MINUTES
PROPERTY MAINTENANCE APPEALS BOARD
Thursday, May 2, 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, April 25, 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:
Anna Bespoyasny, Acting Superintendent of Permits and Inspections
Scott Lane, Chief Housing Inspector
Mike Wilwerding, Chief Building Inspector
Don Gerjevic, Chief Electrical Inspector
Tom Phipps, Chief Mechanical Inspector
Jim Wonder, Chief Plumbing Inspector
Jesus Perez, Plans Examiner
Steven Andersen, Housing Inspector
Dillon Shearer, Housing Inspector
Kevin Mulcahy, Housing Inspector
Todd Shearer, Housing Inspector
Mike Champion, Housing Inspector
Autumn Drickey, Board Secretary

II. Approval of Minutes: Approval of April 4, 2019 minutes.

Motion by Mr. Steven Andersen to approve the minutes from the April 4, 2019 meeting. Second by Mr. Jeffrey Ehler.

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

Motion carried: 8-0, Approved
III. Cases

<table>
<thead>
<tr>
<th>19-01 <em>Layover from 2/7/19</em></th>
<th>LOCATION: 1604 N 34 St</th>
</tr>
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<tbody>
<tr>
<td>Gerardo Aguayo Barrientos</td>
<td>NOTICE: Notice dated 10/23/18</td>
</tr>
<tr>
<td>3512 Maplewood Blvd</td>
<td></td>
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<tr>
<td>Omaha, NE 68134</td>
<td></td>
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At the Property Maintenance Appeals Board meeting held on May 2, 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. Andersen summarized the history of the case. He stated that there has only been a fire permit pulled for the property. He stated the property has been secured, but there are piles of debris in the yard and minimal work has been done. He stated he would recommend a denial for more time, but that would be based on what he heard from the owner.

Mr. Jesus Perez acted as interpreter for Mr. Gerardo Aguayo Barrientos. Mr. Barrientos stated he has been denied for two loan requests, but is still waiting on the response from one lender. He stated that with construction season picking up he has more funds to invest and complete the project. He stated most of the work has been in the basement. Mr. Lang asked how long Mr. Barrientos needs to complete the work. Mr. Barrientos stated he may have to wait a few months to hear back from the bank and will then come up with a plan.

Mr. Andersen, board member, recounted the motion from the previous meeting. Mr. Barrientos stated he is still looking for financing to complete the project and that if he is unable to obtain financing in two months he will put it up for sale. Mr. Andersen asked about the ownership. Mr. Barrientos stated that he’s owned it for approximately a year and has been trying to secure financing but is working on the interior. Mr. Andersen asked how badly burned the property is. Mr. Andersen, Housing Inspector, stated that the damage was severe, but in looking through cracks it is down to bare wood, and some burned members have been replaced. He stated it was not burned to the point where he worried about imminent collapse, but some progress has been made since the last meeting, just not as much as he would have hoped.

Mr. Jerry Standerford asked what happens with the demo order. Mr. Andersen, Housing Inspector, answered. Mr. Gerald Reimer asked how Mr. Barrientos intended to finance the project when he purchased it. Mr. Barrientos stated that when he purchased the property, he was not aware of how extensive the damage was. Mr. Reimer asked if he felt like he was being a good neighbor having trash in the yard. Mr. Barrientos stated that they have removed approximately five or six dumpsters full of debris, they just haven’t gotten one for the last bit. He stated that they are working in construction that allows for self-financing. Mr. Standerford asked about what the intention was if he is denied for a third loan. Mr. Barrientos stated then they would sell it. Mr. Standerford asked how long ago he applied for the loan. Mr. Barrientos stated this week. Mr. Andersen, board member, asked about one of the pictures as it pertains to the electric meter and service. He stated he has a problem with trash being in the yard for an extended period of time. Mr. Andersen, Housing Inspector, stated that the trash has been in the yard approximately a week and a half that he knows of. He stated that in February the property was kept clean. He stated Mr. Barrientos purchased the home with a lot of the fire debris and household items scattered through the yard. Mr. Andersen, board member, asked what the inspector thinks. Mr. Andersen, Housing Inspector, stated he believes it is his intention to fix the property, but understands that it was a harsh winter for those in the construction industry and things were slow.

Mr. Jay Palu stated that it seems it is still not in compliance with the code they enforce, the conditions of the extension have not been met, but there is a little wiggle room on the financing component. He asked if they denied the request if it would go back to Housing Enforcement to work with the owner. Mr. Andersen, Housing Inspector, stated that he believes there is enough to rebuild. Mr. Lang asked if the property is secured. Mr. Andersen, Housing Inspector, stated it is more secure than the last time.
Motion by Mr. Andersen to grant a sixty (60) day layover with stipulation that it be cleaned up outside, giving him time to hear from the bank and if the financing does not come through that the property is listed for sale. Second by Mr. Palu.

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

Motion carried: 8-0, Approved
At the Property Maintenance Appeals Board meeting held on May 2, 2019, Kay Anderson and Robert Sherrets appeared before the Board in regards to the request at the above address. Dillon Shearer and Kevin Mulcahy appeared on behalf of the City.

Mr. Shearer summarized the case history for the board. He stated that building A has been permitted, inspected, and released as of today. Mr. Scott Lane submitted Exhibit 2, the release for Building A that was sent out today. Mr. Shearer stated that Mr. Anderson has made significant progress, enough for them to release the case. He stated that he recommends a ninety (90) day layover.

Mr. Andersen recounted the previous motion and asked what the plan was for completion of the project. Mr. Kay Anderson stated that the plan is to keep going and he does not understand the point of putting it on paper. He recounted the permits and inspections that they have had on Building B. He stated quite a few buildings have been painted and they have been kept clean with the yards being maintained. He stated he intends to keep in touch with Mr. Mulcahy and Mr. Shearer and keep moving on. He stated he does not want to tie himself into too many requirements, but thinks that a unit a week being completed would be desirable. He requests a six month layover unless the inspectors think he needs to come back sooner.

Mr. Andersen asked if he has found the city to be easier to work out. Mr. Anderson stated some are easier than others. He recounted a previous issue with an inspector. He stated Mr. Shearer has been reasonable. Mr. Reimer asked about renting out units. Mr. Anderson stated the first four units are rented out and will most likely be moved in at the end of the month. Mr. Reimer asked if he has thought about how to secure the construction site from the occupied units. Mr. Anderson stated that he has not laid out the logistics of that, but Building A is the first building so he does not foresee needing to secure it. He stated they will address that as the need comes. Mr. Reimer asked if he is concerned about theft. Mr. Anderson stated he is and has had to utilize the police more since the evacuation than in the previous ten years. Mr. Reimer offered his thoughts on the hazards associated with the construction site where people are also living and detailed a fence. Mr. Anderson stated that the construction site is mostly interior so he does not foresee dangers that need to be fenced off.

Mr. Lang asked about the request and intention to finish the project. Mr. Anderson stated that this request is for all buildings and there is work being done in multiple buildings. Mr. Lang asked about the timeline. Mr. Anderson stated that the desire is to fix it before the winter, but do not want to commit to anything because they are primarily fixing tenant related damages. Mr. Reimer stated he hears that Mr. Anderson is requesting a layover without any measurable milestones and he feels that Mr. Anderson will be more successful to have measurables in place and still appear before the board more routinely. He stated that he hears that Mr. Anderson could get ten units done in ninety days, but would recommend including the measurable of having those units released.

Motion by Mr. Reimer to grant a ninety (90) day layover with stipulation that ten more units, Building B, must be finished and released by the time he reappears with a plan and a commitment to the next phase of completion. Second by Mr. Standerford.

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

Motion carried: 8-0, Approved
At the Property Maintenance Appeals Board meeting held on May 2, 2019, John Foley appeared before the Board in regards to the request at the above address. Todd Shearer appeared on behalf of the City.

Mr. Shearer recounted the history of the case. He detailed the repairs that need to be completed. He stated the owner does not want to replace the carpet because he states the tenant is tearing it up, but the carpet must be replaced before he can release the case. He would recommend granting a six month extension as long as the tenant is vacated and the unit stays vacant. Mr. Andersen asked about the tenant. Mr. Shearer replied stating that Mr. Foley is easier to work with than the management that was previously in place. Mr. Reimer asked about the management. Mr. Shearer responded. Mr. Foley stated that the company is Central States Development LLC. Mr. Andersen asked if he has ever requested that the apartment be vacated. Mr. Shearer stated he has not, just that it is completed. Mr. Andersen asked if they have done any of the work. Mr. Shearer stated they have completed a little over 50% of the work.

Mr. Reimer asked what is under the floors. Mr. Foley introduced himself and stated he does not know what is under the carpet. He stated that the staff has been replaced, it may not have been soon enough. He stated that the plumbing has been addressed by Perfect Plumbing and asked if it was communicated with Mr. Shearer. Mr. Shearer responded that it had not been. Mr. Foley stated it had been addressed. He recounted how they came to own the property and the Low Income Tax Financing that they have been awarded. He stated that he has had some roadblocks, but they have plans approved by the Planning Department for the remodeling. He stated that the tenant has unlicensed pets in the home and is not taking care of the unit. He stated that he and Mr. Shearer get along well and see eye-to-eye on things. He stated that there is difficulty with HUD tenants in understanding that keeping the kitchen and bathroom clean is the tenant’s responsibility. He recounted how the animals have damaged the unit. He explained that they are working on evicting this tenant, but it is a lengthy process.

Mr. Reimer interrupted. He explained the purpose of the Board. He asked if there is an intent to fix the violations. Mr. Foley stated it will be fixed. Mr. Reimer asked how long. Mr. Foley stated that he was trying to explain that. He does not know how long the judicial system will take. He recounted that they need six empty units in order to do a rolling renovation. Mr. Reimer asked about the lease expirations and the control they have over getting units emptied for renovations to begin. Mr. Foley stated he was not prepared to answer questions about that. He stated that once this unit is empty this will be part of the rolling renovations. Mr. Reimer asked clarifying questions. Mr. Foley stated that they can put people in the hotels to fix it. Mr. Reimer asked if they have intentions to renovate the unit. Mr. Foley stated they do not intend to fix the flooring. Mr. Reimer stated he is trying to help clear out the code violations with the flooring and intentions. Mr. Foley stated HUD has different guidelines. Mr. Reimer asked how much time he needs. Mr. Foley stated forty-five to sixty days to get her out if the judiciary system is not held up. Mr. Reimer stated he wants to hear a timeline. Mr. Foley stated sixty days to get her out. Mr. Lang asked how long it would take to complete the entire project.

Mr. Andersen asked if Mr. Shearer feels as if they are seeing eye-to-eye. Mr. Shearer stated they do not see eye-to-eye and detailed a past case and his fears for this property.

Mr. Foley stated the plans have been reviewed and approved. He stated that they will replace the flooring, just not while the tenant is still in the unit. Mr. Reimer asked if Mr. Foley is committed to fix the code violations. Mr. Foley confirmed. Mr. Reimer asked how long he needs. Mr. Lang asked if a six month extension would be enough. Mr. Foley confirmed.
Mr. Palu expressed his desire to have the outstanding code issues fixed and limit the disruption to the tenants – and the owner’s issues with the specific tenant and timing of her eviction was a separate issue. Mr. Foley stated he respectfully disagrees, that this tenant should be evicted prior to the improvements.

Motion by Mr. Andersen to deny. Second by Mr. Palu.

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

Motion carried: 5-3, Denied
At the Property Maintenance Appeals Board meeting held on May 2, 2019, John Foley appeared before the Board in regards to the request at the above address. Todd Shearer appeared on behalf of the City.

Mr. Shearer stated this is a vacated unit and there has been one repair made, a damaged wall in the living room. He explained that the manager thought that in moving the tenant out that the case would be released, however it cannot be released until all code violations are repaired. He stated he is more lenient because it is vacant, as long as it is vacant, for more time. He explained that the buildings are not near each other so if he is looking for six empty units, he does not see how it makes sense. Mr. Lang asked about the recommendation. Mr. Shearer stated that he recommends a six month extension as long as it stays vacant so there are no new complaints received.

Mr. Andersen asked about the plan to fix the units. Mr. Foley recounted that once they start using the Low Income Housing Tax Increment award they have so much time to complete the project and tenants are taking advantage of the system. Mr. Lang asked if six months would be sufficient time. Mr. Foley confirmed.

Mr. Palu stated that it seems like there appear to be minor things that could be fixed to get the cases closed without the extensive remodel. He stated there are normal maintenance items that could be taken care of that could make the code violations go away. Mr. Foley stated this one is deliberately vacant which is what they want to complete the project. Mr. Palu stated that he has sympathy for a tenant that is living in code violations. Mr. Reimer stated that talking about the tenant is not within the control of the Board. He stated that what they want to hear is a plan. Mr. Foley stated that he cannot give a timeline because of the judiciary system.

Ms. Kim Cowman asked what needs to be done and how long they need. Mr. Shearer stated since this unit has been vacated it has not been cleaned. He stated that it would take approximately $2,500 to fix and close this case. He recounted what it would take to close the case and that those things are not being done. Mr. Palu stated that these minor renovations would be things that he would expect a landlord to take care of, maintenance to get to the major renovations. Mr. Shearer stated there was a third unit that was written up and another was closed.

Mr. Reimer stated that as an apartment owner he does not make money with empty units, and he respects what Mr. Foley is going through as it pertains to the tenant issues. He states his understanding of the Low Income Tax Credits and what they will get out of it, and it sounds like having occupied units and affordable units is a thing. Mr. Foley stated that he disagrees. He recounts what the opportunities are in the long-term. He discussed a Denver complex as it pertains to HUD. He stated that in order to move forward with renovations, they need six empty units in an entire building. Mr. Reimer stated that the notion of not knowing when a unit will be empty is not something he understands and provides a sample plan. Mr. Standerford asked how long the timeline is with the Low Income Housing Tax Credit funding. Mr. Foley stated twelve months once they begin using the money. He explained the process and timeline. Mr. Reimer asked about the number of units and the way the timeline starts. Mr. Andersen asked how many units are occupied. Mr. Foley stated approximately fifty-five units are occupied. He explained the rolling renovations. Mr. Standerford asked for clarification on the timeline. Mr. Foley explained.

Motion by Mr. Standerford to layover for sixty (60) days with the stipulation that when he reappears that he has a plan or tells them it cannot and the Board will decide. Second by Mr. Reimer.

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

Motion carried: 8-0, Approved
At the Property Maintenance Appeals Board meeting held on May 2, 2019, Sean Crook appeared before the Board in regards to the request at the above address. Mike Champion appeared on behalf of the City.

Mr. Champion recounted the history of the case. He stated that all notices were being sent to the wrong address so when Mr. Crook found out he was in citation pending, he came here. He stated the home was vandalized and he has presented Exhibit 2 to show pictures from Monday, April 29, 2019. He stated Mr. Crook has really worked on fixing the property up.

Mr. Crook stated that a six month extension would be feasible. He explained why things did not get fixed sooner. He explained what work he has completed and how he is working on the property, but that work might slow down due to the summer. Mr. Reimer asked if six months is enough time. Mr. Crook stated that if he is not completed then he will be done shortly thereafter. He detailed the work that needs to be done.

Mr. Reimer explained the difference between a layover and an extension and what that means. He asked what he is asking for. Mr. Crook stated a six month layover, just in case he has a busy summer. Mr. Reimer asked about granting an extension if he needs a little more time. Mr. Lane stated that they have some latitude. Mr. Andersen asked why so much time has passed. Mr. Crook went into more detail about the delay. Mr. Palu asked if Mr. Crook owns any other properties. Mr. Crook stated this is his only property.

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

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

Motion carried: 8-0, Approved

IV. Discussion

Ms. Jennifer Taylor stated that through some Board clear up, there were never any formal rules and regulations for this Board voted on and on file. She will look back to get what the intent was. She explained that there will also be something about the role of the Board as well. She stated that there will be an agenda option on the policy and procedures as well as the annual clean up.

V. Adjournment

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

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

Motion carried: 8-0, Adjourned at 2:38 p.m.