

BOARD OF CODE STANDARDS AND APPEALS MINUTES

December 6, 2010

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Coonrod, Crotts, Harder, Hartwell, Hentzen, Murabito, Willenberg, Youle

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection); Jeff Van Zandt (Law Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, December 6, 2010, at 1:31 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Chairman Hentzen requested that the Board Members and City staff introduce themselves to the public in attendance.

Approval of the November 1, 2010, minutes.

Board Member Hartwell made a motion to approve the November 1, 2010, minutes. Board Member Harder seconded the motion. The motion was approved.

Approval of the December 2010 license applications as follows:

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>	<u>Date</u>
Camille Abdallah	Camille's Home Décor, Inc.	Class B	December
Richard L. Davis	Advance Catastrophe Technologies	Class B	December
Roger Michler	Advance Electric, Inc.	Class B	December
Chester Ullrich	Best Quality Roofing & Const., LLC	Roofing & Siding	December
Larry D. Blattner, Jr.	Blattner Contracting	Class B	December
Brent Miller	Build Wichita	Class B	December
Joe Linderwell	Cross Country Construction	Roofing	December
Dean Hachenberger	D H Home Improvement	Roofing & Siding	December
Steve Foutch	Foutch Brothers, LLC	Class B	December
Gordon MacCarthy	Elizabeth Construction dba Elizabeth Roofing	Roofing	December
Jeremy Hart	Innovative Roofing and Construction, LLC	Roofing	December
Todd Young	Jim Plunkett, Inc.	Class B	December
Justin J. Joiner	Joiner Construction, Inc.	Roofing & Siding	December
Aaron Lake	Lake Construction and Repair	Class C	December
Mario Gonzalez	Mario Gonzalez Construction	Class B	December
Mike Shuter	Mountain States Roofing, Inc.	Roofing	December
Kevin Kates	Midwest Wrecking Company, LLC	Wrecking	December
Michael Poupart	National Property and Asset Services, LLC	Class A	December
Catalino Navarrete	Navarrete Roofing	Roofing & Siding	December
Joseph L. Crites	R F Installations, LLC	Class A	December
Jet Truman	Truman's Remodeling	Class B	December

Richard Davis was present to answer the Board's questions regarding his request to become the qualified person for Advance Catastrophe Technologies, a Class B Contractor. One of the owners, who happened to also be the qualified person for the license, left the company. Mr. Davis was asked by the remaining owner to take the Class B licensing examination, and upon passing to become the qualified person for the company. Mr. Davis provided proof of passing the examination, and also provided a letter from the owner stating that Mr. Davis had the

authority to bind the company in contracts. Board Member Coonrod made a motion to approve Mr. Davis' request to become the qualified person for Advance Catastrophe Technologies. Board Member Crotts seconded the motion. The motion was approved.

Casey Goodwin attended the meeting on behalf of Chester Ulrich. Mr. Ulrich requested that his application for Best Quality Roofing and Construction, LLC, as a Roofing and Siding Contractor be approved. Finding the required documentation in order, Board Member Youle made a motion to approve Mr. Ulrich's request. Board Member Harder seconded the motion. The motion carried.

Joe Linderwell was present as the Board considered his request to grant a license to Cross Country Construction as a Roofing Contractor. After verifying that the necessary documentation was provided, Board Member Youle made a motion to approve Mr. Linderwell's request for a roofing license. Board Member Harder seconded the motion. The motion carried.

Requesting a roofing license, Jeremy Hart, Innovative Roofing and Construction, LLC, was also present. After reviewing the submitted documentation, Board Member Youle made a motion to approve Mr. Hart's request. Board Member Murabito seconded the motion. The motion was approved.

Appearing before the Board, Jet Truman asked that the Board consider his request for a Class B Contractor's License. Mr. Truman's application and the accompanying documentation was perused by the Board. Board Member Coonrod made a motion to approve Mr. Truman's request. Board Member Harder seconded the motion. The motion passed.

Mr. Schroeder noted the following:

- The Class B Contractor's License Application submitted by Roger Michler (Advance Electric) did not include the paperwork verifying that the existing corporation was in good standing with the State of Kansas.
- Dean Hachenberger (D H Home Improvement) did not submit the required paperwork for license application because he is interested in testing only.
- Justin Joiner (Joiner Construction, Inc.) is requesting approval for a Class A Contractor's License and meets the necessary requirements; however, for now he will only purchase a Roofing & Siding Contractor's License.
- Mike Shuter (Mountain States Roofing, Inc) is actually applying for a Roofing Contractor's License although he inadvertently marked the "Roofing & Siding" designation on his application.
- Alan Lake (Lake Construction and Repair) has not submitted either the necessary insurance documentation or the required waivers.

Board Member Coonrod made a motion to approve the remainder of the applications with the condition that all omitted documentation be submitted as required; that Mr. Hachenberger be approved only to sit for the local test as requested, requiring a new application for licensing if he should desire a contractor's license at a future date; and that Mr. Shuter be approved for the Roofing Contractor's License. Board Member Youle seconded the motion. The motion was approved.

Request for Change of Company Name – Charles Thorpe dba Advanced Contractors, LLC

Mr. Thorpe currently holds a Class B Contractor's License. He is requesting that he be permitted to change his current company name, "Advanced Contractors, LLC," to "Shirley Construction, LLC," due to a new business relationship and new direction.

Board Member Harder made a motion to approve Mr. Thorpe's request to change the company name to Shirley Construction, LLC. Board Member Coonrod seconded the motion. The motion carried.

Request for Change of Company Name – Bret Hannah dba Aw Hail Damaged Property, Inc.

Mr. Hannah currently has a Class B Contractor's License. He is requesting that he be permitted to change his current company name, "Aw Hail Damaged Property, Inc.," to "Rhino Tuff Roofing, Inc."

After reviewing the current status of Mr. Hannah's permits, Board Member Harder made a motion to deny the requested name change pending the resolution of expired permits issued to Mr. Hannah dba Aw Hail Damaged Property, Inc., and requiring Mr. Hannah to appear before the Board if he wishes to pursue the name change. Board Member Coonrod seconded the motion. The motion was approved.

Request for Change of Company Name – Joe Kutilek dba People's Construction, Inc.

Mr. Kutilek currently holds a Class C Contractor's License. He is requesting that he be permitted to change his current company name, "People's Construction, Inc.," to "New Image Roofing & Remodeling." Mr. Kutilek does not intend to renew the license for People's Construction, Inc., for 2011. He will begin working as the qualified person for a new division of New Image Roofing & Remodeling, conducting business as a Class C Contractor under the company.

Since there were questions posed by the Board that could not be answered without Mr. Kutilek's appearance at the meeting, Board Member Coonrod made a motion to deny the request for name change, directing Mr. Kutilek to resubmit his request and appear before the Board in the event that Mr. Kutilek wants to pursue the change of company names. Board Member Harder seconded the motion. The motion carried.

Change in Qualified Person – Walters-Morgan Construction, Inc.

Former qualified person for Walters-Morgan Construction, Inc., Dick Green, has retired from the company. In order for the company to continue to do business, Dan Ellis is requesting that he be permitted to become the new qualified person. After verifying the submitted documentation, Board Member Coonrod made a motion to approve the request for Mr. Ellis to be the qualified person. Board Member Harder seconded the motion. The motion was approved.

Change in Business Organization – Tony Tomlin dba Total Restoration

Mr. Tomlin currently holds a Roofing/Siding Contractor's License. He is requesting that he be permitted to change the name of his company to T T R S. due to business reorganization. Without Mr. Tomlin or his designated representative to answer questions posed by the Board, Board Member Coonrod made a motion to deny the request. Should Mr. Tomlin choose to pursue his request, he will be required to appear before the Board upon submitting a new application. Board Member Youle seconded the motion. The motion passed.

Condemnation Hearings

New Cases:

1. 1446 N. Estelle

No one was present as a representative for this property.

Approximately 24 x 34 feet in size, this one-story frame dwelling has been vacant for at least five years. The structure has shifting and cracking concrete basement walls; deteriorated wood lap siding; sagging and badly worn composition roof; deteriorated front porch and the 12 x 20 foot accessory structure is deteriorated.

The initial case was started on this property on January 11, 2006. There have been several Tall Grass and Weeds Cases on this property, with the City abating each one.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to start wrecking and ten days to complete the removal. Board Member Willenberg seconded the motion. The motion was approved.

2. 2516 E. 20th N.

Oneil Davis, property owner, was present.

A one-story frame dwelling about 26 x 42 feet in size, this structure has been vacant for at least three years. This structure has a cracking concrete block foundation; deteriorated vinyl siding; badly worn composition roof, with holes; and deteriorated front and rear porches.

The active file was initiated on this property on August 24, 2007. Since that time, Notices of Improvements and Violation Notices have been issued. A Neighborhood Nuisance Case was initiated in March 2010, and the owner did comply. A Pre-condemnation Letter was issued on August 24, 2009. The 2006, 2007, 2008, and 2009 taxes are delinquent in the amount of \$1,972.18, including interest. There are no cost assessments against the property. There is some trash in a large container on the property. No repairs have been made, and the structure is unsecured, with one window open. There have been four different properties in condemnation by this owner. Two of the properties were repaired by the owner, and two of the properties were demolished by the City.

Mr. Davis told the Board that he planned to repair the property. He said that the condition of the front of the roof was the worst part of the structure. He speculated that he would need three months to get the roof repaired and to bring the exterior into compliance.

Board Member Coonrod made a motion to allow until the March 2011 regularly scheduled meeting for the exterior repairs to be completed and the delinquent taxes to be paid, maintaining the property in a clean and secure condition in the interim, or Mr. Davis will be required to reappear before the Board to provide an update. Board Member Harder seconded the motion. The motion was approved.

3. 1030 N. Poplar

Marvin Stone, Jr., and Marvetta Evans, two of the nine owners, were present on behalf of the property.

This one-story frame dwelling is approximately 26 x 35 feet in size. Vacant for at least eleven months, this structure has shifting and cracking concrete block basement walls; rotted and missing wood siding; sagging and badly worn composition roof, with holes and missing shingles; deteriorated front porch; and the rotted framing members and wood trim.

The case on this property has been active since January 7, 1992. Notices of Improvements and numerous Violation Notices have been issued on this property. Neighborhood Improvement Services was contacted regarding the property in the past; however, NIS could not provide assistance due to the number of owners. In December of 2009, a Neighborhood Nuisance Case was initiated and remains open. There was a Uniform Criminal Complaint issued on the property, and it has been in neighborhood court. The Pre-condemnation Letter was issued on June 2, 2010. The taxes are current, and there are no cost assessments against the property. The premise is in good condition. There is a Neglected Building Case on the property. No repairs have been made; however, the structure is secure. It is possible that the property is within Historic Environs and may be eligible for listing. The Historic Preservation office has been notified of the current condition of the structure and potential demolition.

Addressing the Board, Mr. Stone said that a realtor had been contacted to try to sell the property but had been unable to attract a buyer. The family did receive an offer from a party who wanted a "rent to buy" contract, but the owners did not want the responsibility of being landlords. Mr. Stone told the Board that Mennonite Housing had been contacted, and they were currently reviewing whether the property would fit into future plans, and also if there would be funding available to rehabilitate the structure. CDC had been contacted as well, Mr. Stone explained, and the family was waiting on word from the organizations to find out if either entity was interested in buying the property. If possible, Mr. Stone said the family would like to put the house in a City program; if that is not an option, the owners will probably have the house demolished.

Board Member Hartwell inquired when Mr. Stone would have a decision from Mennonite Housing or CDC regarding either organization's interest in the property. Mr. Stone replied that CDC would probably have an answer in December or January; he added that Mennonite Housing was in the process of looking at available funds for repairs or demolition and would get back to him.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to finished wrecking the structure. Board Member Hartwell seconded the motion. The motion carried.

Ms. Legge provided a summary sheet with a written explanation of the Board's decision to refer the property for condemnation. Mr. Schroeder explained that the Board had, by its motion and subsequent approval, recommended to the City Council that it proceed with condemnation action. The property owners will receive notification of the date that the property will be reviewed by the City Council, most likely in February 2011, at which time the owners can appeal the Board's recommendation.

4. 3933 / 3937 E. Ross Parkway (duplex)

The owner, Robert Snyder, was in attendance.

Vacant and open, this is a one-story frame duplex about 56 x 20 feet in size. This structure has a concrete block foundation with missing blocks; broken and missing transite asbestos siding shingles; collapsed and badly worn composition roof with holes and missing shingles; deteriorated front and back porches; and rotted wood trim.

On August 28, 2008, the active case was started on this property. Numerous Notices of Improvements and Violation Notices have been issued. In October 1999, the property was in the condemnation process; however the case was closed in January 2000 due to repairs being completed. Environmental Services initiated cases on the property in June 2004, September 2006, and August 2007. In September 2008, a Tall Grass and Weeds Case was started, and the owner complied with the requirements. A Pre-condemnation Letter was issued on August 18, 2010. The taxes are current, and there are no Special Assessments against the property. There is some scattered trash on the premises. There have been no repairs made, although the structure is secure.

This owner has had four other properties in condemnation, but he has brought three of them into compliance and demolished one of them.

Mr. Snyder advised the Board that a new roof had been installed over the weekend. He also told the Board that he may have a contract to sell the property, which was his intent since his purchase of the property. Mr. Snyder said he may bring the exterior into compliance before the sale.

Board Member Coonrod made a motion to allow until the January 2011 Board Meeting to either bring the property into compliance or sell it, maintaining the site in a clean and secure condition in the mean time. Board Member Hartwell seconded the motion. The motion passed.

5. 2736 W. Anita

No interested party appeared on behalf of this property.

This one-story frame dwelling is about 26 x 35 feet in size. Vacant and open, this structure has a cracking concrete block foundation; cracked stucco and vinyl siding; worn composition roof; deteriorated front porch; and rotted wood trim and framing members.

Board Member Murabito made a motion to submit the property to the City Council, recommending condemnation, with ten days to begin razing the structure and ten days to complete the demolition. Board Member Youle seconded the motion. The motion passed without opposition.

6. 5949 N. Armstrong

There was no one attending the hearing on behalf of this property.

A one-story frame dwelling about 41 x 70 feet in size, the building is vacant and open. This structure has a cracking concrete foundation; rotted wood lap siding; badly worn composition roof, with holes; rotted and missing wood trim;

and the 18 x 60 foot accessory structure is deteriorated. The active file was started on this property on December 2, 2009.

Board Member Harder made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to begin removal of the structure and ten days to finish the wrecking. Board Member Coonrod seconded the motion. The motion was approved.

7. 1209 N. Jackson

There was no representative for this property in attendance.

This is a two-story frame dwelling about 24 x 46 feet in size and has been vacant for at least four years. This structure has a cracking concrete foundation; deteriorated soffits; rotted wood trim; and the 12 x 41 foot rear dwelling is deteriorated.

Board Member Youle made a motion to refer the property to the City Council, recommending condemnation, with ten days to begin demolition and ten days to complete razing the structure. Board Member Harder seconded the motion. The motion carried.

8. 772 N. St Paul (South Structure)

No one was present as a representative for this property.

A one-story frame dwelling about 24 x 40 feet in size, this building has been vacant for at least ten years. This structure has broken and missing transite asbestos siding; deteriorated front porch; and deteriorated and missing wood trim.

Board Member Coonrod made a motion to refer the property to the City Council for condemnation action, with ten days to initiate demolition and ten days to complete the demolition. Board Member Hartwell seconded the motion. The motion was approved.

Discussion of the BCSA Policy on Unsafe and Dangerous Structure Condemnation Actions

Mr. Schroeder explained that the proposed policy on unsafe and dangerous structures had been developed using the City Council's policy for dealing with such structures. The goal is to see significant improvement within thirty to sixty days of initial action, and substantial compliance within 120 days. In the case where a property that has been presented to the Board has recently been sold or is in the process of being sold, it allows a new owner the opportunity to make improvements in a timely manner. In the event that at least eighty percent of the significant repairs have been completed on a property, the policy would allow Central Inspection to monitor the property through regular code enforcement, and to advise the Board of that action rather than present the property to the Board again.

Chairman Hentzen asked that, in the future, any guidelines as approved by the Board be provided to the owners of properties that were on the BCSA agenda for potential condemnation action.

Additional items that the Board requested be added to the policy draft were larger print; a notice that anyone wishing to have an extension(s) for making repairs should be present at the hearing, or have a representative present in his or her behalf; and emphasize the requirement that delinquent taxes must be paid, the site must be maintained in a clean and secure condition; and substantial efforts must be made to bring properties into compliance.

Board Member Hartwell expressed concern about structural issues that may be present on properties that are presented to the Board. In situations where there are concerns about the structural integrity of the building, Ms. Legge said that a Neighborhood Inspector could assess the structural stability of a building and require necessary repairs or verification of its stability prior to permitting occupancy.

Ms. Legge distributed a copy of the checklist that she developed to give to property owners/representatives appearing before the Board. The checklist includes the status of the taxes as of the day of the hearing; the condition of the premise (trash, debris, bulky waste); and whether permits are required for any of the repairs, among other items. The property owner/representative will receive a copy, and a summary will also be provided to the Board.

Discussion of BCSA Meeting dates in 2011

All dates were approved as the first Monday of each month, with the exception of the January 2011 meeting, which will be held on the tenth of the month. The regularly scheduled dates for July and September will be moved to the following Monday since both first Mondays fall on official holidays.

Board Member Coonrod made a motion to approve the rescheduled dates for the January, July and September 2011 meetings. Board Member Youle seconded the motion. The motion passed unopposed.

With no other business to conduct, Board Member Coonrod made a motion to adjourn the meeting. Board Member Crofts seconded the motion. The motion passed.

The meeting adjourned at 2:43 p.m.