MINUTES
PROPERTY MAINTENANCE APPEALS BOARD
Thursday, June 6, 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, May 30, 2019.

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

I. Roll Call

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

Others Present:
Anna Bespoyasny, Acting Superintendent of the Permits and Inspections Division
Scott Lane, Chief Housing Inspector
Mike Wilwerding, Chief Building Inspector
Jennifer Taylor, City Law
Timothy Kerkhove, City Planner
Autumn Drickey, Board Secretary

II. Approval of Minutes: Approval of May 2, 2019 minutes.

Motion by Mr. Jeffrey Ehler to approve the minutes from the May 2, 2019 meeting. Second by Mr. Steven Andersen.

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

Motion carried: 6-0, Approved
III. Cases

<table>
<thead>
<tr>
<th>Case</th>
<th>LOCATION:</th>
<th>APPEAL:</th>
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<tbody>
<tr>
<td>18-08 * Layover from 3/1/18, 6/7/18, and 12/6/18*</td>
<td>4002 Dodge St</td>
<td>Notice dated 9/20/17</td>
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Earl and Shirley Rupprecht  
9433 Meadow Dr  
Omaha, NE 68114

At the Property Maintenance Appeals Board meeting held on June 6, 2019, Shirley Rupprecht appeared before the Board in regards to the request at the above address. Steve Andersen appeared on behalf of the City.

Mr. Andersen reviewed the history of the case and recounted how they have been trying to sell it. He stated the property has been kept clean and secure. He stated the MLS number expired in November, but there are for sale signs at the location, but is unaware if it is listed on the MLS. He stated he recommends more time to sell the property. Mr. Lang read his official recommendation into the record. Mr. Andersen confirmed he would recommend a layover.

Mr. Joseph Dore arrived.

Mr. Lang asked if the recommendation was acceptable to the applicant. Ms. Rupprecht stated that she hopes they sell as fast as possible and detailed some of the interest they’ve received in the property. Mr. Gerald Reimer stated he has no problem granting the layover, however, he wonders what would happen if they were to deny the request and put it back in the city’s hands. Mr. Jerry Standerford stated an extension would do the same thing. Mr. Dore confirmed. Mr. Reimer asked if the applicant would want to avoid coming back. Mr. Dore explained what an extension would mean for her. Mr. Andersen stated that being here allows them to not issue a citation. Mr. Scott Lane stated that he made his recommendation because there is discretion to give additional time as long as conditions are met. Mr. Andersen, board member, asked why the case couldn’t be closed. Mr. Andersen, Housing Inspector, stated that there were interior issues that may have to be taken care of.

Motion by Mr. Standerford to grant a six (6) month extension. Second by Mr. Reimer.

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

Motion carried: 7-0, Approved for six (6) month extension
At the Property Maintenance Appeals Board meeting held on June 6, 2019, Uriah Yates 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 for the board. He stated that he was told that finances were a problem, but now it is an issue of time.

Mr. Uriah Yates stated that now he is busy with his roofing business, so it is not necessarily a financing issue, but an issue of time to complete. Mr. Pease stated that the property has been secured and the yard has been maintained. He stated that based on the fact that in a few months the exterior issues could be cleaned up and released because it is an exterior only case.

Mr. Reimer asked if Mr. Yates lives in the property. Mr. Yates stated he does not. Mr. Reimer asked if he is concerned about his property not being maintained or lived in and if he feels a responsibility to get it resolved as soon as possible. Mr. Yates confirmed. Ms. Kim Cowman read the recommendation to Mr. Yates and asked if that would be enough time to get the work done. Mr. Yates stated that it should be a sufficient amount of time. Mr. Lang asked what the intent is with the property. Mr. Yates stated it is either to fix it up and sell it or fix it up and rent it, but he’s leaning towards selling. Mr. Lang explained the difference between the layover and the extension. Mr. Reimer stated what would happen and what he would hope would take place.

Mr. Standerford asked for clarification of the exterior. Mr. Pease explained in more detail about the exterior and the inspections he told Mr. Yates he wanted to see take place. Mr. Andersen asked if the case was exterior only, but it is a fire, why is nothing written up on the interior. Mr. Pease stated that he has not been inside, but the power was pulled, so it would need an electrical permit. Mr. Standerford asked about the permits. Mr. Mike Wilwerding stated the permit expires six months after issuance. Mr. Standerford asked if he would be able to get these things completed. Mr. Yates confirmed. Mr. Pease stated he could see it being done soon.

Motion by Ms. Cowman to grant a six (6) month extension. Second by Mr. Reimer.

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

Motion carried: 7-0, Approved for six (6) month extension
Jose Gabriel Ramos  
1111 Center St  
Omaha, NE 68108  

LOCATION:  
APPEAL:  

3910 Burdette St  
Notice dated 5/16/18

At the Property Maintenance Appeals Board meeting held on June 6, 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. Timothy Kerkhove appeared as interpreter for the applicant.

Mr. Shearer summarized the history of the case. He stated it has had improvements, but it is a slow process. He summarized the permits that were pulled and the work that has been completed. He detailed the electrical permit that has been pulled as well as other permits that need to be pulled. He stated his recommendation would be a six month extension to get the work completed, that this would be a change to the recommendation in the file.

Mr. Jose Gabriel Ramos stated that six months would be an adequate amount of time. Mr. Lang asked if he understood that even though there is a six month extension, the hope is that the work started as soon as possible to be completed by the deadline. Mr. Shearer explained the permits he would need again. Mr. Ramos stated that he could get everything completed. He said that he can definitely get the plumbing done in six months. Mr. Shearer stated that it is a slab house. He detailed the work that would need to be done. Mr. Lang asked what the concern with getting it done in six months would be. Mr. Ramos stated that he invests what he can, but financing is an issue. Mr. Shearer stated that the property is kept clean.

Mr. Standerford asked about the shed. Mr. Shearer explained. Mr. Andersen asked if six months would be enough time. Mr. Reimer asked if the community is understanding of people purchasing properties they can’t complete the work because they are paying as they go. He stated that he wouldn’t want to live in a neighborhood where they fix their property as they go. Mr. Andersen restated the previous motion from the layover. Mr. Shearer stated that three windows weren’t installed as of last week. He looked at photos provided by the applicant. He stated that based on these photos there is only one window that has not been replaced. Mr. Ramos stated he has the order for that window. Mr. Shearer explained what else needed to be completed.

Mr. Reimer stated that while the Board understands and values that he’s making progress, a time limit is needed to get the work done. Mr. Ramos understands. Mr. Reimer stated that he would be comfortable with a six month extension to complete the work.

Motion by Mr. Reimer to grant a six (6) month extension. Second by Mr. Standerford.

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

Motion carried: 7-0, Approved for six (6) month extension
At the Property Maintenance Appeals Board meeting held on June 6, 2019, Jon Holzapfel appeared before the Board in regards to the request at the above address. Roger Carroll appeared on behalf of the City.

Mr. Carroll detailed the history of the case for the Board. He explained that there was a request in 2017 for the Administrative Board of Appeals. Mr. Holzapfel stated he was here previously. He explained that he and his uncle own a property and detailed what it was. He explained that someone else purchased it, did work, and now it is back in their possession. He stated that people use it as a dumping ground. He stated that it has been kept clean. He explained when they purchased it they made communication with the state, detailing their requirement. He explained his experience with a previous board. He explained that they were going to use this location as a detailing shop, but have now decided against that. He stated that currently there is no work done at the property, keeping a car or two when they are ready to take it to a car show. He explained past requirements and difficulties.

Mr. Reimer stated that what he’s hearing is how the property is being used. He explained that the purpose of this board is to ensure that code enforcement building issues are fixed. He asked if there are code violations. Mr. Carroll stated yes. Mr. Holzapfel stated he doesn’t think so. Mr. Reimer stated that is a use issue and asked if Mr. Carroll would give examples of code violations. Mr. Carroll provided some examples. Mr. Reimer stated that this board cannot give him extensions for use, only for code violations. Mr. Holzapfel stated that he knows that a neighbor makes complaints against them. Mr. Reimer asked if he is aware of violations on the property. Mr. Holzapfel stated he was unsure what his purpose here today. Mr. Reimer clarified what the board is here for. Mr. Holzapfel stated if he is told what to fix, he will do it. Mr. Carroll explained some of the violations, including blocked sidewalks and cars being parked on river rock. Mr. Holzapfel stated that the city put in the river rock. Mr. Carroll stated that that was the Administrative Appeals Board and explained what the determination of that board was. Mr. Holzapfel explained why he parks on the river rock. Mr. Carroll stated he sent notification and other than the appeal, this is the first time he’s spoken to the owner in person. He stated the police officer stated that he was tired of going out there. Mr. Holzapfel stated he doesn’t want to fix it up and run a business there. Mr. Carroll detailed the other code violations.

Mr. Reimer stated that he’s hearing some things that are conflicting. He stated that this may not be an appropriate place to store cars. He asked if he will fix the violations. Mr. Andersen stated that he drove by today and saw that things were the same. Mr. Reimer stated what he’s hearing is that Mr. Holzapfel could fix things and it could be closed, but is he willing to do that. Mr. Holzapfel stated he could, but he was under the impression it was for other issues. Mr. Andersen stated it sounds like he has no intention of completing the work. Mr. Carroll detailed the notice of violation. Mr. Holzapfel stated they do not have a working restroom. He stated people are dumping on his property. Mr. Reimer asked who’s responsibility it is to clean it up. Mr. Holzapfel stated him. Mr. Reimer stated that if the properties are clean people are less likely to dump.

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

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

Motion carried: 5-2, Denied

Mr. Holzapfel asked what this means for him. Mr. Reimer explained.
At the Property Maintenance Appeals Board meeting held on June 6, 2019, Javier Lepes appeared before the Board in regards to the request at the above address. Steve Andersen appeared on behalf of the City.

Mr. Andersen detailed the case history for the Board. He explained the permits that have been pulled as well as inspections that have taken place. He stated they just want more time and he fully supports a ninety day extension, but would be agreeable to more time if needed. Mr. Lepes stated that he could get everything done in six months. Mr. Andersen stated it is a complete rehab of the entire home. Mr. Reimer asked if he could get it done in six months. Mr. Lepes confirmed.

Motion by Mr. Reimer to grant a six (6) month extension. Second by Mr. Ehler.

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

Motion carried: 7-0, Approved for six (6) month extension
At the Property Maintenance Appeals Board meeting held on June 6, 2019, Juan Chamizo appeared before the Board in regards to the request at the above address. Wade Pease appeared on behalf of the City.

Mr. Pease detailed the case history for the Board. He stated that Mr. Chamizo has done a lot to keep the property clean and safe. He stated that there have been some hiccups with contractors and needs more time. He explained the permits that have been pulled at the property as well as the inspections that have taken place. Mr. Chamizo stated he could have been completed sooner, but extended it to replace walls that needed to be replaced, but the end results will be worth the wait.

Mr. Lang asked if ninety days would be enough. Mr. Chamizo stated he would feel more confident with six months. Mr. Standerford asked if he purchased the fire damaged. Mr. Chamizo explained that he was the landlord at the time of the fire.

Motion by Mr. Reimer to grant a six (6) month extension. Second by Ms. Cowman.

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

Motion carried: 7-0, Approved for six (6) month extension
At the Property Maintenance Appeals Board meeting held on June 6, 2019, Rigoberto Alvarado appeared before the Board in regards to the request at the above address. Wade Pease appeared on behalf of the City.

Mr. Pease detailed the case history going back to 2011. He stated that they have been in contact within the last year, that there were health reasons for the repairs not being completed. He stated there are some problems with the property. He stated he is recommending denial and to keep it on the demo list. He provided updated pictures, including an aerial of the zoning. He detailed the difficulty getting to the property including the fact that they don’t own the parcel to put a driveway to get access to the house. He explained he would need to talk to a planner to find out for sure.

Mr. Reimer asked when he planned to have the house completely fixed. Mr. Alvarado wasn’t sure. Mr. Reimer asked if he could sell the property and get his money back. Mr. Alvarado stated he’d rather fix it. Mr. Pease stated it has been vacant since 2011. Mr. Reimer asked how much time he would grant a neighbor to get things fixed. Mr. Alvarado stated he isn’t sure. Mr. Pease clarified that if it is denied, it will stay on the demolition list. Mr. Lang asked if it is worth rehabbing the house. Mr. Pease explained what’s wrong with it. Mr. Alvarado stated if he gets six months, he will fix the things on the violations. Mr. Reimer stated they want homes fixed, not destroyed. He stated as long as he is making an effort, it will not be a priority to demolish. Mr. Lang asked if any work has been done. Mr. Dore asked when the last time he’s been to the property. Mr. Alvarado stated a few weeks. Mr. Pease explained the work that has been recently done.

Mr. Reimer asked if a ninety day layover would be something that he could work with to show good faith to the board. Mr. Alvarado confirmed. Mr. Dore stated if he cleans the property, neighbors will be happy. Mr. Lang asked if there have been complaints. Mr. Pease stated that he doesn’t think so because it is more secluded.

Motion by Mr. Andersen to deny.

Motion withdrawn by Mr. Andersen.

Mr. Andersen asked what the purpose of the property is. Mr. Alvarado stated that he would want to keep the home to give to his daughter. Mr. Pease stated that with a layover, he would want to see that a driveway is possible to the residence. Mr. Reimer stated that he’s not comfortable with that being a stipulation. He explained what he feels like is the main issue. Mr. Andersen asked about the aerial photo. Ms. Cowman asked about communication has taken place. Mr. Pease stated that in the year it has been his case, three or four times since taking the case over, but there was a health issue. Mr. Standerford asked about a denial. Mr. Pease stated it would still be on the demo list at the department’s discretion. Mr. Lane stated the only way for the demo order to go away is to fix all violations. Mr. Ehler asked about the fact that there are only exterior violations. Mr. Pease detailed stating he’s never been inside the property. There is discussion of permits and inspections that still need to take place. Ms. Cowman explained that if he determines that the work is not able to be completed in ninety days, he could sell the property.

Motion by Mr. Reimer to grant a ninety (90) day layover on the condition that the applicant returns and reports material progress, has a plan with timeframe with how much longer he will need, and has good communication and respect of the City’s employees with the yard kept cleaned. Second by Mr. Dore.

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

Motion carried: 7-0, Approved for ninety (90) day layover
IV. Adoption of Rules and Regulations

Ms. Jennifer Taylor requested to defer to July.

Motion by Mr. Dore to layover to the July meeting. Second by Mr. Ehler.

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

Motion carried: 7-0, Approved to layover to July meeting

V. Review Board Policy and Procedures

Ms. Jennifer Taylor requested to defer to July.

Motion by Mr. Dore to layover to the July meeting. Second by Mr. Ehler.

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

Motion carried: 7-0, Approved to layover to July meeting

VI. Adjournment

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

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

Motion carried: 7-0, Adjourned at 2:41 p.m.