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COMMUNITY DEVELOPMENT

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

MEMORANDUM

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator

From: Ken Rogers, Senior Health & Housing Inspector, Community Development

Date: August 11, 2011

Re: Proposed Demolitions of 1012 East 3rd Street, 510 Liberty Street and 6208 41st Street South

INTRODUCTION: A request is being made for City Council to authorize the City's contractor to demolish the structures at 1012 East 3rd St., 510 Liberty St. and 6208 41st St. S.

BACKGROUND: City staff has been dealing with nuisance violations at 510 Liberty St. since January 2009. The property has been posted for "No Occupancy" since January 06, 2009. The residential structure has fallen into disrepair. The City's contractor has conducted nuisance abatement at the property off and on since January 2009. It has been regularly maintained since the posting date in January 2009.

City staff has been dealing with nuisance violations at 6208 41st St. S. since May 2009. The property has been posted for "No Occupancy" since May 06, 2009. The residential structure has fallen into disrepair. The City's contractor has conducted nuisance abatement at the property off and on since May 2009. It has been regularly maintained since the posting date in May 2009.

City staff has been dealing with nuisance complaints at 1012 East 3rd Street for a number of years. Each time the appropriate notices have been sent to the deed holder whereas the notice has been complied with. This property has not been occupied for years and has only been used as storage. The deed holder recently relocated to Illinois where again staff began dealing with nuisances. It was learned in March 2011 while checking yet another complaint that the entire east wall of the structure was falling outward. The deed holder failed to accept the certified mail sent and notices were posted on building in March 2011. The structure is in complete disrepair and poses a serious hazard of falling.

RECOMMENDATION/RATIONALE: It is recommended that the City Council approve the demolition requests for 1012 East 3rd Street, 510 Liberty Street and 6208 41st Street South.

BACKUP INFORMATION:

1. Demolition Information
2. Resolution

RESOLUTION NUMBER _____

A RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO
PROCEED WITH SPECIFIED WORK ON THE PREMISES LOCATED
AT 1012 East 3rd Street. IN THE CITY OF MUSCATINE, IOWA

WHEREAS, The Building Official has caused all (known) interested parties to be advised that the building located at 1012 East 3rd Street. is subject to be abated under a notice to "ABATE A NUISANCE" from the Building Official of the City of Muscatine, Iowa, a copy of which notice is attached hereto, and incorporated by reference; and

WHEREAS, an oral report by the Building Official was submitted to this Council on August 18, 2011, and an updated report submitted to the City Council, a copy of which is attached hereto and made a part hereof, indicating that the said owner (s) (has) (have) failed, neglected, or refused to comply with said Notice; and

WHEREAS, it would be in the best interest of the health and well being of the citizens of Muscatine, Iowa, if this Council were to order the Building Official to "Abate a Nuisance" by demolition as set out in said Notice,

NOW, THEREFORE, be it resolved by the City Council of the City of Muscatine, Iowa, as follows:

1. The Building Official is ordered to proceed with the demolition of this structure and the clean-up necessary to Abate a Nuisance as specified in said Notice.
2. The Building Official may contract for the performance of said work, the cost of which shall not exceed \$13,383.00, and shall upon completion of said work, transmit a statement of cost to this Council which shall in turn certify the same to the County for placement on the tax roles in the manner prescribed by State Code.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF August, 2011.

Richard O'Brien, Mayor

ATTEST:

(SEAL)

Gregg Mandsager, City Clerk

Information / Contacts
Re:
1012 East 3rd Street

Notice sent to owner to abate which included a right to appeal this decision before City Council.

April 13, 2011 All notices posted on structure after being returned unclaimed. Photos taken for file. Also mailed copies to owner via regular mail delivery.

April 21, 2011 Received phone call from Vicky Haury. Confirmed receiving notices. Checking what all needed to be completed. Advised at this time that demolition arrangements would need to be made as the condition of this structure had been deteriorating for years and was now nearly falling in on itself. Vicky acknowledged the condition of the building and wanted to first make arrangements to empty storage from it. Advised she would call when empty. Also indicated in the meantime, the weeds would be cut down and the area around the property would be cleaned up.

May 03, 2011 Had not heard from Vicky or Lyle so called to do follow-up reference the building and its contents. There was no answer, left message. Vicky returned phone call almost immediately. She advised that they were still currently removing all contents from the building. I then inquired reference if they would be willing to entertain the possibility of turning property over to the City if this was acceptable. Vicky indicated that this could be a possibility and that they owned nothing on it nor were there any liens. She indicated that she would speak with Lyle about this and then get back with me. Vicky also asked if the Fire Department would be interested in burning the structure down. I told Vicky that I would check further into this and let her know when she called back.

May 05, 2011 Called Vicky again after not hearing from her, she stated that she had spoken with Lyle but that he had not made a decision yet. Vicky stated that she would call next week on Wednesday. I also advised Vicky that in further checking reference the Fire Department burning this structure that the DNR would not allow this and the structure would have to be demolished and removed.

May 16, 2011 After not hearing anything from Vicky which should have been on May 11, I called her to check if a decision had been made. Vicky told me that she was currently out of town and would return on Thursday May 19th at which time she would call and check in. There has been no further contact at this point (June 17, 2011)

August 08, 2011 Letter sent to Mr. and Mrs. Haury reference Council Meeting
Agenda, date and time.

