

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 12-07-09
Item No.: 12.c

Department Approval

City Manager Approval



Item Description: **Community Development Department Request to declare the vacant restaurant building at 2750 Snelling Avenue a hazardous building and to order its repair/removal or razing**

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BACKGROUND

- The subject property is a vacant restaurant building:
 - The building was built in 1984 as a Stuart Anderson Cattle Company Restaurant.
 - The restaurant closed sometime in the winter/spring of 2005 (over 4 years ago) and has been vacant ever since.
- The current owner is FGM Roseville, C/O Breunig Realty PMB, of Dallas, Texas. They have been trying to market the building/site with no success.
- There have been numerous complaints, observed hazardous conditions and violations of City Code regarding this property over the last 4 years:
 - Numerous complaints about neglected property maintenance: the City has contracted to cut the grass a number of times. Also, the landscaping and trees on-site have become very overgrown contributing to and magnifying the property's blighted appearance. Violations of City Code Section 407.02.C.
 - Exterior building maintenance: no maintenance has occurred on the building for a number of years. Paint is weathered, trim pieces have fallen off and the doors are boarded over with plywood. This has resulted in a very dilapidate exterior condition and blighted appearance. Violations of City Code Section 906.05.C.
 - The building has been repeatedly broken into and extensively vandalized. Virtually everything inside the building has been damaged or destroyed. It is dangerous to walk through the interior due to broken glass, sharp protruding objects and scattered debris. Violations of City Code Section 906.05.E.
 - Staff periodically inspects the exterior of this building and has repeatedly found that vandals and or vagrants have removed door/window boarding and re-entered the building. Staff has contracted to have the building re-secured a number of times. Recently, the police found the building open and a small teenager-type bicycle was observed just inside the door,

27 indicating that children have been entering the building (see attached police report). Also
28 police observed liquor bottles, drug paraphernalia and make-shift beds and clothing inside
29 the building. Violations of City Code Section 407.03.J.

- 30 • Under the Hazardous Building Law (Minn. Stat. 463.15-.23) the City may require a property
31 owner to repair/remove hazardous conditions or raze the building if the structure meets the
32 definition of “hazardous building” which is defined as: ‘Any building or property, which
33 because of inadequate maintenance, dilapidation, physical damage, unsatisfactory conditions, or
34 abandonment, constitutes a fire hazard or a hazard to public safety or health.’
 - 35 ○ The Stuart Anderson Cattle Company Restaurant structure, located at 2750 Snelling
36 Avenue, exhibits virtually all of the characteristics constituting a hazardous building due
37 to the following conditions:
 - 38 ▪ The parking lot storm sewer has a leak that is causing an asphalt section to erode
39 away.
 - 40 ▪ The structure’s doors are boarded over with unpainted/decaying plywood.
 - 41 ▪ Vandals removed soffit boards and doors to gain entry. Temporary patches have
42 been placed over holes and doors but permanent repairs have not been completed.
 - 43 ▪ Vandals have broken glass, destroyed bathroom fixtures, mirrors, doors, booths,
44 whole walls, etc. Litter and debris are everywhere. Virtually everything inside the
45 building has been damaged or destroyed. It is dangerous to walk through the interior
46 due to the broken glass, sharp protruding objects and scattered debris.
 - 47 ▪ Vandals have been removing interior wood paneling and lighting fires inside the
48 building. This is primarily a wooden structure and these interior camp-fires could
49 easily result in a very large fire engulfing the entire structure. A large fire of this type
50 would also threaten to engulf adjacent buildings and businesses.
 - 51 ▪ Staff periodically inspects the exterior of this building and has repeatedly found that
52 vandals and or vagrants have removed door/window boarding and re-entered the
53 building. Staff has repeatedly contracted to have the building re-secured.
 - 54 ▪ The last time staff found the building open a small teenager-type bicycle was
55 observed just inside the door, indicating that children have been entering the
56 building.
 - 57 ▪ Numerous bags of garbage are piled and rotting in a storage room with the potential
58 for attracting insects and rodents. This creates a health hazard due to vagrants and
59 children repeatedly entering the building and coming in contact with this debris.
 - 60 ▪ The police have observed liquor bottles, drug paraphernalia and make-shift beds and
61 clothing inside the building.
 - 62 ○ The above listed conditions constitute fire hazards, public safety hazards and public
63 health hazards. Therefore, the Cattle Company Restaurant building, located at 2750
64 Snelling Avenue, qualifies as a Hazardous Building under Minnesota Statutes 463.15-
65 .23 and the City may require the hazardous conditions be repaired/removed or the
66 building razed through voluntary and/or court action.
 - 67 ○ The City did notify the property owner on September 29, 2009 of these conditions
68 (which constitute City Code violations) and instructed the owner to abate the violations
69 by November 1, 2009. No corrective actions were initiated by the property owner and
70 the conditions described above remain.

- 71 • A status update, including pictures, will be provided at the public hearing.

72 **POLICY OBJECTIVE**

73 The City goals within the Comprehensive Plan are to identify blighted properties and guide them
74 towards revitalization or redevelopment (Goal 3, Page 4-2) and to apply strategies to effectively
75 enforce City codes related to building and property maintenance (Policy 3.3, page 4-2).

76 **FINANCIAL IMPACTS**

77 Abatement:

- 78 • A voluntary abatement of the hazardous conditions by the property owner would not result in
79 additional costs to the City.
- 80 • A motion in court for summary enforcement abating hazardous conditions would result in
81 additional legal costs for Roseville because the City’s civil attorney does not perform these
82 cases as part of their contract.
- 83 • The initial costs for the work will be paid from existing Community Development funds. Any
84 and all staff, city attorney and actual costs would be charged to the property owner as specified
85 in Minn. Stat. 463.15-.23 and 407.07.B.
- 86 • If the City were to perform an abatement (under the direction of the court) and raze the
87 structure, approximate costs would include:
- 88 o Demolition costs - \$89,750.00
89 o Legal costs - \$5,000.00
90 o Staff charges - \$4,000.00
- 91 Total - \$98,750.00

92 **STAFF RECOMMENDATION**

93 Approve the attached resolution declaring the Stuart Anderson Restaurant building, located at 2750
94 Snelling Avenue, a hazardous building under Minnesota’s Hazardous Building Law and requiring the
95 property owner to repair/remove the hazardous conditions or raze the building, or, the City will motion
96 for a summary enforcement of the order in Ramsey County District Court.

97 **REQUESTED COUNCIL ACTION**

98 Approve the attached resolution declaring the Stuart Anderson Restaurant building, located at 2750
99 Snelling Avenue, a hazardous building.

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Prepared by: Don Munson, Permit Coordinator

Attachments: A: Map of 2750 Snelling Ave
 B: Police Report
 C: Resolution

Abatement Request at 2750 Snelling Ave N



Prepared by:
Community Development Department
Printed: July 15, 2008

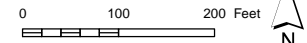


Site Location

LR / R1 Comp Plan / Zoning Designations

Data Sources
* Ramsey County GIS Base Map (7/3/2008)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer
This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



mapdoc: planning_commission_location.mxd

Roseville Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

09029106

Date and Time of Report

11/07/2009 17:04:00

Primary offense:

BURGLARY FORCED ENTRY, NIGHT, COMMERCIAL

Primary MOC:

B2764 BURG 2-UNOCC NRES FRC-N-UNK WEAP-COM THEFT

NARRATIVE

On patrol in the area of the now closed Cattle Company restaurant at 2750 Snelling Avenue when at the rear entrance I observed the 2 X 6's which were screwed into the brick to prevent entry to the rear door had been removed. At closer inspection it appeared the 2 X 6's were removed by some pry tool as the screws which were broken right off at various points at which it attached the blockade to the outer wall. I could easily open the door by reaching a finger into a former pry mark at the top of the door. I radioed for Officers Roth and Olson to assist as they were more familiar with the recent activity at the property.

Inside officers searched and discovered a large amount of the metal from pipes, tables, a safe and other building materials, along with the roof air conditioner units, had been removed and stolen. Officers also observed a number of fires had been set in various areas of the building and appeared persons were staying in the building for warmth and overnight hours with make shift beds. Officer observed numerous liquor bottles and drug paraphernalia at and around these make shift bed areas. Lots of candles were found, abandoned clothes, a bicycle and a large step ladder. Building also has a large amount of visible Black mold growing inside.

It is unknown of the exact times of the burglary or illegal entry and stay in the building, nor was it possible to process the scene. No reported witnesses or suspects at the time of report.

Forward report to investigations and city code department. Information of possible return of suspects passed onto night shifts.

Nothing further.

PUBLIC NARRATIVE

Burglary.

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- Staff has repeatedly found that vandals and or vagrants have removed door/window boarding and re-entered the building. Staff has repeatedly contracted to have the building re-secured. Violation of City Code Sections 906.05.A&B and 407.03.J.
 - Staff recently observed the building open and a small teenager-type bicycle was observed just inside the door, indicating that children have been entering the building. Violation of City Code Sections 906.05.A&B and 407.03.J.
 - Numerous bags of garbage are piled and rotting in a storage room with the potential for attracting insects and rodents. This creates a health hazard due to vagrants and children repeatedly entering the building and coming in contact with this debris. Violation of City Code Sections 906.05.A&E.
 - The police have observed liquor bottles, drug paraphernalia and make-shift beds and clothing inside the building. Violation of City Code Sections 906.05.A&E and 407.03.J.

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

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

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- That pursuant to the foregoing findings and in accordance with Minn. Stat.463.15 and 463.261, the council orders the record owners of the above hazardous building or their representatives to make the following corrections on the property at 2750 Snelling Avenue:
 - Repair and re-secure all exterior doors, windows and entrances to the building and remove all warped and deteriorated plywood boarding;
 - Remove all garbage, junk, debris, broken glass, damaged booths and other damaged equipment from the interior of the building and then clean all surfaces;
 - Repair or remove all damaged building elements such as broken bathroom fixtures, damaged doors, vandalized wall surfaces, loose equipment on the roof, etc;
 - Repair all life-safety elements such as guardrails and handrails;
 - Repair the storm-sewer line which is causing a sink-hole in the parking lot;
 - That repairs listed above must all be made within 60 days after the order is served upon the property owner. The repairs must be completed in compliance with all applicable codes and ordinances, pursuant to proper permits from the city.
 - That if repairs are not made within the time provide above, the building is ordered to be razed, the foundations filled, and the property left free of debris, in compliance with all applicable codes and ordinances, pursuant to proper permits from the city. This must be completed within 30 days after the initial time period provided above has expired.

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- That a motion for summary enforcement of the order will be made to the District Court of Ramsey County unless corrective action is taken, or unless an answer is filed within the time specified in Minn. Stat. 463.18, which is 20 days.
- That in accordance with Minn. Stat. 463.24, the owner must remove all personal property and/or fixtures that will reasonably interfere with the work within 30 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.
- That if the city must take actions to enforce this order all enforcement costs, including attorney fees, will be specially assessed against the property and collected in accordance with Minn. Stat. 463.22, 463.161 and 463.21.
- That the city attorney is authorized to serve this order upon the owner of the premises at 2750 Snelling Avenue and all lien-holders of record.
- That the city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. 463.15 and 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: none.

WHEREUPON said resolution was declared duly passed and adopted.