

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

5. Ordering the owner to remove or repair the building(s) at 1456 Cohansey Street within fifteen (15) days from adoption of resolution. **(LO to LH 11/9; CPH: 11/17)**

John Boyle, Attorney, Moss & Barnett, Minneapolis, MN; and Richard Bednar, owner, appeared.

Ms. Moermond requested a staff report. Mr. Magner reported that this is a one-story, wood frame, single family dwelling with an attached one (1) stall garage on a lot of 7,841 square feet. According to DSI files, it's been vacant since July 26, 2006. The City has had to board the building to secure it against trespassing. It has 23 Summary Abatement notices since 2006 and there has been 41 Work Orders for boarding/securing, removal of tall grass and weeds, removal of stored refuse, garbage and misc debris, and removal of snow and ice. On June 21, 2010 an inspection of the building was conducted, 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 July 23, 2010 with a compliance date of September 3, 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 have gone to assessment. Taxation has placed an estimated market value of \$83,700 on the land and \$42,600 on the building. A Code Compliance Inspection has not been completed; and a bond has not been posted. Real Estate taxes are current. Code Enforcement Officers estimate the cost to repair this structure to exceed \$50,000; the cost to demolish is \$6,000 to \$11,000.

Ms. Boulware, HPC, reported that the area appears to be in tact with mostly post WWII homes. Because of the context of the block, Ms. Boulware would encourage rehabilitation.

Mr. Boyle stated that Mr. Bednar is willing to cooperate. He also wants to apologize for the circumstances that have brought his property to this hearing. He explained that Mr. Bednar is 63 years old and this home was built in 1954 by his father with quality construction. Mr. Bednar wants to retire to this home in two (2) years. Mr. Bednar has had to take a job in Owatonna; at one time, he worked in Albert Lea. He has admitted that since he lives and works out of town, he hasn't paid enough attention to his home here in Saint Paul. Mr. Bednar is committed to making it fully compliant and make sure that it is carefully maintained in the future. The home is structurally sound but because it has been vacant, the utilities have not been connected. Mr. Boyle submitted a handout containing all of the repairs he intends to do. He has already hired a painting contractor, who began work yesterday. He has hired a contractor to inspect the furnace and make necessary repairs. All utilities will be re-instated. All items will be addressed. Mr. Bednar pledges be come back to the property more frequently, possibly

every weekend. Plumbing and carpenters have also been hired. He requested that Mr. Bednar have until Friday, October 22, 2010 to line up all the other contractors and make firm arrangements to complete the work. He has been advised by a City inspector that things will not move as quickly as desired.

Mr. Bednar reiterated the explanation and apologized. Mr. Boyle added that Mr. Bednar's father died a couple of years ago; the house is fully paid for. The first that Mr. Bednar heard about this hearing was when he was personally served 1 ½ weeks ago. Mr. Bednar call Mr. Boyle immediately; he wanted me to help him make things right. Mr. Bednar reiterated that he is willing to work with the City in order to comply. He provided his current address in Owatonna.

Ms. Moermond noted that this has all the earmarks of being project that will not work out. She stated that the fact that the City has been to this property 41 times is an indication that this situation is out of Mr. Bednar's control. From this point on, she would expect that he would be maintaining this property. Ms. Moermond noted that current hired contractors will not be able to get permits until the bond is posted.

Mr. Boyle stated that he thinks the cost of repairs will be substantially under \$50,000, more in the range of \$25,000. Mr. Magner responded that their costs are a reflection of what the City could find when they would go in and do the rehabilitation. He recommended that Mr. Bednar schedule a Code Compliance Inspection today so that he could turn it over to his contractors, so that know what they need to do in order to meet the criteria of the City.

**Ms. Moermond stated that the following conditions must be met by October 26, 2010: 1) the \$5,000 performance bond must be posted; 2) a Code Compliance Inspection needs to be done; 3) financial documentation must be provided that indicates the ability to complete the necessary repairs; 4) an affidavit dedication the funds from an account for this project must be provided; 5) a work plan needs to be done in accordance with the Code Compliance inspection report; 6) a lockbox with combination must provided; and 7) the property must be maintained. If these conditions are met, the Legislative Hearing Officer will lay the matter over to November 9, 2010 Legislative Hearing and the November 17, 2010 City Council Hearing.**

Mr. Magner said that all repairs which do not require a permit may commence immediately. A Code Compliance will take approximately two (2) weeks to get done.