us](mailto:stephen.ubl@ci.stpaul.mn.us)>; Joanna Zimny <[joanna.zimny@ci.stpaul.mn.us](mailto:joanna.zimny@ci.stpaul.mn.us)>; Joe Yannarely <[joe.yannarely@ci.stpaul.mn.us](mailto:joe.yannarely@ci.stpaul.mn.us)>; Robert Humphrey <[robert.humphrey@ci.stpaul.mn.us](mailto:robert.humphrey@ci.stpaul.mn.us)>; Steve Magner <[steve.magner@ci.stpaul.mn.us](mailto:steve.magner@ci.stpaul.mn.us)>; Vicki Sheffer <[vicki.sheffer@ci.stpaul.mn.us](mailto:vicki.sheffer@ci.stpaul.mn.us)>; James Perucca <[james.perucca@ci.stpaul.mn.us](mailto:james.perucca@ci.stpaul.mn.us)>; Leanna Shaff <[leanna.shaff@ci.stpaul.mn.us](mailto:leanna.shaff@ci.stpaul.mn.us)>; Mitchell Imbertson <[mitchell.imbertson@ci.stpaul.mn.us](mailto:mitchell.imbertson@ci.stpaul.mn.us)>  
**Subject:** Re: 827 Agate St.Delendik Ltr 1-26-24

**Think Before You Click: This email originated outside our organization.**

hi Mai

thanks for getting back to me - Both me and My Lam are managers of the LLC and can represent it.

I already provided the engineers report for the retaining wall to the building dept once they requested that for the permit due to surcharge, we also submitted a permit application but they were not allowed to issue it -Can we pull the permit now?

Alex Delendik

HSR MSP LLC

cell: 6126442757

4820 minnetonka Blvd. Suite 402

Minneapolis Mn 55416

On Fri, Jan 26, 2024 at 8:14 AM Mai Vang <[mai.vang@ci.stpaul.mn.us](mailto:mai.vang@ci.stpaul.mn.us)> wrote:

Hello Mr. Delendik,

Please see attached. Also, can you tell me what is your relationship with HSR MSP LLC? Are they the actual owner or are you one of the partner in the LLC? And is Mr. Lam also a co-partner for this property?

*Mai Vang*

(She, her)

Legislative Hearing Coordinator | St Paul City Council

M: (651) 266-8585 ; D: (651) 266-8563

310 City Hall, 15 W. Kellogg Blvd, St Paul, MN 55102







**CITY OF SAINT PAUL**  
OFFICE OF THE CITY COUNCIL  
310 CITY HALL  
15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MN 55102-1615  
Marcia Moermond, Legislative Hearing Officer  
EMAIL: [legislativehearings@ci.stpaul.mn.us](mailto:legislativehearings@ci.stpaul.mn.us)  
PHONE: (651) 266-8585 FAX: (651) 266-8574

February 16, 2024

Alex Delendik  
4820 Minnetonka Blvd, Ste 402  
Minneapolis MN 55416

VIA EMAIL: [adelendik@homesteadroad.com](mailto:adelendik@homesteadroad.com)

Re: Discussion for Property at 827 Agate Street

Dear Alex Delendik:

This is to confirm that at the Legislative Hearing on Tuesday, February 13, 2024, Legislative Hearing Officer Marcia Moermond continued the matter to Legislative Hearing **on Tuesday, February 27, 2024 via phone between 1:00 and 3:00 p.m. for further discussion** and review of your work plan for completing repairs & items on the deficiency list.

**We have received your work plan you submitted on February 15, and it has been sent to staff for review.**

If you have any questions, please contact me at 651-266-8585.

Sincerely,

/s/

Joanna Zimny  
Legislative Hearing Executive Assistant

c: Vacant Building Staff  
Fire Supervisors

