

**Minutes**  
**Property Maintenance Board of Appeals**  
**Council Chambers**  
**Wednesday, March 3<sup>rd</sup>, 2010, 1 p.m.**

**Members Present**

Jeff Landborg, Chuck Benson, Roger Munce, Dawn Clausen and Ron Rensberger

**Guests Present**

Kelly Boysen, Dan Hein, Mary Fish, Derek Fish, Tom Keller, Melissa Phillips, Mike Cooper, Brent O'Neil

**Approval of Minutes of Last Meeting**

A motion was made by Mr. Benson and a second was made by Mr. Munce to approve the minutes of Wednesday, December 2nd, 2009. Yeses, 3. Noes, 0.

**New Business**

**Appeal No. 1-2010.** Mary and Derek Fish, and their council, Thomas Keller, were present to request an extension of time to complete the requirements of the Notice and Order issued December 14, 2009 for the property located at 1400 East 16<sup>th</sup> Street. Based on neighborhood complaints an inspection found that the single family dwelling had code violations ranging from broken windows, deteriorated walls, eaves and gutters, an inoperable garage door and a significant accumulation of rubbish and trash on the property. Mr. Keller specified that the garage door has been repaired and that the rubbish and trash has since been removed. It was also noted that furnace in the house is inoperable and the tenant is using space heaters. Electric space heaters are not allowed to be the primary source of heat. Mr Keller requested a time period extension to complete the work to bring the structure to minimum property maintenance standards.

A motion was made by Mr. Landborg and a second was made by Mr. Munce to mandate that Ms. Fish contact a mechanical contractor by the end of the week to arrange for the installation of an operable furnace which is required to be installed at the contractor's earliest convenience to accommodate the continued occupancy of the dwelling. The time period to complete the exterior repairs and have an interior inspection is extended to May 3<sup>rd</sup>, 2010. Yeses, 3. Noes, 0.

**Appeal 2-2010.** Melissa Phillips was present as the owner of the property located at 103 S. Prairie Avenue. On July 1, 2009, The Board previously deemed that the exterior repairs referenced in the Notice and Order dated June 5<sup>th</sup>, 2009 were required to be completed and that an interior inspection of the single family dwelling occur. No exterior repairs had been commenced and no interior inspections had occurred within the time period mandated by the previous Board of Appeals decision. A Notice to Vacate was issued on January 28, 2010 because of the lack of utilities to the structure, specifically water and gas. Melissa Phillips application requested that the Board rescind the Notice to Vacate based

on the utilities being reinstalled on February 8<sup>th</sup>, 2010; and that the work referenced from the original Notice and Order would be commenced by February 9<sup>th</sup>, 2010. Kelly Boysen, Housing Inspector, specified that an interior inspection of the property occurred the morning prior to the hearing and it was found that no repair work referenced in the original Notice and Order had been commenced, and the water and gas have not been reconnected. The interior inspection also found an extensive accumulation of garbage and household rubbish, dog manure, cat litter, food containers, and evidence of rodents frequenting the house. Mr. Boysen specified that the structure poses a risk to the public and any occupant, due to the collapsed porch on the west elevation with the electrical meter in the vicinity of the collapsed structure, the unstable granite fascia due to the lack of maintenance and the interior conditions of the dwelling. Ms. Phillips requested that she have access to the dwelling to remove the garbage and rubbish, to clean the interior, to get the utilities hooked up and to make the necessary repairs to the structure.

Subsequent discussions resulted in a motion by Mr. Landborg with a second by Mr. Benson to order Ms. Phillips and the animals to vacate the dwelling immediately. The interior of the structure is required to be cleaned, sanitized and inspected by March 17<sup>th</sup>, 2010. The remaining requirements of the original Notice and Order to make repairs to the structure are required to be completed. Yeses, 3. Noes, 0.

### **Adjournment**

A motion was made by Mr. Benson and a second was made by Mr. Munce to adjourn the meeting. Yeses, 3. Noes, 0.

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Secretary

**Property Maintenance Board of Appeals**

**City of Sioux Falls**

**South Dakota**

Appeal Number 1-2010

Considered on March 3<sup>rd</sup>, 2010

**Findings of Fact**

The applicant is Mary and Derek Fish.

The owner is Mary Fish.

The building is located at 1400 E. 16<sup>th</sup> Street.

The property involved is legally described as Lot 7, Block 7, Van Eps Addition.

The application is a request to modify Section 107 Notice and Orders. International Property Maintenance Code

**Order/Decision**

For the continued occupancy of the dwelling it has been deemed that you are required to contact a mechanical contractor by the end of the week to contract the installation of a new furnace which is required to be installed at the contractor's earliest convenience. The time period to complete the exterior repairs and have an interior inspection has been extended to May 3<sup>rd</sup>, 2010.

Dated this 3<sup>rd</sup> day of March, 2010.

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Chairman, Board of Appeals

ATTEST:

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Clerk of the Board

**Property Maintenance Board of Appeals**

**City of Sioux Falls**

**South Dakota**

Appeal Number 2-2010

Considered on March 3rd, 2010

**Findings of Fact**

The applicant is Melissa Phillips.

The owner is Melissa Phillips.

The building is located at 103 S. Prairie Avenue.

The property involved is legally described as Lots 1 and 2, Block 28, Pettigrew's Addition.

The application is a request to modify Section 106 Notice to Vacate. International Property Maintenance Code.

**Order/Decision**

You and the animals are ordered to vacate the dwelling immediately and contact the Housing Inspector to verify your living arrangements. The interior of the structure is required to be clean and sanitized and inspected by March 17<sup>th</sup>, 2010. The remaining requirements of the original Notice and Order to make repairs to the structure are required to be completed.

This does not constitute a building permit. A building permit must be obtained prior to the start of construction.

Dated this 3rd day of March 2010.

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Chairman, Board of Appeals

ATTEST:

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Clerk of the Board