



MINUTES

December 14, 2021

BOARD OF APPEALS HEARING

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA

1. CALL TO ORDER

Pete Constant called the meeting to order at 9:03 a.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Pete Constant

Brian Stenklyft

The following Staff members were present:

My Tien Doan

Deputy City Attorney

Gretchen Hakala

Paralegal

Kelly Aye

Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the December 14, 2021 hearing was Pete Constant.

4. PLEDGE OF ALLEGIANCE

Pete Constant led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

There was no public comment.

6. SWEAR IN

Pete Constant administered the Oath to those in attendance who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No. 14782

Appellant: Kindra Trainor

- Roseville Municipal Code Section 7.14.010

A. Staff Report:

Animal Control Officer Gabe Sorenson offered testimony in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative

Complainant's Statement:

Complainant Brian Fogel offered testimony in support of the complaint and answered panel questions.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on October 21, 2021

Kindra Trainor presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Videos
- Appellant Statement
- Ms. Dunn Statement
- Kristan Haight Statement
- Beverly Newberry Statement

C. Rebuttals and Panel Questions:

Brian Fogel offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 14782.

E. Panel Decision:

In regards to Roseville Municipal Code Section 7.14.010, a motion was made by Brian Stenklyft and seconded by Pete Constant, to grant the appeal of Administration Citation No. 14782 and dismiss the charge of Roseville Municipal Code Section 7.14.010, because the Complainant did not prove by a preponderance of the evidence that the violation occurred.

The motion passed with the following vote:

AYES: Constant, Stenklyft

NOES:

Pete Constant signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.2. Citation No. 22637

Appellant: RNB Property Management and Leslie Burma on behalf of Irving Sequeria

- Roseville Municipal Code Section 10.54.020(E)(1)
- Roseville Municipal Code Section 14.09.060(A)

A. Staff Report:

Code Enforcement Officer John Shannon offered testimony in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on September 14, 2021

David and Leslie Burma offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

John Shannon offered rebuttal testimony and answered panel questions.

David Burma offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 22637.

E. Panel Decision:

In regards to Roseville Municipal Code Section 10.54.020(E)(1), a motion was made by Brian Stenklyft and seconded by Pete Constant to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Constant, Stenklyft

NOES:

In regards to Roseville Municipal Code Section 14.09.060(A), a motion was made by Brian Stenklyft and seconded by Pete Constant to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Stenklyft, Cosntant

NOES:

Pete Constant signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.3. Citation No. 14780

Appellant: Vincent Catich

- Roseville Municipal Code Section 7.12.010
- Roseville Municipal Code Section 7.12.050

A. Staff Report:

Animal Control Officer Sarah Severns offered testimony in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative

Complainant's Statement:

Complainant Steve Habermehl presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Shawn Habermehl Statement
- Brad Eickman Statement
- Tony Deale Statement

B. Appellant's Response:

Exhibit C:

(Appellant's Exhibit C was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on October 1, 2021

Vincent Catich presented Exhibit D, and offered testimony in support of the appeal and answered panel questions.

Exhibit D:

- Wendy Liu Statement

C. Rebuttals and Panel Questions:

Steve Habermehl offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 14780.

E. Panel Decision:

In regards to Roseville Municipal Code Section 7.12.010, a motion was made by Brian Stenklyft and seconded by Pete Constant to deny the appeal and uphold the charge because the City/Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Stenklyft, Constant

NOES:

In regards to Roseville Municipal Code Section 7.12.050, a motion was made by Brian Stenklyft and seconded by Pete Constant grant the appeal and dismiss the charge because the City/Complainant did not prove by a preponderance of the evidence that the violation(s) occurred.

The motion passed with the following vote:

AYES: Stenklyft, Constant

NOES:

Pete Constant signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

8. ADJOURNMENT

A motion was made by Brian Stenklyft and seconded by Pete Constant to adjourn the hearing.

AYES: Stenklyft, Constant

NOES:

Pete Constant adjourned the December 14, 2021 hearing at 10:13 a.m.

Kelly Aye
Legal Clerk