

Minutes
Property Maintenance Board of Appeals
Commission Chambers
Wednesday, November 7, 2012, 8 a.m.

Members Present

Paul Flogstad, Dawn Clausen, Ron Rensberger, and Dennis Tilden

Members Absent

Wayne Kerslake

Guests Present

Sheila Pirrung, David Edwards, Dan Hein, Kelly Boysen, Paul Bengford, Kevin Smith, Vanessa Sweeney, Mike Huether and Sarah Reineke

Approval of Minutes of Last Meeting

A motion was made by Ms. Clausen and a second was made by Mr. Rensberger to approve the minutes of October 3, 2012. Yeses, 4. Noes, 0.

New Business

Appeal 5-2012. Paul Flogstad, the Chairman, specified that an inspection was requested by the occupant located at 105 S Lyndale. The inspection found property maintenance code violations on the exterior of the dwelling concerning the weatherproofing of the structure, along with interior plumbing, structural, and mechanical issues. A Notice and Order dated September 17, 2012 was issued to the property owner, Sheila Pirrung, requiring the repairs to be completed by November 6, 2012.

Ms. Pirrung and David L. Edwards of Breit Law Office were present to request that the board review the following requirements of the Notice and Order:

- The weatherproofing capability of the boarded window
- The weather proofing of the stucco
- The status concerning the deterioration of the siding
- Replace the deteriorated trim on the north elevation
- The weather tightness of the porch window
- The status of the installation of the deadbolt
- The structural support of the cut floor joists
- The operation of the water heater


Mr. Edwards gave a background that the tenant who requested the inspection did not hold a lease and was not authorized to occupy the structure and was notified that she was to be evicted. It was alleged that the occupant disconnected certain components of the house out of compliance with the property maintenance code. The inspection noted the modified components and listed additional items that are required to be repaired. Mr. Edwards specified that Ms. Pirrung has repaired those items that were tampered with but wished to contest those items that Ms.

Pirrung deems are cosmetic and not related to the rentability of the dwelling. Mr. Edwards specified that the dwelling is in decent shape and presented pictures of other structures in the neighborhood that are in equivalent or worse condition than the subject dwelling. Sheila Pirrung listed those items that had been fixed and a discussion occurred on those items that she wished for the Board to review that she is contesting. She noted that a material had been installed over the boarded window. She agreed to verify that the material is approved for an exterior exposure. She noted that the stucco which had degraded did not compromise the waterproofing of the foundation wall. She maintained that the deteriorated siding was ordinary wear and tear. The deteriorated trim was not intended to be modified until such time as the house be reroofed, which could occur in within two years because she has other properties that need more immediate attention. She said that the water intrusion of the sagging porch has not occurred in the past. She maintained that the porch was built crooked. The floor joists which were cut can be supported by a beam. She noted that she intends to install a new water heater and furnace to serve the house. She assumed that the deadbolt which she installed was in place and was grandfathered. Mr. Rensberger specified that the majority of the work referenced in the Notice and Order can be completed within a cost that may not be as expensive as what is assumed. Based on the fact that Ms. Pirrung knows how to make the corrections, that work can be done in a minimal time without a major expense. Ms. Pirrung objected to the city making up a property maintenance list. Paul Bengford of the City Attorney's office addressed the Board to note that because the structure is presented as not being the worst structure in the neighborhood, that the minimum standards of the property maintenance code would not apply. The proper maintenance code is applicable as minimum safety standards and the Board has the ability to review whether the specific standards that the city has identified are applicable or not.

A motion was made by Ms. Clausen and a second was made by Mr. Tilden to require that the following to be completed and inspected within 30 days:

- Documentation must be submitted which verifies that the material used to cover the exterior boarded window is an approved exterior weather resistant finish.
- The cut floor joists must be repaired to adequately support the structural load
- Replace the water heater
- The deadbolt with a minimum one inch throw at the rear entry door must be installed.

The remaining items of the Notice and Order are required to be completed and inspected by June 1, 2013. The motion passed. Yeses, 4. Noes, 0.


Secretary