

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

**September 12, 2011**

**Members:** Francisco Banuelos, Randy Coonrod, Daryl Crotts, Brad Doeden, Randy Harder, Bernie Hentzen (outgoing Chairman/Board Member), Russ Redford, Larry Webb, Gregg Wilhite, Warren Willenberg,

**Present:** Banuelos, Coonrod, Crotts, Doeden, Harder, Hentzen, Redford, Webb, Whilhite

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

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, September 12, 2011, at 1:30 p.m. in the 1<sup>st</sup> floor Board Room, City Hall, 455 N. Main, Wichita, Kansas. Chairman Hentzen presided over the meeting until the new Chairman was elected.

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

## **Approval of the August 1, 2011, minutes.**

Board Member Coonrod made a motion to approve the August 1, 2011, minutes. Board Member Harder seconded the motion. The motion was approved.

## **Election of Officers (Chairman, Vice Chairman)**

Chairman Hentzen asked for nominations for Chairman of the Board. Board Member Harder nominated Randy Coonrod for the position. No other nominations were offered. The Board elected Randy Coonrod to the position of Chairman of the Board.

Chairman Hentzen asked for nominations for Vice Chairman of the Board. Randy Harder was nominated by newly elected Chairman Coonrod. The Board elected Randy Harder to the position of Vice Chairman of the Board.

With the newly elected officers in place, former Chairman Hentzen relinquished the Chair.

## **Approval of the September 2011 license applications as follows:**

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
James R. Albertson	Albertson Associates, LLC	Class B
Royce H. Cornelison	P & C Construction, Inc.	Class A
Jeffrey Danna	Affiliated Multi-Family Services, Inc.	Roofing
Kevin Dzurick	Exterior Design of KC, LLC	Roofing
James B. Freeman	Skanska USA Building, Inc.	Class A
Joseph Hollis	Hollis Roofing, Inc.	Roofing & Siding
Landon Hostetter	Hostetter Home Improvements	Class C
Jeffrey L. Jirak	Jeffrey L. Jirak dba Jeff Jirak Construction	Class C
Nick Julo	Greenleaf Construction, Inc.	Class A
Tyler W. Klein	Klein & Kennedy Construction, LLC	Class B
Tanner Knoblauch	Tanner Knoblauch dba Tanner Knoblauch Construction	Class B
Allen B. Mundy	Munlake Contractors, Inc.	Class B
Ricardo Olivas	Mainstream Roofing, LLC	Class B
Richard Phinney	Richard's Earthworks	Wrecking
Lee A. Weir	Weir Remodeling, LLC	Class B
Barry Wilson	Barry Wilson dba BC Builders	Class B

Mr. James R. Albertson was present on behalf of his request to obtain a Class B Contractor's License. After reviewing the submitted documentation, Board Member Harder made a motion to approve Mr. Albertson's request for a contractor's license. Board Member Banuelos seconded the motion. The motion passed.

Mr. Richard Phinney attended the meeting to answer any questions by the Board regarding his request for a Wrecking Contractor's License. Board Member Harder made a motion approve Mr. Phinney's request for a contractor's license. Board Member Banuelos seconded the motion. The motion was approved.

Based on the documentation submitted by the remaining applicants, Board Member Harder made a motion to approve the remaining license applications. Board Member Banuelos seconded the motion. The motion carried.

**Change in Qualified Person – Douglas Heinen, Straub Construction Co., Inc. (Class A)**

Mr. Heinen requested that the Board approve him as the new Qualified Person for Straub Construction Co., Inc. The former Qualified Person, Greg Hellbusch, submitted a letter stating that he is no longer with Straub Construction Co., Inc. Board Member Harder made a motion to approve Mr. Heinen as the Qualified Person for Straub Construction Co., Inc. Board Member Banuelos seconded the motion. The motion passed.

**Change in Qualified Person – Leslie Hentzen, Cherokee Construction, Inc. (Class A)**

Ms. Leslie Hentzen appeared before the Board to request that her current Class A Contractor's License be downgraded to a Class B Contractor's License, and that as majority owner of the company, she be approved as the Qualified Person for the license. Finding the pertinent documentation in order, Board Member Harder made a motion to approve the downgrading of the current Class A Contractor's License to a Class B Contractor's License, and to approve Ms. Hentzen as the Qualified Person for the license. Board Member Banuelos seconded the motion. The motion was approved.

**Change in Qualified Person – Patrick Lang, The Kitchen Place, Inc. (Class C)**

In January 2011, Mr. Patrick Lang purchased The Kitchen Place, Inc., from Jess Frieze. Mr. Lang s that he be approved as the Qualified Person, replacing Mr. Frieze. Because there were unresolved permits, Board Member Harder made a motion that the change be denied due to the unresolved permits; however, if the expired permits are resolved prior to the October 3<sup>rd</sup> regular monthly meeting, Mr. Lang's request will be granted without having to appear before the Board. Board Member Webb seconded the motion. The motion carried. (Board Member Redford abstained from the vote and discussion on this matter.)

**Request to Renew Contractor's License and Change Company Name - Tyson Tompkins dba Tyson Tompkins (Class B)**

Mr. Tyson Tompkins requested that the Board allow him to renew his expired Class B Building Contractor's License rather than obtain a new license. The original license, issued on May 16, 2002, expired on December 31, 2002, and had not been renewed since that time. Mr. Tompkins also requested that he be allowed to change the name of his company to Amid Construction, LLC.

Mr. Van Zandt briefly explained that licenses are typically renewed prior to the end of each calendar year. After a short grace period, licenses are renewed with a penalty, which increases monthly until the sixth month. Beyond that, the Board has the authority to allow the renewal if there has been good cause shown why the license was not renewed. Mr. Schroeder added that the idea being that an individual would have kept current with the codes during the time the license was not renewed. There are also provisions for a contractor to remain in an "inactive" status, Mr. Van Zandt expounded, which allows the contractor to pay the license fee without providing proof of insurance. The contractor is licensed but remains inactive until the required insurance documents are provided to Central Inspection.

Since Mr. Tompkins was not present to answer questions regarding the reason for the lapse of his license, Board Member Harder made a motion to deny Mr. Tompkins' requests to renew his 2002 license and change the company name; the motion included that the expired permit from 2002 be resolved, and that Mr. Tompkins retest in order to obtain a contractor's license. Board Member Crofts seconded the motion. The motion passed.

Prior to hearing about the properties presented for condemnation consideration, Chairman Coonrod requested that Mr. Schroeder give an overview of the procedures and the Board's role in the process. Approximately fifteen years ago, the Board of Code Standards became an advisory board to the City Council in situations where buildings are considered dangerous. Usually vacated, the buildings may be damaged due to fire or some other disaster; and in some cases the condition is due to neglect. Prior to condemning the structure and demolishing it, due process requires that a number of public hearings be held where owners and/or interested parties may speak about the property. After hearing about such structures, the Board of Code Standards and Appeals has the option to continue the case until a later date to clarify ownership issues, or if someone has recently purchased the property, to allow the new owner to attempt rehabilitation or demolition.

Typically, the Board monitors the progress of any repairs through the owners' appearance before the Board, or by the reports of the area Neighborhood Inspectors (including photographs of the sites). Within sixty days of a property's first hearing, the Board normally requires substantial progress; six months from the first hearing is generally the extent of the time that the Board will allow for compliance. If, at any time during the process, the Board determines that there has been little or no progress on a site, the Board, by a majority vote of its members, may make a recommendation to the City Council that a structure should be demolished. (The motion is customarily made as "ten and ten," which means that the City Council would grant the owner ten days to initiate demolition of the structure, and if the owner does not move forward with the wrecking, the City would proceed with razing the building.)

Approximately seven to nine weeks after a recommendation for condemnation is made, the property is placed on the City Council Agenda for consideration. The City Council then has the option to grant an extension, or accept the Board's recommendation. If the City Council accepts the Board's recommendation for condemnation, the owner is given ten days to commence demolition. If the owner fails to begin demolition, Ms. Legge begins the process to arrange for the wrecking to be contracted, with the costs assessed and billed to the property owner(s). If the owner(s) does not pay the fees for the demolition, the costs are assessed against the property as a Special Assessment.

Additionally, Chairman Coonrod explained that many of the Board's motions may include a requirement to maintain a property in a clean and secure condition while undergoing repairs. Properties not in compliance with that stipulation are sometimes secured by Central Inspection. In the event of an emergency board-up, Central Inspection staff installs boards over windows and doors to prevent unauthorized access to nuisance structures. The costs associated with board-ups are assessed against the property.

When properties presented for condemnation have delinquent taxes, the Board commonly directs that the taxes be paid or a payment plan be arranged with Sedgwick County as part of the requirement whenever extensions are granted for repairs. For the most part, the main concern of the Board is the exterior condition of properties, including the structural integrity of the buildings. As part of the code compliance inspection required to close out the case, Neighborhood Inspection staff verifies that interior conditions meet the minimum housing code before releasing the property for occupancy.

On the occasion when the Board is asked to make a determination on the interior of a property, Mr. Schroeder interjected, it is typically a structure that is submitted as "Unfit for Habitation." In those circumstances, the conditions of the interior are so deteriorated that it is unsafe and unsanitary for occupants. The Board would be asked to declare a property Unfit for Habitation and give an order to vacate the structure within a specified period.

**1. Condemnation Hearings:**

**Review Cases:**

**1. 1821 E. 23<sup>rd</sup> N.**

Mr. Alfred Yates, owner of the property, was present.

This is a one-story frame dwelling about 23 x 41 feet in size. Vacant for at least four years, this structure has a shifting and cracking concrete foundation; missing vinyl siding; badly deteriorated composition roof with holes and missing shingles; and rotted soffit, fascia, wood trim and framing members.

This property was first before the Board at the March 7, 2011, hearing, and most recently at the June 6, 2011, hearing. At the June hearing, Mr. Yates was granted ninety days to make substantial progress on the repairs and make arrangements to pay the delinquent taxes, while keeping the property clean and secure.

The 2009 and 2010 taxes are delinquent in the amount of \$520.92; there are no Special Assessments against the property. There are tall grass and weeds, volunteer trees, and bulky waste on the premise. A roofing permit was issued to Mr. Yates on August 16, 2011, and the rear slope of the roof has been covered with a tarp. Ms. Legge and Mr. Schroeder met with Mr. Yates on site on August 22, 2011, to discuss the repairs that needed to be made.

Mr. Yates informed the Board that the check for the materials and labor for the roof repair had been written that day. The actual repairs were to begin no later than the following day. Mr. Yates said that he had paid one year of the delinquent taxes.

Board Member Harder inquired whether Mr. Yates had the funds to repair the entire roof. Mr. Yates said that the money paid for repairs had been for the back half of the roof, which was in the worst condition. He added that he expected to have the funds to complete the front portion of the roof very soon.

Board Member Wilhite asked when Mr. Yates anticipated having the remaining deficiencies repaired. Mr. Yates responded that the back portion of the roof will be repaired as soon as possible. He requested additional time, asserting that the financial aspect for the repairs was finally coming together.

Board Member Harder expressed concern that property had been in violation of the housing standards for more than six months, and after two lengthy extensions, there had been no substantial work done toward the repairs. Board Member Crofts asked if Mr. Yates had investigated whether financial assistance might be available for any of the repairs. In order to obtain assistance, Mr. Yates explained, the property had to be occupied; and since there is no electrical service to the house, he has been unable to live in it. Mr. Schroeder interjected that all of the delinquent taxes would have to be paid in order for Mr. Yates to qualify for the City programs offering financial assistance.

Board Member Harder made a motion to refer the property to City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to complete removal of all debris. Board Member Crofts seconded the motion. The motion carried.

**2. 1546 N. Grove**

The property owner, James Fairly, attended the hearing.

Vacant and open, this is a one- and one-half story frame dwelling about 44 x 24 feet in size. This structure has shifting and cracking concrete block basement walls; sagging composition roof; deteriorated front porch; and the wood trim and framing members are deteriorated.

This property was originally before the Board on April 4, 2011. At the July 11, 2011, the Board granted until the September 2011 meeting for repair of the exterior and for Mr. Fairly to arrange to pay the delinquent taxes, maintaining the site in a clean and secure condition in the interim.

As of the day of the meeting, the taxes were still delinquent for 2008, 2009, and 2010, in the amount of \$1,442.46. There are no Special Assessments against the property. There were tall grass and weeds, bulky waste, and construction debris on the premises. A building permit was obtained on April 29, 2011, and work has started on the foundation. The structure is secure.

Mr. Fairly reported that the major portion of the work, which he understood to be the foundation repairs had been completed; he said he had accomplished some of the clean up as well. The house has been scraped and primed in preparation for painting. Mr. Fairly explained that part of what had been described as construction debris was actually construction materials.

Board Member Harder asked if the foundation wall (shown in photos taken at the most recent site inspection) had been taken down and repaired. Mr. Fairly replied that another side of the foundation had been the problem area, and it had been taken down and repaired. The portion referred to by Board Member Harder, Mr. Fairly explained, had a few cracks that needed to be filled; however, the wall itself was solid. Board Member Harder voiced uncertainty about the structural stability of the portion that had not been rebuilt.

Board Member Harder made a motion that an extension be granted until the regular monthly meeting in October for Mr. Fairly to make an appointment to meet with Ms. Legge on the site to allow her to assess the stability of the foundation and to clarify the remaining repairs needed and report back to the Board, meanwhile, maintaining the site in a clean and secure condition. If the remaining repairs are not made, or at least substantial progress toward completion is not made, the property will be submitted to the City Council for condemnation. Board Member Banuelos seconded the motion. The motion passed.

With no other business to conduct, Board Member Harder made a motion to adjourn the meeting. Board Member Crotts seconded the motion. The motion was approved.

The meeting adjourned at 2:17 p.m.