

CITY COUNCIL
COMMUNICATION:

03-450

AGENDA:

SEPTEMBER 8, 2003

SUBJECT:

PUBLIC NUISANCE AT
3109 - 38TH STREET

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

LARRY HULSE
COMMUNITY
DEVELOPMENT
DIRECTOR

ITEM BDH-3

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

On August 11, 2003, City Council directed the City Engineer to receive bids for the demolition of 3109 - 38th Street, and to present them to the City Council for final consideration. Tabulation of demolition bids is attached. City Council may: (A) Direct the City Engineer to demolish the structure, in which case a Notice to Proceed will be issued to the demolition contractor; or (B) Defer acceptance of bids, and direct the Legal Department to enter into negotiations seeking a rehabilitation agreement to continue repair and complete the renovation of the structure.

FISCAL IMPACT —

If the City Engineer is directed to proceed with demolition, the lowest demolition bid is \$18,600. The cost of this action would be collected as a personal judgment or assessed against the property.

RECOMMENDATION —

The owner has made repairs to the fire damaged portions of the structure, but has not completed these repairs. The owner has presented evidence of financing, but has not presented information that demonstrates the financing is adequate for completion of the project, nor has any information been presented indicating when the project will be completed.

Staff recommends deferral of the acceptance of bids for a two week period, and direct the Legal Department to enter into negotiations seeking a legally binding agreement whereby the titleholder provides signed contracts from a general contractor and licensed subcontractors for the completion of the renovation of the structure. The contractors shall be professionally engaged on a full-time basis in the renovation and repair of structures. Financing resources shall be tied to the specific contracts, and found to be adequate. This agreement shall be negotiated with timelines for the shortest reasonable timeframe to complete the structure and receive a permanent Certificate of Occupancy. If successful, this agreement would be presented to the City Council for approval on September 22, 2003. If Council elects this option, the demolition contractors have agreed to extend their bids for another two weeks.

BACKGROUND —

This property, owned by Randy L. Simonini and located at 3109 - 38th Street, contains a building that has been under intermittent construction for an extended period of time. A fire on July 17, 2003, damaged a significant portion of the improvements that had occurred on this site. Following the fire, the structure was open, was found structurally unsound, and remained incomplete. Given these conditions, the Building Official determined that this structure constitutes a publicnuisance threatening to the health and safety of the public.

Since the August 11, 2003 Council hearing, Mr. Simonini has made progress in the repair of the fire damage. As of Wednesday, September 3, 2003, Mr. Simonini has caused the removal of much of the debris caused by the July 17, 2003 fire. Structurally unsafe members have been demolished. Fire-damaged studs, beams, and trusses have been removed and replaced in the family room. Sheathing has been applied to portions of the walls, and the roof. Felt has been applied to the roof. Landscaping improvements have been installed, including fountain and ponds, rock paths, and plantings. New electrical meter and service has been installed, inspected, and approval to energize forwarded to MidAmerican Energy. Significant fire repair work remains to be completed, as well as completion of the project. Photographs of the project are attached.

The building permit expired September 4, 2003. Mr. Simonini verbally requested an extension of this permit on August 28, 2003. Following staff review of the provisions of Section 26-115(b), and in light of the changed conditions of the project, Mr. Simonini was advised that additional permits for the remaining scope of work would be necessary.

Electrical permit for the addition and remodel expired on August 8, 2002. Burkhead Electric obtained an electrical permit for this address on August 18, 2003 limited to the installation of a new meter and service. This installation was approved August 6, 2003. No further electrical permits have since been obtained. The most recent mechanical permit for this site expired on April 30, 2003, and no new permits have been obtained. The most recent plumbing permit for this site expired on May 14, 2003, and no new permits have been obtained. No approvals have been recorded for any of that work, and remains incomplete. Mr. Simonini has since been advised that licensed contractors must obtain permits and install all further work.

A timeline history of the project is attached.

Attachments

