



## MEETING MINUTES

### Building and Standards Commission

Thursday, December 18, 2014

4:00 PM

City Hall, 200 Rusk Street, Council Chambers

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Members Present: Robbie Baugh, Buster Bezner, Jock Conner, John Hendrik and Jess Cason  
Members Absent: Michael Blake and Thomas Robinson  
Staff Present: Julia Smith, Linda Ames, Dale Alexander, William Strakos and Jennifer Ekstrand  
Visitors Present: Joeseph Vacek, Manuel Martinez, Isabel Martinez  
Chair: Robbie Baugh

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#### **Item 1 - Declaration of Quorum**

With a quorum present, Chair Baugh called the meeting to order at 4:00 pm.

#### **Item 2 - Approval of Minutes from: *November 20, 2014***

Chair Baugh moved to approve the minutes from the November 20, 2014, meeting as presented by staff, and Commissioner Bezner seconded the motion. All present voted AYE. Motion carried unanimously.

#### **Item 3 – Trash and Debris: 614 S Grand - Case Number (14-00554)**

Chair Baugh read the case into the record. Building Official Smith requested the Commission remove the item from the Agenda, because the owner abated the nuisance. The Commission did so.

#### **Item 4 – Dilapidated/Substandard Structures: 915 S Clement - Case Number (14-00647)**

Chair Baugh read the case into the record. City Building Inspector Doughty presented the case for 915 S Clement, explained the numerous building code violations that have resulted in an extremely dilapidated condition of the main structure and accessory building, and recommended abatement of the nuisance. Staff recommended the following:

The Building and Standards Commission finds the structures (primary structure and accessory building) located at 915 S Clement are dilapidated/substandard based on the following:

#### **Faulty weather protection**

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors
- Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering

- Broken, rotted, split or buckled exterior wall or roof coverings
- Fire hazard
- Hazardous or unsanitary premises
- Hazardous wiring
- Inadequate fire protection
- Inadequate Sanitation
- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit
- Lack of or improper kitchen sink
- Lack of hot and cold running water to plumbing fixtures in a dwelling unit
- Lack of adequate heating facilities
- Lack of or improper operation of required ventilating equipment
- Lack of required electrical lighting and power
- Dampness of habitable rooms
- General dilapidation or improper maintenance
- Lack of connection required to sewage disposal system

#### **Structural Hazards**

- Deteriorated or inadequate foundation
- Defective or deteriorated flooring and/or floor supports
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration and are therefore a nuisance.

The Commission orders the owner to abate the nuisance by demolishing the structures within 30 days. If the owner fails to abate the nuisance within 30 days, the City shall demolish the structures and clean and grade the lot.

Commissioner Hendrik moved to approve the abatement of the main structure and the accessory structure, and Commissioner Bezner seconded the motion. All present voted AYE. Motion carried unanimously.

#### **Item 5 – Dilapidated/Substandard Structure: 505 Mill - Case Number (14-00332)**

Chair Baugh read the case into the record. CBI Doughty presented the case for 505 Mill, explained the numerous building code violations that have resulted in an extremely dilapidated condition of the main structure and accessory building, and recommended abatement of the nuisance.

Commissioner Baugh inquired if anyone in the meeting would like to speak. Visitor Isabel Martinez, acting as an interpreter for her father and owner of the property, Manuel Martinez, asked if there was any way he could be permitted to fix the structures (both at 505 Mill and 515

Mill, the next case to be considered by the Commission). Commissioner Conner explained that the property had lost its grandfather status with respect to zoning and had reverted back to commercial from residential; neither structure could be used as homes. Isabel Martinez translated the Commission's explanation to Mr. Martinez concerning the zoning and what use would be permitted (commercial but not residential) for both properties. Building Official Smith explained to Isabel Martinez that the residence could be brought up to code as an office in Commercial Zoning but could not be used as a residence. Commissioner Bezner inquired if Mr. Martinez would be able to take advantage of the voluntary demolition program. Building Official Smith explained that, no, they did not take advantage of the program that the city offered them for demolition before the deadline (twenty-four hours before the hearing).

Staff recommended the following:

The Building and Standards Commission finds the main structure and accessory structure, located at 505 Mill are dilapidated/substandard based on the following:

#### **Faulty Weather Protection**

- Deteriorated, crumbling or loose plaster
- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors
- Broken, rotted, split or buckled exterior wall or roof coverings
- Hazardous mechanical equipment
- Hazardous or unsanitary premises
- Hazardous plumbing
- Hazardous wiring
- Inadequate fire protection
- Inadequate sanitation
- Lack of hot and cold running water to plumbing fixtures in a dwelling unit
- Lack of adequate heating facilities
- Lack of electrical lighting and power
- Dampness of habitable rooms
- General dilapidation and improper maintenance

#### **Structural Hazards**

- Defective or deteriorated flooring and/or floor supports
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration and are therefore a nuisance.

## Zoning Regulation

- Structures are located in a commercially zoned area (General Commercial - C2) and have lost legal, non-conforming status due to a vacancy of more than 6 months

The Commission orders the owner to abate the nuisance by demolishing the structures within 30 days. If the owner fails to abate the nuisance within 30 days, the City shall demolish the structures and clean and grade the lot.

Commissioner Bezner moved to approve the abatement of the main structure and the accessory structure, and Commissioner Cason seconded the motion. All present voted AYE. Motion carried unanimously.

### **Item 6 – Dilapidated/Substandard Structure: 515 Mill - Case Number (14-00423)**

Chair Baugh read the case into the record. CBI Doughty presented the case for 515 Mill, explained the numerous building code violations that have resulted in an extremely dilapidated condition of the main structure and accessory structure and recommended abatement of the nuisance.

Commissioner Conner requested Building Official Smith reiterate to Mr. Martinez, the owner, that the property could be used as an office if brought up to Code, though not as a residence. Building Official Smith explained the zoning laws to Mr. Martinez (through his interpreter, Isabel Martinez) and what uses would and would not be permitted. Mr. Martinez indicated he understood that the grandfathering of the property as a residence no longer applied since it had been vacant for more than 6 months. His primary interest was to use the property for a home/residence.

Staff recommended the following:

The Building and Standards Commission finds the main structure and accessory structure located at 515 Mill are dilapidated/substandard based on the following:

### **Faulty Weather Protection**

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors
- Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering
- Broken, rotted, split or buckled exterior wall or roof coverings
- Hazardous plumbing
- Hazardous wiring
- Inadequate sanitation
- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit

- Infestation of insects, vermin or rodents as determined by the building official or health officer
- Lack of hot and cold running water to plumbing fixtures in a dwelling unit
- Lack of adequate heating facilities
- General dilapidation and improper maintenance

**Structural Hazards**

- Defective or deteriorated flooring and/or floor supports
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration
- Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration and are therefore a nuisance.

**Zoning Regulation**

- Structures are located in a commercially zoned area (C2) and have lost their legal, non-conforming status due to vacancy of more than 6 months.

The Commission orders the owner to abate the nuisance by demolishing the structures within 30 days. If the owner fails to abate the nuisance within 30 days, the City shall demolish the structures and clean and grade the lot.

Commissioner Cason moved to approve the abatement of the main structure and the accessory structure, Commissioner Hendrik seconded the motion. All present voted AYE. Motion carried unanimously.

**Item 7 – Dilapidated/Substandard Structure: 1622 Belcher - Case Number (14-00579)**

Chair Baugh read the case into the record. CBI Doughty presented the case for 1622 Belcher, explained the numerous building code violations that have resulted in an extremely dilapidated condition of the main structure and accessory structure and recommended abatement of the nuisance.

Staff recommended the following:

The Building and Standards Commission finds the main structure and accessory structure, located at 1622 Belcher are dilapidated/substandard based on the following:

- Graffiti and evidence of vagrants inside the structure

### **Faulty Weather Protection**

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors
- Broken, rotted, split or buckled exterior wall or roof coverings
- Hazardous mechanical equipment
- Hazardous or unsanitary premises
- Hazardous plumbing
- Hazardous wiring
- Inadequate exits
- Inadequate Sanitation
- Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit
- Lack of adequate heating facilities
- Infestation of insects, vermin or rodents as determined by the building official or health officer

### **Structural Hazards**

- Deteriorated or inadequate foundation
- Defective or deteriorated flooring and/or floor supports
- Members of walls, partitions or other vertical supports that split, list, lean or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety and are therefore a nuisance.

The Commission orders the owner to abate the nuisance by demolishing the structures within 30 days. If the owner fails to abate the nuisance within 30 days, the City shall demolish the structures and clean and grade the lot.

Commissioner Cason moved to approve the abatement of the main structure and the accessory structure, Commissioner Buster seconded the motion. All present voted AYE. Motion carried unanimously.

### **Item 8 – Adjourn Regular Meeting**

Chair Baugh adjourned the regular meeting. Commissioner Conner seconded the motion. All present voted AYE. Motion carried unanimously.

The public meeting adjourned at 4:40pm

### **Item 9 – Open Work Session**

Building Official Smith asked that if, at some point in the future, a structure comes forward that staff is recommending the Commission find substandard/dilapidated yet the Commission is

persuaded by the owner that the owner will bring the structure up to code, the Commission still find the structure substandard. The Commission can then permit the owner a reasonable time to bring it up to code. However, if the owner fails to do so, staff will not have to come back to BSC to get another order.

**Item 10 – Close Work Session**

Chair Baugh moved to adjourn the work session. Commissioner Conner seconded the motion. All present voted AYE. Motion carried unanimously.

The work session adjourned at 5:15pm.

Signature of Chairman: Thomas P. Polun Date: 1-15-15

Signature of Secretary: Linda Ames Date: 1-15-15