

Moermond, Marcia (CI-StPaul)

From: Moermond, Marcia (CI-StPaul)
Sent: Wednesday, March 28, 2018 5:52 PM
To: 'Nelson,Cale A'
Cc: Neis, Adrian (CI-StPaul); Perucca, James (CI-StPaul); Shaff, Leanna (CI-StPaul); Wiese, Angie (CI-StPaul); *CI-StPaul_LegislativeHearings; Ubl, Stephen (CI-StPaul)
Subject: RE: 722 Grand follow-up questions

Good Evening Mr. Nelson,

To be clear, my recommendation is not a “50/50” split of responsibility. Rather, I note that the compromised wall sits on both properties – per the survey you provided. Your appeal asked that the order on your property be vacated and issued instead to the neighboring property owner. I am making a finding that the City cannot order one property owner to repair something on someone else’s property.

Per my conversation with the building official, he will also hold the owner of the neighboring property accountable for repair of the compromised wall in the building permit process (plan review and site plan review). I think it is fair to say that their ability to move forward with their construction plans will require that the wall be addressed – but defer entirely to the building official in this matter.

As indicated, my view is that both parties share responsibility for the repair of the wall which lies on both properties – unless there has been a private arrangement, which the city would not be in a position to enforce. The specifics on how the responsibility for repair should be divided, whether it’s 50/50, 25/75 or 0/100 is, in my view a private matter. Therefore, I am recommending that the City Council grant an extension for compliance with the orders on your property to November 1, 2018, conditioned on the installation of temporary/permanent fencing along the handrail atop the retaining wall to ensure pedestrian safety within 3 weeks. I believe the November 1st deadline provides sufficient time for the matter to be resolved, both in terms of deciding on a shared course of action and executing the plan. If this is not the case, I indicated I would be willing to entertain an extension.

The City Council, acting within their quasi-judicial authority, may accept or reject my recommendation. If you are seeking a different outcome than the recommendation, it will be important to communicate that to them at the public hearing on April 25. As I indicated in the Legislative Hearing, you will receive a letter from my office confirming the recommendation and time and date of the Council public hearing.

Sincerely, Marcia Moermond

From: Nelson,Cale A [mailto:CNELSON8@travelers.com]
Sent: Wednesday, March 28, 2018 5:02 PM
To: Moermond, Marcia (CI-StPaul)
Cc: Neis, Adrian (CI-StPaul); Perucca, James (CI-StPaul); Shaff, Leanna (CI-StPaul); Wiese, Angie (CI-StPaul); *CI-StPaul_LegislativeHearings; Ubl, Stephen (CI-StPaul)
Subject: RE: 722 Grand follow-up questions

Thank you for your comments. One more question to provide clarity. Is the 4/25 Council Meeting then my opportunity to appeal further if I do not agree with the 50/50 split recommendation that is being made to the Council? I was not able to find further information on this on the city of Saint Paul website and was only able to see what was included in the first paragraph of the second page of the Legislative Hearing Fact Sheet. I believe this is true based on your comments yesterday.

Cale Nelson | Associate Actuary | Oil & Gas
385 Washington Street | SB04V
Saint Paul, MN 55102
W: 651.310.8435



From: Moermond, Marcia (CI-StPaul) [<mailto:marcia.moermond@ci.stpaul.mn.us>]
Sent: Wednesday, March 28, 2018 4:36 PM
To: Nelson, Cale A <CNELSON8@travelers.com>
Cc: Neis, Adrian (CI-StPaul) <adrian.neis@ci.stpaul.mn.us>; Perucca, James (CI-StPaul) <james.perucca@ci.stpaul.mn.us>; Shaff, Leanna (CI-StPaul) <leanna.shaff@ci.stpaul.mn.us>; Wiese, Angie (CI-StPaul) <angie.wiese@ci.stpaul.mn.us>; *CI-StPaul_LegislativeHearings <LegislativeHearings@ci.stpaul.mn.us>; Ubl, Stephen (CI-StPaul) <stephen.ubl@ci.stpaul.mn.us>
Subject: RE: 722 Grand follow-up questions

My comments in red below.

From: *CI-StPaul_LegislativeHearings
Sent: Wednesday, March 28, 2018 4:01 PM
To: Moermond, Marcia (CI-StPaul)
Cc: Neis, Adrian (CI-StPaul); Perucca, James (CI-StPaul); Shaff, Leanna (CI-StPaul); Wiese, Angie (CI-StPaul)
Subject: FW: 722 Grand follow-up questions

Marcia,
See below

From: Nelson, Cale A [<mailto:CNELSON8@travelers.com>]
Sent: Wednesday, March 28, 2018 3:33 PM
To: *CI-StPaul_LegislativeHearings <LegislativeHearings@ci.stpaul.mn.us>
Subject: 722 Grand follow-up questions

Hi Ms. Vang & Ms. Moermond,

I am the owner of 722 Grand Ave that appeared for the appeal of a correction notice related to the wall structure between 722 Grand Ave and 720 Grand Ave during the 1:30 time on Tuesday, March 27th. I was waiting for the minutes from that meeting to be published on the St. Paul website before I came back asking for information that I wasn't able to write down during the meeting and couldn't be answered by reviewing minutes.

1. When should we anticipate to hear back from the Building department? I know Ms. Moermond indicated a decision around ownership of the wall structure was out of scope for the legislative hearing on Tuesday and we would have to wait for a decision from that department to proceed further with either an appeal to City Council or an acceptance of the decision. I spoke with the building official and the issue of the retaining wall will be covered in both plan review and site plan review. Permits will not be issued until the matter is resolved to the satisfaction of his team. I shared the survey with him and my recommendation to the Council that each owner shares responsibility for the repair, as the wall is on both properties. After that, it is a private matter between you on how the repair is to be accomplished. As we discussed in the hearing, if there is further failure or destabilization of the wall, the matter may need to be revisited with additional orders. He concurs with this assessment and, as mentioned, will be handling things on his end through the review processes prior to permit issuance for new construction.
2. Is the date noted in the minutes (copied at bottom of email), 4/25, the date that the Building department would make a decision of ownership or is that the date we would need to appeal a decision to City Council? Your

appeal is scheduled to go before Council on 4/25. Nothing related to the plan review or site plan review for the neighboring property will be in front of the Council at that time.

3. 722 Grand agreed to install temporary fencing the length of the handrail in the next 3 weeks at the Legislative hearing. Will we get some note in the mail approving of the fencing we have installed or is it a case of “no news is good news” on that after someone comes on site to inspect that this work has been completed? **Inspector Neis or his staff will confirm the fencing is installed. If there needs to be an order to enforce the Council’s determination, that would come from his team.**

Thank you in advance for your time and assistance.

*Grant an extension to April 20 to install temporary fencing for the length of the handrail;
grant to November 1, 2018 for permanent repair of the retaining wall.*

Referred to the City Council due back on 4/25/2018

Cale Nelson | Associate Actuary | Oil & Gas

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