

**CITY OF OAK PARK HEIGHTS
WASHINGTON COUNTY, MINNESOTA**

CITY COUNCIL

RESOLUTION NO. 19-01-06

**A RESOLUTION ESTABLISHING FINDINGS OF
FACT AND ORDERING THE REPAIR OR REMOVAL
OF HAZARDOUS BUILDING LOCATED
AT 5627 PERKINS AVENUE NORTH**

WHEREAS, the property located at 5627 Perkins Avenue North in the City of Oak Park Heights hereinafter" Property"), as legally described on the attached "Exhibit 1," has recently had multiple calls outs of the fire department due to smoke and possible fires occurring in the Property, during which the fire department noted potential code compliance concerns and so advised the City Building Official; and

EXHIBIT 1

LEGAL DESCRIPTION

Lot 1, Block 2, Crofut and Beach's Addition to Oak Park, together with that portion of vacated Levenworth Street adjacent thereto, Washington County, Minnesota.

PID: 03. 029.20. 13. 0024

WHEREAS, the City's Building Official Julie Hultman asked the owner to have the Property inspected by qualified licensed contractors in response to the fire department's concerns; and

WHEREAS, the Property was inspected by O'Neill Electric and Apollo Heating and Air Conditioning at the request of the owner, and said contractors have provided reports to the City of safety concerns, hazardous conditions, and necessary repairs for the Property; and

WHEREAS, the interior and exterior of Property were later personally inspected by the Building Official with the consent of the occupants. The Building Official noted numerous issues of concern during her inspection including structural, electrical and mechanical issues; and

WHEREAS, the findings of the Building Official, O'Neill Electric, and Apollo Heating and Air Conditioning are summarized in a report of the Building Official dated December 27, 2018, which is attached hereto as "Exhibit 2" and incorporated herein by reference; and

EXHIBIT 2

BUILDING OFFICIAL REPORT DATED 12/27/18

WHEREAS, based upon the foregoing information and exhibits, the City Council of the City of Oak Park Heights makes the following findings of fact regarding the Property:

1. The Property has not had any building permits issued for any remodeling or repair work since 1990. Despite this fact, it appears that numerous substandard construction or repair projects have been performed, including addition of a noncompliant bathroom facility in the basement and a noncompliant remodeling of an upstairs bathroom.

2. The electrical system within the Property is in disarray and unsafe. Non-code compliant electrical wiring work has been performed, including open and exposed wires at the electrical panel. Moreover, multiple appliances in the Property are powered by long extension cords running to distant electrical outlets, leading to safety hazards and fire concerns.

3. Non-code compliant plumbing installations have been performed at the Property. This includes the addition of a cobbled-together bathroom in the basement, as well as a noncompliant bathroom remodel in an upper-level bathroom that has resulted in leaking plumbing and water flowing through the floor and into a closet on the main level of the Property. This is a safety concern leading to likely mold growth inside the Property.

4. The Property appears to suffer from significant settling and shifting of the home structure, such that the floors are visibly drooping and have been shimmed with various materials and the floors are propped up in multiple locations with jacks or lumber in the basement. This is a safety concern for potential collapse of the structure.

5. The clothes dryer is improperly vented into a wall cavity and into the furnace system rather than to the exterior of the home. This is a safety concern for potential carbon monoxide buildup and/or fires.

6. The roof is in disrepair and in need of replacement and there are no gutters on the Property. This is a safety concern for moisture intrusion, pest intrusion, and potential collapse of the roof structure.

7. The windows and window frames are in poor condition with peeling paint and ill-sized windows installed in existing openings and then sealed with foam. This is a safety concern for moisture and/or pest intrusion.

8. Several areas of exterior siding are loose or have holes in them, and are in need of proper repair or replacement. This is a safety concern for moisture and/or pest intrusion.

9. The Building Official further notes that the Property is in need of review by a structural engineer and any identified structural problems should be repaired.

10. The Building Official notes the property is hazardous, unsafe, and uninhabitable, and in lieu of the foregoing extensive repairs, may be better off simply razed and torn down.

WHEREAS, the Property is owned by Steven L. Berres and currently rented to and inhabited by Lisa Kroska and Michael Hull. Mr. Berres' last known mailing address per the tax records for the Property is 2138 250th Street, St. Croix Falls, WI 54024; and

WHEREAS, Minn. Stat. §§ 463.15 to 463.261 provides the power to the City to demand the repair or removal of hazardous or substandard buildings for the benefit of public health and safety; and

WHEREAS, the City's Code of Ordinances, section 1109.01, defines as a public nuisance any property which endangers the health, safety, comfort or repose of the public or depreciates the value of other properties in the City; and

WHEREAS, the City's Code of Ordinances, section 1109.04.G, defines as a public nuisance any building or alterations to buildings made in violation of fire ordinances and building codes concerning manner and materials and construction; and

WHEREAS, the City is concerned for the safety of the occupants of the Property and would prefer and recommend that the Property be vacated until it is properly repaired.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF OAK PARK HEIGHTS THAT THE CITY DECLARES AND ORDERS AS FOLLOWS:

1. The City finds and declares that the Property located at 5627 Perkins Avenue North is a hazardous and substandard building as set forth in Minnesota Statutes Chapter 463 and is declared a public nuisance under applicable City Code because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, and unsafe conditions, and constitutes a fire hazard and a hazard to public safety and health, particularly to its occupants and other nearby properties.

2. The City orders that the following repairs to the Property must be completed:

a. Repair of the electrical systems throughout the Property to be compliant with building code and as recommended by O'Neill Electric, including installation of permanent wiring and elimination of the use of extension cords to power appliances or other devices, with work to be performed by a duly licensed electrical contractor;

b. Repair of the plumbing systems throughout the Property to be compliant with building code, with work to be performed by a duly licensed plumbing contractor;

c. Repair of the HVAC systems throughout the Property to be compliant with building code and as recommended by the report of Apollo HVAC, with work to be performed by a duly licensed HVAC contractor, including proper exterior venting of the clothes dryer and any other vented appliances;

d. Repair of ducts for furnace, dryer and water heater to be building code compliant.

e. Repair of the structural elements of the Property as inspected and recommended by a duly licensed structural engineer;

f. Repair/replacement of the roof on the Property;

g. Repair/replacement of the exterior siding on the Property;

h. Repair/replacement of all exterior windows in need of repair or not properly installed to building code standards.

i. Remediation of any moisture intrusion damage or water damage that is identified during the repair process.

j. Installation of functioning smoke and carbon monoxide detectors on each level of the Property.

3. The City orders that the foregoing repairs be completed no later than June 30, 2019, which is deemed to provide a reasonable time to gain compliance.

4. The Owner and his contractors shall obtain proper building permits for all work to be performed, and all repair work shall be duly inspected by the Building Official as the work progresses.

5. In lieu of the foregoing repairs, which are extensive and may be cost prohibitive given the age, condition, and value of the Property, then the City orders that the Property be razed and torn down.

6. The City recommends that the Property should not be inhabited unless and until such repairs are completed and the tenants therein should immediately vacate the premises for their own safety and well-being. The City will offer and provide a monetary reimbursement of up to \$500.00 to the current tenants/ occupants of the Property for any actual relocation costs incurred by them (upon providing written proof of the relocation expenditure) if they choose to promptly vacate the Property as recommended.

7. If the current tenants/ occupants choose to relocate, then the Owner shall be prohibited from placing any new tenants/occupants into the Property unless and until all required repairs are completed and approved by the Building Official.

8. The owner and occupants are hereby notified that a motion for summary enforcement of this Order will be made to the Washington County District Court unless timely corrective action is taken, or unless an answer is filed within the time specified in Minn. Stat. § 463.18.

9. The owner and occupants are further notified that enforcement of this Order in the court will include a request that the City be permitted to enter onto the Property per Minn. Stat. 463.151 and abate and correct all conditions thereon, up to and including razing the hazardous building, and assess all reasonable costs therefore against the Property, or obtain a personal judgment against the owner, pursuant to Minn. Stat. § 463.21.

10. This Order shall be served upon the owner of record, upon the occupying tenant, and upon all lienholders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon the owner by posting it at the main entrance to the building, and by four weeks' publication in the official newspaper of the City.

Approved by the City Council of the City of Oak Park Heights this 8th day of January, 2019.

/s/ Mary McComber, Mayor

Attest:

Eric A. Johnson, City Administrator

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