Introduced by	Council Bill No	R 129-13
	A RESOLUTION	
	on of a dilapidated structure loca authorizing a special tax bill a	
BE IT RESOLVED BY THE COUFOLLOWS:	JNCIL OF THE CITY OF COL	JMBIA, MISSOURI, AS
SECTION 1. Having considered property and second property and the bidding the demolition through the	e structure demolished either b	venue, the City Manager
SECTION 2. The actual con Highview Avenue, including all adr property. If the charge is not paid certify the actual cost of performan a special tax bill against the prope provisions of Section 6-72 of the C	within thirty (30) days of receipt nce to the Director of Finance, wherty to be prepared and collected	nitted to the owner of the t, the City Manager shall no is authorized to cause
ADOPTED this day	y of	, 2013.
ATTEST:		
City Clerk	Mayor and Presid	ding Officer
APPROVED AS TO FORM:		
City Counselor		



Source: Community Development - NS

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Jul 1, 2013

Resolution authorizing the demolition of a dilapidated structure located at 302 Highview Avenue; and authorizing a special tax bill against the property.

#### **EXECUTIVE SUMMARY:**

Staff in the Office of Neighborhood Services are working to address vacant and dilapidated houses in Columbia through voluntary compliance and the administrative procedure outlined in Chapter 6 of City of Columbia Ordinances. The structure at 302 Highview Avenue is a vacant structure that is uninhabitable. City staff are requesting this property be demolished and tax billed as the owner has taken no action to correct the violations.

#### DISCUSSION:

City staff have followed the procedure outlined in Chapter 6 of the City's ordinance to take action on the structure located at 302 Highview Avenue. Notice was sent to the owner and other interested parties regarding the violations and a deadline to come in compliance. With no action taken, an administrative hearing was held on April 26, 2013 with the Director of Community Development, ordering the nuisance be abated by obtaining a permit for demolition of the structure on or before June 17, 2013. A complete copy of the Director's Findings of Fact and Conclusions of Law and Order are attached. No action was taken by that date. Staff are requesting that the City demolish this structure and place a tax bill against the property as needed.

#### **FISCAL IMPACT:**

Based on quotes received from the City's two demolition contractors, the cost to demolish this property will be approximately \$6,800. In addition, there will be a cost of approximately \$4,500 to replace the sewer tap and lateral line for a total cost estimate of near \$11,500 for the demolition. A special tax bill will be placed upon the property in the event the owner does not pay the cost of demolition plus the administrate costs that are approximately \$2,000.

### **VISION IMPACT:**

#### http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php

The administrative process to demolish nuisance properties supports Strategy 5.3.2 in the Development Vision Statement: Strengthen enforcement of ordinances that contribute to environmental soundness and sustainability, and those that safeguard neighborhoods against physical decay.

#### SUGGESTED COUNCIL ACTIONS:

Approval of the resolution.

FISCAL and VISION NOTES:							
City Fiscal Impact Enter all that apply		Program Impact		Mandates			
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No		
Amount of funds already appropriated	\$26,000.00	Duplicates/Expands an existing program?	No	Vision Implementation impact			
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	Yes	Enter all that apply: Refer to Web site			
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes		
One Time	\$13,500.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	5.3.2		
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #			
		Requires add'l capital equipment?	No	Fiscal year implementation Task #			

# FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

On April 26, 2013, I, Timothy Teddy, Director of Community Development for the City of Columbia, Missouri, conducted an administrative hearing to determine if a nuisance structure, as defined in the International Property Maintenance Code as adopted by the City of Columbia exists on the property located at 302 Highview, Columbia, Missouri. The hearing was held in the fifth floor conference room in the Community Development Department in City Hall, 701 East Broadway, Columbia, Missouri 65201.

Assistant City Counselor Steve Richey appeared on behalf of the City of Columbia.

Ms. Bunnetta S. Alexander, a/k/a Bunnetta Alexander-Dills, the property owner, did not appear.

Inspector Bruce Martin and Building Regulations Supervisor Phil Teeple testified for the City of Columbia. The City of Columbia offered into evidence the Exhibits noted in the transcript, including certified copies of the relevant ordinances, certified deed for 302 Highview, copies of notices provided to Ms. Alexander, inspection reports, and numerous photographs of the property.

A neighbor of the property owner, Ms. Cathy Camden, 312 Highview, attended and made a statement before the conclusion of the hearing.

All testimony was taken under oath.

City of Columbia Neighborhood Services manager Leigh Britt and court reporter Christie Bradshaw were also in attendance.

### Findings of Fact

After hearing all of the testimony and reviewing the evidence, I hereby find the following facts to be true.

- 1. Ms. Bunnetta Alexander is the property owner of 302 Highview, Columbia, Missouri.
- 2. A curbside inspection, performed as part of the Inspector's "Neighborhood Response Team (NRT)" program duties, revealed violations for exterior surface problems.
- 3. The curbside inspection on April 11, 2012 led the inspector to seek a search warrant for the property.
- 4. A search warrant for 302 Highview was obtained and executed on April 19, 2012. Bruce Martin, Phil Teeple, and Officer Tim Thomason conducted the search of the property.
- 5. A return on the search warrant was made by Mr. Martin. The return revealed the following violations of the International Property Maintenance Code: a.Exterior surface of the home requires repainting and repair.

- b. There is a hole in the roof, exposing the interior to the elements.
- c.Ceiling light fixtures are missing, leaving exposed wiring.
- d. Electrical outlet covers are missing.
- e.There are no plumbing fixtures in the home.
- f. There are no kitchen sink or other plumbing in the kitchen.
- g. Floors throughout the house are missing or in such condition as to be unsafe for occupants.
- h.Interior doors are missing throughout the home.
- i.Interior walls are in need of patching and repainting.
- j.Rear guttering is detached from the home.
- k.Gutters are full of debris and growing vegetation.
- 6. A Notice of Violations dated June 12, 2012 was sent certified mail to the property owner.
- 7. Ms. Alexander was properly served with the notice of violation and that notice complied with the requirements of the City Code of Ordinances.
- 8. No action was taken by the property owner in response to the notice of violations and this hearing was subsequently scheduled.
- 9. No repairs have been made to the property nor has staff received any representations or assurances that repairs will be made to the property.
- 10. The building has not been demolished.
- 11. No building permits have been requested since the Notice of Violations was issued and none are pending on the property.
- 12. On April 8, 2013, the City served Ms. Alexander with a notice of hearing for April 26, 2013 by Certified Mail, Return Receipt Requested.
- 13. The Inspector testified that he had a telephone conversation with Ms. Alexander on April 10, 2013 during which she acknowledged receipt of the hearing notice and knowledge of the hearing date.
- 14. The structure is so dilapidated or decayed as to be a danger to the life, safety, health or welfare of the occupants or the residents of the city.
- 15. The structure exists in violation of numerous provisions of the Building Code of Columbia, Missouri or other ordinances of this city and which are a danger to the life, safety, health or welfare of the occupants or residents of the city.
- 16. The Building Regulations Supervisor testified that, in his professional opinion, the building upon the subject property could not made habitable at reasonable cost.
- 17. The structure, if occupied, constitutes a hazard to the safety, health, or welfare of the occupants because it lacks maintenance, is in disrepair, and lacks sanitary facilities or equipment.
- 18. The cost to repair the structure exceeds its value and demolition is more economical.
- 19. That it is necessary to protect the health, safety and welfare of the citizens of Columbia that said structure be demolished.

## Conclusions of Law

Based upon all of the evidence and testimony presented, I hereby find competent, substantial and sufficient evidence that Ms. Alexander's property located at 302 Highview, Columbia, Missouri is a public nuisance in that:

Ms. Alexander's property at 302 Highview, Columbia, Missouri is a nuisance in violation of Section 107.1 of the International Property Maintenance Code as adopted and amended by sections 6-71 and 6-72 of the Code of Ordinances of the City of Columbia

a. The Inspector and the Building Regulations Supervisor testified and provided evidence that the house had multiple layers of shingles on the roof above the maximum of two layers permitted by the building code and that the house exhibited missing and deteriorated floor coverings combined with missing floor joists.

b.Testimony and other evidence identified a number of dangerous conditions, including a lack of working plumbing, mechanical systems, and sanitary drain-waste systems throughout the property, no working means of energy supply and distribution, exposed floor joists, exposed ceiling beams, a lack of insulation within walls, and unsecured openings in the walls and roof, among other conditions.

- c. Testimony and other evidence indicated improperly working and missing doors, including a door that had been boarded up from the inside of the building.
- d.Testimony and other evidence indicated that the excessive weight of the roof and its multiple layers of shingles and insufficient structural support systems created a risk of collapse and potential injury.
- e. Testimony and pictorial evidence indicated large amounts of debris and decay in building materials as well as exposure to the outdoors that would invite further decay and infestation.

### **ORDER**

I hereby order the nuisances to be abated. Ms. Alexander is ordered:

To obtain a demolition permit from the City of Columbia and complete demolition of the nuisance structure at 302 Highview and the materials, rubble and debris therefrom removed and the lot cleared, filled and graded in conformance with applicable City Ordinance on or before June 17, 2013.

Should Ms. Alexander not abate the nuisance and demolish the property as ordered, the City may have the nuisance abated by city employees or by persons under contract with

the city. Section 6-72, subsection 107.9 of the Code of Ordinances provides the process and sets forth the procedure to be followed upon noncompliance:

107.9 Special Tax Bills: If the work or act ordered by the director under 107.7 is not done within the time as stated in the order, and if no appeals of the order are pending, the director may certify such fact to the city council. The city council shall consider such certified facts and may order the city manager to have the work done either by city employees or bidding the work through the purchasing division. No person shall enter private property to perform such work unless the property owner or occupant has consented to the entry or unless the municipal judge has issued a warrant for the entry. The actual cost of the performance including administrative costs, shall be submitted to the owner of the property. If the charge is not paid within thirty (30) days of receipt, the city manager shall certify the actual cost of performance, including administrative costs to the director of finance, who shall cause a special tax bill against the property to be prepared and collected. At the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. If any installment is not paid when due, the balance of the tax bill shall be then due and payable in full, together with all accrued interest. The tax bill from date of issuance shall be a personal debt against the property owner and shall also be a lien on the property until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of ten (10) percent per annum for the first two (2) years and twelve (12) percent per annum thereafter.

A copy of this order shall be mailed, via certified mail, return receipt requested, and by regular U.S. Mail, to 27574 200<sup>th</sup> Rd., Marshall, MO, 65340-4630.

SO ORDERED on this the 10th day of May, 2013.

Timothy Teddy, Community Development Director

Administrative Hearing Officer