

Eureka Township
Dakota County
State of Minnesota

Special Town Board Meeting of October 30, 2012

Call to Order

Vice Chair Kenny Miller called the Special Town Board Meeting of October 30, 2012, to order at 7:08 p.m. Members present were Supervisors Mark Ceminsky, Kenny Miller and Supervisor Pete Storlie. Clerk/Treasurer Nanett Sandstrom was present to record the minutes. Township Building Inspector Scott Qualle. See attached attendance sheet for additional persons in attendance.

Agenda

Building Inspector Performance Review of work performed under current contract and Review of Contract and Insurance.

A copy of the Building Inspector contract and his certificate of Liability Insurance was available for Board members. Questions were sent to the Township attorney by the Town Board on the Building Inspector contract and relating issues. A memo was received from the Township Attorney Trevor Oliver dated October 29, 2012 on Questions about Building Official Contract. *See attached.*

Vice Chair Kenny Miller informed those in attendance that the discussion at the meeting would be limited to discussion between the Town Board and the Building Inspector. The audience was welcome to stay and listen. The Town Board would not be asking for input from audience members.

The Attorney memo was distributed to the Town Board prior to the meeting for their review. Vice Chair Kenny Miller commented that there was only one portion in the memo that the Town Board was able to discuss with Mr. Qualle. There has been no formal written documentation on his performance or conduct, which is required under his contract. He would then be given 30 days to rectify the situations.

Supervisor Mark Ceminsky as alternate Supervisor Building Inspector contact person felt that there are still issues with the Building Inspector letting the contact persons know when there are issues so they have a heads up on what is going on. They understand that he is enforcing the Building Codes, which he should be doing, but the Supervisor contacts need to be kept in the loop, so they are informed of possible controversial issues before they are contacted by irate citizens. The Building Inspector does not need to contact them on regular building inspections that are scheduled. This is part of his regular job as issuing building permits. The Supervisors want to be notified about what is going on, not to tell the Building Inspector how to do his job.

The Building Inspector commented that a new procedure has been established to let the contact Supervisors know when a special inspection is going to take place. An e-mail will be sent to the two Supervisors informing them that he is going to make an inspection and a follow-up email once the inspection has taken place. They are going to make every effort to make sure they are aware of these special inspections.

The Town Board discussed the inspection on the rental property. Supervisor Pete Storlie went to the property that evening and spoke with the Deputy present he indicated that Scott was a private contractor to the renter.

Scott commented that he told all three Deputies present that he was there representing the Township. The renter paid the afterhour's inspection fee as listed in the Eureka township fee schedule. There are no charges to the Township for the inspection. The payment is in a folder that will come with the bill at the end of the month. The Township will be billed as a pass through.

The Township received an e-mail from the tenant that asked for the inspection. A copy was provided to each Town Board member prior to the meeting. A copy was given to the Building Inspector. In the letter it was conveyed that they were paying the Building Inspector for the inspection.

Scott commented that if they had written a check rather than paying cash, the check would have been written to the Township. The reason Scott would not go to the residence until it was determined that it was a life threatening situation it that as Building Official he does not any authority to write cleanliness, creepiness or contract issues or other tenant disputes. When it was divulged to him that there was an issue with two family dwelling units in one building without proper firewall separation it became a life safety issue. That is when he agreed to go out and inspect it. It now became his responsibility as Building Official to inspect the building to be safe to occupy.

The initial email sent from MNSPECT's office was discussed. The tenants issues were old-dirty carpet, animals in walls, broken and/or cracked windows, electrical wiring, and furnace not working (landlord is allegedly going to fix the furnace). Because Eureka Township does not have a rental ordinance and has not adopted the International Property Maintenance Code, there is not a lot MNSPECT can do. If Eureka Township wants them to perform an inspection, they could possibly flag it as an unsafe structure (depending on what they find). They asked if this be addressed at the meeting next week. In a later discussion with the person life safety issues were discussed and Scott agreed to an inspection of the property. He was acting on behalf of the Township as Building Official when he performed the Building Inspection. He wore his badge, he filled out an inspection slip which is on file and a letter on the Eureka Letterhead and the fee is in the envelope to be delivered to the Township at the end of the month.

The Town Board once again asked for better communication between the Building Inspector Supervisors and the Building Official on Special Inspections prior to the inspections taking place, so they are aware of what is taking place, so they can address citizens concerns on the action taking place.

Supervisor Pete Storlie commented if he had been contacted by the Building Official, he would not have told him to stop doing his job, he would have asked if he knew who the property owner was and he would have recommended doing the inspection with the Sheriff.

The case of an emergency inspection the Building Inspector was asked to try to contact Supervisor Pete Storlie first. He is the main Building Inspector contact person. To leave a voice mail if he is unavailable. He should then try and contact Supervisor Mark Ceminsky second as the alternate Building Inspector contact person. If he is unavailable to leave a voice mail message and then try to contact Supervisor Brian Budenski as Chair.

Scott asked for a reciprocal communication request that when they receive a call 9:30 at night on a Friday, what is going on. That they call him and ask him what is going on, so he can respond. If a permit holder is not happy with an inspection to call him so he can respond and tell them what happened. He bends over backward to try and explain things to people so they understand why the code is important. Their motto is helping you comply with the code. It's not making you comply with the code. The code is the director of his activities. His job is to help people comply with the code.

There was discussion on complaints received from Eureka citizens on Building Inspector conduct on inspections performed. Some citizens have indicated that they have not been treated right or fairly by the Building Inspector. It was suggested that when a correction to a job need to take place that Building Inspector try to explain in more depth to the permit holder why the correction needs to be made.

Scott Qualle commented that if complaints are received about their work that they are put into writing, delivered to him with an opportunity to respond in writing back to the Town Board. The complaints should be as current as possible so that the conversations can be documented before memory fades on the conversations.

The Borowitz project was discussed. At the August 13, 2012 the Town Board had agreed to waive the fees charged. Supervisor Pete Storlie said he had spoken with the Building Official and he was willing to waive the fees for the permit.

Scott commented that it was very nice of the Township to offer to waive fees for someone who has a challenging issue or project underway but respectfully said they do not have the right to waive his fees to the Township. He is not in the business to work for free.

Supervisor Pete Storlie commented that Scott's business operates under MNSPECT LLC. He asked if it is a fully viable legal operating company. Scott Qualle agreed with this statement. The situations that happened last year were all personal and did not affect the business.

A letter dated October 30, 2012, addressing concerns and complaints of a resident was submitted to the Town Board prior to the meeting. The Town Board received the letter but did not review or discuss the letter at this meeting.

A citizen presented a written question on the Building Inspector's bankruptcy to the Town Board that needs to be addressed by the Township attorney. Supervisor Kenny Miller will send the question to the attorney for written response. The Building Inspector commented that the bankruptcy was for personal debt. He was a guarantor on obligations for the personal bankruptcy. As declaring personal bankruptcy he was relieved of all obligations for debts on the items that were listed as surety for. The company did not declare bankruptcy. The business liquidated was 233 West First Street Properties. It was personal debt he incurred when he acquired Waldron and Associates in 2005.

A motion by Supervisor Kenny Miller: To adjourn. Motion seconded by Supervisor Mark Ceminsky.

The Meeting adjourned at 8:21 p.m.