


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 09-20-10
Item No.: 12 . b

Department Approval

City Manager Approval



Item Description: **Community Development Department Request to declare an accessory structure at 661 Cope a Hazardous Building and to order it's repair/removal or razing.**

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BACKGROUND

- The subject property is a parcel containing only an accessory structure (large garage).
 - The current owners are Fred and Leah O’Neil of 680 Lovell Avenue, Roseville.
 - There have been numerous complaints, observed hazardous conditions and violations of City Code regarding this property over the last 17 years:
 - Inadequate exterior maintenance has occurred on the building over the last number of years. While the building had minor cosmetic repairs about 6 years ago, the building has actually continued to deteriorate; current conditions include:
 - Roofing is failing and is not weather-tight.
 - Roof boards are rotting and actually falling off.
 - Windows and doors are boarded over.
 - Trim is falling off the building.
 - Paint is severely weathered and offering no protection.
- These conditions have resulted in a very dilapidate exterior condition and blighted appearance; violations of City Code Section 906.05.C and 407.02.J&K.
- Staff periodically inspects the exterior of this building and has repeatedly found that vandals and or neighborhood children have removed door/window boarding. Staff has required the owners to have the building re-secured a number of times. Violations of City Code Section 906.05.A.3 and 407.03.J.
 - Under the Hazardous Building Law (Minn. Stat. 463.15-.23) the City may require a property owner to repair/remove hazardous conditions or raze the building if the structure meets the definition of “hazardous building” which is defined as: ‘Any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsatisfactory conditions, or abandonment, constitutes a fire hazard or a hazard to public safety or health.’
 - The accessory structure, located at 661 Cope Avenue, exhibits virtually all of the

27 characteristics constituting a hazardous building due to the following conditions:

- 28 ▪ The roofing materials are failing and are not weather tight, allowing storm water to
- 29 enter and rot the building structure.
- 30 ▪ The roof structure is rotting away with roof boards collapsing under the weight of
- 31 snow and much of the roof soffits simply gone.
- 32 ▪ Much of the siding is broken, chipped and dilapidated.
- 33 ▪ Trim boards are rotted and falling off the structure.
- 34 ▪ Doors and windows are haphazardly boarded over.
- 35 ▪ Paint has failed over the entire structure, allowing rot to accelerate.
- 36 ▪ The structure has been repeatedly broken into and left open.
- 37 ▪ The interior of the building is haphazardly piled with old, used lumber. This creates
- 38 harborage for rodents and other animals.
- 39 ▪ Staff has repeatedly found that vandals and/or neighborhood children have removed
- 40 door/window boarding.
- 41 ○ The above listed conditions constitute fire hazards, public safety hazards and public
- 42 health hazards. Therefore, the accessory structure located at 661 Cope Avenue qualifies
- 43 as a Hazardous Building under Minnesota Statutes 463.15-.23 and the City may require
- 44 the hazardous conditions be repaired/removed or the building razed through voluntary
- 45 and/or court action.
- 46 ○ The City did notify the property owners in March and May of 2010 of these conditions
- 47 (City Code violations) and instructed the owners to abate the violations. Mr. Fred O’Neil
- 48 III indicated his intent to demolish the building by the end of summer, however, no
- 49 corrective actions were initiated by the property owner and the conditions described
- 50 above remain.
- 51 • A status update, including pictures, will be provided at the public hearing.

52 **POLICY OBJECTIVE**

53 Property maintenance through City abatement activities is a key tool to preserving high-quality
54 residential neighborhoods. Both Imagine Roseville 2025 and the City’s 2030 Comprehensive Plan
55 support property maintenance as a means by which to achieve neighborhood stability. The Housing
56 section of Imagine Roseville suggests that the City “implement programs to ensure safe and well-
57 maintained properties.” In addition, the Land Use chapter (Chapter 3) and the Housing and
58 Neighborhoods chapter (Chapter 6) of the Comprehensive Plan support the City’s efforts to maintain
59 livability of the City’s residential neighborhoods with specific policies related to property maintenance
60 and code compliance. Policy 6.1 of Chapter 3 states that the City should promote maintenance and
61 reinvestment in housing and Policy 2.6 of Chapter 6 guides the City to use code-compliance activities
62 as one method to prevent neighborhood decline.

64 **FINANCIAL IMPACTS**

65 Abatement:

- 66 • A voluntary abatement of the hazardous conditions by the property owner would not result in
- 67 additional costs to the City.

- 68 • A motion in court for summary enforcement abating hazardous conditions would result in
69 additional legal costs for Roseville because the City’s civil attorney does not perform these
70 cases as part of their contract.
- 71 • In the short term, costs of the abatement would be paid out of the HRA budget, which has
72 allocated \$100,000 for abatement activities. Any and all staff, city attorney and actual costs
73 would be charged to the property owner as specified in Minn. Stat. 463.15-.23 and 407.07.B.
- 74 • If the City were to perform an abatement (under the direction of the court) and raze the
75 structure, approximate costs would include:
 - 76 ○ Demolition costs - \$6,000.00
 - 77 ○ Legal costs - \$3,000.00
 - 78 ○ Staff charges - \$1,000.00
- 79 Total - \$10,000.00

80 **STAFF RECOMMENDATION**

81 Approve the attached resolution declaring the accessory structure located at 661 Cope Avenue a
82 hazardous building under Minnesota’s Hazardous Building Law and require the property owners to
83 repair/remove the hazardous conditions or raze the building, or, the City will motion for a summary
84 enforcement of the order in Ramsey County District Court.

85 **REQUESTED COUNCIL ACTION**

86 Approve the attached resolution declaring the accessory structure located at 661 Cope Avenue, a
87 hazardous building.

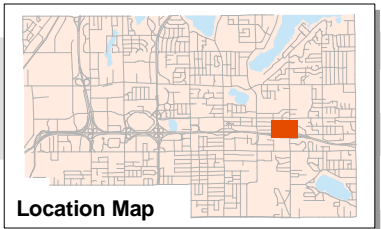
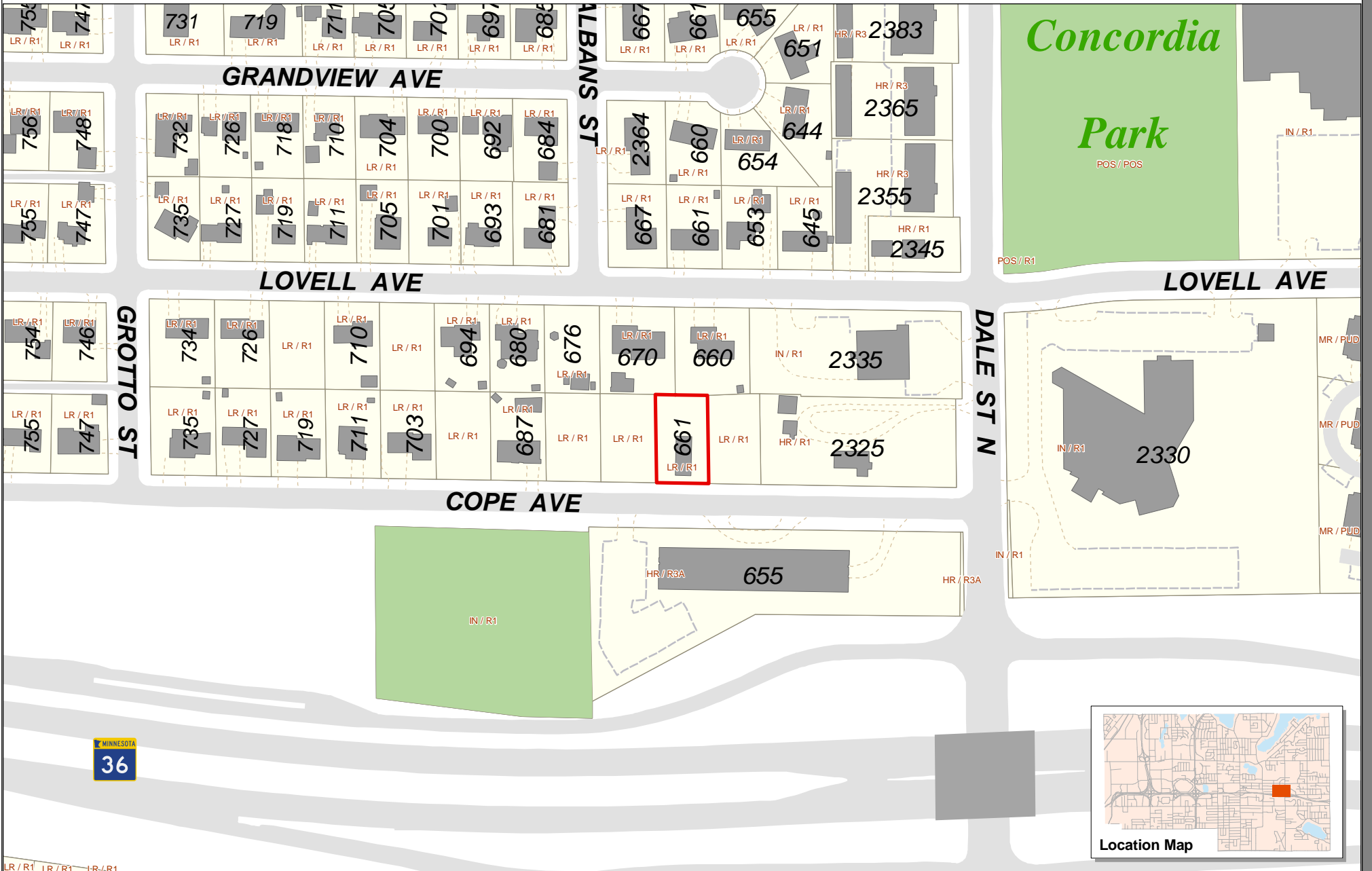
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Prepared by: Don Munson, Permit Coordinator

Attachments: A: Map of 661 Cope Avenue
B: Resolution

661 Cope Ave W

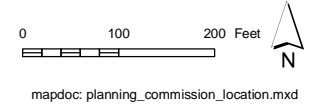


ROSEVILLE
 Prepared by:
 Community Development Department
 Printed: July 19, 2010

Site Location
 LR/R1 Comp Plan / Zoning Designations

Data Sources
 * Ramsey County GIS Base Map (7/1/2010)
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

Disclaimer
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1 **EXTRACT OF MINUTES OF MEETING**
2 **OF THE**
3 **CITY COUNCIL OF THE CITY OF ROSEVILLE**
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7 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City
8 of Roseville, County of Ramsey, Minnesota was duly held on the 20th day of September,
9 2010, at 6:00 p.m.

10
11 The following members were present: and the following were absent: .

12
13 Member introduced the following resolution and moved its adoption:
14

15 **RESOLUTION No.**
16

17 **DECLARING THE BUILDING LOCATED AT 661 COPE AVENUE A**
18 **HAZARDOUS BUILDING AND REQUIRING IT'S REPAIR OR RAZING.**
19

20 WHEREAS, pursuant to Minn. Stat. 463.15 through 463.261 the City Council of
21 Roseville finds the building located at 661 Cope Avenue to be a hazardous building for
22 the following reasons:

- 23 • Under the Hazardous Building Law (Minn. Stat. 463.15-.23) the City may require
24 a property owner to repair/remove hazardous conditions or raze the building if the
25 structure meets the definition of "hazardous building" which is defined as: 'Any
26 building or property, which because of inadequate maintenance, dilapidation,
27 physical damage, unsatisfactory conditions, or abandonment, constitutes a fire
28 hazard or a hazard to public safety or health.'
 - 29 ○ The roofing materials are failing and are not weather tight, allowing
30 storm water to enter and rot the building structure.
 - 31 ○ The roof structure is rotting away with roof boards collapsing under
32 the weight of snow and much of the roof soffits simply gone.
 - 33 ○ Much of the siding is broken, chipped and dilapidated.
 - 34 ○ Trim boards are rotted and falling off the structure.
 - 35 ○ Doors and windows are haphazardly boarded over.
 - 36 ○ Paint has failed over the entire structure, allowing rot to accelerate.
 - 37 ○ The structure has been repeatedly broken into and left open.
 - 38 ○ The interior of the building is haphazardly piled with old, used lumber.
39 This creates harborage for rodents and other animals.
 - 40 ○ Staff has repeatedly found that vandals and/or neighborhood children
41 have removed door/window boarding.

42 o Live vegetation (trees) is growing against and damaging the structure.

43

44 WHEREAS, the conditions listed above are more fully documented in photographs and
45 the Request for Council Action which are attached to this resolution as exhibit A.

46

47 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF**
48 **ROSEVILLE, MINNESOTA, AS FOLLOWS:**

49 • That pursuant to the foregoing findings and in accordance with Minn.
50 Stat.463.15 through 463.261, the council orders the record owners of the
51 above hazardous building or their representatives to make the following
52 corrections on the property at 661 Cope Avenue:

- 53 o Repair/replace all deteriorated structural elements of the building
54 including wall and roof supports;
- 55 o Repair/replace all deteriorated wall and roof sheathing;
- 56 o Replace damaged/deteriorated roofing materials;
- 57 o Repair/replace all deteriorated siding and trim materials;
- 58 o Remove all boarding materials and repair/replace and re-secure all
59 exterior doors and windows;
- 60 o Repaint any deteriorated areas of siding, trim, doors and windows;
- 61 o Remove all garbage, junk and debris from the interior of the building
62 and then stack all storage materials;
- 63 o Remove live vegetation currently growing against the building.

64 • That repairs listed above must all be made within 60 days after the order is
65 served upon the property owner. The repairs must be completed in compliance
66 with all applicable codes and ordinances, pursuant to proper permits from the
67 city.

68 • That if repairs are not made within the time provide above, the building is
69 ordered to be razed, the foundations filled, and the property left free of debris,
70 in compliance with all applicable codes and ordinances, pursuant to proper
71 permits from the city. This must be completed within 30 days after the initial
72 time period provided above has expired.

73 • That a motion for summary enforcement of the order will be made to the
74 District Court of Ramsey County unless corrective action is taken, or unless
75 an answer is filed within the time specified in Minn. Stat. 463.18, which is 20
76 days.

77 • That in accordance with Minn. Stat. 463.24, the owner must remove all
78 personal property and/or fixtures that will reasonably interfere with the work
79 within 30 days. If the property and/or fixtures are not removed and the city
80 enforces this order, the city may sell personal property, fixtures, and/or
81 salvage materials at a public auction after three days posted notice.

82 • That if the city must take actions to enforce this order all enforcement costs,
83 including attorney fees, will be specially assessed against the property and
84 collected in accordance with Minn. Stat. 463.22, 463.161 and 463.21.

85 • That the city attorney is authorized to serve this order upon the owner of the
86 premises at 661 Cope Avenue and all lien-holders of record.

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- That the city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. 463.15 through 463.261.

The motion for the adoption of the foregoing resolution was duly seconded by Member , and upon a vote being taken thereon, the following voted in favor thereof: ; and the following voted against the same: .

WHEREUPON said resolution was declared duly passed and adopted.