

BOARD OF CODE STANDARDS AND APPEALS MINUTES

January 9, 2012

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Brad Doeden, Randy Harder, Russ Redford, Larry Webb, Gregg Wilhite, Warren Willenberg

Present: Banuelos, Coonrod, Crotts, Doeden, Harder, Redford, Webb, Wilhite, Willenberg

Staff Members Present: Rick Stubbs, Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection); Donte Martin (Municipal Court/Central Inspection); Jeff Van Zandt (Law Dept.)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Coonrod on Monday, January 9, 2012, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Chairman Coonrod began the meeting by thanking the City Staff for the condolences received on the recent loss of his mother. Chairman Coonrod also expressed his thanks for former Central Inspection Superintendent Kurt Schroeder's service to the City of Wichita.

Introduction of Central Inspection's newly appointed Interim Director and Interim Co-assistant Directors.

Ms. Legge introduced Donte Martin, Municipal Court Administrator and Interim Superintendent of Central Inspection. As Interim Co-Assistant Director, Rick Stubbs introduced himself to the Board and explained his role in overseeing the day-to-day operations of the Administrative, Plan Review, Building and Trade Inspection, and Commercial Zoning and Signs Sections. Ms. Legge, Interim Co-Assistant Director, will oversee the Neighborhood Inspection and Tall Grass and Weeds Inspection Sections in addition to her duties as the Neighborhood Inspection Administrator.

Chairman Coonrod requested that the Board Members and City staff introduce themselves to the citizens in attendance.

Approval of the December 5, 2011, minutes.

Board Member Willenberg made a motion to approve the December 5, 2011, minutes. Board Member Banuelos seconded the motion. The motion carried.

Approval of the January 2012 license applications as follows:

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
Charles Beaver III	Burr Computer Environments, Inc.	Class B
Mark C. Bergman	B & B Contractors, Inc. dba The Bergman Companies	Class A
John K. Caddell	Caddell Construction Company, Inc.	Class A
Douglas Gilstrap	Douglas Gilstrap dba Dove Enterprises	Class B
Albert W. Hill	Hotel Development, Inc.	Class A
Gregory Hunt	Restaurant Specialties, Inc.	Class A
William B. Hurst	William B. Hurst dba Hurst Construction	Class A
Rick Scott	Rick Scott Construction, Inc.	Class A
Tony Stevenson	Building Demolition Services, LLC	Wrecking
Ronald Taylor	Terra Nova Industries, Inc.	Class A
Richard Tucker	Hensel Phelps Construction Company	Class A
Rick Wilken	Utilities Plus, Inc.	Class B

Mr. Van Zandt informed the Board of the following issues regarding the applicants: 1) Mr. Charles Beaver III had not taken the Class B test at the time of the meeting; 2) the certificate of insurance for Mr. William Hurst was in need of corrections; 3) Mr. Tony Stevenson had not submitted the required insurance documents and had not taken the Wrecking examination at the time of the meeting. Mr. Van Zandt explained that Central Inspection staff receives a

number of incomplete application packets that are brought before the Board for review and approval. Frequently the Board approves the applications pending submission of missing documents and/or corrected documents, which puts the burden of tracking the partial application packets on Central Inspection staff. Mr. Van Zandt asked the Board to make a determination whether incomplete application packets should be brought before the Board. Board Member Wilhite made a motion that all contractor application packets be submitted by the staff-imposed deadline for Board Agenda each month or be carried over to the subsequent meeting date for consideration. Board Member Harder seconded the motion. The motion carried unanimously.

Board Member Harder made a motion that all license applications except for those submitted by Mr. Beaver, Mr. Hurst, and Mr. Stevenson be approved. Board Member Crotts seconded the motion. The motion was approved.

Request for Change of Qualified Person – All Size Sheds (Class C)

Mr. Carl Brown, company owner and current Qualified Person for the Class C Contractor's License, requested that Mr. Jordan Crane be permitted to become the Qualified Person for the license. Without the submission of the required paperwork by the applicant, Board Member Harder made a motion to deny the request for change of Qualified Person. Board Member Willenberg seconded the motion. The motion passed.

Request for Change in Company Name – Oakridge Construction Services, LLC (Class B)

Due to the dissolution of a partnership, Mr. Max Christensen, company owner and Qualified Person for the Class B Contractor's License requested that he be permitted to change his company name from Oakridge Construction Services, LLC (Class B) to Max Christensen dba Oakridge Construction Solutions (Class B). Although the State of Kansas still showed an active business under Oakridge Construction Services LLC, it was noted that Mr. Christensen still operated his plumbing business under that name. There were eight expired permits and four active permits under the license. Board Member Harder made a motion to deny the change of company name until all remaining permits are resolved and the applicant appears before the Board. Board Member Webb seconded the motion. The motion carried.

Request for Change of Qualified Person – Efficiency Exteriors, Inc. (Class B)

Ms. Linda Kitch, company owner of Efficiency Exteriors, Inc., requested that Mr. Nathan Drake be permitted to become the Qualified Person for the company since the current Qualified Person, Paul Kitch, will be out of state for approximately one year. There were two expired permits under the license. Board Member Crotts made a motion to deny the request until all permits are resolved and the applicant resubmits the application packet before the Board. Board Member Webb seconded the motion. The motion was approved.

Condemnation Hearings:

Review Cases:

1. 1711 N. Madison

Caster Berry, owner of the property, was present.

This one-story frame dwelling is about 42 x 29 feet in size. Vacant for at least five years, this structure has a cracking block foundation; missing brick, hardy plank siding; badly deteriorated composition roof, with holes and areas of missing shingles; and rotted soffits, fascia and wood trim.

This property was first before the Board on July 11, 2011. It was before the Board again at the December 5, 2011, meeting when action was deferred until the January 2012 meeting in order to allow the owner to arrange for Central Inspection staff to inspect the roof installation. The taxes are now current; there are no special assessments against the property; and the premise is being maintained clean. The roof is complete and is awaiting final inspection. The structure is secure; however, no other repairs had been made at the time of the last inspection by staff.

Mr. Berry provided photographs of additional work that had been done on the property. He told the Board that he had almost finished painting the structure and was patching the concrete as needed. He said he also added eaves to the roof structure.

Chairman Coonrod asked whether Mr. Berry anticipated having the repairs completed by the end of the month. Mr. Berry confirmed that the repairs would be completed by the end of the month, weather permitting.

Board Member Harder made a motion to return the property to regular Code Enforcement. Board Member Willenberg seconded the motion. The motion carried.

New Cases:

1. 823 N. Lorraine

Bill Friedline, representing Alliant Bank, was present on behalf of this property.

Vacant and open, this one-story frame dwelling is approximately 30 x 36 feet in size. This structure has shifting and cracking basement walls; broken and missing siding shingles; sagging and badly worn composition roof, with holes; deteriorated front porch; rotted and missing soffit and fascia; rotted wood trim; and the rear addition roof has collapsed. The 12 x 19 foot accessory structure is deteriorated.

With an active file since October 1, 2009, several notices have been issued on this property. There is a current Neighborhood Nuisance Enforcement case on the property, and there is an active Vacant Neglected Building case against the property. There are no special assessments. There are tires and miscellaneous debris on the site. On November 3, 2011, a formal Condemnation Letter was issued.

Mr. Friedline explained that Alliant Bank intended to sell the property. Having recently obtained possession on a repossession from Schupbach Properties, the bank had spent approximately \$2,000 to have the shrubs and trees cleared. The trash has been removed. Mr. Friedline said that the structure needs some repair work, and he has two contractors looking at the property. He expects to sell the property to one of two potential buyers.

Board Member Banuelos inquired how much time it would take to sell the property. Mr. Friedline said he anticipated that it would be sold within the next couple of months.

Board Member Banuelos made a motion to allow until the April meeting to sell or repair the property, maintaining the site in a clean and secure condition in the interim. Board Member Harder seconded the motion. The motion was approved.

2. 1210 N. Poplar

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

Approximately 26 x 36 feet in size, this one-story frame dwelling has been vacant for at least three years. This structure has shifting concrete block basement walls; rotted wood siding; sagging and badly worn composition roof with holes and missing shingles; deteriorated front porch; and the roof rafters and decking are rotted.

Board Member Harder made a motion to send the property to the City Council with a recommendation of condemnation, with ten days to begin razing the structure and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion was passed without opposition.

3. 1311 N. Minnesota (rear structures)

The owner, Diana Ibarra, attended the hearing.

A one-story frame dwelling about 10 x 36 feet in size, this building is vacant and open; this structure has been damaged by fire. It has deteriorated and fire damaged composition siding with missing and rotted shingles; fire damaged, sagging and badly worn composition roof, with holes and missing shingles; fire damaged wood trim and framing members; and the 28 x 30 foot masonry accessory structure is dilapidated.

An active file was initiated on this property on March 27, 2008. A number of improvement and violation notices have been sent since the case was started. The Pre-condemnation Letter was issued on February 25, 2011. The taxes are current, and there are no special assessments against the property. The premise is maintained clean. There is an active Vacant Neglected Building case on this structure; and formal condemnation action was initiated on November 3, 2011. No repairs have been made; the main structure is not secured and the roof has collapsed. Ms. Ibarra told the Board that she had put all of her available monies into repairs for the main structure (house). She said she was waiting for her tax refund money to pay for the demolition of one of the rear structures and to repair the second rear structure (garage).

Board Member Harder made a motion allow until the April 2012 meeting to remove the rear structure and repair the second rear structure (garage). Board Member Banuelos seconded the motion. The motion was approved.

4. 1621 N. Volutsia

The property owner, Oneil Davis, was present.

This is a one-story frame dwelling approximately 38 x 23 feet in size. Vacant for at least three years, this structure has deteriorated and rotted wood siding; and rotted windows and wood trim.

There has been an active file on this property since March of 2008; there have also been several Environmental cases on the property. A Tall, Grass & Weeds case initiated in September 2011 resulted in abatement by a contractor hired by the City of Wichita. A Pre-condemnation Letter was issued on July 20, 2010. The 2006, 2007, 2008, 2009, 2010, and 2011 taxes are delinquent in the amount of \$2,351.51. There are no special assessments currently against the property. There are volunteer trees, tree waste, and miscellaneous debris on the site. There is a pending Vacant Neglected Building case on the structure. A formal condemnation action was initiated on November 3, 2011. No repairs have been made to the structure, and it is not secure (open rear door).

Mr. Davis informed the Board that the property belonged to his son. He said they have not done any work on the site, and he would like an extension of three months to make repairs or demolish the building. He said the structure had been boarded up at one time.

Board Member Willenberg made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to wreck the structure and ten days to clear the site of all debris. Board Member Crotts seconded the motion. The motion passed.

Ms. Legge explained the Board's recommendation and subsequent condemnation action process at the request of Mr. Davis.

5. 2615 / 2617 E. Stadium (duplex)

Oneil Davis was also present to represent this property.

Approximately 26 x 42 feet in size, this one-story frame dwelling has been vacant for at least four years. The structure has cracking and missing vinyl siding, with holes; badly worn composition roof; and rotted porch roof overhangs.

With an active case since August 2007, this property has also had several Neighborhood Nuisance Enforcement cases initiated against it. The 2006, 2007, 2008, 2009, 2010, and 2011 taxes are delinquent in the amount of \$1,921.07, including interest. There is a pending Vacant Neglected Building case against the property. There are tall grass and weeds, tree waste, and miscellaneous debris on the site.

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

6. 1547 N. Santa Fe

There was no party present on behalf of this property.

Vacant and open, this two-story frame dwelling about 20 x 54 feet in size. This structure has missing aluminum siding; deteriorated wood lap siding; sagging composition roof, with missing shingles; badly deteriorated, sagging front porch with bowing porch columns; and rotted soffit, fascia and wood trim.

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

Discussion of Board Policy General Processes Regarding Contractor License Applications.

Mr. Stubbs addressed the Board, asking for input regarding the penalties, if any, that should be levied against contractors that do not renew their licenses by the December 31st deadline each year. Noting that some contractors paid the penalty fees as required by City Ordinance when renewing after the deadline but within the first six months of the subsequent year, other contractors had been permitted to renew at any point after the six-month penalty phase without paying the penalty fees because the State prevents a contractor from being retested (as provided for in the City Ordinance as a penalty action) once he has obtained a passing score on an ICC test.

Board Members Harder and Wilhite suggested that Mr. Stubbs look into the license renewal and penalty processes of other jurisdictions and bring back recommendations for the Board to review.

Mr. Van Zandt requested that the Board also make a determination whether the license number is considered the property of the Qualified Person who tested or if it belongs to the company to whom the license is issued.

Chairman Coonrod asked that the matter be investigated further, contacting other jurisdictions to learn at what conclusions they have arrived regarding ownership of license numbers, and present the findings to the Board.

Update on the Status of Mr. Tin Lu dba American Midwest Roofing & Construction.

After being notified by both regular and certified mail of the Board's action to suspend his Class B Contractor's License, it was reported to the Board that Mr. Tin Lu dba American Midwest Roofing & Construction did not file an appeal with the City Clerk's office within the allowed ten-day period. The license remains on suspension until such time that Mr. Lu meets the conditions to lift the suspension as directed by the Board at the December 5, 2011, hearing, or until the one-year suspension period has lapsed and the license is revoked.

With no other business to conduct, Board Member Wilhite made a motion to adjourn the meeting. Board Member Willenberg seconded the motion. The motion carried.

The meeting adjourned at 2:31 p.m.