Mr. Steve Andersen called the meeting to order at 1:30 p.m. The roll was called with seven members being present.

Mr. Hanes moved to approve the minutes for the February 4, 2016 meeting. Second by Mr. Deane.

AYES: Andersen, Bexten, Deane, Hanes, Palu, Reimer, Standerford

MOTION CARRIED: 7-0

Motion by Mr. Palu to nominate Mr. Steve Andersen as Vice-Chair. Second by Ms. Bexten.

AYES: Andersen, Bexten, Deane, Hanes, Palu, Reimer, Standerford

MOTION CARRIED: 7-0
Ms. Yvonne Barna, City of Omaha – Housing Inspector, recalled that this case was initiated as a result of a complaint being called in to the office regarding the roof falling in at 809 South 25 Street. Ms. Barna viewed the holes from the roof of the 11-Worth Café. A search warrant was then obtained. She and Mr. Jay Davis, Assistant Director – Permits & Inspections, entered the building and took photos of the collapsed roof. An emergency demolition order was then put in place to protect the neighboring building. Within the timeframe of obtaining bids for the demolition, Mr. Tony Caniglia Sr. purchased this property from Mr. Anthony Savich. Ms. Barna met with Mr. Caniglia Sr. and informed him that he needed to obtain a temporary restraining order if he wanted to repair the building instead of demolishing it. Ms. Barna stated to the Board that the City has a bid to tear down this building. The only way to prevent this contract for demolition is for Mr. Caniglia Sr. to obtain a temporary restraining order which has not been received at the present time.

Mr. Steve Andersen inquired if the date on the agenda January 21, 2015 is the correct date. Ms. Barna stated that is an error. The actual date of appeal should read January 21, 2016.

Mr. Kevin Denker summarized for the Board that Mr. Jay Davis stopped the emergency demolition order because the City had assurances from Mr. Caniglia Sr. that he was going to proceed with the demolition. This has not happened, and there is still a building sitting in a very hazardous condition. Mr. Denker reiterated that the only way to stop a demolition once the bids are let and the contract is accepted is by the order of a judge in the form of a temporary restraining order; otherwise the City proceeds. In this particular case, as opposed to going to court, Mr. Caniglia Sr. chose is to come to this Board. The City would like to see this appeal denied. If Mr. Caniglia Sr. would like to further restrain our action, he needs to pursue that in court.

Ms. Barna provided to the Board a copy of the packet given to the new property owner including a copy of the demolition order and a copy of the bids (Exhibit #3).

Mr. Tom Anderson, attorney for Mr. Caniglia Sr., addressed the Board and stated that he had represented Mr. Savich previously. Due to the demolition order back in November, Mr. Anderson stated he did go to District Court representing Mr. Savich and obtained a temporary restraining order to allow time for a structural engineer to assess the damaged building and that Mr. Caniglia Sr. was the logical buyer. Mr. Caniglia Sr. stated he closed on the property the end of December, 2015 and took position of it on January 1, 2016. Mr. Caniglia Jr. told the Board that they have cleaned up a lot of the debris in the parking lot since purchasing the property. As the building was cleaned out, the Caniglias could see that this property had a lot more potential than what was visible to the eye. Mr. Anderson supplied pictures to the Board (Exhibit #2) showing the condition of the property after clean-up which allowed contractors to go inside the building and get a vision of what it would take to either tear it down or to repair the roof. Mr. Anderson stated it is not a structural wall that is the problem. Mr. Anderson stated that Mr. Caniglia Sr. sees the potential to take the back part of the building down and possibly leave the remaining front of the building.
Mr. Anderson stated the Caniglias have cleaned up a tremendous amount of debris and want to explore their options. Mr. Anderson supplied the Board with bids for both demolition and bids to repair the building (Exhibit #4). The property obviously would be worth more repairing the building than demolishing it.

In summary, Mr. Anderson told the Board that when the notice first came to Mr. Caniglia Sr., Mr. Anderson went to Mr. Jay Davis stating he just went through the District Court for Mr. Savich and received a restraining order so Mr. Savich could sell it. Mr. Anderson told Mr. Davis that he could go back to the Court right now or would Mr. Davis agree to lay back for a while so the Caniglias could explore their options for the property, and Mr. Davis agreed.

Mr. Steven Anderson, Vice-Chairman, asked Mr. Caniglia Sr. if he has made any decisions or hired a contractor. Mr. Caniglia Sr. replied that he is contemplating fixing the damage instead of demolishing it.

Ms. Barna addressed the Board and stated that the City is not opposed to Mr. Caniglia Sr.’s plans or desires, but is requesting the proper legal road be taken which is a temporary restraining order to stop the City from demolishing the property. Ms. Barna also stated that she had a conversation with Mr. Davis today, and Mr. Davis stated the proper route should be going through District Court and not through this Property Maintenance Appeals Board.

Mr. Steve Anderson, Vice-Chair, asked Ms. Barna what action the City needs to stop this demolition order. Ms. Barna replied that the City requires a temporary restraining order to stop the demolition process. Mr. Kevin Denker stated that once the City has a signed demolition contract, the only way to stop it is to get an order from the judge. Mr. Denker also stated that the City is willing to work with Mr. Caniglia Sr. and will not fight the restraining order. The City has to be consistent in their procedures, and the way to proceed is through District Court.

Mr. Reimer made a motion to DENY this appeal. Second by Mr. Hanes.

AYES: Andersen, Bexten, Deane, Hanes, Palu, Reimer, Standerford

MOTION CARRIED - APEAL DENIED: 7-0
Case No. 16-05  
Elmer Lopez  
814 South 36th Street  
Omaha, NE 68105

LOCATION: 823 Park Avenue  

Mrs. Elmer (Anna) Lopez and Ms. Daisy Lopez appeared before the Board.

Ms. Yvonne Barna, City of Omaha – Housing Inspector, explained that the City received complaints on this duplex. Ms. Barna’s original inspection was in 2011 in which the exterior was written up. Mr. Lopez fixed the front roof façade in 2012. The City then received complaints about the inside. The City wrote up the inside. Mr. Lopez gutted one of the units. Ms. Barna wrote up the other side, 821 Park Avenue, due to safety issues. Ms. Barna stated that there has been no work done to this property since 2012. Mr. Lopez has contacted the City approximately once a year stating that he has had health problems. Mr. Lopez contacted Ms. Barna yesterday, March 2, 2016, stating that the 821 side is completed. Ms. Barna stated there has been no permits or inspections done on the 821 side. The 823 side had old permits that are expired which is the unit that is gutted. The appeal is regarding the completed gutted 823 unit. Ms. Barna stated that if Mr. Lopez desires to work on this unit and gets the appropriate permits, the City does not have a problem with this. Ms. Barna stated this has not been done in a timely manner.

Mr. Steve Andersen stated that he saw an electrical permit pulled for 823 Park Avenue on the Accela website. Ms. Barna stated that there was an error in the address and that the electrical contractor was going to get that address corrected which should have read 821 Park Avenue. Mr. Andersen asked the City what their recommendation was. Mr. Kevin Denker replied that the Board could hold this case over until the April 7, 2016 meeting which would give Mr. Lopez time to obtain the necessary permits and get the City a construction schedule.

Ms. Daisy Lopez stated the windows and some electrical have been done. She stated her father has had health issues and hasn’t been able to work until the last couple of months. She also stated that the family had run out of finances to do the repairs. Ms. Lopez stated that they have kept up the outside while her father has been unable to work inside, i.e. grass mowed and snow plowed.

In summary, Mr. Denker stated to the Board that the City would like to see a construction schedule in place from Mr. Lopez including the exterior and would request the Board layover this case until the April 7, 2016 meeting.

Motion by Mr. Deane to hold this case over until the April 7, 2016 meeting and to supply the City with a schedule of construction completion timeframe. Second by Mr. Reimer.

AYES: Andersen, Bexten, Deane, Hanes, Palu, Reimer, Standerford

MOTION CARRIED: 7-0
Case No. 16-06
Mark Mercer
511 South 11th Street
Omaha, NE 68102
LOCATION: 1102 Howard Street
REQUEST: Appeal Notice of Violation & Demolition order both dated January 12, 2016.

Mr. Mark Mercer, owner of 1102 Howard Street, along with Mr. Gary Bowen, Mr. Kip Squire, and Mr. Kevin Whetstone were in attendance.

Mr. Kevin Denker, City of Omaha – Housing Inspector, addressed the Board with a recommendation from Mr. Jay Davis, Assistant Director of Permits & Inspections. Mr. Denker notified the Board that Mr. Davis is recommending that the Board lay this case over for 90 days to allow Mr. Mercer and his team to submit a plan and drawings to restore this old building. Mr. Denker stated that the City wants to see this building restored.

Mr. Shawn Deane inquired if there was an order to demolish this building. Mr. Roger Carroll, City of Omaha – Housing Inspector, stated that he had sent a notice dated January 12, 2016 to demolish this structure by February 12, 2016. Mr. Carroll stated standard procedure is to send a 30-day notice after a catastrophic fire which is what he did. Mr. Carroll did a follow-up inspection on February 23, 2016 and provided pictures to the Board.

Mr. Deane inquired if there was a contract in place for demolition. Mr. Denker replied that there is not a contract for demolition because Mr. Mercer filed an appeal. Mr. Denker further reiterated that the last thing the City wants to do is tear this building down. Mr. Denker stated that the City wants this structure rebuilt in a timely manner as it is in the Historic Old Market area.

Mr. Denker stated that generally the City gives a 30-day notice for submittal of new plans for rebuilding but in this case due to the extent of damage and to restore this building to its historic look and feel, Mr. Davis is suggesting 90 days to get the plans submitted and permits applied for. Mr. Carroll stated that Mr. Kip Squire, a nationally-known expert in this type of fire damage, has assured the City that this building is safe to stand for 90 days before rebuilding begins.

Mr. Mark Mercer addressed the Board and stated his desire is to rebuild this structure. Mr. Kip Squire with TD2 stated that he prepared documents for bracing the walls two weeks ago and that Lund Ross is looking at the plans presently. Mr. Squire said that he will be meeting with them next week to get the game plan started.

Mr. Gary Bowen with BVH Architects addressed the Board and stated that his firm brought in a structural engineer from Chicago, Mr. Stephen J Kelley, who assessed that the building could be restored without demolition; especially the north wall of the building. Mr. Bowen summarized that the south half of the building is in much better condition than the north half. The first, second, and third floors are intact. The roof is gone. The north half is gone except for the exterior walls. There are remnants of the second and third floor in place which are helping to stabilize the north wall. Mr. Bowen stated that the assessment was that the north wall would not collapse and could be salvaged and restored. Mr. Bowen told the Board that the plan is to have a meeting with everyone involved regarding cost estimates and a time schedule. Mr. Bowen anticipates three to four weeks to fabricate the braces and struts that will be used to brace and stabilize the wall. It will take three to four weeks after that before installation. After that process, the next step will be removing the debris and then looking at putting the building back together.
Mr. Hanes stated that the area should be safe for residents and tourists walking around the area and that the restoration should be done as quickly and safely as possible.

Mr. Denker stated a fence has been erected and remains erected around the building and collapse zone of the building for both security and safety reasons.

Motion by Mr. Reimer to approve a layover of this case until the June 2, 2016 meeting. Second by Mr. Deane.

AYES: Andersen, Bexten, Deane, Hanes, Palu, Reimer, Standerford

MOTION CARRIED: 7-0
DISCUSSION:

Mr. Denker clarified the difference between the emergency demolition order versus the regular demolition order. The difference is that the emergency demolition has a contracted bid submitted.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 2:50 p.m.