

**MERRIAM CITY COUNCIL
PUBLIC HEARING MINUTES
CITY HALL
9000 W. 62ND TERRACE
April 27, 2009
7:00 P.M.**

PUBLIC HEARING TO DETERMINE IF AN UNSAFE STRUCTURE EXISTS AT 5800 HADLEY.

Mayor Ken Sissom opened the Public Hearing at 7:20 p.m. and stated the purpose for the hearing.

City Administrator Phil Lammers provided the background regarding the structure:

- December 14, 2007-Fire destroyed the structure by more than 75%.
- Property owner states that he was told by a former city employee that he had 2 years to repair the structure.
- November 2008 – staff receives complaints regarding safety of the structure. Staff contacts the property owner requesting that he secure the building.
- November 2008 – property owner is unable to secure the building. City crews secure the structure (board up open windows and doors).
- December 2008 – staff and property owner agree to a timeline for repairing the structure. Per agreed to timeline – property owner was to submit application for building permit by February 1 and begin repairs by April 1.
- February 1 – staff does not receive a building permit application.
- February 23 – Council establishes April 27th as the date of the public hearing.

Six photos depicting the condition of the structure were presented. The photos showed a hole in the roof, boarded up doors and window, a tarp frayed on three sides used in an attempt to cover the roof, an attic vent window not boarded up; and peeling siding.

Mr. Lammers presented the “finding of facts” for the approval of the resolution:

- Structure has been uninhabited since December 2007;
- Structure is uninhabitable based upon the structure has a hole in the roof, no windows or doors and utilities are not connected;
- The structure provides no minimum safeguards to warn possible occupants of fire;
- The structure is damaged or dilapidated to a point that partial or complete collapse is possible;
- The structure provides little or no protection for the public, should the public gain access to the interior of the structure.

The owner of the structure, Steve Olgren, 5800 Hadley addressed the council regarding the structure. Mr. Olgren stated that he did agree to a timeline for repair of the structure and did attempt to make repairs. He desires to add one story to the structure to make the structure larger. He has been working with city staff and an engineer on enlarging the structure. Mr. Olgren stated that he submitted red line drawings that were stamped by the engineer. The Building Inspector requested additional calculations for those drawings. Mr. Olgren did not understand why that was necessary as he was paying a structural engineer to give him a stamp on the drawings and still to have the City say they wanted to evaluate the calculations. Because of that, the engineering firm was unable to meet the February 1 deadline. Then the city set the date for the Public Hearing. Mr. Olgren discontinued any further work with the engineer until he found out the outcome of this hearing. Mr. Olgren stated that he is ready to move forward with repairs to the structure, but a new timeline will need to be established.

Councilmember Stephens asked for staff comments regarding Mr. Olgren's comments.

City Building Inspector John Hollis stated that Mr. Olgren was correct in his statement that the city did receive preliminary drawings from Mr. Olgren. However, the set of drawings he received were not signed and sealed by the engineer. One issue that needed to be addressed by the engineer was whether the existing foundation was capable of holding additional loads. Currently the structure is one story; Mr. Olgren indicated that wanted to add one to one and one half stories onto the structure. Therefore, the city asked for those calculations on signed and sealed documents. Typically that information would be required to ensure support of load beams and load transfers, not to critique thoroughly but to look at and review the calculations and assumptions made by the engineer. Staff only had the preliminary drawings. Mr. Olgren had been discussing with Community Development Director Bryan Dyer about any additional requirements needed. Mr. Dyer indicated to Mr. Olgren that the engineering calculations were needed.

Councilmember Stephens commented that she has had numerous complaints from the neighbors and it does not appear that anything is happening with the structure repair. She further asked the owner why it has taken so long to do anything with the property.

Mr. Olgren replied that the entire house has been gutted and cleaned out of all insulation. Because the house is so small it is Mr. Olgren's intention to enlarge the structure, however, he did not have immediate funding for the project. The insurance proceeds only cover the cost to restore the property back as it was, and he wanted to enlarge it to increase the value of the property. Mr. Olgren stated that he is an insurance adjuster and has been traveling for the past year.

Mayor Sissom asked Mr. Olgren if he was familiar with the resolution process.

Mr. Olgren responded that he was not.

City Administrator Phil Lammers reviewed the items in the proposed resolution.

The proposed resolution establishes June 18, 2009, as the date by which the property owner must have commenced either the repair or the removal of the structure.

If the owner has not commenced repair or removal of the structure, then staff will update the Council at their June 22nd meeting and request direction regarding the possible removal of the structure.

Additionally, if the property owner "does not continue to diligently prosecute" the structure's repair or removal, staff will bring the matter before Council at the next available meeting and request direction regarding the possible removal of the structure.

Mr. Olgren stated that he is ready to move forward with his restoration of the structure.

Councilmember Stephens asked what is considered diligent prosecution of repair.

City Attorney Michelle Daise responded that the way the resolution is laid out, it allows for the City council to review the progress of work at the June City Council meeting. At that time the council will have the opportunity to determine if significant work has been done.

Fire Chief Bob Pape commented that for a structure to be considered safe it should have sheetrock and smoke detection equipment. This structure has neither at this time.

Mayor Sissom asked if there was a danger of the structure collapsing.

Chief Pape responded that the structure could possibly collapse due to the fact that there is a hole in the roof, and it lacks sheetrock which helps stabilize the structure when it is in place. Chief Pape indicated that he was unsure if any structural repairs have been made to the structure since the fire. The structure could possibly even collapse from a snow load.

Mayor Sissom requested staff to provide updates monthly at the City Council meetings on the progress being made.

Mayor Sissom asked if there was anyone from the audience who wished to speak on this issue.

Hearing none, the Public Hearing closed at 7:45 p.m.

COUNCILMEMBER ROWE MOVED THAT THE COUNCIL, BASED UPON THE FINDINGS OF FACTS CONTAINED IN THE STAFF REPORT, APPROVE THE DRAFT RESOLUTION STATING THAT THE PROPERTY OWNER MUST BEGIN REPAIRS OR REMOVE THE STRUCTURE BY JUNE 18, 2009. IF THE PROPERTY

OWNER DOES NOT COMMENCE THE REPAIR OR REMOVAL OF THE STRUCTURE BY JUNE 18, 2009, OR FAILS TO DILIGENTLY PROSECUTE THE STRUCTURES REPAIR OR REMOVAL, THE CITY CAN CAUSE THE STRUCTURE TO BE RAZED OR REMOVED. THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Juliana Pinnick". The signature is written in black ink and is centered on the page.

Juliana Pinnick
City Clerk