

BOARD OF CODE STANDARDS AND APPEALS MINUTES

November 1, 2010

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

Present: Banuelos, Coonrod, Crotts, Harder, Hartwell, Hentzen, Willenberg

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Maria Bias, 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, November 1, 2010, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the October 4, 2010, minutes.

Board Member Hartwell made a motion to approve the October 4, 2010, minutes. Board Member Willenberg seconded the motion. The motion was approved. (Board Member Crotts was not present during this vote.)

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

Approval of the November 2010 license applications as follows:

Mr. Schroeder briefly explained that Central Inspection had received a number of out-of-town applicants for contractor licensing since the hailstorm in mid-September. Most of the applications were for licensing for roofing contractors.

<u>Name</u>	<u>Class</u>	<u>Date</u>
Patrick M. Conway (Mr. Conway is testing for advancement at his current job. The license will remain inactive.)	Class B	November 2010
Jeff McCuan	Roofing	November 2010
David Timberlake	Class A	November 2010
Thomas Cook	Class A	November 2010
William A. Stava, Jr.	Class A	November 2010
Bruce Butler	Roofing/Siding	November 2010
Brian Joplin	Roofing/Siding	November 2010
Morgan Cathey	Roofing	November 2010
Edward DesRochers	Roofing	November 2010
Bruce Davis	Class B	November 2010
Angel Guzman	Roofing/Siding	November 2010
Matt Green	Roofing	November 2010
Michael Perry	Roofing/Siding	November 2010
Israel Garza	Class D	November 2010
Jason R. Werner	Roofing	November 2010
Ronald Keith Carpenter	Roofing/Siding	November 2010
Cody Becker	Roofing	November 2010
Lawrence Beck	Roofing/Siding	November 2010
Todd A. Goerzen	Class A	November 2010
Jerry R. Niemann	Roofing	November 2010

Ryan Samaniego	Roofing/Siding	November 2010
Brad Ramey	Class B	November 2010
Jake Reeves	Roofing	November 2010
Richard Gonzales	Roofing	November 2010
Edgar Bernal	Class B	November 2010
Jerry Hill	Class B	November 2010
John F. Stout	Roofing	November 2010
Garry Russell	Roofing	November 2010
Scott Feller	Class C	November 2010
Michael O'Connell	Roofing	November 2010
William Alston	Class B	November 2010

Brian Joplin was present at the meeting. After the Board reviewed his application and accompanying documents, Board Member Coonrod made a motion to approve Mr. Joplin's request for licensing. Board Member Willenberg seconded the motion. The motion carried.

Morgan Cathey attended the meeting. Board Member Coonrod asked if Mr. Cathey currently held a contractor's license in the State of Kansas. Mr. Cathey answered in the affirmative. Chairman Hentzen inquired about the two separate certificates of insurance, both of which included liability. Mr. Van Zandt explained that one of the certificates of insurance was for the entity based in Kansas, and the second certificate of insurance was for the entity based in Georgia. Chairman Hentzen noted that an officer of the corporation had not signed the actual application. Mr. Van Zandt told the Board that Mr. Cathey included a letter from an officer of the corporation stating the Mr. Cathey had the authority to bind the corporation in legal contracts. Board Member Coonrod made a motion to approve Mr. Cathey's request for licensing. Board Member Harder seconded the motion. The motion passed.

Cody Becker was in attendance at the meeting. Board Member Hartwell inquired whether Mr. Becker held a current roofing licensing in Pratt, Kansas. Mr. Becker said that his family-run company had been in existence since 1965 in Pratt, Kansas. Finding Mr. Becker's documentation satisfactory, Board Member Coonrod made a motion to approve Mr. Becker's request for licensing. Board Member Harder seconded the motion. The motion carried.

Danny Leverett represented himself, Garry Russell, and John Stewart at the meeting. Mr. Leverett said the company had done roofing in Colorado, Texas, Missouri, and Oklahoma. Board Member Harder made a motion to approve Mr. Russell's request for licensing. Board Member Coonrod seconded the motion. As a point of discussion, Chairman Hentzen inquired about the waivers for automobile and workman's compensation insurance, which were not in the application packet. Board Member Coonrod made an amended motion that the application be approved upon the City of Wichita's receipt of the necessary waivers. Board Member Hartwell seconded the amended motion. The motion was approved.

John Martin appeared on behalf of Michael O'Connell, who submitted an application and accompanying documentation for a Roofing Contractor's License. After perusing the application packet provided by Mr. O'Connell, Board Member Harder made a motion to approve the request for licensing. Board Member Banuelos seconded the motion. The motion passed without opposition.

Board Member Coonrod made a motion to approve the remainder of the license examination applications pending the verification of all necessary documentation by Central Inspection. Board Member Hartwell seconded the motion. The motion passed.

Mr. Van Zandt briefly spoke about the City of Wichita potentially adopting new policies pertaining to contractor licensing. The onslaught of out-of-town contractors after the September hailstorm created serious concerns about the number of companies and individuals doing roofing and/or siding work without the necessary licenses. Although no specific conditions have been defined, Mr. Van Zandt said the City will continue to review the matter in hopes of providing better protection for those citizens needing to hire contractors for such repairs.

1. Request for Change of Company Name – Jeff Vap (Class A Contractor's License)

Mr. Vap , currently licensed as a Class A Contractor, he requested that he be permitted to change his company name from "Jeff Vap" to "Quality Construction & Remodeling." Mr. Schroeder informed the Board that Mr. Vap had eight permits in the previous two years; six of the permits had expired without inspection. Board Member Hartwell made a motion to approve the request contingent upon Mr. Vap having the open and expired permits properly closed in the Central Inspection records. Board Member Harder seconded the motion. The motion was approved.

2. Request for Change of Company Name – Leo M. Merriman (Class B Contractor’s License)

Mr. Merriman requested that he be permitted to change his current company name, "Oasis Pools," to "L. M. Merriman, Inc." Mr. Merriman is a Class B Contractor’s License. Board Member Harder made a motion that the request be approved once the open and/or expired permits issued under "Oasis Pools" be finalized in the Central Inspection records. Board Member Coonrod seconded the motion. The motion carried.

3. Request for Change of Company Name – Rob Pearce (Class B Contractor’s License)

Mr. Pearce has a Class B Contractor’s License. Due to an ownership change of the company, he is requesting that he be permitted to change the name of "Esh Quality Services" to "Quality Structures, Inc." A review of the application packet indicated that all required documents were included. Board Member Coonrod made a motion to approve the applicant’s request for a change of company name. Board Member Harder seconded the motion. The motion carried unanimously.

4. Change in Qualified Person – Eagle USA Roofing (Roofing Contractor’s License)

Mr. Andre The addressed the Board and explained that the qualified person for Eagle USA Roofing had left the company. Mr. The requested approval to be named the qualified person for the company. Finding the applicant’s information to be in order, Board Member Harder made a motion to approve Mr. The’s request to be named the qualified person for Eagle USA Roofing. Board Member Banuelos seconded the motion. The motion passed.

5. Change in Qualified Person – Heart Custom Homes, LTD (Class C Contractor’s License)

The Class C License for Heart Custom Homes, LTD, expired on December 31, 2008, and was not renewed because the qualified person left the company and started a separate business. Andrew Dilts is requesting that the Board permit him to upgrade the original license to a Class B, with his name listed as the qualified person.

Mr. Schroeder interjected that the request to keep the old license number should be addressed by Mr. Van Zandt. It would be a determination by Mr. Van Zandt, as legal counsel, whether current ordinances/policies would permit the license to be issued under the old license number, or if it would require a new license. There was also one permit that had expired without final inspection. Board Member Coonrod made a motion to approve the new license upon the resolution of the expired permit, and the determination by legal counsel on the use of the original license number. Board Member Harder seconded the motion. The motion passed.

6. Condemnation Hearings

Review Cases:

1. 1737 N. Madison

There was no party present to represent this property.

A one-story frame dwelling about 28 x 45 feet in size, this building has been vacant for at least two years. This structure has shifting and cracking concrete basement walls; rotted wood lap siding; badly worn composition roof with missing shingles; rotted wood trim and rafter tails; and the front, south and north side porches are deteriorated.

Ms. Legge informed the Board that work has progressed on the property to the satisfaction of the Central Inspection staff. Staff recommendation is that the Board return the property to regular Code Enforcement.

Board Member Crotts made a motion to return the property to regular Code Enforcement. Board Member Banuelos seconded the motion. The motion was approved.

2. 838 S. Topeka

Robert Carstedt, owner, was present.

Approximately 39 x 44 feet in size, this two-story frame dwelling has been vacant for at least ten months; this structure has been badly damaged by fire. It has fire damaged, rotted and missing siding; fire damaged and badly worn composition roof with holes and missing shingles; deteriorated front porch; and the wood trim and framing members are rotted.

This property was first brought before the Board at the March 2010 hearing. Since then, the case has been reviewed by the Board numerous times, most recently at the September 13, 2010, hearing. At that time, Mr. Carstedt was present at the meeting when the Board approved an extension to allow Mr. Carstedt until the regularly scheduled November meeting to bring the exterior of the property into compliance with the minimum housing standards or the property would be submitted to the City Council with a recommendation of condemnation.

The taxes are current; there are no Special Assessments against the property. On a site visit on October 27, 2010, Central Inspection staff noted that exterior repairs were in progress; there was some construction debris and bulky waste on the porch. Some interior wall framing had been done; however, no work had begun on the roof, and its potential for collapse is a concern to Central Inspection staff.

Mr. Carstedt explained to the Board that he had a crew working full time on the property. He said the exterior should be completed by the last part of November. He said that he had already purchased replacement windows and has almost finished the installation. He also stated that he hauls construction debris off the site nearly every other day.

Board Member Hartwell made a motion that Mr. Carstedt be allowed an extension of thirty days to make significant progress on the exterior or reappear before the Board, maintaining the site in a clean and secure condition in the interim. Board Member Crotts seconded the motion. The motion passed with one Board Member in opposition.

3. 3916 / 3920 E. Roseberry Ct.

The property owner, Dale Blubaugh, attended the hearing.

Vacant and open, this one-story frame duplex is about 24 x 84 feet in size. The structure has a wood pier and concrete block foundation with missing wood and concrete; rotted and missing asbestos siding; badly worn composition roof; three dilapidated porches; rotted fascia, soffits, and sill plates; and the two accessory structures 13 x 86 foot wood and 6 x 8 foot metal are dilapidated.

Originally before the Board at the April 2010 hearing, Mr. Blubaugh reported on the status of the property condition as recently as the September 13, 2010, meeting. At that meeting, a motion was approved by the Board to allow until the November hearing to have the exterior violations corrected or the property would be referred to the City Council for condemnation. Although the exterior repairs are not completed, work is in progress.

The taxes are current and there are no Special Assessments against the property. There is bulky waste and scattered trash on the premises. The siding repairs are near completion; however, the remainder of the repairs are not finished. Both accessory structures were unsecure and filled with debris at the last site inspection.

Providing recent photos of the property to show the Board his progress, Mr. Blubaugh said that he had the painting near completion; the porch has been fixed; the windows have been caulked; and the debris has been cleared away.

Board Member Hartwell asked what would be done with the dilapidated sheds. Mr. Blubaugh said he would either repair them or demolish them. He could better determine the plan for the sheds once he finished the work on the house. He requested an additional thirty days to correct the remainder of the violations.

Board Member Coonrod made a motion to allow thirty days for the completion of the exterior repairs, maintaining the site in a clean and secure condition in the meantime; in the event that the repairs are not complete, the property will be submitted to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structures and ten days to complete the demolition. Board Member Harder seconded the motion. The motion was approved. Board Member Coonrod admonished Mr. Blubaugh that there would be no further extensions granted if the work was not complete by the stated deadline.

4. 1313 W. 55th S.

The owner of the property, Norman Massey, was present.

This two story frame commercial building, about 30 x 60 feet in size, has been vacant for at least 1-1/2 years. This structure has rotted and missing wood siding, sagging and badly worn composition roof, with holes; deteriorated front porch; dilapidated rear porch, with collapsing stairs and landing; and the wood trim and framing members are rotted.

This case was before the Board in June 2010 for the first time, and again in July and September of 2010. At the September hearing, Mr. Massey was instructed by the Board to explore the options available to him for the building, and report back with a definite course of action at the November regular monthly meeting.

The taxes are current; there are no Special Assessments against the property. At the last site inspection done on October 26, 2010, some tree debris was noted, and the rear door of the building was open. No repairs had been done.

Presenting his plan for the property, Mr. Massey said he had put the property up for sale and had a contract that is supposed to close on November 12, 2010. If, for some reason, the sale does not go through, Mr. Massey told the Board that he would demolish the structure.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation should the property not be sold or demolished as stated. Board Member Coonrod seconded the motion. The motion carried.

5. 1715 N. Chautauqua

There was no one present as a representative for this property.

Approximately 37 x 28 feet in size, one-story frame dwelling has been vacant for at least two years. The structure has a cracking concrete block foundation; missing vinyl siding; and the rear porch is deteriorated.

Ms. Legge informed the Board that an attorney for Mr. Alvin Robinson, the property owner, had notified Central Inspection by letter that Mr. Robinson no longer had interest in the property.

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

6. 1907 N. Grove

There was no one in attendance on behalf of this property.

This one-story frame dwelling is about 25 x 31 feet in size. Vacant for at least five years, this structure has shifting and cracking concrete basement walls; broken and cracked wood siding; badly worn composition roof; and the front and rear porches are deteriorated.

The condition of the property has improved to a point that Central Inspection staff recommends that the Board return the property to regular Code Enforcement for monitoring.

7. 3519 E. Munger

The property was represented by the owner, Larry Smith.

Vacant for at least eight months, this one-story frame dwelling is about 56 x 24 feet in size. This structure has a shifting and cracking concrete block foundation; rotted and missing asbestos siding; sagging and badly worn composition roof with missing shingles; two dilapidated front porches; two deteriorated rear porches; and the soffits, wall sheathing and sole plates are rotted.

The 2009 taxes are delinquent in the amount of \$355.67, including interest. There are no Special Assessments against the property. Some of the rotten siding was removed from the structure and left on the premise, in addition to tree debris. The structure is secure; however, no repairs have been initiated. On September 16, 2010, Central Inspection staff met with Joyce Smith and Pearl Smith at the property to discuss the violations and explain the requirements for resolving the substandard condition.

Mr. Smith told the Board that he intended to repair the structure, but it would take him some time. He speculated that it may take up to sixty days to complete the necessary repairs.

Board Member Harder made a motion to grant ninety days for the exterior violations to be corrected, and to pay the delinquent taxes, keeping the site clean and secure in the interim. Board Member Coonrod seconded the motion. The motion was approved.

8. 2564 S. Holyoke

Fred L. Mitchell, father of the owner, was present.

A one-story frame dwelling about 113 x 34 feet in size, this building is vacant and open. The structure has missing vinyl siding; badly worn composition roof with holes; and the rear enclosed porch is collapsed.

At the September 13, 2010, hearing, this property was first presented to the Board. At that meeting, Fred L. Mitchell, father of the owner, and Fred Deon Mitchell, the owner, attended on behalf of the property. At that time, a motion was approved by the Board to allow until the regularly scheduled November hearing for the delinquent taxes to be paid and for a plan of action for the repair of the property to be established; the site was to be maintained in a clean and secure condition in the meantime.

The 2006, 2007, 2008, and 2009 taxes are delinquent in the amount of \$1,808.26, including interest. There are no Special Assessments against the property. All other violations remain, and there is a trailer filled with trash and bulky waste on the site. The building permit has expired. The north unit is not secure; it has an open window and the rear door is open. The owner of a neighboring property has complained that trash and debris from the four-plex has sometimes been dumped on his property.

Mr. Fred Mitchell told the Board that he had talked to staff at Sedgwick County and was prepared to make a payment on the delinquent taxes. He said that all of his income had gone into the property and was draining him financially. Mr. Mitchell informed the Board that he has redecked a portion of the roof and has repaired some of the windows; some of the rotted wood has also been replaced.

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

Ms. Legge explained the formal condemnation procedure to Mr. Mitchell, including the approximate time line before the property would be placed on the City Council Agenda.

7. Discussion of presentation of materials for condemnation cases to BCSA.

Ms. Legge inquired what the preference of the Board was pertaining to the presentation of the condemnation cases. She explained that the packets supplied to the Board Members for each condemnation case are the same format as those provided to the City Council, although there is usually additional information added into the City Council packets. She asked what information the Board Members felt would be best in assisting the Board to make informed decisions regarding the disposition of those cases. Board Member Coonrod replied that knowing when cases were originally initiated was very beneficial, as well as the status on taxes, special assessments, and a brief history of each property.

For the sake of clarification, Ms. Legge asked whether an approved motion designating a specified time for the completion of repairs or the automatic referral of the property to the City Council for condemnation should ever be returned to the Board for further consideration in the event that significant improvements are made. Board Member Crofts said if Central Inspection staff felt the property conditions had improved substantially, then he would be in favor of those cases coming back for further review.

Board Member Coonrod expressed the opinion that properties referred to the City Council should not be brought before the Board even if considerable improvements are made. He said that if the improvements made were significant enough to withdraw the case from the City Council condemnation agenda, perhaps regular Code Enforcement could monitor those properties rather than returning them to the Board. Board Member Harder agreed that the motions for requiring reviews of properties or submitting properties to the City Council for condemnation action should be specified as one or the other. Mr. Schroeder suggested that the Board might want to peruse the guidelines that the City Council Members use for determining the disposition of properties submitted for their final decisions. Board Member Coonrod said that it would be helpful to look at the Council guidelines. Chairman Hentzen suggested that the Board might also want to develop its own policy for the disposition of such properties.

With no other business to conduct, Board Member Coonrod made a motion to adjourn the meeting. Board Member Harder seconded the motion. The motion passed. (Board Member Hartwell was not present for this vote.)

The meeting adjourned at 3:13 p.m.