

Minutes
City of Roseville
Hearing Panel
January 10, 2017 at 9:00 a.m.
City Council Chambers
311 Vernon Street

1) Call to order

Chairperson Leilani Fratis called the meeting to order at 9:00 a.m. in the City Council Chambers.

The following Hearing Panel members were present:

Leilani Fratis
Dan Myers
Richard Sweet

The following staff members were present:

Joseph T. Speaker	Deputy City Attorney
Pamela Sisk	Legal Clerk

2) Designation of Chair

Chairperson for the January 10, 2017 hearing was Leilani Fratis.

3) Pledge of Allegiance

Chairperson Fratis led the audience in the Pledge of Allegiance.

4) Public Comment

No one from the public offered any comments.

5) Swear In

Chairperson Fratis administered the Oath to those in attendance who would be offering testimony at the hearing.

6) **Matters to be Heard**

Citation #16260

Appellant: Melinda Shrader and Greg Shrader

Roseville Municipal Code Section 10.54.020(E)(3)(d), Nuisance, structurally unsound

Roseville Municipal Code Section 16.35.110(5), Dangerous Building

Roseville Municipal Code Section 16.35.110(6), Dangerous Building

Roseville Municipal Code Section 16.35.110(13), Dangerous Building, no permit

A. Staff Report:

Building Inspector James Proper offered testimony in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.606(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:

- Report of building department records list for 1335 Ridgedale Court
- Case report for Record ID: CE13-0092
- Copy of business card for Greg Shrader
- Code Enforcement Notice dated July 12, 2013
- Aerial photo of property labeled CE13-0092
- Administrative Citation Warning dated 9/11/13
- Description of requirements for unenclosed structures
- Email to Bill Burke from Ronald Miller dated October 3, 2013
- Receipt #213118 from City of Roseville Planning in the amount of \$1,099.01
- Letter from Associate Planner Gina McColl, City of Roseville Development Services, to Greg Shrader dated November 22, 2013
- Letter from Associate Planner Gina McColl, City of Roseville Development Services, to Greg Shrader dated December 19, 2013
- Letter from Greg and Melinda Shrader dated January 29, 2014
- Memorandum from Associate Planner Gina McColl dated February 12, 2014
- Copy of Citation No. 16535
- Case Disposition Form for Citation No. 16535
- Copy of Notice and Order dated 5/1/14
- Danger Do Not Enter Notice dated 5/1/14
- Photos (2) from Record CE13-0092
- Report of Record ID: PL13-0257
- Case report for Record ID: CE14-0602
- Case report for Record ID: CE14-0819
- Case report for Record ID: CE14-0898
- Case report for Record ID: CE14-1097

- Case report for Record ID: CE16-0036
- Case report for Record ID: CE16-0066
- Case report for Record ID: CE16-0307
- Aerial photo of property
- Case report for Record ID: CE16-1194
- Photo of structure at 1335 Ridgedale Court
- Letter from Deputy City Attorney Joseph Speaker dated November 2, 2016
- Letter from Deputy City Attorney Joseph Speaker dated December 6, 2016

B. Appellant's Response:

Melinda Shrader and Greg Shrader offered testimony in support of the appeal and answered panel questions.

Exhibit B:

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

- Request for Hearing form (2 pages), received by the City Attorney's office on November 30, 2016
- Copy of Administrative Citation No. 16260
- Email from James Proper to Melinda Shrader dated November 4, 2016 3:28 PM
- Letter from Greg and Melinda Shrader, RE: City of Roseville Citation #16260 & #16368
- Letter signed by residents at 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1341, 1339, 1337, 1333 Ridgedale Court and 1322 Meadowvista Way
- Letter from Jose Silva and Rhonda Silva dated July 13, 2013
- Letter from Brent and Kathy Miles dated July 14, 2013
- Letter from Angela Nielebeck and Robert Nielebeck dated November 9, 2013
- Letter from Henry Meeks and Janet Meeks dated July 14, 2013
- Letter from Andrew and Jill Padilla dated July 14, 2013
- Letter from Shaun and Janelle Edwards dated October 28, 2013
- Letter from Tyson Kunst and Lisa Kunst dated October 28, 2013
- Letter from Norman and Stephanie Franklin dated November 7, 2013
- Letter from Jim Wollen
- Letter from Neil Blomquist dated November 3, 2013
- Letter from Glenn and Tammy Higgins
- Letter from Richard and Elizabeth Daschner dated October 15, 2013
- Letter from Christina Lingenfelder dated November 5, 2013
- Letter from July McClymonds dated July 14, 2013
- Letter from John Moorhead dated October 27, 2013
- Letter from Jayson Wendell dated July 13, 2013
- Letter from Matthew R. Johnson dated October 31, 2013
- 24 - 8 ½ x 11 color photographs of accessory structures

C. Rebuttals and Panel Questions:

James Proper offered rebuttal testimony and answered panel questions.

Melinda Shrader and Greg Shrader offered rebuttal testimony and answered panel questions.

Exhibit C:

- 8 ½ x 11 color photograph of the front elevation of 1335 Ridgedale Court
- 8 ½ x 11 color photograph of an accessory structure

Deputy City Attorney Joe Speaker responded to the panel's questions with clarifications on discussions between the City Attorney's Office and the Shraders in the past.

Melinda Shrader and Greg Shrader concluded their rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 16260 for one count each of violating the following:

- Roseville Municipal Code Section 10.54.020(E)(3)(d), Nuisance, structurally unsound
- Roseville Municipal Code Section 16.35.110(5), Dangerous Building
- Roseville Municipal Code Section 16.35.110(6), Dangerous Building
- Roseville Municipal Code Section 16.35.110(13), Dangerous Building, no permit

A motion was made by Richard Sweet and was seconded by Dan Myers to deny the appeal and uphold the charge of Roseville Municipal Code section 10.54.020(E)(3)(d) because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

A motion was made by Richard Sweet and was seconded by Dan Myers to deny the appeal and uphold the charge of Roseville Municipal Code section 16.35.110(5) because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

A motion to reconsider violation 10.54.020(E)(3)(d) for further discussion due to an apparent confusion on the motion's specifics was made by Dan Meyers. After discussion on the motion, a clarifying motion was made by Dan Myers and was seconded by Richard Sweet to deny the appeal and uphold the charge of Roseville Municipal Code section 10.54.020(E)(3)(d) because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

A motion was made by Richard Sweet and was seconded by Dan Myers to deny the appeal and uphold the charge of Roseville Municipal Code section 16.35.110(6) because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

A motion was made by Dan Myers and was seconded by Richard Sweet to deny the appeal and uphold the charge of Roseville Municipal Code section 16.35.110(13) because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 16260, the panel decided to deny the appeal and uphold the charges of violating Roseville Municipal Code section 10.54.020(E)(3)(d), Roseville Municipal Code section 16.35.110(5), Roseville Municipal Code section 16.35.110(6), and Roseville Municipal Code section 16.35.110(13), because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party. This decision was based on the testimony and evidence presented before them at the January 10, 2017 hearing.

Chairperson Fratis signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that they may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #16368

Appellant: Melinda Shrader and Greg Shrader

Roseville Municipal Code Section 10.54.020(E)(3)(d), Nuisance, structurally unsound, Second offense

Roseville Municipal Code Section 16.35.110(5), Dangerous Building, Second offense

Roseville Municipal Code Section 16.35.110(6), Dangerous Building, Second offense

Roseville Municipal Code Section 16.35.110(13), Dangerous Building, no permit, Second offense

A. Staff Report:

Building Inspector James Proper offered testimony concurrently with the first matter (Citation #16260) in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.606(D), the Staff Report was submitted to the City Attorney's Office prior to the hearing, and was provided to the appellant and the panel members in advance of the hearing.

Exhibit A:

- Report of building department records list for 1335 Ridgedale Court
- Case report for Record ID: CE13-0092
- Copy of business card for Greg Shrader
- Code Enforcement Notice dated July 12, 2013
- Aerial photo of property labeled CE13-0092
- Administrative Citation Warning dated 9/11/13
- Description of requirements for unenclosed structures
- Email to Bill Burke from Ronald Miller dated October 3, 2013
- Receipt #213118 from City of Roseville Planning in the amount of \$1,099.01
- Letter from Associate Planner Gina McColl, City of Roseville Development Services, to Greg Shrader dated November 22, 2013
- Letter from Associate Planner Gina McColl, City of Roseville Development Services, to Greg Shrader dated December 19, 2013
- Letter from Greg and Melinda Shrader dated January 29, 2014
- Memorandum from Associate Planner Gina McColl dated February 12, 2014
- Copy of Citation No. 16535
- Case Disposition Form for Citation No. 16535
- Copy of Notice and Order dated 5/1/14
- Danger Do Not Enter Notice dated 5/1/14
- Photos (2) from Record CE13-0092
- Report of Record ID: PL13-0257
- Case report for Record ID: CE14-0602
- Case report for Record ID: CE14-0819

- Case report for Record ID: CE14-0898
- Case report for Record ID: CE14-1097
- Case report for Record ID: CE16-0036
- Case report for Record ID: CE16-0066
- Case report for Record ID: CE16-0307
- Aerial photo of property
- Case report for Record ID: CE16-1194
- Photo of structure at 1335 Ridgedale Court
- Letter from Deputy City Attorney Joseph Speaker dated November 2, 2016
- Letter from Deputy City Attorney Joseph Speaker dated December 6, 2016

B. Appellant's Response:

Melinda Shrader and Greg Shrader offered testimony concurrently with the first matter (Citation #16260) in support of the appeal and answered panel questions.

Exhibit B:

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

- Request for Hearing form (1 page), received by the City Attorney's office on January 3, 2017
- Copy of Administrative Citation No. 16368
- Email from James Proper to Melinda Shrader dated November 4, 2016 3:28 PM
- Letter from Greg and Melinda Shrader, RE: City of Roseville Citation #16260 & #16368
- Letter signed by residents at 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1341, 1339, 1337, 1333 Ridgedale Court and 1322 Meadowvista Way
- Letter from Jose Silva and Rhonda Silva dated July 13, 2013
- Letter from Brent and Kathy Miles dated July 14, 2013
- Letter from Angela Nielebeck and Robert Nielebeck dated November 9, 2013
- Letter from Henry Meeks and Janet Meeks dated July 14, 2013
- Letter from Andrew and Jill Padilla dated July 14, 2013
- Letter from Shaun and Janelle Edwards dated October 28, 2013
- Letter from Tyson Kunst and Lisa Kunst dated October 28, 2013
- Letter from Norman and Stephanie Franklin dated November 7, 2013
- Letter from Jim Wollen
- Letter from Neil Blomquist dated November 3, 2013
- Letter from Glenn and Tammy Higgins
- Letter from Richard and Elizabeth Daschner dated October 15, 2013
- Letter from Christina Lingenfelder dated November 5, 2013
- Letter from July McClymonds dated July 14, 2013
- Letter from John Moorhead dated October 27, 2013
- Letter from Jayson Wendell dated July 13, 2013
- Letter from Matthew R. Johnson dated October 31, 2013
- 24 - 8 ½ x 11 color photographs of accessory structures

C. Rebuttals and Panel Questions:

James Proper offered rebuttal testimony and answered panel questions concurrently with the first matter (Citation #16260).

Melinda Shrader and Greg Shrader offered rebuttal testimony and answered panel questions concurrently with the first matter (Citation #16260).

Exhibit C:

- 8 ½ x 11 color photograph of the front elevation of 1335 Ridgedale Court
- 8 ½ x 11 color photograph of an accessory structure

Melinda Shrader and Greg Shrader concluded their rebuttal testimony and answered panel questions concurrently with the first matter (Citation #16260).

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 16368 for one count each of violating the following:

- Roseville Municipal Code Section 10.54.020(E)(3)(d), Nuisance, structurally unsound, Second offense
- Roseville Municipal Code Section 16.35.110(5), Dangerous Building, Second offense
- Roseville Municipal Code Section 16.35.110(6), Dangerous Building, Second offense
- Roseville Municipal Code Section 16.35.110(13), Dangerous Building, no permit, Second offense

A motion was made by Dan Myers and was seconded by Richard Sweet to uphold the citation but waive the fines in the interests of justice on all of the violations.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 16368, the panel decided to uphold the citation but waive the fines in the interests of justice on the charges of violating Roseville Municipal Code section 10.54.020(E)(3)(d), Second offense, Roseville Municipal Code section 16.35.110(5), Second offense, Roseville Municipal Code section 16.35.110(6), Second offense, and Roseville Municipal Code section 16.35.110(13), Second offense. This decision was based on the testimony and evidence presented before them at the January 10, 2017 hearing.

Chairperson Fratis signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that they may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #11779

Appellant: Lisa Purscell

Roseville Municipal Code Section 7.25.010, Animal Noise, Second offense

A. Staff Report and Complainant's Statement:

Animal Control Officer Debra Dalton was present, but did not testify because the appellant did not appear.

Per RMC Section 2.50.606(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:

- Animal Control Staff Report including case history and narrative

Complainant Mark Moreno and his wife Julie Moreno were present at the hearing, but did not testify because the appellant did not appear.

B. Appellant's Response:

The appellant, Lisa Purscell, was not present at the hearing.

Exhibit B:

(The 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 20, 2016

C. Rebuttals and Panel Questions:

No rebuttal testimony was made.

D. Panel Discussion:

At 9:15 a.m., the Appellant was not present. According to section VII(A) of the rules for Administrative Hearing Procedures, if the responsible party fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically denied.

A motion was made by Richard Sweet and was seconded by Dan Myers to deny the appeal of Citation #11779 and uphold the charge because the appellant failed to appear.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11779, the panel decided to deny the appeal and uphold the charge of one count of violating Roseville Municipal Code section 7.25.010, Animal Noise, Second offense, because the appellant failed to appear.

Chairperson Fratis signed the decision form.

Citation #11833

Appellant: Lisa Purscell

Roseville Municipal Code Section 7.25.010, Animal Noise, Third offense

Roseville Municipal Code Section 7.16.010, Failure to License, Second Offense

A. Staff Report and Complainant's Statement:

Animal Control Officer Debra Dalton was present, but did not testify because the appellant did not appear.

Per RMC Section 2.50.606(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:

- Animal Control Staff Report including case history and narrative

Complainant Mark Moreno and his wife Julie Moreno were present at the hearing, but did not testify because the appellant did not appear.

B. Appellant's Response:

The appellant, Lisa Purscell, was not present at the hearing.

Exhibit B:

(The 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 December 2, 2016

C. Rebuttals and Panel Questions:

No rebuttal testimony was made.

D. Panel Discussion:

At 9:15 a.m., the Appellant was not present. According to section VII(A) of the rules for Administrative Hearing Procedures, if the responsible party fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically denied.

A motion was made by Richard Sweet and was seconded by Dan Myers to deny the appeal of Citation #11833 and uphold the charge because the appellant failed to appear.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11833, the panel decided to deny the appeal and uphold the charge of one count of violating Roseville Municipal Code section 7.25.010, Animal Noise, Third offense, and one count of Roseville Municipal Code section 7.16.010, Failure to License, Second offense, because the appellant failed to appear.

Chairperson Fratis signed the decision form.

7) Adjournment

A motion was made by Richard Sweet, and was seconded by Dan Myers to adjourn the January 10, 2017 Appeal Hearing.

AYES: Leilani Fratis, Dan Myers, Richard Sweet

NOES: none

Chairperson Fratis adjourned the January 10, 2017 hearing at 10:08 a.m.

Pamela Sisk
Legal Clerk