

**CITY OF WILLMAR, MINNESOTA  
REQUEST FOR COMMITTEE ACTION**

**Agenda Item Number:** \_\_\_\_\_

**Meeting Date:** August 15, 2013

**Attachments:**  Yes  No

**CITY COUNCIL ACTION**

**Date:** \_\_\_\_\_

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended  | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other    |                                 |

**Originating Department:** Planning and Development Services

**Agenda Item:** Consideration of Order for Removal – 944 Olaf Avenue Northwest

**Recommended Action:** To order the complete removal of the hazardous building at 944 Olaf Avenue Northwest.

**Background/Summary:** The house at 944 Olaf Ave NW has been in a deteriorating condition for a number of years. The current owner has chosen to use it as a storage facility and the building and surrounding area is full of garbage, vehicles, and debris. Previous attempts for owner compliance have failed; a formal order from the Council is the logical next step.

**Alternatives:** Leave the building as is and allow its continued improper use and deterioration.

**Financial Considerations:** If the owner does not remove the building and a court order is necessary, the City may find itself in the position of having to clean out the structure and remove it under the terms of the International Building Code.

**Preparer:** Bruce D. Peterson, AICP  
Director of Planning and Development Services

**Signature:**

**Comments:**



**PLANNING AND DEVELOPMENT SERVICES**

City Office Building  
333 SW 6th Street, Box 755  
Willmar, MN 56201

<b>GENERAL DEPARTMENT &amp; INFORMATION</b>	320-235-8311
<b>DIRECTOR</b>	320-214-5184
<b>PLANNER</b>	320-214-5195
<b>BUILDING OFFICIAL</b>	320-214-5185
<b>BUILDING INSPECTION TECH</b>	320-214-5187

FAX: 320-235-4917

**MEMO**

**TO:** Bruce Peterson, Planning and Development Service Director

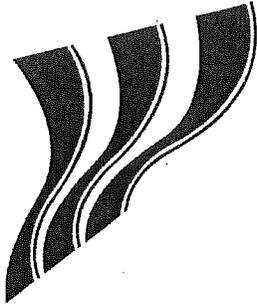
**FROM:** Randy Kardell *rk*

**DATE:** July 8, 2013

**RE:** 944 Olaf Avenue NW, Willmar, Minnesota

On May 22, 2013 the City of Willmar issued removal orders on the above referenced property. The order was to completely remove the structure. The structure is being used as a garbage/junk storage building. To date, the property owners have not contacted the City to discuss the issues. This property was once placarded as "unfit for human habitation" when the previous property owners owned the home. The property has since degraded and abatement or repairs are no longer an option. The enclosed order is for the complete removal by not later than June 24, 2013.





## PLANNING AND DEVELOPMENT SERVICES

City Office Building  
333 SW 6<sup>th</sup> Street, Box 755  
Willmar, MN 56201  
320-235-8311  
FAX: 320-235-4917

May 22, 2013

Guadalupe Flores  
940 Olaf Ave NW  
Willmar, MN 56201

Dear Mr. Flores:

On May 22, 2013 the City of Willmar Building Inspector conducted an inspection of a home located at **944 Olaf Ave NW**. The City of Willmar currently enforces the 2007 Minnesota State Building Code. The Code states in Chapter 1300.0180 "Unsafe Buildings and Structures" that: A building or structure regulated by the code is unsafe, for purposes of this part, if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life. Building service equipment that is regulated by the code is unsafe, for purposes of this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise dangerous to human life. Use of a building, structure, or building service equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in the code are unsafe building appendages. The building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action. All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.2.

Your home has been declared an unsafe building because of the following conditions as listed below:

- 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.***
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of a fire or panic.

3. Whenever the stressing of any materials, member or portion thereof, due to all dead and live load, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. *Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.*
9. *Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.*
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. *Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.*
13. *Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.*
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength,

(ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

- 15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.**
- 16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.**
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- 18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.**

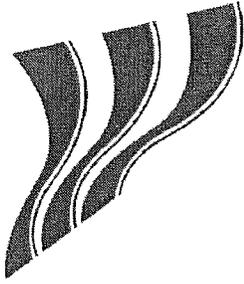
You are hereby ordered to remove such unsafe structure by not later than Monday, June 24, 2013. Any failure to comply with this order is a misdemeanor violation of Minnesota Statutes, section 16B.69. If the structure is not removed or repaired within the time allotted in this order, the City of Willmar shall begin the removal process as defined by Minnesota State Statutes 463.15 to 463.26. This legal process allows the City, by court order, the authority to abate the public nuisance and provides the City with a means of recovering all associated costs involved with the abatement process. If you have any questions, feel free to call me at (320) 214-5185.

Sincerely,

Randy L. Kardell  
Building Official

cc: Mary Rodriguez & Gary Bregel

**BUILDING PERMIT IS REQUIRED FOR ALL REMOVAL OR REPAIRS**



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| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended  | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other    |                                 |

**Originating Department:** Planning and Development Services

**Agenda Item:** Economic Development Commission Update

**Recommended Action:** For information only

**Background/Summary:** Steve Rehnquist, Director of City of Willmar and Kandiyohi County Economic Development Commission will be present to provide an update on EDC activities. As well as to answer committee questions regarding EDC activities, budgets, etc.

**Alternatives:** N/A

**Financial Considerations:** None

**Preparer:** Bruce D. Peterson, AICP  
Director of Planning and Development Services

**Signature:**

**Comments:**

# **Business Loss Protocol**

## **A Public and Private Partnership**

### **Critical Incident Definition**

**Protocol Objectives**

**Roadblock mitigation**

**Joint Planning Benefits**

**Top Down Leadership**

### **Preparedness Process**

#### **Risk Assessment**

- a. Self-assessment
- b. Joint assessment

#### **Critical Incident Planning**

- a. Plan development
- b. Identifying responsibilities

#### **Plan Execution**

- a. Types of incident
- b. Response

### **Mitigation**

- a. Risk mitigation
- b. Impact mitigation

### **Response**

- a. Red flag warning
- b. Emergency
- c. Prevent chain reaction

### **Media**

- a. Identification of contact

### **Recovery and Business Resumption**

## **Introduction**

The Business Loss Protocol is intended to encourage a public/private critical incident partnership. The Protocol will:

- a. Establish partnerships in advance so the event can be prevented or the loss minimized
- b. Conduct individual and joint evaluation of risk factors
- c. Develop joint public/private sector emergency plans
- d. Facilitate business resumption and recovery
- e. Incorporate mitigation throughout the process, recognizing impact prevention and reduction

## **Critical Incident Definition**

A critical incident is any event or situation that threatens individual or collective members of the business community and the jobs and services they provide to the community. It is any event that requires swift, decisive action involving multiple components in evaluation of business health, prevention of business loss, mitigation of impact of business loss, recovery of job/income potential, and solicitation of new business

## **Protocol Objectives**

- a. Encourage public and private sector linkages to achieve common goal of a healthy and sustainable business community
- b. Establish a cooperative assessment and planning process
- c. Establish a repetitive and redundant business contact process
- d. Serve as resource for businesses seeking business assistance

## **Roadblock Mitigation**

We acknowledge that communities are diverse and entities often perceive themselves as having different needs and concerns.

- a. Public sector must understand private sector's concept of 'bottom line' and how it must be achieved before public service can happen
- b. Private sector must understand the public sector's operating procedures, legal obligations and political considerations

The actions are different but often the motivations are similar

## **Joint Planning Benefits**

Business emergency prevention and reaction planning may lead to a more harmonious relationship and additional community partnerships. There is a greater understanding of the repercussions if cooperative planning doesn't occur. It can illuminate the potential financial impact and the liability created from the failure to plan for a critical incident. Business loss is a dramatic and immediate real-life impact to the community and particularly the employees.

The planning process can identify how the business contributes to the community and develops the community priorities. Joint planning will make the community a better location to do business and will assist in business recruitment

## **Top Down Leadership**

Commitment in both the public and private sectors must be driven from the top – or there is no real commitment. Trust in the commitment and stability of both organizations must be established in the beginning and maintained if it is to trickle-down to all levels of the organizations.

After obtaining top level support, the process must involve the people who will meet each other on a frequent basis, manage the relationship and be the first responders to situations that can often be kept manageable.

Kandiyohi County  
& City of Willmar  
**Economic Development Commission**



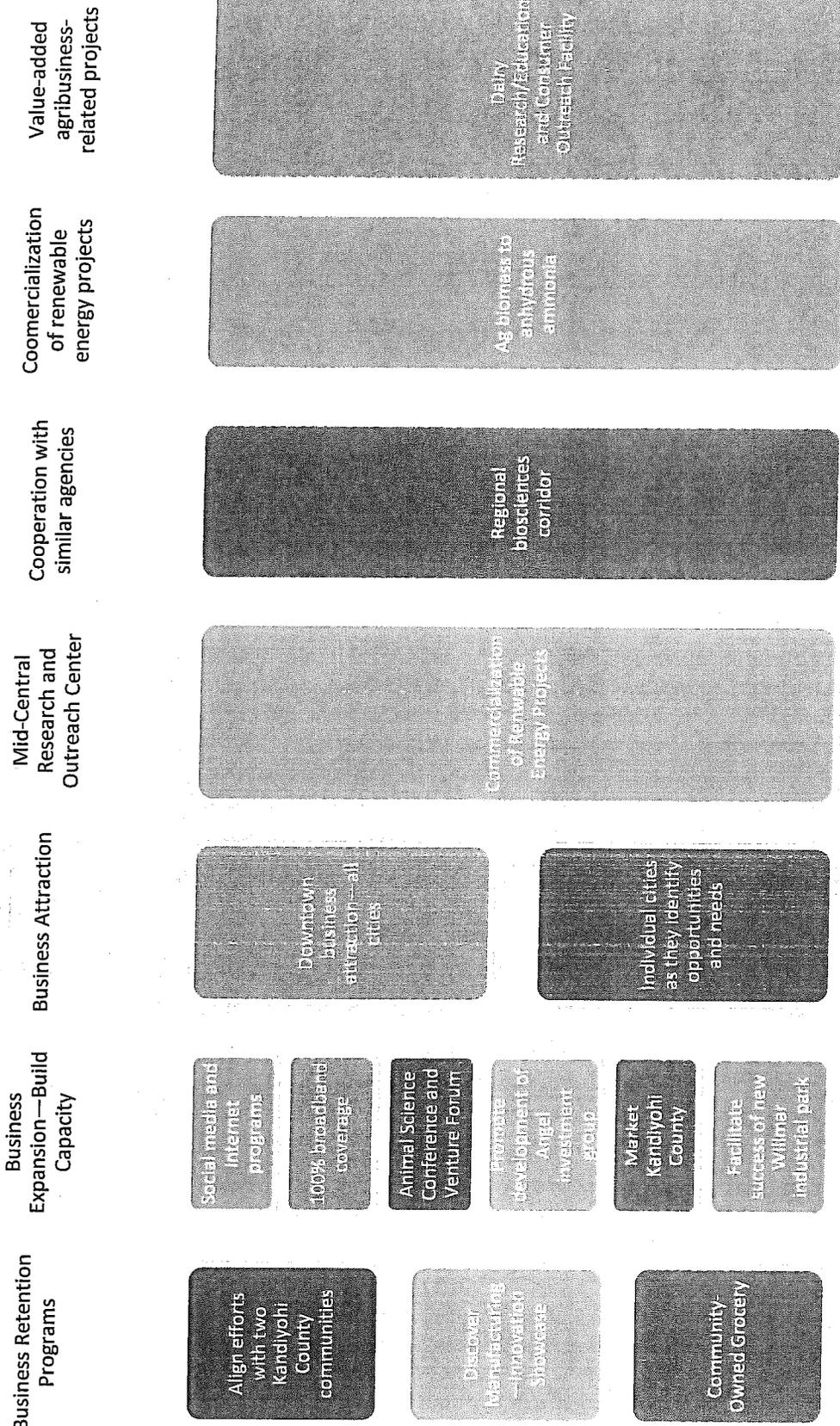
## **5-Year Goals (2011-2015)**

1. Continue efforts to maintain and expand businesses in Kandiyohi County
2. Promote Rice Memorial Hospital's position as a regional hospital (indirectly and directly when asked)
3. Fill additional 50% of MinnWest Technology Campus (MWTC) capacity by 2015
4. Develop new opportunities for cooperation with similar agencies
5. Successful commercialization of two renewable energy projects and expansion of three value-added ag businesses
6. Achieve 25% increase in local airport utilization by 2015

Kandiyohi County and City of Willmar Economic Development Commission 2013 Goals  
[2013 they relate to 5-Year Goal 1]

5-YEAR GOAL

1. Continue efforts to maintain and expand businesses in Kandiyohi County



Objectives/Action:

Target Date: \_\_\_\_\_

Responsibility: \_\_\_\_\_

Status/Date:

**Kandiyohi County and City of Willmar Economic Development Commission 2013 Goals**  
[No 2013 Goals assigned to 5-Year Goals 2 and 4]

**5-YEAR GOAL**

2. Promote Rice Memorial Hospital's position as a regional hospital (indirectly and directly when asked)

**5-YEAR GOAL**

4. Develop new opportunities for cooperation with similar agencies

Objectives/Action:

Target Date: \_\_\_\_\_

Responsibility: \_\_\_\_\_

Status/Date:

Objectives/Action:

Target Date: \_\_\_\_\_

Responsibility: \_\_\_\_\_

Status/Date:

Kandiyohi County and City of Wadena Economic Development Commission 2013 Goals  
 [2013 Goals as they relate to 5-Year Goal 3]

**5-YEAR GOAL**

**3. Fill additional 50% of MinnWest Technology Campus (MWTC) capacity by 2015**

Business Expansion—  
Build Capacity

MinnWest  
Technology Campus

Mid-Central Research  
and Outreach Center

Cooperation with  
similar agencies

Commercialization of  
renewable energy  
projects

Value-added  
agribusiness-related  
projects

Animal Science  
Conference and  
Venture Forum

Promote  
development of  
local Angel  
investment group

Attraction of new  
businesses to  
facility, marketing  
and sales

Assist University of  
Minnesota in  
identifying  
purpose

Commercialization  
of intellectual  
property

Assist University of  
Minnesota in  
marketing the  
facility

Regional  
biosciences  
corridor

Ag biomass to  
anhydrous  
ammonia

Dairy  
Research/Education  
and Consumer  
Outreach Facility

Objectives/Action:

Target Date: \_\_\_\_\_

Responsibility: \_\_\_\_\_

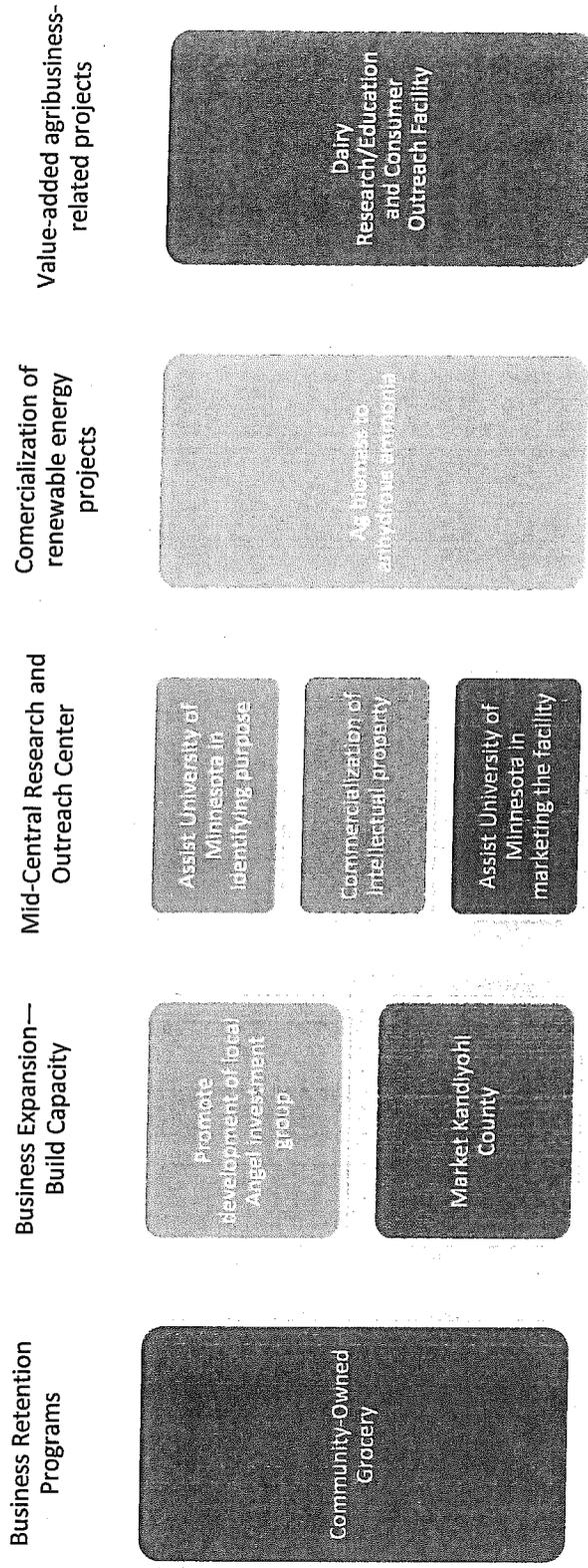
Status/Date: \_\_\_\_\_

Kandiyohi County and City of Willmar Economic Development Commission 2013 Goals

[2013 Goals as they relate to 5-Year Goal 5]

**5-YEAR GOAL**

**5. Successful commercialization of two renewable energy projects and expansion of three value-added ag businesses**



Objectives/Action:

Target Date: \_\_\_\_\_

Responsibility: \_\_\_\_\_

Status/Date:

**Kandiyohi County and City of Willmar  
Economic Development Commission  
2013 Goals**  
[2013 Goals as they relate to 5-Year Goal 6]

Airport

**5-YEAR GOAL**

- 6. Achieve 25% increase in local airport utilization by 2015**

Increased direct utilization—FBO, marketing, plan

Objectives/Action:

Target Date: \_\_\_\_\_

Responsibility: \_\_\_\_\_

Status/Date: