

Meeting Agendas/Info

CITY COUNCIL
COMMUNICATION:

ITEM _____

OFFICE OF THE CITY MANAGER CITY OF DES MOINES, IOWA

01-234

SYNOPSIS -

AGENDA:

MAY 7, 2001

SUBJECT:

PUBLIC NUISANCE
AT 2201 FOREST
AVENUE

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

This property contains a commercial structure that appears to have been originally constructed as a service station, and is presently used as a vehicle repair garage. This structure contains building, electrical, fire, mechanical, and plumbing code violations that represent a fire hazard, are unsanitary, and create a hazard to health and safety of building occupants and the public. Therefore, in the opinion of the Building Official, this structure constitutes a public nuisance.

FISCAL IMPACT -

Estimated demolition costs are \$27,000 (assuming the presence of asbestos). All costs associated with this action are intended to be collected from the owner by means of a personal judgement or assessed against the property.

RECOMMENDATION -

Approval.

BACKGROUND -

This structure has been the subject of complaints dating from November 1991. Previous complaints generally reference inadequate maintenance. Inspection records indicate that access for inspection purpose was refused at that time. Based on exterior observations, it was determined that the damage to the structure was not significant enough to constitute a public nuisance, nor was probable cause sufficiently established to obtain an inspection warrant. Nevertheless, the owner was advised to maintain and make repairs to the structure.

This property has evolved and suffered further deterioration since the original complaint. Following recent police investigations at the property, the City sought and obtained an administrative search

warrant based on police statements that indicated the structure was damaged, hazardous, and contained significant debris.

Inspection of the property revealed that the structure contains violations of adopted construction and fire codes. These include a lack of connection to an approved water source, making it unsanitary, containing illegally installed solid fuel burning appliances placed in a prohibited location and in close proximity to combustible and flammable materials causing a fire and safety hazard.

Further, the building contains electrical systems with open junction boxes and panel blanks and exposed live conductors, and the utilization of extension cords in place of permanent wiring, causing fire hazard and safety issues. In addition, the exterior of the structure is not weathertight, resulting in leakage through the roof and walls further damaging the structure.

Fire Inspection records indicate accumulation of materials and debris blocking required exits, improperly stored flammable and combustible materials, inadequate fire extinguishing equipment, and a lack of required license for vehicle repair facility.

Based on these conditions, the titleholder of this property (Mr. Edward L. Bodensteiner), the occupants, and the mortgage holder (Peoples Finance Company, Attn. I.E. Stone Jr.) were served with notice of Public Nuisance dated April 4, 2001. The notice required the structure to be immediately vacated, all flammable and combustible materials properly stored or discarded within 24 hours, and to repair or demolish the structure within 30 days of receipt of the notice.

Mr. Bodensteiner filed an answer with the City Clerk on April 10, 2001, contesting the actions of the City. No response was received from the occupants or the mortgage company.

As of May 1, 2001, permit for the repair of the cited deficiencies has not been obtained, nor has the structure been demolished. An inspection of the property exterior reveals that no improvements have been made. The structure appears to be periodically occupied for the purposes of motor vehicle repair and storage.

Attached to the roll call are copies of the notice dated April 4, 2001, return receipts, photographs, a property condition report prepared by staff from the Permit and Development Center, a site plan, and a copy of Mr. Bodensteiner's response.
