MINUTES
PROPERTY MAINTENANCE APPEALS BOARD
1:30 P.M., July 7, 2016
3rd Floor – Jesse Lowe Conference Room
Omaha Civic Center - 1819 Farnam Street

MEMBERS PRESENT: Jim Lang, Chairman
Steve Andersen – Vice-Chair
Karen Bexten
William Hanes
Jay Palu
Gerald Reimer
Jerry Standerford

MEMBERS NOT PRESENT: Shawn Deane

OTHERS PRESENT: Jay Davis, Assistant Director – Permits & Inspections
Kevin Denker – Chief Housing Inspector
Todd Shearer – Housing Inspector
Jennifer Taylor, City Law
Clinette Ingram, Board Secretary

Mr. Lang called the meeting to order at 1:33 p.m. The roll was called with seven members being present.

Ms. Bexten moved to approve the minutes for the June 2, 2016 meeting. Second by Mr. Reimer.

AYES: Bexten, Hanes, Palu, Reimer, Standerford, Lang

ABSTAIN: Andersen

MOTION CARRIED: 6-0-1
CASES:

(Case 16-07 through 16-09 were heard together)

Case No. 16-07 (from 4/7/16)  
LOCATION: 10909 M Street  
REQUEST: Appeal Notice of Violation dated February 9, 2016 (Wreck).

Omaha Hotel Holdings LLC  
10909 M Street  
Omaha, NE 68137

Case No. 16-08 (from 4/7/16)  
LOCATION: 10909 M Street  
REQUEST: Appeal Order to Vacate dated February 9, 2016 (Building, Electrical, Plumbing, Mechanical).

Omaha Hotel Holdings LLC  
10909 M Street  
Omaha, NE 68137

Case No. 16-09 (from 4/7/16)  
LOCATION: 10909 M Street  
REQUEST: Appeal Notice of Violation dated February 9, 2016 (Building, Electrical, Plumbing, Mechanical).

Omaha Hotel Holdings LLC  
10909 M Street  
Omaha, NE 68137

At the Property Maintenance Appeals Board meeting held on July 7, 2016, Douglas E. Quinn, Larry Williams and Sylvia Herrera appeared before the Board. Kevin Denker (Chief Housing Inspector) and Todd Shearer (Housing Inspector) appeared on behalf of the City.

Mr. Shearer stated that the property was supposed to have been sold but he found no record of the sale. He stated that he did not have any new complaints on the property and that it was vacant, with the exception of a staff member that stays at the property during the day. No repairs had been made.

Mr. Quinn stated that that there had been a foreclosure sale; however, the owner, Windsor Business Solutions Limited, had not filed the trustee’s deed. The owner entered into a written contract with SCC Accommodator whose intent was the repurpose the building into an assisted living facility. He added that the once the deed had been filed, the owner would begin repairs. He stated that additional time was needed to complete everything that needed to be done. In response to Mr. Lang, Mr. Quinn stated that the deed would be recorded as soon as possible. Ms. Herrera testified that there was 24-hour security at the property. Mr. Quinn felt that an additional 90 days would be enough time to have the title secured, the deed recorded and an application for a building permit submitted to the City.

Mr. Williams discussed plans to clear the violations and obtain the title for the building. He also inquired about licensing requirements.

In response to Mr. Reimer’s inquiry about the pool that was to be demolished, Mr. Williams stated that he was interested in keeping the pool for aquatic activities for the residents. There was also some discussion about the zoning of the property and whether a senior living facility was allowed.

Mr. Reimer stated that he preferred that the board knew in 30 days whether the deed had been recorded instead of 90 days as requested by Mr. Quinn. Ms. Taylor suggested that the board give the applicant 90 days with the condition that the deed be recorded within 90 days.

Mr. Lang disclosed that he did some work on the property approximately 4 – 5 years ago. He stated that he did not represent the current owner. Ms. Taylor determined that there would be no conflict and that Mr. Lang would be able to vote on the case.
Mr. Reimer moved to LAYOVER for 90 days subject to the deed being recorded within 30 days.

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

MOTION CARRIED: 7-0
At the Property Maintenance Appeals Board meeting held on July 7, 2016, Vincent Muniz, Sr. appeared before the Board. Kevin Denker (Chief Housing Inspector) and Todd Shearer (Housing Inspector) appeared on behalf of the City.

Mr. Shearer stated that large amounts of dirt had been removed from the property which created dirt walls that did not meet the City’s slope requirements. A notice was sent to the applicant for the missing dirt and damaged sidewalks. He mentioned that dirt had slowly been added to the hole but much more needs to be added. He indicated on pictures of the site that the dirt line of the adjacent barber shop was visible due to the lack of dirt.

Jay Davis, Assistant Director-Permits & Inspections, stated that Permits & Inspections was concerned about the exposed foundation on the building to the east and the alley to the south that was on the edge of the excavated site. The City recommended that the applicant install a retaining wall. Mr. Davis stated that the existing conditions created a hazardous situation.

Mr. Muniz stated that he had been actively trying to secure filler to meet the City’s slope requirements. He indicated that he had been contacting a number of excavating companies but he was told that he was not a priority. He felt that he was also hindered by the weather, limited financial resources and because he is the only person working on the issue. He requested additional time to fill the lots.

In response to the Board, Mr. Muniz stated that he has owned the properties for approximately 15 years. He intended to sale the properties. He explained that the dirt was given to someone who needed it. He also indicated that the adjacent property owners bought the building with the footings exposed.

Mr. Reimer stated that it seemed that the applicant had good intentions but that there were no action steps with defined dates to show when the problems would be remedied. Mr. Muniz felt that he could complete the project by the end of August or the beginning of September. Mr. Andersen noted that in the applicant’s appeal application, he asked for a 24 month extension to complete the project. He also noted that it appeared that nothing has changed with the site within the last year. The board felt that the whole site could be filled within 30 days if that is what the applicant wanted but Mr. Muniz would not positively confirm that it would be done. Mr. Reimer stated that public safety should not be put at risk.

Mr. Anderson moved to DENY the request. Mr. Reimer seconded the motion.

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

MOTION CARRIED: 7-0
At the Property Maintenance Appeals Board meeting held on July 7, 2016, Martin Gonzalez appeared before the Board. Kevin Denker (Chief Housing Inspector) and Todd Shearer (Housing Inspector) appeared on behalf of the City.

Mr. Shearer stated that the property was a home that had been converted into a 4-plex. He explained that there were issues with the plumbing and electrical. He recalled that the applicant had previously appeared before the board about the exterior of the property. There was an electrical permit pulled with a rough-in inspection. A plumbing permit had also been pulled but there were no inspections on it. The property was vacant because of all the work that needed to be done on the plumbing system. Mr. Shearer stated that he had inspected the property with Mr. Gonzalez approximately 4 weeks prior. No plumbing repairs had been made at that time.

Mr. Gonzales stated that the plumbing was being worked on and an electrical contractor was scheduled to appear later in the week. He explained that he was having problems with the electrical contractor completing the work in a timely manner.

Mr. Denker stated that the applicant had taken out permits and was progressing slowly. He was in support of giving Mr. Gonzalez more time up to 6 months. Mr. Davis was in agreement, noting the extensive nature of the plumbing repairs.

Mr. Reimer moved to GRANT a 6-month extension. Mr. Palu seconded the motion.

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

MOTION CARRIED: 7-0

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 2:31 p.m.