



**AGENDA**  
**BUILDING BOARD OF APPEALS**  
**City Hall, 209 Pearl Street, Room 206B**  
**December 19, 2023- 4:00 PM**

**A. Call to Order**

**B. Approval of Minutes**

A. September 14, 2023 Minutes

**C. Proof of Publication**

**D. Approval of Agenda**

**E. New Business**

A. 1609 3rd Avenue

Discussion and consideration of an appeal regarding the violations at 1609 3<sup>rd</sup> Avenue, Council Bluffs, Iowa.

Applicant: John Bogdan/Tambra Leach  
1609 3<sup>rd</sup> Avenue  
Council Bluffs, Iowa 51501

Appellant's request: We live in a housing crisis and Tambra has been temporarily displaced. Trying not to make displacement permanent.

**F. Other Business**

**G. Adjournment**

DISCLAIMER: If you plan on attending this meeting and require assistance please notify the Building Division at (712) 890-5276 by 5:00pm three days prior to the meeting.



**AGENDA**  
**COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**  
**City Hall, 209 Pearl Street, Room 206B**  
**Tuesday, 12/19/2023 - 4:00 PM**

Any questions or concerns regarding this agenda and/or requests for special accommodations at this meeting should be directed to the Community Development Department at (712) 890-5350 or email at [charter@councilbluffs-ia.gov](mailto:charter@councilbluffs-ia.gov).



**CITY OF COUNCIL BLUFFS  
BUILDING BOARD OF APPEALS**

**Conn Appeal – September 14<sup>th</sup>, 2023, 4:00 PM  
209 Pearl St. Room 206B, Council Bluffs, IA**

**Board Members Present:**

Kevin Walters  
Larry Wohlers  
John Kilnowski  
Doug Tweedt

**Staff Present:**

Graham Jura  
Courtney Harter  
Rodney Schultz  
Zachary Flott

**Public Present:**

Bradd Conn

The appeal began at 4:05pm. Mr. Jura conducted an introduction and made an opening statement about the proceedings. Mr. Jura also made some quick points for Mr. Conn’s benefit and that he will need a unanimous vote from the board members since only 4 were available. Mr. Conn was made aware that he does have the option to reschedule. Mr. Conn decided to proceed with the Board of Appeals.

Motion made by Mr. Kilnowski, seconded by Mr. Tweedt to approve the minutes from previous Board of Appeals (Limmer, 06/23/2022). Motion carried 4-0.

Motion made by Mr. Kilnowski, seconded by Mr. Wohlers to approve the agenda. Motion carried 4-0.

Mr. Schultz, Plumbing/ Mechanical Inspection – Chief Building Office (interim), began by making a correction to the UPC (Uniform Plumbing Code) that Mr. Conn cited in his Board of Appeals request. Correct code from UPC that should have been referenced from UPC 2021 is Section 301.3. Mr. Conn agreed that would be the correct code.

Mr. Schultz then covered definitions and the difference between Building Drain and Building Sewer. Building Drain refers to sewer lines that are inside a structure. Building Sewer refers to sewer lines that are outside a structure. With definitions given, Mr. Schultz stated that he has a code reference that would allow Mr. Conn to utilize the MaxLight UV Resin System to make repairs for Building Sewers or outside of a building. Mr. Schultz continued that he does not have a code reference that states Mr. Conn can or cannot to utilize the MaxLight UV Resin System to make repairs for Building Drain or inside of a building. Since there is no code reference that would allow or not allow the MaxLight UV Resin System to make repairs for a Building Drain,

**City of Council Bluffs – Building Division**

209 Pearl Street | Council Bluffs, IA 51503 | (712) 890-5276 | councilbluffs-ia.gov  
Equal Opportunity Employer



Mr. Schultz suggested a Board of Appeals to approve an alternative material as referenced in UPS 2021, section 301.3. Mr. Schultz stated he had nothing further to add and yielded the floor to Mr. Conn.

Mr. Conn starting by intruding himself along with a little bit of his history with Resin Pipe Lining. Mr. Conn stated he has been doing these types of repairs since March of 2022. Mr. Conn stated that this may be relatively new in the United States but has been use in Europe since the 1970s. Mr. Conn stated that the type of Resin Lining he uses is the UV Resin that will only cure when in contact with UV Light. Mr. Conn stated that this gives them more time to make adjustments during the lining process.

Mr. Conn explained that they will be repairing a 160 foot long, 4 inch Building Drain at Bomgaars. The Building Drain is 4 to 5 feet under the floor. Mr. Conn stated he will be making a cut in the middle and go roughly 80 feet in both directions. Mr. Conn explained the process such as cleaning the line, prepping the line, installing the resin, and post installation inspection of the lines. Mr. Conn stated that the resin system that he will be using has the same testing and certifications as PVC pipe. Mr. Conn stated he does a 3 year material and labor warranty and the manufacturing has a 10 year material warranty. Mr. Conn stated the expected life span of the product is 50 years.

Mr. Conn stated this is his first Board of Appeals with the City of Council Bluffs of this product but is fourth overall Board of Appeal.

- 06/2022: Commercial/ Restaurant – Omaha, NE. Board voted in favor of but the customer/ corporate backed out.
- 08/2022: Residential – Omaha, NE. Board voted against due to expected mud jacking and needed stabilization.
- 09/2022: Commercial/ Tenant Space in a Mall – Omaha, NE. Board voted in favor of.

Mr. Conn stated he had nothing further to add and yielded the floor to the Board.

Motion for vote made by Mr. Kilnowski, seconded by Mr. Tweedt. Motion carried 4-0. Board of Appeals unanimous voted (4-0) in favor of allowing Mr. Conn to use MaxLifht UV Resin System as an alternative material to make the repair on the Building Drain at Bomgaars.

Motion to adjourn made by Mr. Kilnowski, seconded by Mr. Tweedt. Board of Appeals adjourned at 4:58pm.

### **City of Council Bluffs – Building Division**

209 Pearl Street | Council Bluffs, IA 51503 | (712) 890-5276 | councilbluffs-ia.gov  
Equal Opportunity Employer



**AGENDA**  
**COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**  
**City Hall, 209 Pearl Street, Room 206B**  
**Tuesday, 12/19/2023 - 4:00 PM**

Any questions or concerns regarding this agenda and/or requests for special accommodations at this meeting should be directed to the Community Development Department at (712) 890-5350 or email at [charter@councilbluffs-ia.gov](mailto:charter@councilbluffs-ia.gov).

## Appeal

Scott Boose, acting within the capacity of his position for the city of Council Bluffs, Initiated an illegal attempt to steal the home and property, namely, 1609 3<sup>rd</sup> ave In Council Bluffs.

The legal standing of the city is at question in this matter.

John Bogdan is an invested participant in this malady, and speaks for Tambra Leach As well for him self concerning these issues.

Bogdan has spoken with a FEMA representative; who after hearing the situation feels that further review is necessary.

What Bogdan found was that the city of Council Bluffs failed the FEMA 2 prong test.  
Prong (1) A home with an UN-finished basement fails to meet the base line or bottom criteria for the flood level. The basement at 1609 3<sup>rd</sup> ave is 40% dirt and the rest is UN-finished.  
Prong (2) With standing, prong (1) is satisfied, the flood level measurement moves to the concrete base line of the above ground structure or foundation. The house at 1609 3<sup>rd</sup> ave has a foundation Height 12 inches or roughly 1 foot higher than the median flood plain in that area.

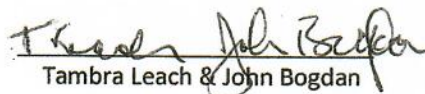
### THE CITY IS WITHOUT LEGAL STANDING

Scott Boose initiated this forgoing cause of action, so that means that the city is the Plaintiff and Tambra Leach and John Bogdan are the defendant's.  
The city of Council Bluffs failed to produce an elevation certificate to the Defendant's to start such a proceeding or cause. Had they followed due process, the elevation certificate would have been part of the cure.

The median elevation (AH) in that area moves at an incline starting somewhere west about 19<sup>th</sup> street Heading east and gains a height variance at about every 200 linear feet heading towards the Indian Creek channel that runs South, straight to the Missouri river. The walls of the Indian Creek are actually 8 feet above flood stage.

Hell hath no fury Like a scorned city employee. If this Appeal is ignored and the city continues it's illegal attack to steal the Defendant's/Appellant's property, These Defendant's will have no choice But to file for an Injunction against the city for it's shameful acts of injustice.

Respectfully Submitted,

  
Tandra Leach & John Bogdan



RECEIVED  
DEC 04 2023



City of Council Bluffs, Iowa  
Building Division  
209 Pearl Street, Council Bluffs, Iowa 51503

COPY

# BOARD OF APPEALS

An Appeal By: Tambra Leach 712-435-0351  
Owner Name Phone Number

Address P.O. Box City State Zip

Subject: 1609 3rd Ave Council Bluffs, IA 51501  
Address In Violation City State Zip

Legal Description Parcel Number

I am appealing an order, decision or determination made by the Chief Building Official on the 8<sup>th</sup> day of Nov, 2023, which was:

The appellant's legal interest in this building involved in this appeal is: invested interest, want to keep house to live in

The appellant's protest the City's order, decision or determination by presenting these facts: See Attached Appeal Jemed on Dec 5<sup>th</sup> 2023

The appellant requests the following relief and gives these reasons why it is claimed the protested order, decision or determination should be reversed, modified or otherwise set aside: We live in a housing crisis and Tambra has been temporarily displaced. Trying not to make displacement permanent

The appellants hereby give their signature as verification as to the truth of the matters stated in the appeal on this 5<sup>th</sup> day of Dec, 2023.

Appellant's Signature: T Leach, John Boylan Date: Dec 5<sup>th</sup> 2023

The Administrative Fee for filing this Appeal with the Building Board of Appeals shall be \$50.00. (City of Council Bluffs Municipal Code Chapter 13.01, Section 13.01.110.) Make checks payable to "City Treasurer".



City of Council Bluffs, Iowa  
Building Division  
209 Pearl Street, Council Bluffs, Iowa 51503

**NOTICE OF VIOLATION**

LEACH, TAMBRA L  
803 N 35TH ST APT 23  
COUNCIL BLUFFS, IA 51501

**Subject: 1609 3rd Ave, Council Bluffs, Iowa**  
**Parcel: 754435213006**

**Inspected on: 11/08/2023**  
**Inspector: Scott Boose**

11/8/2023

Leach, Duane R,

The City of Council Bluffs has standards, in the form of Ordinances and Codes, which regulate how properties are to be maintained. The goal is to protect the health, safety and well-being of the residents of the City.

Violation(s) of city ordinances and/or codes were found on the property referenced above. Please find Exhibit A (attached), which provides a list of condition(s) that are in violation of the International Property Maintenance Code and/or City Code. Additionally, please call the number provided below if you need further information regarding the violation(s) listed in Exhibit A.

You are hereby notified to correct the code deficiencies noted within 30 days from receipt of this notice. It is the responsibility of the property owner to schedule an appointment time with your inspector for re-inspection by the end of the thirty (30) day time period. Please see the phone number at the bottom of the page. If special circumstances prevent you from being able to correct the deficiencies prior to the time frame stipulated, you may contact the department identified below to request an extension of additional time. Failure to correct violations can be punishable by prosecution in Municipal Court, and you may be held liable for any fines and court costs which the court may place against you.

You may appeal this determination to the Building Official and ultimately to the Board of Appeals by filing a written application of such within thirty (30) days of receipt of this notice. Appeal applications may be obtained and filed in the Permits and Inspections office located at 209 Pearl Street, 2nd floor, Council Bluffs, Iowa. For any additional information, please contact the inspector listed above at (712) 890-5279. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination on this matter.

Sincerely,

Scott Boose  
Housing Inspector  
City of Council Bluffs  
Office: (712) 890-5279  
Fax: (712) 328-7007  
[sboose@councilbluffs-ia.gov](mailto:sboose@councilbluffs-ia.gov)



City of Council Bluffs, Iowa  
Building Division  
209 Pearl Street, Council Bluffs, Iowa 51503

## NOTICE OF VIOLATION

# EXHIBIT A

Subject: 1609 3rd Ave, Council Bluffs, Iowa  
Parcel: 754435213006

Inspection ID: 391423  
Inspector: Scott Boose

**Notice Issued On: 11/08/2023**

*NOTE: Licensed contractors and permits maybe required to complete this work.*

### VIOLATIONS:

#### 301.3 Vacant Structures and Land

POSTED UNFIT keep property secure. No entry with out written permission from the building division. If structures will be demoed a licensed contractor will need a permit.

#### 304.4 Structural Members Exterior Structure

Back wall studs and rafters have been structurally impacted. not all areas accessible to do collapsing ceilings. A licensed contractor will need to replace with a permit.

#### 504.3 Plumbing System Hazards

sewer drainage system must be repaired to be connected to public sewer with a permit by a licensed contractor.

#### 505.3 Supply Water

no water

#### 505.4 Water Heating Facilities

water heater will need to be reinstalled with a permit.

#### 506.1 Sanitary Drainage Systems

sewer drainage system must be repaired to be connected to public sewer with a permit by a licensed contractor.

#### 603.1 Mechanical Appliances

restoration of gas will require a licensed plumber or hvac contractor with a permit.

#### 603.3 Clearances Mechanical

remove combustibile and explosive materials from around and on top of water heater and furnace.

#### 604.3 Electrical System Hazards

entire home will need to be rewired including the service by a licensed electrician with a permit.

#### 704.2 Smoke Alarms

Smoke alarms needed in each bedroom, immediately outside the bedrooms, and on each level (one in basement).

The property addressed 1609 3<sup>rd</sup> Avenue is in the FEMA desingnated AH Special Flood Hazard Area. Federal regulations allow no more than 50% of the market value of the structure to be used to bring the structure to its pre-damaged condition.

Created from inspection 391423 on 11/08/2023 by sboose

**9-16-20 Boose**

call from PAR Jarzinka, people living in the basement. owners are renting out the basement to a man that has OD-ed Twice now.

Owner and sister living here.

Follow up appointment scheduled with owner for 9-21-20 @9:30

Gas- ON

Ele- ON

Water- ON

From mobile - SCOTT BOOSE - 09/22/2020 08:06:53

**9-22-20 Boose**

No answer. Yesterday for appointment.

**10-18-23 Boose**

complaint came into Deryck from Andrew, 1707 4th ave. Andrew said he was staying there and their sewer dumps into a hole in the backyard.

Deryck and I went out to the house on 10-16-23.

Rodney ACTING CBO wanted us to post it immediately based on the photos. Rodney is going to have water shut off.

Deryck knocked on the door, no answer. I called WaterWorks and water is under John Bogdan, 402-301-0220.

POSTED UNFIT PLUMBING SYSTEM HAZARDS.

I knocked on the door again and yelled in that the building is being condemned. A lady yelled from inside she was getting the owner.

The lady came out a few minutes later and claimed to be the owner, but it is being sold to her uncle. I asked if her uncle was John Bogdan and she said yes.

She repeatedly said the owner was on his way.

John pulled up. we introduced ourselves. I asked about the hole in the back. He was aware of it.

We went and looked at it together. He thought the pipe was replaced to the clay stub 15 or so years ago and now it leaking by the main. He was digging it up to fix it and his backhoe got a hydraulic leak. I told him he could fix it as an emergency but we needed to look at it before it was backfilled. a permit was not mentioned.

Gas is off.

I gave John my card. He said he'd call when he was ready.

**10-20-23 Boose**

Posting is in place home appears secure.

hole does not have standing water in it. No work has been attempted since posting.

**10-24-23 Boose**

I drove by yesterday morning, 10-23-23. House appears secure, posting is in place, no work has been performed on the sewer lateral.

**10-25-23 Boose**

posting is in place. home appears secure. no work performed.

**11-2-23 Boose**

John Bogdan left me a message yesterday. He wanted me to come inspect the sewer repair that he had completed. I called back and left a voicemail after talking to CBO Shultz. I told John he needed a licensed contractor to pull a permit before we can inspect it. Water will remain off until this is done. The hole should be left open until a contractor can look at it.

John left me another message this morning saying he assumed I had done my inspection and WaterWorks was going to turn water back on this afternoon. I spoke with CBO Shultz, He had called WaterWorks to shut off the water. He told them not to turn water back on until they get the ok from us. WaterWorks had a meeting to make sure they don't turn water on that shouldn't be on.

I don't think he listened to my voicemail.

I called John back and he answered. I told him we need a licensed contractor with a permit before we can do the inspection. He said he would just fill in the hole and WaterWorks was going to turn on the water. I told him WaterWorks will not be turning on the water until we give them the ok to do so. He hung up on me.

**11-7-23 Boose**

no permit for sewer work. Rodney called me into his office with Mike (right of way)

Rodney told me to call John Bogdan, 402-301-0220, and tell him a licensed contractor needs to pull a permit and the work needs to be completed.

I left a message for John stating we need a licensed contractor to pull a permit and complete the work. I requested a call back.

## 11-8-23 Boose

Fire yesterday, 11-7-23 at about noon.

Rodney let me know after lunch, about 13:30 that FD Roberts was requesting an inspector.

Garage was totally destroyed in the fire and fire spread to the house. neighboring houses east and west were damaged with the west house ,1623 3rd ave, damage being very minimal.

Tambra Leach, Joslyn Wildrick, and a black male were in the POSTED house at the time of the fire and were able to exit unharmed.

Tambra, 712-435-0351, is the daughter of the deceased owner. Tambra goes by Tammy.

I spoke with Tammy and Joslyn, provided my card, and resource sheet. I told them the ceiling is continueing to collapse and the structure is severely damaged on the back of the house. She should not enter the home. I told her if she would like to grab a few personal items, she could contact me and we could figure out how that could be arranged.

FD Roberts asked if an emergency demo could be scheduled. I told him I would bring it up to CBO Shultz.

I was able to talk to both neighbors, Benjamin 1607 3rd Ave 402-401-0192 and David 1623 3rd Ave 402-315-8277. I notified them that I would document the damage and send them a report. I encouraged them to call or have insurance call with any questions.

I spoke with CBO Shultz about my findings when I returned to the office.

15:15

I returned to meet David Anderson to board up and speak with Tambra again about the importance of staying out of the home.

Tambra was no longer around. I spoke with David Anderson. The Red Cross arrived. The neighbor across the street was able to call Tambra and have her return to speak with me and the Red Cross.

I told Tambra again the hazards of entering the home and provided a work access guidance sheet.

Jarzynka stopped by and I requested evening and night patrols

17:02

Call from FD Roberts. Roberts received a call from dispatch that Tambra was trying to get the cat out of the house. Roberts did not want to send a crew if not needed so I told him I would handle it and get animal control involved if needed.

When I arrived David Anderson was in the process of boarding up. Tambra, Joslyn, and the black male where trying to get the cat at 1618 3rd ave. The cat nor any people were in the house.

I offered to call animal control to help and my offer was refused. I encouraged them to call animal control if they couldn't get the cat. I informed Roberts of my findings.

**11-8-23 Boose 9:20**

Property is secure. I updated the posting to include the damage caused by fire.

pictures taken.

I informed Jarzynka of the events.

Tambra is staying with her Daughter Jessica Leach at 803 n. 35th apt 23 51501 (Cottonwood)

**11-16-23 Boose**

property appears secure. fire debris has been removed from the garage and fences

NOV returned not delivered.

**11-17-23 Boose**

NOV posted on front of house. updated pictures of debris removal, NOV posting, and secure building uploaded.

**11-20-23 Boose**

Garage has been demoed. foundation removed. House appears secure.

**11-27-23 Boose**

Tambra and John were in the house when I stopped by. I told them they needed to talk to Rodney and get a work access permit to be in the house.

Work Access Permit granted til 12-3-23 by CBO Rodney.

NOV hand delivered by CBO Schultz and green cards signed by both Tambra Leach and John Bogdan.

**12-5-23 Boose**

a sheriff deputy stopped in and talked to Ethan at about 1:45 yesterday afternoon while I was in training.

I called the deputy and he asked to meet me to serve me civil paper work. I met the deputy and received a letter from John Bogdan about an appeal.

I spoke with Graham and CBO Shultz. It was decided the best course would be to call John and encourage him to fill out an application for an appeal.

I left John a voicemail yesterday afternoon describing how to start the appeal process.

CBO Shultz and I put together a letter for Tambra and John. We sent the letters regular mail and posted on property. Pictures attached of posted letter. Copies in the folder.

I called John to let him know a letter will be coming. He said he may stop in today.

301.3



304-H



504.3



505.4



 **TWIGS**  
Glass and Gifts  
402-505-8528  
Grand Dodge Streets

 Richman

603.3



603.1









Thomas Arrick  
\$2.75