

Moermond, Marcia (CI-StPaul)

From: Moermond, Marcia (CI-StPaul)
Sent: Friday, October 06, 2017 1:08 PM
To: 'Gutierrez, Lacey'; jonathan@gutierrezconstructioninc.com
Cc: Vang, Mai (CI-StPaul); Karpen, Brian (CI-StPaul); Seeger, Jim (CI-StPaul); Dornfeld, Matt (CI-StPaul); Magner, Steve (CI-StPaul); Ubl, Stephen (CI-StPaul)
Subject: RE: 25 Elizabeth St. E

Ms. Gutierrez,

To restate where we are in the enforcement process, the City issued an order on May 23, 2017 to repair or replace the collapsed retaining wall and the deadline was June 13, 2017. The City Council granted an extension to August 1. Here is a link to that record: <https://stpaul.legistar.com/LegislationDetail.aspx?ID=3099371&GUID=6AB75B24-1867-4F97-816B-AFA1820B7177>. It is my job to follow up with the City Council with a report on whether the nuisance condition has been abated by the August 1st deadline. If the condition has been abated, I report that to Council and the file is closed. If it has not, I report that to Council. They then review my finding and determine if DSI should go forward with abatement. The costs of the abatement would then be assessed to the property.

The follow-up report would normally go forward within a couple of weeks of the deadline. However, for the last 2 months I have been hearing reports from you on the difficulties you have encountered and I and other staff have tried to be helpful in assisting you in resolving this matter. Here the link to the case currently being considered. <https://stpaul.legistar.com/LegislationDetail.aspx?ID=3145979&GUID=4F121C92-1680-4CA8-B0F0-5C559A081A9C> We have been continuing this matter for a long time in hopes that you would come forward with a solution. Mr. Dornfeld did make a call to the neighbor and the number was no longer in service. I distinctly recall his purpose was to encourage communication between you, but he is in no way your advocate, he is an enforcement officer. I am unaware of any other commitments made by Mr. Dornfeld following his failed effort to get ahold of the neighbor. Although the City would always like to be of assistance in resolving neighbor communication matters, the bottom line is that it is your responsibility to resolve the nuisance/dangerous condition of the wall. The extent you need to work with the neighbor to achieve that end is also your responsibility. My office will not be responsible for ensuring any participation from the neighbor(s).

Because you have not brought forward a viable plan, I requested that the City's Building Official and Structural Engineer review the situation as to how the City should proceed in the event the City itself needed to do the shoring: Plan B. Plan A being you managing your situation. The Building Official has the right and obligation to review the situation in its entirety and his review resulted in the letter you received this week.

I have every intention of concluding the hearing on Tuesday with a specific recommendation to the City Council for their consideration on Wednesday October 18. The advent of winter in Minnesota necessitates our conclusion of this situation.

As ever, If you believe you need other professionals present to inform the hearing, I encourage you to bring them.

Sincerely, Marcia Moermond

From: Gutierrez, Lacey [mailto:Lacey.Gutierrez@chsinc.com]
Sent: Friday, October 06, 2017 10:41 AM
To: Moermond, Marcia (CI-StPaul); Magner, Steve (CI-StPaul); Seeger, Jim (CI-StPaul); Ubl, Stephen (CI-StPaul)

Cc: jonathan@gutierrezconstructioninc.com; Gutierrez, Lacey

Subject: FW: 25 Elizabeth St. E

Hello,

I'm following up with the group in response to the letter that was sent to us yesterday regarding our property at 25 Elizabeth St. E. I'm a bit confused as to the content of the letter as it does not seem to align with the discussion that we had at the hearing on Tuesday, 9/26. I understood there to be two key actions coming out of that hearing:

- 1.) Due to the need to utilize some of the neighbor's property at 619 Gorman in order to be able to pull a permit and execute on the design from our Engineer to fix the retaining wall, Matt from your office was going to make a phone call to the home owner, Mr. Erasto Perez, to give him an update on the situation and let him know that the only way to correct this problem was to coordinate with him due to the need to use some of his property. From there we were to initiate a discussion with Mr. Perez to see if he would be willing to work with us. On Wednesday, 9/27 I received a phone call from Matt as promised letting me know that he had tried to contact Mr. Perez but that the phone number the City of St. Paul had on file for him was incorrect. He was going to try and track down the correct number and get back to me. As of this morning I have not heard back from him.
- 2.) You all were going to conduct a site visit to assess the situation yourselves and begin to think through what a plan B option might look like in the event Mr. Perez was unwilling to work with us.

The letter that was sent reiterates everything we already know about the situation. Based on your knowledge of the current situation and the discussions that we have had relative to the challenges, the requirements set forth in the letter are unreasonable and not in alignment with what has been discussed and agreed upon. It also appears that another issue, with an overhang encroaching on the neighbor's property, has now been added to the list of issues. Related to that item specifically, that is not something that we constructed. It would also be much appreciated if we could resolve this very complex issue with the retaining wall before other issues are surfaced.

In closing, we have two requests:

- 1.) Because it appears that we will not be able to track down a current phone number for Mr. Perez, can Matt and the City of St. Paul please reach out to him via a letter explaining the situation and advising them that the city has requested that we contact him directly about the issue to discuss options?
- 2.) Could all parties on this email attend the next hearing on Tuesday, 10/10 to ensure that all appropriate parties are part of these discussions going forward with the goal of creating alignment and expediting this process?

I was appreciative of the support and partnership that was presented at the last hearing and I look forward to continuing to work together to find a solution that will work for everyone.

Thank you,
Lacey

Lacey Gutierrez
HR Director
CHS

lacey.gutierrez@chsinc.com
Direct: 651-355-5498

5500 Cenex Drive, Inver Grove Heights, MN 55077
Visit us at chsinc.com

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From: Jonathan Gutierrez [<mailto:jonathan@gutierrezconstructioninc.com>]

Sent: Friday, October 06, 2017 7:14 AM

To: Gutierrez, Lacey <Lacey.Gutierrez@chsinc.com>

Subject: Fwd: 25 Elizabeth St. E

----- Forwarded message -----

From: **Ubl, Stephen (CI-StPaul)** <stephen.ubl@ci.stpaul.mn.us>

Date: Thu, Oct 5, 2017 at 7:41 AM

Subject: 25 Elizabeth St. E

To: "Jonathan@gutierrezconstructioninc.com" <Jonathan@gutierrezconstructioninc.com>

Cc: "Moermond, Marcia (CI-StPaul)" <marcia.moermond@ci.stpaul.mn.us>, "Magner, Steve (CI-StPaul)" <steve.magner@ci.stpaul.mn.us>, "Seeger, Jim (CI-StPaul)" <jim.seeger@ci.stpaul.mn.us>

Mr. Gutierrez,

Please find attached the notice giving you direction to correct the deficiencies on your property at 25 Elizabeth St E. Please contact me with any questions.

Thank you,



Stephen Ubl

City of St. Paul Building Official

Department of Safety & Inspections

375 Jackson St

Saint Paul, MN 55101

P: [651-266-9021](tel:651-266-9021)

F: [651-266-9099](tel:651-266-9099)

stephen.ubl@ci.stpaul.mn.us

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Jonathan Gutierrez

General Contractor

Gutierrez Construction Inc.

gutierrezconstructioninc.com

651-468-5688