



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

RECEIVED

JUL 18 2022

CITY CLERK

### We need the following to process your appeal:

- ☒ \$25 filing fee (non-refundable) (payable to the City of Saint Paul)(if cash: receipt number 536274)
- ☒ Copy of the City-issued orders/letter being appealed
- ☒ Attachments you may wish to include
- ☒ This appeal form completed
- ☒ Walk-In OR ☐ Mail-In

for abatement orders only: ☐ Email OR ☐ Fax

### HEARING DATE & TIME

(provided by Legislative Hearing Office)

Tuesday, July 26

Location of Hearing:

☒ Telephone: you will be called between

2 PM & 4 PM

☐ In person (Room 330 City Hall) at: \_\_\_\_\_  
(required for all Fire C of O revocation & vacate; Condemnation orders)

## Address Being Appealed:

Number & Street: 228 Exchange St S City: Saint Paul State: MN Zip: 55102

Appellant/Applicant: Panama Flats Rowhouse Association Email brett.j.cummings@gmail.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: Brett Cummings Date: 7/15/2022

Name of Owner (if other than Appellant): Brett Cummings (Association President)

Mailing Address if Not Appellant's: 228 Exchange St S, Unit C

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell (612) 481-8681

## What Is Being Appealed and Why? Attachments Are Acceptable

- ☐ Vacate Order/Condemnation/Revocation of Fire C of O \_\_\_\_\_
- ☐ Summary/Vehicle Abatement \_\_\_\_\_
- ☐ Fire C of O Deficiency List/Correction \_\_\_\_\_
- ☒ Code Enforcement Correction Notice Retaining Wall/Sidewalk Repair
- ☐ Vacant Building Registration \_\_\_\_\_
- ☐ Other (Fence Variance, Code Compliance, etc.) \_\_\_\_\_



**JUL 11 2022**

375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806  
Tel: 651-266-8989 | Fax: 651-266-9124

- Yog hais tias koj tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266-8989. Nws yuav pab dawb xwb.
- Si necessita un traductor, por favor llamanos al (651)266-8989. No costo.

July 08, 2022

Panama Flats Rowhouse Association  
Attn: Brett J Cummings  
228 Exchange St S Unit C  
St Paul MN 55102

New Concepts Management Group  
Attn: Randy Christiansen  
5707 Excelsior Blvd  
St Louis Park, MN 55416

## **CORRECTION NOTICE**

Date: **July 08, 2022**  
RE: **228 EXCHANGE ST S**  
File #: **22-072452**

Dear Sir/Madam:

The City of Saint Paul, Department of Safety and Inspections has inspected the above referenced property on **July 08, 2022** and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code<sup>1</sup> (see footnote 1, below).

1. **SPLC 34.08 ACCESSORY STRUCTURES/FENCES:** All accessory structures including, but not limited to, detached garages, sheds, retaining walls and fences shall be kept in a professional state of maintenance and repair and maintained structurally sound. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Service doors to accessory structures shall be provided with securing locks.

TWO OF THE RETAINING WALLS AGAINST THE CITY SIDEWALK AT THE FRONT OF THE PROPERTY HAVE CONCRETE BLOCK THAT HAS DETERIORATED TO A POINT THAT THE FACE OF THE BLOCK HAS ERODED. THIS HAS ALLOWED THE FILL UNDER THE CITY SIDEWALK TO WASH INTO THE CELLS OF THE BLOCK WALL AND HAS CAUSED THE CITY SIDEWALK TO SETTLE AND CRACK. THIS IS OCCURRING AT TWO LOCATIONS: THE WALL BETWEEN 228 & 230, AND THE WALL BETWEEN 230 & 232. PLEASE REPAIR OR REPLACE THE DETERIORATED WALLS TO PREVENT ONGOING AND ADDITIONAL DAMAGE TO THE CITY SIDEWALK. THANK YOU.

You are hereby notified to correct these deficiencies in accordance with the appropriate codes. The Enforcement Officer will re-inspect these premises on or after **September 08, 2022**, by which date the violations noted must be corrected. **Failure to correct these deficiencies may result in the issuance of criminal charges<sup>2</sup>** and/or a civil lawsuit, and

possible abatement/assessment by the City. All repairs and new installations must be made in accordance with the appropriate codes. Permits may be obtained by calling 651-266-8989.

You may file an appeal to this notice by contacting the City Clerk at 651-266-8585. Any appeal must be made in writing within 10 days of this notice. (You must submit a copy of this Notice when you appeal and pay a filing fee.)

**If you have any questions or request additional information, please contact me. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to me at 651-266-9141.**

Sincerely,

**Richard Kedrowski**  
**Badge # 320**  
**CODE ENFORCEMENT OFFICER**

Footnotes:

- <sup>1</sup> To see the Legislative Code go to [www.stpaul.gov](http://www.stpaul.gov) on the internet, click on "Departments", then click on "Department of Safety and Inspections", scroll down the page for the "Codes". Most Correction Notices derive from Chapter 34.
- <sup>2</sup> Criminal charges can be brought on the day the violation is observed, but generally we allow time to correct unless this is a repeat violation.

**WARNING:** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection for compliance after the due date will be collected from the owner rather than being paid for by the taxpayers of the City. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within said 12 months will be collected from the owner rather than being paid for by the taxpayers of the City. Any such future costs will be collected via assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

July 15, 2022

Saint Paul City Council – Legislative Hearings  
310 City Hall, 15W. Kellogg Blvd.  
Saint Paul, MN 55102

RE: Correction Notice – 228 Exchange St S – File #22-072452

To Whom it May Concern,

This letter is in response to a Correction Notice dated July 8, 2022 regarding the condition of the City sidewalks in front of the property and the adjacent retaining wall.

The first clarification to be made is that the Correction Notice was issued to 228 Exchange St S Unit C but the retaining walls and sidewalks in question are not owned by that unit. The building is a 16-unit condominium and the exterior of the building is owned and managed by the Panama Flats Rowhouse Association (PFRA). No individual resident of the building has direct ownership of any exterior elements of the building.

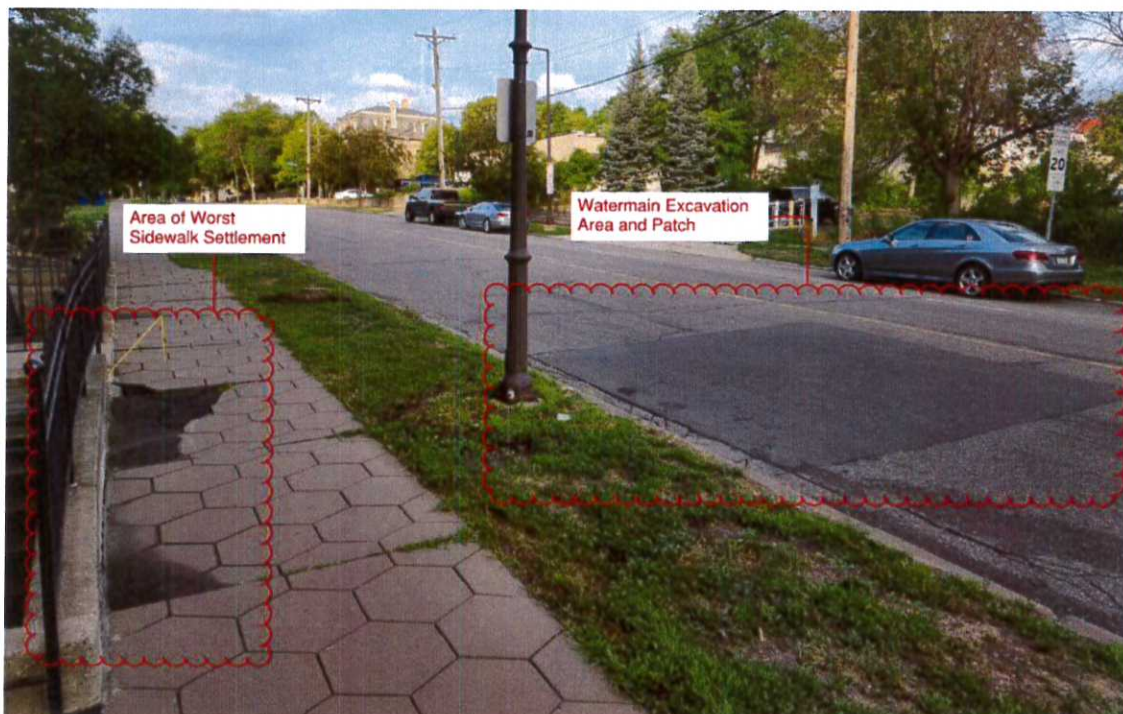
The second clarification that needs to be made is exactly what repairs are being requested by the Correction Notice. The letter states the retaining walls need to be repaired but states nothing about repairs to the sidewalks. It is assumed that the City will repair the sidewalks in conjunction with the requested repair to the walls but this needs to be confirmed. We also need to understand if any assessment against the PFRA is anticipated for the repairs to the sidewalks. A voicemail was left for Mr. Kedrowski on July 14 requesting this clarification but as of the writing of this letter a response has not been received.

The primary purpose of this letter is to discuss the events leading up to the damage to the sidewalks and to request an equitable solution for all parties. The Board of Directors at PFRA has made repeated requests over a number of years to have the sidewalks repaired. Most recently, PFRA did get a response from the City and engaged with Saint Paul Public Works in early 2020 to discuss repairs to the sidewalks along Exchange St S; in front of the building. It was noted that the sidewalks were cracked, settling, and presented a safety hazard. The concern of most importance to the Board was that the sidewalks had settled in such a way that they were now funneling surface water toward the building rather than away from it. The concern was expressed that if this was not remedied it would likely cause damage to the retaining wall due to the excessive water that would be held on the backside of the wall. It is also worth noting that at that point in time there was no visible spalling or damage to the retaining walls.



The dialog continued with Public Works but no repairs were ever made to the sidewalks. Over the last 2 years we have noted accelerated deterioration in the walls as was feared due to the lack of adequate management of the stormwater runoff. My understanding from a conversation with Mr. Kedrowski is that Public Works recently sent someone out in response to our continued requests and to look at the repairs that were needed to the sidewalks which has now resulted in a Correction Notice that we feel could have been avoided had the sidewalks been properly maintained.

Another factor contributing to this issue was a water main break in Exchange St S in December, 2020. The watermain under the road ruptured causing the road and sidewalk to be flooded with pressurized water flow. On a side note, this was not the waterline serving the PFRA building as the water service there was never disrupted during the event. Public Works dug a large hole in the road, repaired the water line, and patched the asphalt. You can see in the photo below that this rupture occurred immediately adjacent to the area where the sidewalk settling is the worst. This is also the starting point of all the sidewalk damage which continues as it moves down the hill toward Chestnut St. This water event and the associated repairs on top of the sidewalks that were already deteriorating washed away more soil from under the sidewalk and caused them to settle even further.



The second event contributing to this issue was a City utility project in the Spring of 2021 during which a utility contractor (Arvig) installed new fiber-optic cabling under the boulevard along Exchange St and directly in front of PFRA. Residents were told it would be a 1-week project but ultimately took over a month to complete. In conversation with the utility workers residents learned that they were running into a great deal of rock obstruction while trying to dig in the new cable and they had to drill through it which took more time and caused significant vibration in the building only a few feet away. They also dug several holes in the boulevard and cut holes through the concrete sidewalks in the process of completing the project. This activity again caused the already failing sidewalks to deteriorate further as well as vibration related damage to the building itself. PFRA Board of Directors was again in contact with Public Works about these concerns and were told that it would be remedied. Today, over a year later, the turf area in the boulevard still has not been restored and is now full of gravel making growing turf almost impossible.



Unrepaired turf in boulevard



Sidewalk patches

The PFRA Board of Directors fully intends to cooperate with the City in an effort to see the necessary repairs completed and we share the same concerns regarding the longevity of the building. It has stood in this location since the 1880's and we are proud to be the stewards of a piece of Saint Paul history. Our concern is that the Board believes it was proactive in trying to seek the necessary repairs to avoid significant damage to our property. Those repairs were not made and it has now become the responsibility of PFRA to finance repairs that may have been avoidable through a more expeditious response in maintaining the adjacent property.

We appreciate your consideration of this matter and look forward to a more in-depth discussion.

Sincerely,

Panama Flats Rowhouses Board of Directors