MINUTES
PROPERTY MAINTENANCE APPEALS BOARD
Thursday, March 7, 2019 at 1:30 p.m.
Omaha/Douglas Civic Center – 1819 Farnam
Third Floor – Jesse Lowe Conference Room

Board Members:
Steven Andersen, Vice-Chair
Kim Cowman
Joseph Dore
Jeffrey Ehler
James Lang, Chair
Jay Palu
Gerald Reimer
Jerry Standerford

Certification of Publication: Board Secretary certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Thursday, February 28, 2019.

Mr. James Lang called the meeting to order at 1:30 p.m.

I. Roll Call

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

Others Present:
Scott Lane, Chief Housing Inspector
Mike Wilwerding, Chief Building Inspector
Jim Wonder, Chief Plumbing Inspector
Tom Phipps, Chief Mechanical Inspector
Don Gerjevic, Chief Electrical Inspector
Anna Bespoyasny, Acting Superintendent of Permits and Inspections
Jennifer Taylor, City Law
Autumn Drickey, Board Secretary
Jesus Perez, Plans Examiner
Wade Pease, Housing Inspector
Dillon Shearer, Housing Inspector
Joe Wendell, Electrical Inspector
Todd Shearer, Housing Inspector

II. Approval of Minutes: Approval of February 7, 2019 minutes.

Motion by Mr. Steve Andersen to approve the minutes from the February 7, 2019 meeting. Second by Mr. Jeffrey Ehler.

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

Motion carried: 7-0-1, Approved
III. Cases

<table>
<thead>
<tr>
<th>17-51 <em>Layover from 6/1/17, 12/7/17, and 6/7/18</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian Gray</td>
</tr>
<tr>
<td>Incommon Properties, LLC</td>
</tr>
<tr>
<td>1340 Park Ave</td>
</tr>
<tr>
<td>Omaha, NE 68105</td>
</tr>
<tr>
<td>LOCATION:</td>
</tr>
<tr>
<td>APPEAL:</td>
</tr>
<tr>
<td>1040 S 29 St</td>
</tr>
<tr>
<td>Notice dated 6/27/16</td>
</tr>
</tbody>
</table>

At the Property Maintenance Appeals Board meeting held on March 7, 2019, Michael Peter, Neeraj Agawal, and Christian Gray appeared before the Board in regards to the request at the above address. Wade Pease appeared on behalf of the City.

Mr. Pease summarized the case’s history for the Board. He stated there has been no progress due to funding issues. He recommended a denial on the request. He stated the property has been secured, there is no sanitation issue present and the exterior is kept clean, but there is no progress on renovations including no permits.

Mr. Peter summarized what happened the last time they were present. He submitted Exhibit 2 to show the program that they are involved in that while it guarantees funding, it does not guarantee timing. He explained the funding process and how they have been on the list the longest. He explained the tax credits and how they have to submit the property as is without any changes once ownership takes place. He stated that they have made a priority to keep the property safe and secure. He stated that the next round of funding is in December, so they would request a layover to January 2020. He stated they have been in touch with their councilman who supported the request to layover the request.

Mr. Andersen asked about the communication that is referenced according to the councilman’s letter. Mr. Pease stated that he has not been getting much communication. He explained that they had a discussion prior to the meeting today about expectations if a layover were granted. Mr. Gray stated that there has not been as much communication with Mr. Pease as with the previous inspector. There is discussion about the adjacent property that is tied to this for funding purposes. Mr. Andersen asked if they would be willing to have inspectors out to the adjacent property to inspect the occupied units for how the properties are maintained.

Motion by Mr. Andersen to approve a thirty (30) day layover with stipulation that they get in touch with Code Enforcement Inspectors to inspect all occupied units. There was no second.

Mr. Peter stated that it would be a large investment for Code Inspections to come and inspect all units as there are 64 units that are occupied. Mr. Peter asks about the precedent. Mr. Reimer asked about clarification on the units that need to be updated and the specifics of the project. He poses the question about what this Board does when applicants appear requesting a layover due to funding when nothing is being done and what the standard is when it comes to for-profit landlords and non-profit landlords. Mr. Peter responded that this is a difficult question to answer. Mr. Reimer reiterates the comparison between non-profit requests and for-profit requests. Mr. Gray answered and reiterated that he would advocate for a layover for their situation because of the situation and circumstances at this property. He reiterated that their request for funding is a valid request, but they must wait for the timing. Mr. Peter explained the purpose of this non-profit and the time that is involved in obtaining funds. Mr. Agawal explained the projects they have worked on and the time went into getting funding. He stated that with CRANE it is a “when,” not an “if” issue. He stated they have their boxes checked, but funding ran out until December 2019. Mr. Jay Palu stated that with the current motion to reappear in thirty days they will not have more information as it pertains to CRANE. He stated the City could inspect the separate building based on existing procedures, but he will not have more information until December. Mr. Andersen stated the amount of time weighs comes into play.

Mr. Peter stated that then the Board is dictating what gets affordable housing and what does not. He stated then their only other opportunity is to tear it down and build something that can go for market rate. Mr.
Gray detailed the request and the property in more detail. He stated that they need the partnership with the Board in order to get the affordable housing that the citizens of Omaha want at these properties. Mr. Palu explained his experience with CRANE. Mr. Andersen stated that this has not crossed his mind until some recent events. He asked how they can manage their properties while needing to maintain what they need to for the grant. He asked what the next step would be, to deny or to lay it over. Mr. Pease stated that in the time he has been in his new area, he has not been to their other property due to a complaint.

Mr. Reimer stated that a concern, now that a councilman has been involved, is what happens if a complaint comes in later on one of the occupied units. Mr. Peter stated he does not believe that that would be an issue. Mr. Reimer stated that if they were to volunteer to have their units inspected it would give the Board more piece of mind. Mr. Gray asked if the funding request were separate would the same request for volunteering be made. He asked how long the Board would be willing to sit on a CRANE project and what is the time limit if the owners are maintaining the property. Mr. Andersen stated that it has nothing to do with it. He stated that this is a recent issue that brought it to mind.

Mr. Reimer asked about crimes the last year and a half. Mr. Gray stated there have not been any incidents as asked. Mr. Peter asked what that has to do with the property condition. Mr. Reimer stated that they would be demonstrating public safety through having quality buildings. Mr. Peter asked City Law about exceptions in the code as it pertains to affordable housing. Mr. Palu stated that he wants to be clear that the Board is not against affordable housing. He explained there could be a precedent set. Mr. Reimer stated the precedent could be to volunteer to get their units inspected. Ms. Kim Cowman stated she agrees with Mr. Palu because it opens it up to buildings that are unrelated to the complaint instead of looking at buildings of concern. Mr. Reimer stated that is what the City is going to do based on one incident at one property.

Mr. Gray stated that they are not in a position or their vision to move this year after year, if funding does not happen in December they will have a Plan B. He reiterated his request for more time to see if they get their funding allocated. Mr. Peter stated that Plan B could be to do market rate housing, but they want to provide affordable housing in that community. Mr. Palu stated that he understands the need for affordable housing, that they are in this extensive CRANE process that is tied to other funding, and weighs heavily that the inspector has no other issues with any other properties. He stated that this does not fall into the “frequent flier” category that appear before the Board. Mr. Andersen asked how long they have been involved in this funding process. Mr. Peter stated they have always been involved in this funding process. Mr. Reimer stated he would suggest making a motion that respects the Board’s historical six month layover. Mr. Andersen stated that he would not object to next January. Mr. Peter asked if they could have regular, monthly communication with the inspector could they have a longer layover. Mr. Palu stated that he would be open to that and that it would be a different type of request.

Mr. Standerford proposed an issue where if a for-profit company makes this request versus a non-profit making the same request. There is discussion about this issue and how it impacts their decisions and the standard applicants are held to. Mr. Pease stated that he would ask that if there is a six month layover that there is a Plan B presented in case funding is not approved.

Motion by Ms. Cowman to approve a six month layover with stipulation that it is kept clean and maintained and a Plan B is presented for if funding does not come through. Second by Mr. Palu.

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

Motion carried: 7-1, Approved with stipulation that it is kept clean and maintained and a Plan B is presented for if funding does not come through.
At the Property Maintenance Appeals Board meeting held on March 7, 2019, Kay Anderson, Mr. Sherrets appeared before the Board in regards to the request at the above address. Dillon Shearer appeared on behalf of the City.

Mr. Anderson stated that they are low income housing and they would like an extension. Mr. Shearer summarized the case’s history for the Board. He stated there has been minor repairs work done. He stated that they have met with the applicant this week about a plan for Buildings A and B. He stated they recommend a sixty day layover to see how far they get on Buildings A and B and go from there.

Mr. Anderson stated that he takes exception with the fact that only minor repairs have been done as Building B is nearly completed, the paint and repairs have been done. Mr. Shearer stated that painting is minor work, electrical would be major work. Mr. Anderson stated that they will have the power back on shortly, he does not think there will be more than $1,000 in electrical work. Mr. Andersen asked about specifics of the electrical work. Mr. Lane stated that a plan was submitted to the City on February 28, 2019, and there was a meeting that took place March 5, 2019, that involved all the chiefs of the trades so all questions and concerns about permitting could be answered. He summarized the plan that the City accepted that Buildings A and B will be completed in the next sixty days. He stated that the City was there to support them. He explained that Tom Phipps was unable to attend the meeting, but reached out and is present today. He stated that the City completed their homework to determine the classification of the buildings and that they will be considered “existing non-conforming” apartments. He stated they will be permitted per building instead of unit. Mr. Andersen asked if the mold was taken care of. Mr. Shearer stated that while he is not a mold inspector, the surface mold and filth has been taken care of.

Mr. Reimer asked if Mr. Anderson feels as if the City is working with him in a respectful manner. Mr. Anderson stated that he thinks that they can work with a sixty day layover he can get those two buildings taken care of an even occupied. Mr. Reimer stated that in the spirit of the layover, the shorter periods would allow for more frequent check-ins with the Board. He explained the benefit of having thirty day check-ins. Mr. Anderson stated that he would prefer a sixty day layover with two buildings being complete. Mr. Reimer asked if he would allow the City to come inspect the buildings with a smile. Mr. Anderson stated he would let them inspect the buildings. Mr. Andersen asked about the electrical and if the City was going to require GFCI-protection in the kitchen and bathrooms for life safety reasons. Mr. Don Gerjevic explained what the code requirements would be as it pertains to the question. He stated that he would suggest making that upgrade, but that it cannot be mandated. Mr. Andersen asked about the need for the Certificate of Occupancy and the lengths that should be gone to for the safety of the future tenants. Mr. Gerjevic explained what the requirement for a daycare Certificate of Occupancy would be. Mr. Mike Wilwerding elaborated on Mr. Gerjevic’s point and explained that this is not a change of use. Mr. Andersen asked if $100 per unit to make the change, is it not worth the expense. Mr. Gerjevic stated he understands that but reiterated the code.

Mr. Reimer explained the additional costs that would be involved because of the classification as an apartment that falls under a commercial code that does not apply to townhomes. He asked if Mr. Anderson understood the implicit agreement that classifying it as an apartment adds to cost. Mr. Anderson stated that the City told him the cost would not impact him. Mr. Wilwerding clarified what was said at that meeting, that the cost to move to a townhome would be more because of those certain requirements. Mr. Reimer stated he understands that this was always an apartment. Mr. Anderson stated he thinks he might have the qualification of a townhome, specifically the air gap. Mr. Reimer stated it is important to build trust and meet more frequently. Mr. Andersen stated that’s why he suggested having more communication with the department. Mr. Reimer asked for clarification on how Mr. Anderson will feel when he is told he needs to
make updates. Mr. Anderson stated he was told by Mr. Wonder that he would not need to update under the sinks. Mr. Andersen stated there is nothing in the file about needing to update under the sinks. Mr. Jim Wonder stated that if this is a legally non-conforming property, it makes a difference. He stated when he spoke initially, that he was looking at them as legally non-conforming townhouses, but if they are legally non-conforming apartments, which changes things, and Mr. Anderson will need updates. Mr. Reimer clarified about the requirements. Mr. Andersen stated the buildings were built to high federal standards. Mr. Wonder confirmed that they would have been built to City of Omaha Plumbing Codes. Mr. Wonder identified the extra cost per unit to make those changes. Mr. Reimer stated that it is important for all parties to be on the same page as this process moves forward. He asked if a thirty day layover would be better. Mr. Anderson stated that he will do what he is told to do and if it is later determined that was not required, they will settle that. Mr. Reimer stated that he would consider it generous to hear that the City of Omaha is identifying the units as are non-conforming apartments. Mr. Anderson stated that it is not his intent to hold the project up to figure out the minute details.

Mr. Standerford asked about a long-term plan for the entire project. Mr. Anderson stated they have not really had that discussion. Mr. Lane stated they did, and they determined that a sixty day layover would be imperative to determine how much can be done in that time and then come back with a more accurate picture of how long it will take to complete the project. He stated both parties agreed. Mr. Anderson stated that is what he meant by his comment that they will revisit it in sixty days. Mr. Standerford stated thirty days ago there was animosity on Mr. Anderson's side towards the City officials and asked if that has been resolved. Mr. Anderson stated that he keeps hearing that but they still do not have power in one building and that is where the real issue is. He explained they had an inspection, the inspector came out to do the inspection, refused to do the inspection and walked away and did not turn the power on. He stated there was a discussion about that and hopefully it has been resolved and they will have their power on in the next week. Mr. Reimer wanted more information from the Electrical Inspector.

Mr. Reimer explained why he wants more information. Mr. Gerjevic stated that the electrical inspection was for one reconnect. He explained the OPPD policy on reconnects. He stated that the electrical contractor requested one reconnect, that building had four meters. He stated this was not ready, the units were locked up. He explained where the items that needed to be inspected in each unit to ensure that there is no dangerous condition prior to reconnect. Mr. Reimer asked if that was what was explained to Mr. Anderson by his electrician. Mr. Anderson responded that the electrician was not there when the inspector showed up. He explained what happened on the inspection, that the inspector told him he needed to get into all the units, he told the inspector he had the keys, and the inspector told him it was too cold and walked away. He stated that he called the inspector a while later and was told that he needed to have the electrician call the inspector. Mr. Andersen stated it sounds like there is some animosity. Mr. Joe Wendell stated that the day he was there, the electrician was there, confirming who the electrician was, that he saw Mr. Anderson there, and it was cold. He explained that while the units were able to be open, the outside gears were not open. He explained how he put the rejection in with the note and that the electrical contractor could have called for a new inspection the next day. Mr. Anderson stated that he has had inspections in the past where the inspector opens those things himself that he has never had the electrician open them. Mr. Gerjevic explained the standard that is in place for inspections and what needs to be open prior to the inspector getting there to avoid the inspector being a maintenance man in opening everything. He stated that it is a joint effort and they are trying to work with Mr. Anderson to get this project complete. Mr. Andersen stated that it a standard that is normal. Mr. Anderson stated that he does not understand how it is too much. Mr. Reimer stated Mr. Anderson might be overly ambitious, he paid an electrician, it is his job to do it, so allow him to do it. He suggested having his electrical contractor be prepared next time. Mr. Anderson stated he has never had to have an electrician be prepared like that. Mr. Reimer asked him if he is prepared to be ready the next time to facilitate the ease of the inspector. Mr. Anderson stated he will do what he is told.

Mr. Andersen asked about the permits that were pulled. Mr. Gerjevic clarified that there was only one reconnect permit paid for, when there needs to be four reconnects paid for by the electrician. He stated that would be another reason that Mr. Wendell would not have approved the reconnect. Mr. Anderson asked why that was not taken care of. Mr. Reimer stated that if he hires a top shelf electrician, he will not have to work so hard and then those things will be taken care of. Mr. Gerjevic stated that while they are trying to
work with him, they rejected it, but they did not want to hold his job up. Mr. Andersen stated that it is the electrical contractor’s job to get the correct permit, schedule the inspection, and be ready for the inspection. Mr. Reimer told Mr. Anderson that he has the opportunity to develop a good relationship with these inspectors because he will spend a lot of time with them and get a great education. Mr. Anderson stated that had they told him he needed four permits they would have pulled the correct number of permits. Mr. Andersen reiterated that that is his electrician’s job. Mr. Reimer stated that he is hearing a little attitude in that it is “their fault” and asked if he will be more efficient and productive on the units moving forward. Mr. Anderson confirmed.

Mr. Lang stated that the Board is looking for cooperation from him to work with the inspectors and the Board without the attitude to get the project done with respect for those involved. Mr. Anderson stated that is all he wants in return. Mr. Reimer asked if he feels as if the Board is respecting him. Mr. Anderson confirmed. He stated initially Mr. Gerjevic told him if he has problems with an inspector to give him a call and he would have done that, but his attorney told him not to. Mr. Reimer explained that he may want to consider two things: there is an effort to get the buildings up and running and the lawsuit. Mr. Anderson stated that had that separation happened both ways then he would have their power on. Mr. Andersen stated that that is something he needs to discuss with his electrical contractor. He stated he does not want to have the same conversation in sixty days.

Mr. Palu asked about how the legal non-conforming apartment status how that impacts accessibility and requirements. Mr. Wilwerding stated that if there are no structural repairs that the will not need to make those changes.

Mr. Reimer reiterated the Board’s ultimate goal. He stated that he thinks the job will get done much quicker if his attitude and outlook were to improve. He thinks that all parties can show respect and work together well. There is discussion about if it would be better to grant a layover to complete one or two buildings. Mr. Reimer asked if he could have one building CO’ed in sixty days. Mr. Anderson confirmed. Mr. Reimer asked if it would be better to have one completely done so he understands what the inspectors are looking for. Mr. Andersen gave Mr. Anderson advice in working with general contractors. Mr. Reimer asked which building he would have a better chance of completing in sixty days. Mr. Anderson stated Building A, but that is the one they are having trouble getting power turned on at, but that should be taken care of in a week.

Motion by Mr. Joseph Dore to approve a sixty day layover with the stipulation that Building A is completed with final inspections and a Certificate of Occupancy and come back with a better plan on completion of project. Second by Mr. Andersen.

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

Motion carried: 8-0, Approved for a sixty day layover with the stipulation that Building A is completed with final inspections and a Certificate of Occupancy and that they come back with a better plan on completion of the project.
At the Property Maintenance Appeals Board meeting held on March 7, 2019, Jose Gabriel Ramos appeared before the Board in regards to the request at the above address. Todd Shearer appeared on behalf of the City.

Mr. Shearer summarized the case for the Board. He stated a building permit has been pulled and a partial inspection has been completed on the roof. He stated an electrical permit has been pulled with a pre-connect on that permit. He stated he recommends a ninety day layover in order to complete the project. He explained that the building was cut in half by the Fire Department.

Mr. Andersen asked what the electrical permit was for. Mr. Shearer stated it was for a new service and a pre-connect, and detailed. Mr. Andersen asked about the interior wiring. Mr. Shearer stated the interior would need to be completely redone.

Mr. Jesus Perez served as an interpreter. Mr. Andersen asked if the applicant would have things done in ninety days. Mr. Jose Ramos stated that he found a plumber, but that he cannot start the project for another two months. He stated he will have to replace the windows and the doors in about three months. Mr. Lang asked how long it would take to complete. Mr. Ramos stated six months from now. Mr. Shearer asked about the electrician that would be doing the work and stated he will need permits, same with a mechanical contractor. Mr. Lang asked if the building is secure. Mr. Shearer confirmed. Mr. Ramos stated he plans on doing the siding.

Mr. Reimer asked if Mr. Ramos would prefer a layover or an extension. Mr. Ramos stated he would prefer a layover instead of an extension. Mr. Shearer stated a ninety day layover would get them to the middle of the project based on projections which could get them the rough in inspections completed. There is discussion about the inspections. Mr. Shearer stated that this is a slab house which will make the plumbing easier to complete. Mr. Reimer explained how they want to build trust. Mr. Ramos explained what needs to take place. Mr. Standerford stated that a ninety day layover would be understandable.

Motion by Mr. Reimer to grant a ninety (90) day layover with the expectation that siding and windows done. Second by Ms. Cowman.

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

Motion carried: 8-0, Approved for a ninety (90) day layover with the expectation that the siding and exterior is completed.
Arevalo LLC
Jose R Arevalo
2719 Hickory St
Omaha, NE 68105

LOCATION: 3615 Vinton St
APPEAL: Notice dated 12/14/18

At the Property Maintenance Appeals Board meeting held on March 7, 2019, no one appeared before the Board in regards to the request at the above address. Wade Pease appeared on behalf of the City.

Mr. Pease summarized the history of the property. He stated that once possession was obtained, he has been held up due to funding and the weather, but has kept in communication. He stated there is no electricity and the interior has not been done, but the exterior has been mostly repaired. He stated there are some permits and inspections that need to take place. He recommends a six month extension to complete. Mr. Andersen asked about the ability to complete the project in six months. Mr. Pease explained his understanding. There is discussion about if the applicant is able to comply.

Motion by Mr. Andersen to approve a six month extension. Second by Mr. Reimer.

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

Motion carried: 8-0, Approved for a six month extension.

IV. Adjournment

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

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

Motion carried: 8-0, Adjourned at 2:54 p.m.