

CITY OF LA VISTA
MAJOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2010 AGENDA

Subject:	Type:	Submitted By:
AUTHORIZATION TO ADVERTISE FOR BIDS — DEMOLITION OF LONGS STATION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the advertisement of bids for the demolition of the Long's service station.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

On November 4, 2009, the Board of Appeals held a public hearing and denied an appeal by Earl Long and Cyrus Long of an order of the Chief Building Inspector to demolish the building located at 7121 Harrison Street. The Longs had appealed an order dated July 8, 2009, directing them to demolish the building, as the result of an inspection on May 27, 2009 by the Chief Building Inspector, the Fire Chief, a structural engineer and a commercial appraiser. Numerous safety and building code violations were identified in a previous order to close the building dated August 15, 2005, which had not been remedied, and additional safety and building code violations were found.

After reviewing the reports of the Fire Chief and the structural engineer, the Chief Building Inspector concluded the building posed a significant risk of death or serious harm and the building was a dangerous and unsafe structure under the provisions of the Uniform Code for the Abatement of Dangerous Buildings and must be demolished.

On August 6, 2009, Earl Long and Cyrus Long through counsel notified the Board of Appeals of their intent to appeal the notice and order of the Chief Building Inspector.

On September 23, 2009, the Board of Appeals held a public hearing to determine the appeal. After viewing the building, the Board of Appeals heard testimony from Earl Long, Cyrus Long, and those that had inspected the building.

On October 16, 2009, the Hearing Examiner appointed by the Board of Appeals to hear the matter along with the Board members submitted a report and proposed decision. The Hearing Examiner found the evidence was clear and convincing that the building is dilapidated and defective and in danger to the public health, safety and property. The Hearing Examiner recommended the appeal by the Longs be denied because the Longs had

sufficient notice of the order to demolish the building but had failed to do so. The Hearing Examiner also considered Longs' notice of appeal as a request for additional time to repair the building. He recommended the Board deny that request as well because the Longs had not availed themselves of an opportunity to remedy the violations following the initial order of the Chief Building Inspector dated August 15, 2005.

On November 4, 2009, the Board of Appeals met to consider the report and recommendation of the Hearing Examiner. The Board of Appeals heard counsel for the Longs' objection to the report and recommendation and argument. Following the objection and argument, the Board of Appeals adopted the report and recommendation of the Hearing Examiner and denied the appeal, denied the request for additional time, and directed the City may demolish the building immediately and charge the costs of the demolition to be charged against the real property and its owners.

On November 18, 2009, counsel on behalf of the Longs filed a petition in Sarpy County District Court appealing the decision of the Board of Appeals. The petition requests the court to reverse the decision of the Board of Appeals. It also seeks an award of damages in the event that the City demolishes the building. The Longs did not as part of their appeal request the District Court enter an order prohibiting the City from demolishing the building until the court rules on their appeal. Staff recommends proceeding with the demolition because of the dangers posed by the building.

The City Engineer has prepared the plans and specifications for the demolition and site clearance. A copy is on file in the City Clerk's office. Bids will be solicited as follows:

Advertisement of Bids:	February 11, 2010 February 18, 2010
Bid Opening	February 22, 2010 10:00 a.m. City Council Chambers
Bid Award (tentative)	March 2, 2010
Start of Demolition	Approx. 30 days after bid

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE DEMOLITION OF THE LONG'S SERVICE STATION

WHEREAS, the Mayor and Council have determined that it is necessary to take bids for the demolition and site clearance of Long's Service Station; and

WHEREAS, the Board of Appeals directed that the City may demolish the building immediately; and

WHEREAS, Staff recommends proceeding with the demolition because of the dangers posed by the building

WHEREAS, the FY 09/10 General Fund budget provides funding for such demolition;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement for bids and the City Clerk is hereby authorized to advertise for the bids in accordance with the plans and specifications prepared by the City Engineer, and said sealed proposals are to be opened publicly at 10:00 a.m. February 22, 2010 at City Hall, 8116 Park View Blvd., La Vista, Nebraska 68128.

Advertise for Bids	February 11, 2010
Open Bids	February 18, 2010
Tentative Award Date	February 22, 2010
Start of Demolition	March 2, 2010
	Approximately 30 days after bid award

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY, 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk