

MINUTES OF THE LEGISLATIVE HEARING  
ORDERS TO REMOVE/REPAIR, CONDEMNATIONS,  
ABATEMENT ASSESSMENTS AND ABATEMENT ORDERS

Tuesday, October 12, 2010  
Room 330 City Hall, 15 Kellogg Blvd. West  
Marcia Moermond, Legislative Hearing Officer

The hearing was called or order at 10:05 a.m.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Christine Boulware, Planning and Economic Development (PED), Historic Preservation Commission (HPC); Matt Dornfeld, DSI –Vacant Buildings; Mike Urmann, DSI Fire Inspection

1. Ordering the owner to remove or repair the building(s) at 1196 Seventh Street East within fifteen (15) days from adoption of resolution. **(CPH 10/20)**

Mr. Roy Berger appeared.

Ms. Moermond asked for a staff report. Mr. Steve Magner reported that this was heard on September 28, 2010. At that time, staff's documentation was not present. Mr. Magner stated that Ms. Moermond had requested that Mr. Roby Berger obtain a Power of Attorney from Evelyn Berger so that he could represent the in title owner in this matter. Mr. Berger added that he did have Power of Attorney. Ms. Moermond noted that the City Council Public Hearing on this will be November 3, 2010, not October 20, 2010. Staff took a copy of the original.

Mr. Magner continued with the staff report. This building is a one story commercial building on a lot of 9,148 square feet. It has been a vacant building since August 9, 2002. The property owner is Evelyn Berger. There have been eleven (11) Summary Abatement Notices since 2002 and one (1) Work Order issued for:

- improperly stored refuse, garbage and misc. debris (Note: there have also been two (2) criminal citations for similar offenses)

On March 17, 2010, an inspection of the building was conducted and a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on April 21, 2010 with a compliance date of May 21, 2010; however, an extension was granted to July 26, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees went to assessment on September 17, 2010. Taxation has placed an estimated market value of \$93,600 on the land and \$76,400 on the building. As of April 16, 2010, a Team Inspection has been completed. As of May 19, 2010, the \$5,000 performance bond has been posted. Real Estate taxes are current. Code Enforcement estimates the cost to repair this structure between \$50,000 and \$70,000; cost of demolition is estimated between \$10,000 and \$12,000. Mr. Magner stated that it is his understanding that Mr. Berger would like to rehabilitate the structure and sell it.

Ms. Boulware, HPC, stated that staff's recommendation would allow for demolition.

Mr. Berger stated that he wanted to rehab the building and sell it. Ms. Moermond asked him if he has talked with any contractors about the heating system. Mr. Berger responded that he works at making these kinds of repairs. He asked whether he needed to hire a general contractor. Ms. Moermond responded that he did not. She needed to estimates of the work that needs to be done. She needs him to develop a work plan that demonstrates to her that he knows what he's doing because he's really close to losing the building. She suggests he put a work plan together after talking with contractors that shows he has accepted a bid, etc. Mr. Berger responded that he has gotten some bids but has put things on hold until after this hearing.

Mr. Magner noted that there are different rules that apply to commercial structures than to residential structures. You don't have to be a licensed contractor to work on a commercial structure, so, Mr. Berger can pull a permit. However, the Code does not allow him to pull any trade permits (electrical, plumbing, mechanical, etc.). Any permits would need to be obtained by licensed sub-contractors to Mr. Berger. Mr. Berger should indicate in the plan which items he will address and the others should indicate a bid from a licensed trade contractor. Staff provided Mr. Berger with a copy of a general work plan. Ms. Moermond added that she also needs to see the dollar amount reflected in the work plan.

Mr. Magner also stated that 1196 7<sup>th</sup> Street East is a commercial site without a license, meaning there is no use and as such, the site can't be used for anything including storage. Mr. Berger has been repeatedly issued notices from Code Enforcement saying that storage is not allowed there but he continues to park vehicles on the site. According to the Zoning Code, there is to be no use of the property when it is registered vacant. Unless he has a license to operate a business there, there shall be no vehicles stored, kept, parked, repaired, fixed-up, etc, on the site. Ms. Moermond added that the interior shall no be used for storage except for items that are being used for the building's rehabilitation.

Ms. Moermond will require a work plan with the bids and his financial capability. It looks as though the job will run from \$50,000 - \$75,000. She added that Mr. Berger should have received a letter in the middle of September 2010 scheduling him for a hearing on the Vacant Building assessment annual fee: \$1,235. Mr. Berger noted that he had received it. Ms. Moermond would like that to be paid. He can pay the City now or it will be rolled onto the property taxes. Mr. Magner noted that if Mr. Berger remits that payment to the DSI office prior to October 17, 2010, his payment will be \$1,100.

**Ms. Moermond said that she would like to have another hearing to walk through the work plan to see if they are being developed as needed. Mr. Berger is to be scheduled at the October 26, 2010 Legislative Hearing.**