Mr. Steven Andersen called the meeting to order at 1:30 p.m.

I. Roll Call

Steven Andersen  
Kim Cowman  
Joseph Dore  
Jeffrey Ehler  
James Lang, Chair  
Jay Palu  
Gerald Reimer  
Jerry Standerford

Others Present:  
Scott Lane, Chief Housing Inspector  
Anna Bespoyasny, Acting Superintendent of Permits and Inspections Division  
Mike Wilwerding, Chief Building Inspector  
Jennifer Taylor, City Law  
Steve Andersen, Housing Inspector  
Jesus Perez, Plans Examiner  
Kevin Mulcahy, Housing Inspector  
Mike Champion, Housing Inspector  
Autumn Drickey, Board Secretary

II. Approval of Minutes: Approval of December 6, 2018 minutes.

This took place after Case 18-03.

Motion by Mr. Joseph Dore to approve the December 6, 2018 minutes. Second by Mr. Jeffrey Ehler.

AYES: Andersen, Dore, Ehler, Palu, Reimer, Standerford
ABSTAIN: Cowman

Motion carried: 6-0-1, Approved
At the Property Maintenance Appeals Board meeting held on February 7, 2019, Chet Poehling and Aaron Vetter appeared before the Board in regards to the request at the above address. Steve Andersen appeared on behalf of the City.

Mr. Andersen summarized the previous appearances before the Board.

Mr. S. Andersen, Housing Inspector, summarized the location and stated that there have been no noticeable changes.

Ms. Jennifer Taylor arrived.

Mr. S. Andersen stated that the sides have become a dumping ground, but was quickly addressed by parties. He stated that there was a frozen pipe issue that is being addressed. He stated it has been kept secure. Mr. Andersen asked if the property is kept clean or only if issues are brought to their attention. Mr. S. Andersen stated that he wished it would be more proactive as he is only out so often. Mr. Gerald Reimer stated he drives by on the north side daily, and that they appear to react when lights go out, once they’ve all gone out. He asked if there is anyone in charge of property management. Mr. Poehling stated that the lease holder, Main Street Partners LLC, would be in charge of any issues with upkeep. Mr. Reimer asked who steps in if things are not addressed. Mr. Poehling stated that in the event that the tenant did not comply that the foundation would step in upon receipt of a formal violation. Mr. Reimer clarified that this is a formal violation. Mr. Vetter stated that Main Street has a security company patrolling the property, he believes. Mr. Reimer stated that it looks like no one takes care of the property on his daily drive by. There is discussion about the receipt of formal violations. Mr. Vetter stated they are looking for a six month layover while they are in litigation with the previous owner over cost. Mr. Reimer asked who will ultimately be in charge of addressing issues. Mr. Poehling stated they were waiting for a formal notice of violation, which he is understanding they are receiving now.

Ms. Kim Cowman asked for clarification if the request is denied. Mr. S. Andersen clarified the process. Mr. Reimer stated the last time they appeared before the Board, the responsibility of the property was handed off. He stated the Board gave a layover based on conditions, but the conditions are being kept on a reactionary basis instead of a proactive basis. Mr. Poehling stated that they will do what they need to do to ensure that those who lease the property are doing what they need to be kept in compliance. Mr. Jerry Standerford stated it is more than just the compliance, but also, the issues that have been kept up. Mr. Reimer stated that there’s a level of degradation that is taking place because the issues that were written up aren’t even being addressed, they are only addressing security at this point. Mr. Poehling asked for a list of violations. Mr. Scott Lane provided a copy of the violations to Mr. Poehling. Mr. Jay Palu asked for clarification of the ownership and lease holders. He asked if the goal is to unload the property. Mr. Poehling explained the history of the property and how it came into the foundation’s possession. Mr. Vetter stated it is part of the Crossroads development. Mr. Reimer stated it is not a current city project. He stated what he hears is that nothing will happen until a time that it is a city project.

Motion by Mr. Reimer to deny the request. Second by Mr. Palu.

AYES: Andersen, Cowman, Dore, Ehler, Palu, Reimer, Standerford

Motion approved: 7-0, denied
Mr. Palu explained the next steps. Mr. Reimer explained how things are typically handled for this Board.
At the Property Maintenance Appeals Board meeting on February 7, 2019, Gerardo Aguayo Barrientos appeared before the Board in regards to the request at the above address. Steve Andersen appeared on behalf of the City.

Mr. S. Andersen summarized the case file. He stated there was a fire in early April 2018, and the previous owner sold it. He explained the new owner purchased the property at the end of May 2018 and has gone through the extensions allowed within the office. He explained upon purchase there was still debris present and it was not secured. He explained it has been cleaned and kept mostly secure, with a recent building permit taken out. He stated the major issue has been funding according to the owner. He explained the work that has been done, stating it is a complete rehab. He stated the owner told him if funding doesn’t come through they may sell it. His recommendation is a ninety day layover.

Mr. Andersen asked about the demo order. Mr. S. Andersen clarified.

Mr. Jesus Perez stated he would be interpreting for Mr. Gerardo Barrientos. Mr. Barrientos stated that he wants to get a loan to fix the property or sell the property, but wants to resolve it so there are no more issues. Mr. Andersen asked where he is at in the process of getting a loan. Mr. Barrientos stated that he was told to talk to Habitat for Humanity and that is where he is going to go after the meeting today. He stated he wasn’t aware of the notices prior to purchasing the property. Mr. Perez stated in conversations that Mr. Barrientos before this meeting, he stated was told something different from the previous owner in regards to violations and permits. Mr. Reimer wanted to know if a layover or an extension is something that Mr. Barrientos is looking for, after explaining the difference. He took this opportunity to educate him on the process for this Board. Mr. Barrientos asked how much time would be allowed. Mr. Reimer explained the differences in time and if it is a layover or extension how that plays a role in the determination. He asked what would be an amount of time that he would be able to show that an action has taken place. Mr. Barrientos stated he would like ninety days, he has the materials, he wants to go to Habitat for a loan, if that doesn’t work, go to different banks. Mr. Reimer stated that sounds reasonable and actionable. He explained that work would need to take place and communication with the inspector is important. Mr. Reimer proposed a ninety day layover on the condition that the building is kept clean, secure, has communication with banks, communication with Habitat, and comes back and demonstrates that those things have taken place, the Board will work with him. He asked if that is something Mr. Barrientos is comfortable with. Mr. Barrientos asked what would happen if they decided to sell it. Mr. Reimer stated that would be an actionable step.

Mr. Standerford asked if the intention is to live at the property. Mr. Barrientos stated it was purchased the property with the intention to live there. Mr. Standerford asked about permits. Mr. S. Andersen explained the permits. Mr. Standerford wanted to be clear that Mr. Barrientos would pull permits.

Motion by Mr. Reimer to grant a ninety (90) day layover with the stipulation that the property is kept clean, secure, and steps are taken to secure financing to move construction forward or steps are taken to sell the property. Second by Mr. Dore.

AYES: Andersen, Cowman, Dore, Ehler, Palu, Reimer, Standerford

Motion approved: 7-0, Approved for ninety (90) day layover
At the Property Maintenance Appeals Board meeting held on February 7, 2019, Robert Sherats, Thomas Jizba, James Schneider, and Kay Anderson appeared before the Board in regards to the request at the above address. Kevin Mulcahy appeared on behalf of the City.

Mr. Mulcahy explained the case, that he wasn’t sure what the applicant was requesting on the application. He stated he has seen minimal progress, mostly cleaning and vacant, but property has been kept vacant and secured and the snow has been shoveled. He stated as of today they have an electrical permit pulled for the property. He recommended a denial because the request for appeal is unclear.

Mr. Sherats stated that they requested this be held over to the March 7th meeting last week because of conflicts on their side due to court dates. He stated the City of Omaha holds the burden of proof to show that the violations exist. He proposed going through unit by unit, building by building to identify what is wrong with the apartments. Mr. Reimer stated that it sounds like they are looking at it from a point of law.

Mr. Sherats stated that he was involved in the creation of this Board. He stated there are procedural defects that the Board is responsible for. Mr. Reimer asked if they intend to make improvements on the property. Mr. Anderson stated absolutely. Mr. Reimer asked if they wanted to work with the Board to make improvements to the property. Mr. Anderson stated that with a reasonable amount of time, yes. Mr. Andersen asked what has taken place in the five months since the original violation notices. Mr. Anderson stated he has only been given thirty day increments to complete all violations. Mr. Reimer empathized, and explained the process for the Board and how applicants determine milestones to verify, he asked if that is what they are requesting. Mr. Sherats stated they are firstly raising procedural defects if the Board is willing to listen. He stated the second issue is that there is a deep concern that the City is wanting to demolish the buildings. He stated they have proposed a plan to complete it in Phases to the City, but there were not attempts to meet Mr. Anderson in the middle.

Mr. Reimer asked how the Board should address this request. Mr. Sherats stated that the major problem is that the City has gone in illegally and issued improper notices and violations. Mr. Andersen asked if they are requesting the Board to just dismiss everything. Mr. Sherats stated that the City’s response isn’t enough and there has not been adequate time for the Board to make a determination or build a case. Mr. Reimer stated that there are packets sent prior to the meeting. There is discussion about the packets and evidence provided.

Mr. Reimer asked if he wants to work in a constructive manner to complete the project and protect his work. He asked if a plan could be presented. Mr. Anderson stated that he intends to fix them appropriately, but he believes he shouldn’t be here because there were procedural issues. Mr. Reimer stated that the Board can save them attorney fees by having him bring a plan to complete to the Board. Mr. Anderson stated that he would request sixty days to complete two buildings and get them cleared one at a time.

Mr. Reimer restated that the property has been secured, the snow has been removed, and it has been kept clean, which shows good intent. Mr. Andersen asked about pictures that shows electrical panels without panel covers, and if they are in the units or in a secured maintenance room. Mr. Anderson stated that there is only one that was missing. Mr. Andersen asked about the way he described the tenants moving in and if he is stating that the tenants create the issues in the pictures. Mr. Anderson stated the tenants are there sometimes over five years and that they will do a better job of inspecting the units. Mr. Andersen asked about the gas leaks. Mr. Anderson stated MUD has turned them on. Mr. Andersen asked if they are saying that MUD is wrong. Mr. Sherats clarified about the specific issues have been addressed, he explained in detail. Mr. Anderson stated he was told all his piping is good by MUD.
Mr. Reimer explained his tenure for how to proceed. He asked the City about the comment that the City wants to demolish the building. Mr. Lane stated it was never the intent of the City to demolish the building. Mr. Reimer asked if the City wants the property to be rehabilitated and functioning. Mr. Lane confirmed. Mr. Reimer summarized what to do going forward.

Mr. Anderson stated he would request sixty days to complete buildings A and B, totally 14 units. Mr. Reimer restated buildings A and B would be done in sixty days. He asked if Mr. Anderson would be willing to have inspectors come in and inspect the quality of the work. Mr. Anderson confirmed. Mr. Andersen asked what type of work has been done. Mr. Anderson stated that it has primarily been carpentry work and an electrical permit. Mr. Palu asked about the scope of work for fire alarm and fire sprinklers. Mr. Anderson explained what was previously in and what they need to do. Mr. Palu asked if he was bringing it up to current code. Mr. Anderson stated no, but he is installing smoke alarms. Mr. Palu asked if there is a Certificate of Occupancy. Mr. Mulcahy stated there is no Certificate of Occupancy required on a residential dwelling. There is discussion about the type of dwelling. Mr. Reimer asked about permits and inspections that would be required. He stated that while there is not a formal Certificate of Occupancy, there are checks and balances in place because of the danger closed.

Mr. Reimer asked about the potential of a layover. He explained that process to the applicants. Mr. Mulcahy stated he would support a sixty day layover. Mr. Lane concurred. Mr. Anderson stated he appreciates that but a council person stated he wanted the property torn down. Mr. Reimer explained the way to move forward in order to benefit the community. Mr. Anderson asked when that would take place. Mr. Reimer explained the steps. Mr. Andersen asked about the procedure. Mr. Anderson explained it is advantageous to keep his property.

Mr. Palu asked for clarification of zoning/classification. Mr. Anderson stated that according to the Omaha Municipal Code that many are townhomes. Mr. Mike Wilwerding stated some could be considered multi-residence. There is discussion about the buildings. Mr. Reimer explained the differences in standards based on the building type. Mr. Andersen asked about updating the electrical. Mr. Standerford asked of the one hundred units, how many are considered townhomes. Mr. Anderson stated approximately eighty-seven. Mr. Reimer asked that within the layover period they work with the City to determine which buildings are townhomes and which are apartments so everyone can be on the same page. There is discussion about the differences. Mr. Jizba, Atlas Engineering, explained the buildings. Mr. Reimer explained that it sounds like a commercial building so the standard changes. He reiterated that both parties need to agree on the definitions, codes, and rules to be followed.

Mr. Standerford asked which buildings are apartments. Mr. Anderson stated buildings C, D, L, and M. Mr. Standerford stated he would entertain a thirty day layover with a definite plan and the definitions. He stated this does not stop him from working on the first two buildings. Mr. Anderson stated he doesn’t think thirty days is enough. Mr. Sherats clarified the Board’s suggestion. Mr. Standerford stated he would want to hear definitive answers on what the plan would be in thirty days so then they can move forward. Mr. Reimer reiterated that the offer is to have time to prepare a plan and get clarification or just do the two buildings. Mr. Anderson stated he doesn’t see a difference between the two. Mr. Reimer asked if he was given a thirty day layover to define things, would he start work on the first two buildings. Mr. Andersen stated that Mr. Anderson would need to work with the Permits and Inspections Division to identify what needs to be corrected. There is discussion about the construction going forward.

Mr. Reimer asked if he feels like he can work with the Board. Mr. Anderson confirmed.

Motion by Mr. Standerford to grant a layover for thirty days to allow time for a timeline for the entire project, with the phases to be completed. Second by Mr. Reimer.

AYES: Andersen, Cowman, Dore, Ehler, Palu, Reimer, Standerford

Motion approved: 7-0, Approved for thirty (30) day layover
At the Property Maintenance Appeals Board meeting held on February 7, 2019, Brian King and Scott Schneider appeared before the Board in regards to the above address. Mike Champion on behalf of the City.

Mr. Champion explained the history of the property. He stated that the project was now being worked on now that there is a new owner. He detailed the work that has taken place. He explained the permits that were pulled and approved. He stated pictures were presented for the interior prior to this meeting. Mr. King presented those pictures as Exhibit 2. He stated his recommendation for a six month extension.

Mr. King stated that they will be completed in six months. Mr. Schneider explained that the weather is preventing from completing. Mr. Reimer asked about the difference between the layover and the extension and which they would prefer. Mr. King stated a layover would be better.

Mr. Standerford asked about the permits. There is discussion about the work that’s been done. Mr. Standerford asked about who can pull the permit. Mr. Wilwerding stated it would need to be a licensed contractor, Class B licensed. There is discussion about the permits and who can pull those permits. Mr. King stated that the studs were already there, they are just adding insulations. Mr. Palu stated that an extension might be the best. Mr. Wilwerding stated that Mr. Gary Grobeck would be the Building Inspector that could help them. Mr. Standerford asked if a Certificate of Occupancy would need to be issued. Mr. Wilwerding confirmed.

Motion by Mr. Palu to grant a six month extension. Second by Ms. Cowman

AYES: Andersen, Cowman, Dore, Ehler, Palu, Reimer, Standerford

Motion approved: 7-0, Approved for six (6) month extension

IV. Adjournment

Motion by Mr. Ehler to adjourn. Second by Mr. Dore.

AYES: Andersen, Cowman, Dore, Ehler, Palu, Reimer, Standerford

Motion approved: 7-0, Adjourned at 2:55 p.m.