

MINUTES OF HOUSING BOARD OF APPEALS

DATE: 19 March 2019
TIME: 4:30 p.m.
PLACE: City Council Chambers, Historic Federal Building

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

Board Members Present:	David Young Christoffer Lammer-Heindel	Gil Spence	Mary Gotz
Housing Staff Present:	Ben Pothoff Tami Ernster	Alex Rogan Shane Hoyer	Roger Benz Madeline Haverland
Public Present:	Scott Koch Ben Fisher TH Frank Lange Sam Wooden	Maureen Quann Mark Quade Jeff Lenhart Lynn Sutton	Allison Wong KCRG Aiman Al-Qady Bret Shaw

Election of Chair and Vice Chair

David Young was nominated as chair and Gil Spence was nominated as Vice Chair. Mary Gotz seconded. Motion passed 4-0.

Review and Certification of Minutes of 15 January 2019 Housing Board of Appeals Meeting

Gil Spence moved to approve the minutes. Christoffer Lammer-Heindel 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.

There is no consent agenda.

ALL DEFICIENCIES AND MOTIONS ARE IN ACCORDANCE WITH THE DUBUQUE PROPERTY MAINTENANCE CODE UNLESS OTHERWISE STATED. EXTENSIONS OF TIME AND VARIANCES ARE GRANTED IN ACCORDANCE WITH 14-1J-7.

Old Business

Ben Pothoff will update the disposition of past appeals at the next meeting.

Ben Pothoff updated the priority category inspections. There have been 61 units inspected. Of those, 100 percent failed on the first inspection. Three properties were posted as unsafe.

There were 15 units that have been re-inspected with 14 failing the first re-inspection and one passing. Two additional citations have been issued to this property owner/agent.

New Business

CASE #1

Mark Quade, owner of 1118/1122 Center Place, is requesting a penalty fee review for this property.

Mr. Quade stated that there was a sleet storm that day and his phone was broken so he was not able to make the inspection appointment. Mr. Quade was reminded that it was his responsibility to notify the inspector if he would be unable to make an appointment. Christoffer Lammer-Heindel moved to affirm the penalty fee. Gil Spence seconded. Motion passed 4-0.

Christoffer Lammer-Heindel moved that the Board adopt the rules set for the public hearing which sets out first with a staff report, followed by the appellant and/or attorney comments for 10 minutes, public comments for 5 minutes each, appellant rebuttal for 5 minutes and then closing the hearing for Board discussion. Mary Gotz seconded. Motion passed 4-0.

CASE #2

Aiman Al-Qady is appealing the designation as priority category property owner/agent after receiving three or more municipal infractions within the prior 12 month period.

Ben Pothoff reminded the Board of the workflow for inspections of properties. He reviewed the packet of Mr. Al-Qady's properties and providing information on the three municipal infractions that have been issued, leading to the priority category designation. Frank Lange, attorney for Mr. Al-Qady, stated that this designation was not fair and cost prohibitive to the owner. Mr. Al-Qady informed the Board that the cost per year for inspections and licensing would be in excess of \$10,000.

Jeff Lenhart stated that he rented an apartment on Bluff from Mr. Al-Qady and the conditions in the building were deplorable.

Bret Shaw stated that property owners must have safe and habitable units and that owners have an obligation to meet the minimum standards.

Sam Wooden commented that three citations in 91 days is a much shorter time than the one-year time frame for property owners. Mr. Al-Qady's comments that he would be put out of business if he is required to meet the mandatory minimums shows that Mr. Al-Qady has substandard properties. The Code states that property owners warrant their properties meet the minimum code standards and Mr. Al-Qady's properties clearly do not meet that standard.

Lynn Sutton stated that she was a tenant advocate and that property owners have a 24/7 responsibility to maintain their properties. The property owner must respond to problems in their properties.

Aiman Al-Qady rebutted that he responds to his complaints and that the property with the fuel burning heater was not left unattended as the contractor was only taking a break and that he should not have received a municipal infraction for a hired contractor. Mr. Al-Qady was asked how many staff he had to respond to maintenance requests. Mr. Al-Qady responded that he has seven or eight staff.

Ben Pothoff was asked by the Board if Mr. Al-Qady has received any additional citations since his priority category designation. Ben responded that there have been an additional three citations issued.

Christoffer Lammer-Heindel moved to reject Mr. Al-Qady's appeal. Gill Spence seconded. Motion passed 4-0.

Information Sharing

Boards and commission input for City Council goal setting session is due May 8. The Board was asked to review the document for discussion at the April meeting.

Adjournment

David Young moved to adjourn the meeting. Christoffer Lammer-Heindel seconded. Motion passed 4-0. The meeting was adjourned at 5:40 p.m.

Minutes prepared by:



Tami Ernster
Permit Clerk

Respectfully submitted:



Ben Pothoff
Rental Licensing and Inspection Supervisor