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August 18, 2014

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Re: Appeal for Property at 559 McKnight Road South

Dear Mr. Verant and Mr. Shaw:

At the August 12, 2014 Legislative Hearing on the appeal of Leonard Anderson regarding the condemnation and order to vacate his property, I received a staff report from Inspector Ed Smith, arguments from you, Mr. Verant and Mr. Shaw, and testimony from Mr. Anderson. Documents were submitted, including letters and emails from Regional Water Services, a long statement and insurance report from Farmers Insurance and a photo. The primary reason for the condemnation of the residence was that it has no water service. Water services were cancelled by the owner May 14, 2013 – some 14 months ago. The issue I must contend with in the hearing process is whether or not there is water service within the house, not the basis for why there is no water. Simply stated, there needs to be fresh water to drink, cook and use in bathing, as well as water to flush the toilets. In addition to the lack of water service at 559 McKnight Road South, several other significant building repair items were listed in the orders.

There is an apparent disagreement between Inspector Ed Smith and Mr. Anderson's engineer, William E. Bloemendal, as to the nature, severity and impact of the listed violations. I recessed the hearing on Tuesday in order that Code Enforcement Inspector Ed Smith's orders could be reviewed for accuracy by the City's Building Official, Steve Ubl. The review was intended to provide additional insight. They are in the attached email. Mr. Steve Ubl and Mr. Steve Magner, the Code Enforcement Manager, went to the property immediately after the hearing was recessed to inspect the residence. Neither of you were available to attend this inspection.

In the table on the following page I have pulled together Inspector Smith's orders, Mr. Bloemendal's comments and Mr. Ubl's assessment. It seems clear that the focus of Mr. Bloemendal's discussion is whether the building will continue to stand, where Mr. Smith's orders and Mr. Ubl's commentary touch on compliance with relevant building and property maintenance codes.

SUMMARY OF CITY ORDERS AND COMMENTARY

<p style="text-align: center;">ROOF</p>	<p>Inspector Smith's Orders: The roof is deteriorated, defective, or in a state of disrepair. Repair or replace the roof covering to a sound, tight and water impervious condition. Permit may be required.</p> <p>Mr. Bloemendal's, P.E. Comment on the Orders: Contrary to the Notice, we found only a small portion of the south edge of the gable roof which needs repair and a section of the gable where the asphalt shingles are curling. We understand that this area is the subject of an insurance claim for damage, and that you intend to replace the few sections of sheathing once the claim is settled. It is our opinion that the curled shingles have not lead to any water infiltration yet except for a small section currently covered by a tarp, and the condition is not critical and could also be delayed until the insurance claim is settled.</p> <p>Building Official Ubl's Assessment: Rafters are exposed. The rafters, fascia boards and soffit material are deteriorating from the weather elements. Shingles are deteriorated beyond their life expectancy with the felt paper exposed. Roll roofing is installed perpendicular to the fascia (not compliant) Sheathing is exposed to the weather elements. Plastic/vinyl tarps cover roof areas that appear to be failing.</p>
<p style="text-align: center;">CHIMNEY</p>	<p>Inspector Smith's Orders: The chimney is defective, deteriorated or in a state of disrepair. Replace all missing or defective bricks, tuckpoint as needed to restore the chimney to a professional state of maintenance and repair. Permit may be required.</p> <p>Mr. Bloemendal's, P.E. Comment on the Orders: Contrary to the Notice, we find the non-sequitur reference to defective brick false and misleading. The unique chimneys at the residence are heavy gauge steel pipe; they appear to be former advertising sign supports. Such pipe is designed to handle a massive bending moment when high winds strike the large flat surface of the signs they support. We found only minor pitting of the surface at some isolated sections of peeling paint. As such, the steel pipes have more than enough wall thickness to remain in service as a chimney. One of the chimneys needs maintenance to the metal flashing at the roof.</p> <p>Building Official Ubl's Assessment: The "chimney" is a structural steel column member typically used for billboard support. One of these members penetrates a metal roof with NO flashing – exposing the dwelling to the elements, birds & rodents.</p>
<p style="text-align: center;">EAVES & SOFFITS</p>	<p>Inspector Smith's Orders: The eaves and soffits are in a state of disrepair or deterioration. Repair all defects, holes, breaks, loose or rotting boards, to a professional state of maintenance. Permit may be required.</p> <p>Mr. Bloemendal's, P.E. Comment on the Orders: We found a minor area of fascia board which should be reattached at the east eave of the north garage, and a very small section of soffit board which should be reattached at the southwest corner of the garage.</p> <p>Building Official Ubl's Assessment: The fascia boards in several areas are deteriorating, bowing out or missing. Holes in the roofing of the soffits are evident. Soffits are missing which exposes the wall system to the elements, birds and rodents. Holes are visible from the ground.</p>
<p style="text-align: center;">Ext. WALLS SURFACES</p>	<p>Inspector Smith's Orders: The ext. walls and/or trim of the house have defective, peeled, flaked, scaled or chalking paint or has unpainted wood surfaces. Scrape and repaint to effect a sound condition in a professional manner.</p> <p>Mr. Bloemendal's, P.E. Comment on the Orders: The cedar plank siding at the residence may have had a stain applied sometime in the past, but contrary to the Notice, we found no defective paint. It is not unusual to allow cedar siding to weather naturally, especially in a heavily wooded lot. Similarly, the portions of the residence which have steel siding are not meant to be painted. There is also a section of Masonite siding; but we find no repairs to any of the coatings warranted.</p> <p>Building Official Ubl's Assessment: Siding is in disrepair. Rotting, lack of maintenance has allowed rodents to aggressively destroy the siding and it appears the animals are having free access into the dwelling. The exterior walls of the house are defective. Repair all holes, breaks, loose or rotting siding, to a professional state of maintenance.</p>
<p style="text-align: center;">GUARDRAILS</p>	<p>Inspector Smith's Orders: There are missing or defective guardrails. Provide all stairways, porches, decks or steps which are more than 30" high with guardrails and intermediate rails with openings in the guardrail no more than four (4) inches apart and in accordance with the State Building Code.</p> <p>Mr. Bloemendal's, P.E. Comment on the Orders: We found a single baluster which had reportedly been damaged by a raccoon; Mr. Anderson was in the process of completing the installation of a new baluster while we were on site.</p> <p>Building Official Ubl's Assessment: The balusters of the guard rails are made up of ¾ board material with boards being destroyed by rodents. In my opinion... they cannot withstand the minimum load/force requirements without failure.</p>
<p style="text-align: center;">Ext. WALLS REPAIR</p>	<p>Inspector Smith's Orders: The exterior walls of the house are defective. Repair all holes, breaks, loose or rotting siding, to a professional state of maintenance.</p> <p>Mr. Bloemendal's, P.E. Comment on the Orders: We found no wood decay or water damage to either the cedar or Masonite siding; the few areas damaged at outside corners appeared to be the result of animals chewing/clawing to make access.</p> <p>Building Official Ubl's Assessment: Siding is in disrepair. Rotting, lack of maintenance has allowed rodents to aggressively destroy the siding and it appears the animals are having free access into the dwelling. The exterior walls of the house are defective. Repair all holes, breaks, loose or rotting siding, to a professional state of maintenance.</p>

The differences among Mr. Smith, Mr. Bloemendal and Mr. Ubl are evident in the order and commentary on the chimney. While the City order speaks generally of defects and then specifically references bricks, Mr. Ubl's findings verified the orders were properly issued and accurately characterized the conditions. Mr. Bloemendal correctly points out that there are no bricks used in the chimney. It looks as if there is a "punch list" being used for the code violations and the order is not tailored to address the specifics of this case. That being said, withstanding the mention of bricks, the statement is true. The order would more accurately be rendered thusly – *"The chimney is defective, deteriorated or in a state of disrepair. ~~Replace all missing or defective bricks, tuckpoint as needed to restore the chimney to a professional state of maintenance and repair. Permit may be required.~~"* In reviewing the order, it seems plain to me that repair of the chimney would include flashing and roof repair around the chimney opening. This aspect of the problem is not mentioned in Mr. Bloemendal's comments. However, it is clearly stated in Mr. Ubl's assessment and is obvious in the photographs.

In reviewing the documents Mr. Anderson shared in the Legislative Hearing, I made these observations. With respect to the Farmers Insurance documents, both the adjuster's comments and the claim note the significant raccoon damage on the exterior *and* the interior of the home. This leads me to believe the problems are more deeply rooted than the orders on the exterior are able to portray. Mr. Anderson also lists materials for replacement of the entire roof, rather than repair of small sections or holes, which leads me to conclude that simple repair of the shingles is not sufficient in his own estimation. Indeed, the letter to Mr. Anderson's from Charles Jackelen, a claim representative of Farmer's Insurance, states the following: *"During my inspection of the exterior of the home I noted a hole in the fascia on the left side of the home, a hole in the roof on the front slope, a hole in the siding on the rear of the home, and damage to a deck baluster which were consistent with damage by raccoons. Inside the home, I noted damage to the drywall ceiling, the insulation, and the carpet which were consistent with damage by raccoons."* In summary, the problems articulated by Farmer's Insurance echo the code deficiencies noted by Mr. Smith and Mr. Ubl.

My recommendation to the City Council on the matter of the condemnation and order to vacate 559 McKnight Road South is to deny the appeal, based on the lack of water service. There is no question in my mind that there must be water service to a residence for it to be habitable. As to the other code violations listed in the orders, I find that the orders are correctly issued and recommend denial of those orders, as well.

If your client wishes to contest further, the City Council Public Hearing is scheduled for Wednesday, September 3, 2014 at 5:30 p.m. in Room 300 Council Chambers. If you have any questions, you may contact Mai Vang at 651-266-8563.

Sincerely,

/s/

Marcia Moermond
Legislative Hearing Officer

cc: Steve Magner
Ed Smith
Steve Ubl