

## MINUTES OF HOUSING CODE APPEALS BOARD

**DATE:** 20 October 2009

**TIME:** 4:30 p.m.

**PLACE:** Housing and Community Development Department

Chairperson Robert Schaub called the meeting to order at 4:30 p.m. following staff assurance of compliance with Iowa Open Meeting Law.

Board Members Present:	Bill Kinsella Fred Miller	Paul Newman	Robert Schaub
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Staff Present:	Robert Boge Tami Ernster	Tom Smith Atty. Tim O'Brien	Roger Benz
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Public Present:	Roger Richard	Atty. Stuart Hoover	Dave Stuart
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### Review and Certification of Minutes of 15 September 2009 Housing Code Appeals Board Meeting

Paul Newman motioned to approve the minutes. Fred Miller seconded. Motion passed 4-0.

### Correspondence/Public Input

There was no correspondence or public input.

### Consent Agenda

The consent agenda items are considered to be routine and non-controversial and all consent items will be normally voted upon in a single motion without any separate discussion on a particular item.

The following property owners have requested an extension of time to complete repairs. The Housing and Community Development staff concurs with the extension of time requested and respectfully requests Housing Appeals Board approval.

Gary Marburger – owner of 1791 Central Avenue – extension to 10/30/09  
French Quarter Estates - owner of 537 W 17<sup>th</sup> Street – extension to 12/1/09  
Robert Ricketts – owner of 1010 W Locust Street – extension to 12/15/09  
Lynn Lampe – owner of 346-348 W Locust Street – extension to Spring 2010  
Ted Stackis – owner of 985 White Street #3 – extension to April 2010  
Ronald Vaassen – owner of 879 Clarke Drive – extension to 6/15/10  
Todd Queck – owner of 2946 Central Avenue – extension to 6/15/10  
Kevin Hammond – owner of 1491 Bluff Street – extension to 7/23/10

ALL DEFICIENCIES AND MOTIONS ARE IN ACCORDANCE WITH THE DUBUQUE HOUSING CODE UNLESS OTHERWISE STATED. EXTENSIONS OF TIME ARE GRANTED IN ACCORDANCE WITH TITLE 6 SECTION 6-9F(1) AND VARIANCES ARE GRANTED IN ACCORDANCE WITH TITLE 6 SECTION 6-9F(2).

Bill Kinsella motioned to approve the consent agenda. Paul Newman seconded. Motion passed 4-0.

## **New Business**

### **CASE #1**

Roger Richard, owner of 1513 and 1598 Washington Street, is requesting dissolution of the orders of the Housing Department regarding these two properties.

This is a GH Inspection.

Fred Miller moved to grant an extension of time to February 28, 2010, when Mr. Richard's rental license suspension expires. Paul Newman seconded. Motion passed 3-1.

## **Old Business**

### **CASE #1**

Mary Richards, owner of 1472 Locust Street, is requesting the order of the Housing Officer be reversed as this owner feels this property: received insufficient notice per Section 26-4, the building is currently in compliance with Section 26-10(g), the building complies with Section 26-9(f)(2)e and Section 26-3, and the order specifies inappropriate treatment per Section 26-10.

This is a GH Inspection.

Attorney Stuart Hoover requested to dismiss Mrs. Richards' orders for repair from March 16, 2009, as she had not received proper notice. Robert Boge stated that he would be withdrawing the orders for repair for 1472 Locust Street at this time, due to insufficient notice. No board action is required at this time.

### **CASE#4**

Dave Stuart, owner of 1470 Locust Street, is requesting the order of the Housing Officer be reversed as this owner feels this property: is not subject to Section 26 of City of Dubuque ordinances, the building is currently in compliance with Section 26-10(g), the building complies with Section 26-9(f)(2)e and Section 26-3, and the order specifies inappropriate treatment per Section 26-10.

This is a GH Inspection.

Robert Boge was asked to be put under oath by Atty. Hoover. Atty. Hoover asked numerous questions of Mr. Boge for an hour. At that point, Chairman Schaub asked Atty. Hoover to please be brief. Upon clarification from Atty. O'Brien as to the status of the Board's responsibilities, and asking again of Mr. Stuart what his specific objections were regarding the Housing Department's inspection results, it was decided that this discussion needed to cease. Paul Newman moved that the Board sustain the orders of the Housing Official and deny Mr. Stuart's appeal. Fred Miller seconded. Motion passed 4-0.

### **CASE#2**

Dave Stuart, owner of 1589 and 1591 Street, is requesting the order of the Housing Officer be reversed as this owner feels this property: is not subject to Section 26 of City of Dubuque ordinances, the building is currently in compliance with Section 26-10(g), the building complies with Section 26-9(f)(2)e and Section 26-3, and the order specifies inappropriate treatment per Section 26-10.

This is a GH Inspection.

Robert Boge was again asked to be put under oath by Atty. Hoover. Chairman Schaub asked Atty. Hoover if this case is identical to the 1<sup>st</sup> one. As it was similar, Chairman Schaub asked that Mr. Boge not be cross examined again, and then asked Dave Stuart to briefly explain why

he feels the orders do not fall under Chapter 26 of the Housing Code. After a brief summary, Chairman Schaub asked for a motion. Fred Miller moved that the Board sustain the orders of the Housing Official and deny Mr. Stuart's appeal. Paul Newman seconded. Motion passed 3-1.

**CASE#3**

Dave Stuart, owner of 1509 and 1511 Street, is requesting the order of the Housing Officer be reversed as this owner feels this property: is not subject to Section 26 of City of Dubuque ordinances, the building is currently in compliance with Section 26-10(g), the building complies with Section 26-9(f)(2)e and Section 26-3, and the order specifies inappropriate treatment per Section 26-10.

This is a GH Inspection.

Chairman Schaub again asked Atty. Hoover if this case is identical to the other two. As it was similar, Chairman Schaub then asked that Dave Stuart to briefly explain why he feels the orders do not fall under Chapter 26 of the Housing Code. After a brief summary, Chairman Schaub asked for a motion. Bill Kinsella moved that the Board sustain the orders of the Housing Official and deny Mr. Stuart's appeal. Paul Newman seconded. Motion passed 4-0.

**Information Sharing**

There is no additional information to share.

**ADJOURNMENT**

Paul Newman moved to adjourn. Fred Miller seconded. Motion passed 4-0. The meeting was adjourned at 6:40 p.m.

Minutes prepared by:

*Tami Ernster*

Tami Ernster  
Permit Clerk

Respectfully submitted:

*RB*

Robert Boge  
Housing Inspection Supervisor