



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

Staff Report

File Number: ALH 11-469

Introduced: 4/5/2011

Version: 1

Current Status: Filed

Matter Type: Appeal-Legislative
Hearing

Appeal of Special Tax Assessment for 822 and 828 Prior Ave for Project #: J1107C,
Assessment #: 118029 in Ward 4.

Approve the assessment and spread the payments over 5 years.

Cost: \$17,053.77

Service Charge: \$140.00

Total Assessment: \$17,193.77

Gold Card Returned by: Betty Overton/Bob McGarry

Type of Order/Fee: Emergency Summary Abatement Order & subsequent demolition.

Nuisance: Emergency Abatement of fire damaged building.

Date of Orders: 12/15/10

Compliance Date: Immediate

Re-Check Date:

Date Work Done: Notice to Proceed sent 12/15/10

Work Order #:

Returned Mail?:

Comments: Opening Category III vacant building and issuing Emergency Summary Abatement due to severe fire damage. At time of inspection, photos were taken but placards not posted as SPFD was still working on building. Allow permits to be pulled at 822 Prior Ave per Cat I VB fire exempt rules. 828 Prior Ave N is subject to demolition. ~MD

History of Orders on Property:

[4-5-11 Legislative Hearing Minutes](#)

Approve the assessment.

Bob McGarry, Betty Overton's representative, appeared.

Inspector Yannarely reported that 822 / 828 Prior Avenue is a fire damaged building deemed to be in danger of collapse. An Emergency Summary Abatement Order was done along with the subsequent demolition on December 15, 2010. The fire occurred on December 14, 2010. Photographs were entered into the record.

Mr. McGarry stated that his client is 88 years old and blind. He had questions relating to insurance inquiries. He asked if the Fire Marshall makes the decision. Ms. Moermond responded that Steve Magner, manager of the Code Enforcement / Vacant Buildings Divisions of the Department of Safety and Inspections (DSI) and his staff makes the decision and signs off on the Order. Fire Department crew are also on site to help with the decision; the Fire Marshall may be consulted, if necessary. She added that this case doesn't seem to have been a complicated call. Photos reveal that the demo started the same day. Clearing the rubble took place later. Ms. Moermond noted that the cost of \$17,053.77 plus a service charge of \$140 for a total of \$17,193.77 is very low for this type of thing. Normally, in a situation like this, the cost after fire is significantly higher (over \$50,000). Mr. McGarry stated that this isn't the only bill. Another one for clean-up by another company runs about \$30,000. He asked if it were possible to get the invoices from the City's subcontractors. Ms. Moermond said that it was. Kamish is the City's contractor for emergency clean-up; they would have hired subcontractors for doing some of the work. Mr. McGarry will need to contact Kamish for the break down invoices.

Ms. Moermond asked whether Ms. Overton was going to retain the property. Mr. McGarry responded that they are in negotiations to possibly sell. Ms. Moermond noted that given her age and her disability, she thinks Ms. Overton would qualify for a disability deferrment on this assessment. That would allow it to be paid off in ten (10) years or at the time of sale.

Mr. McGarry stated that when he looks at the Summary Abatement Order, it's dated the 15th and his client received it a couple days later. It says that the work will be done between 24 to 48 hours but the actual bulk of the work wasn't done until a week later. Can it still be called an emergency? If it wasn't done until a week later, shouldn't his client have been able to bid it out? Mr. Yannarely responded that the imminent danger of collapse was taken care of between 24 to 48 hours; but that doesn't mean that the site will be cleared within that time frame. If the site would have been cleared immediately between 24-48 hours, the cost would have been substantially higher because the entire thing would have to have been considered hazardous waste. The fact that they took their time saved a considerable amount of money on the abatement. Mr. McGarry added that it wasn't an emergency then. Ms. Moermond stated that it was declared to be an emergency; it looks as though there were some critical elements about the balance of it. It's not City practice to consult the owners on clearing a site. The contractor who is taking down the initial dangerous components will unquestionably finish the project. She hears that Mr. McGarry is questioning whether or not this was a reasonable exercise of these powers in this situation. Ms. Moermond thinks that it was. Mr. McGarry could attend the City Council public hearing on this, if he chose to. Mr. McGarry added that they knew it had to be taken down; they would have liked to hire their own people. Ms. Moermond responded that the City gets a better price on demolition than just about anyone else in the open market. The reason is because the City has a very good track record of paying it's bills and it does a lot of work. Were Ms. Overton to bid this on her own, she probably wouldn't have come up with a better price. Ms. Moermond added that she is quite comfortable that this was handled appropriately and at the best price. Mr. Yannarely agreed.

Mr. McGarry asked if the Fire Department would be submitting any additional bills on this. Ms. Moermond responded, "No." He asked if there would be any more other bills coming from the

City. Ms. Moermond thought not; none related to the fire that she or staff were aware of.

Mc. McGarry asked to whom would he talk about a disability deferrment. Ms. Moermond responded, " Lyn Moser (651-266-8851), Real Estate Office, 1000 City Hall Annex."

Ms. Moermond will recommend approval of this assessment.

On April 18, 2011, Robert McGarry, attorney for Betty Overton (property owner) contacted our office via fax requesting that Ms. Moermond approve the assessment and that it be allowed to be paid off over time. The property owner has a disability; however, she was not eligible for deferrment because her property is not her homestead. Based on this, Ms. Moermond will recommend approving the assessment and spread the payments over five (5) years.