


REQUEST FOR COUNCIL ACTION

Date: 04-12-10
Item No.: 12.a

Department Approval

City Manager Approval



Item Description: Adopt a resolution authorizing the City Attorney and Community Development Department staff to abate City Code, Building Maintenance and Preservation Code, Minnesota Statue and MN State Building Code violations at 2433 Simpson Street.

BACKGROUND:

- A recap of public nuisance violations at 2433 Simpson Street:
 - The subject property is a single-family detached home.
 - The property owners began an addition to their property in 2003. They are living in the property while it is being remodeled.
 - In 2005, following complaints from neighbors, the City had to threatened legal action if the open excavation for the basement was not backfilled or protected in some manner. Subsequently the property owner erected a fence around the back yard.
 - In 2007 the property owner began further construction on the project. A two-story addition was framed, it was roofed and the walls wrapped in Tyvek. However, no siding or soffits were installed, the temporary electrical service was not finished and the chimney was not raised to a code compliant level. In November of 2007 construction halted. Since then, no additional exterior work has been completed.
 - Since the spring of 2008 the City has been receiving complaints from the neighbors who claim the property is an eyesore, a public nuisance and affecting property values.
 - In November of 2008, May of 2009 and again in July of 2009 notices were sent to the property owner identifying the condition of the exterior of the home as a violation of Roseville’s City Code, a violation of Roseville’s Building Maintenance and Preservation Code and a violation of the MN State Building Code. The City’s July correspondence also included the names and phone numbers of a number of organizations that possibly could assist the owner in completing this exterior work.
- In September of 2009 City Council authorized staff to issue a Ramsey County Court Citation to the owners of 2433 Simpson Street. The intent was to request of the court that if the property owner did not comply with a court order to abate the violations, by a specific date, the court would then authorize the City to abate the violations. This process was deemed preferable because of; anticipated vocal opposition from the property owner, the likelihood of being denied access to the property and the subsequent necessity of court action for access.
- City attorneys changed in January of 2010. The new city attorney has indicated that if the

29 property owners do not comply with a court order to correct the violations, the city could not be
30 authorized by the court to abate the violation but that the city would then have to initiate a
31 separate court action to ensure access to complete any abatement work.

- 32 • In order to shorten any potential legal processes and ensure correction the violations yet this
33 summer, the attorney has recommended that the City pursue compliance through the abatement
34 process under both city ordinance and state statute. This would allow for quicker court
35 authorized access should the property owner refuse abatement crew access to the property.
- 36 • A status update, including pictures, will be provided at the public hearing.

37 **POLICY OBJECTIVE:**

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

48 **FINANCIAL IMPACTS:**

49 Estimated costs of a Council authorized abatement include:

- 50 • \$6,000.00 Purchase siding/soffit materials
- 51 • \$10,000.00 Labor to install siding/soffits
- 52 • \$2,500.00 Install permanent electrical service
- 53 • \$3,000.00 Complete chimney beyond roof line
- 54 ○ \$21,500.00 Total

55 **STAFF RECOMMENDATION:**

56 Staff recommends the Council adopt a resolution authorizing the City Attorney and Community
57 Development Department staff to abate City Code, Building Maintenance and Preservation Code,
58 Minnesota Statute, and, MN State Building Code violations at 2433 Simpson Street through both the
59 City Ordinance process and the State Statute process if the property owner does not correct all exterior
60 violations by June 30, 2010.

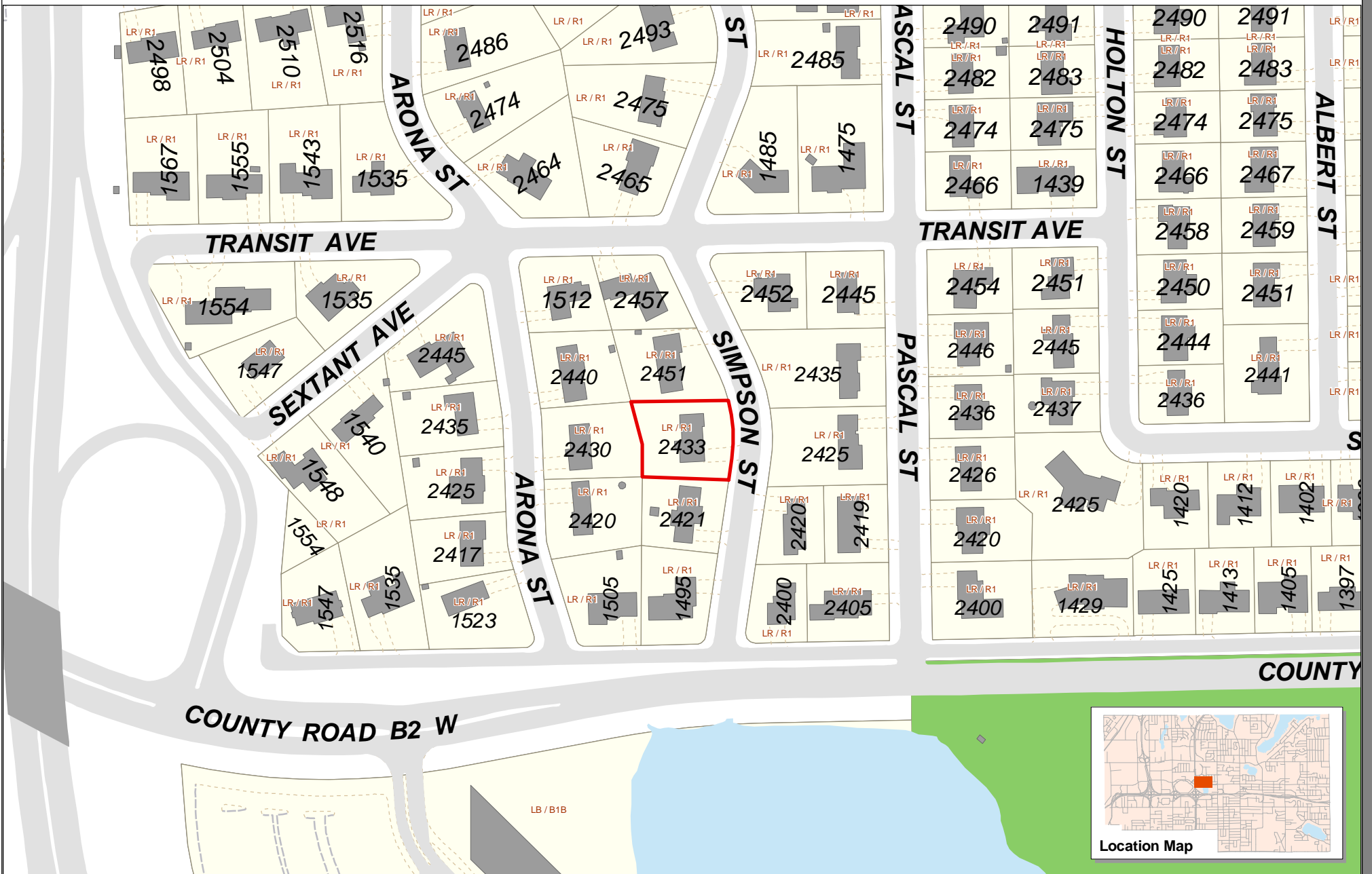
61 **REQUESTED COUNCIL ACTION:**

62 Adopt a resolution authorizing the City Attorney and Community Development Department staff to
63 abate exterior City Code, Building Maintenance and Preservation Code, Minnesota Statute, and,
64 Minnesota State Building Code violations at 2433 Simpson Street if the property owner does not
65 comply with the abatement order and voluntarily correct all listed violations by June 30, 2010 (with
66 abatement to include completing unfinished siding and soffits, installing a permanent electrical service
67 and raising the chimney to a code compliant level). The property owner will then be billed for actual
68 and administrative costs. If charges are not paid, staff is to recover costs as specified in City Code
69 Section 407.07B.

70 Prepared by: Don Munson, Permit Coordinator

71 Attachments: A: Map of 2433 Simpson Street
72 B: Resolution

2433 Simpson St



Prepared by:
 Community Development Department
 Printed: June 5, 2009



Site Location

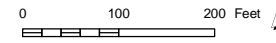
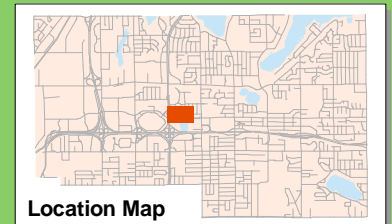
LR / R1 Comp Plan / Zoning
 Designations

Data Sources

* Ramsey County GIS Base Map (6/1/2009)
 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

1
2 **EXTRACT OF MINUTES OF MEETING**
3 **OF THE**
4 **CITY COUNCIL OF THE CITY OF ROSEVILLE**

5
6 * * * * *

7
8 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City
9 of Roseville, County of Ramsey, Minnesota was duly held on the 12th day of April,
10 2010, at 6:00 p.m.

11
12 The following members were present:

13
14 and the following were absent: .

15
16 Member introduced the following resolution and moved its adoption:

17
18 **RESOLUTION No.**

19
20 **RESOLUTION AUTHORIZING ABATEMENT OF CODE VIOLATIONS AT**
21 **2433 SIMPSON STREET**

22
23
24 WHEREAS, the City Council has received a report from Community Development
25 Director Pat Trudgeon and Codes Coordinator Don Munson, regarding the
26 property located at 2433 Simpson Street in Roseville, MN, being a public
27 nuisance and in violation of Roseville’s City Code, it’s Building
28 Maintenance and Preservation Code, Minnesota Statutes, and the
29 Minnesota State Building Code; and

30
31 WHEREAS, the City Council has found the property to be without required siding
32 materials, an approved electrical service or an approved chimney which
33 are all violations of Roseville’s City Code and it’s Building Maintenance
34 and Preservation Code, Minnesota Statutes, and the Minnesota State
35 Building Code; and

36
37 WHEREAS, the City has advised the owners of the property that said property is in
38 violation of Roseville’s City Code, it’s Building Maintenance and
39 Preservation Code, and the Minnesota State Building Code, but the owners
40 have not brought the property into compliance; and

41
42 WHEREAS, pursuant to Section 407.05 and 407.06 of Roseville’s City Code the City is
43 authorized to institute any proper action or proceedings in the name of the
44 City to prevent such City Code, Building Maintenance and Preservation

45 Code, Minnesota Statute and Minnesota State Building Code violations
46 from continuing;

47

48 NOW, THEREFORE, BE IT RESOLVED,

49 1. The City Council finds that the lack of weather resistive siding
50 materials, an approved electrical service and an approved chimney on
51 the home violates Roseville's City Code, its Building Maintenance and
52 Preservation Code, Minnesota Statute and the Minnesota State
53 Building Code.

54 2. The City Council finds the owners of the property have had reasonable
55 time in which to complete the violations (weather resistive siding
56 materials, the electrical service and the chimney).

57 3. The City Council hereby directs City staff and the law office of
58 Ericson, Bell, Beckman and Quinn, P.A. to enforce the City Code, the
59 Building Maintenance and Preservation Code, State Statutes and the
60 Minnesota State Building Code by abatement pursuant to Roseville
61 Ordinance Chapter 407 and Minnesota Statute 617.83 to require all
62 violations be corrected (install siding, soffit and fascia materials;
63 complete the electrical service and raise the chimney).

64

65

66 The motion for the adoption of the foregoing resolution was duly seconded by Member

67

68 , and upon a vote being taken thereon, the following voted in favor thereof:

69

70 and the following voted against the same: none.

71

72 WHEREUPON said resolution was declared duly passed and adopted.

73

74

75

76

77

78