



City of Ralston, NE

Ralston Community Development

402-331-6677

www.cityofralston.com

buildingpermits@cityofralston.com

CASE # CE-2021-0094

Complaint Type: BUILDING CODE VIOLATION
Complaint Status: OPENED

Date Submitted: 08/04/2021
Date Closed:

Violator Information		Location	
Name:		Street: 8104 Wilson Dr (Parent Case)	
Address:		City: Ralston St: NE Zip: 68127	
Home:	Work:	Location:	Intersection:

Nature Of Complaint

Complaint regarding multiple building code violations throughout the Fireside Village Apartment complex. HG. Child cases include CE 2021-098, CE 2021-099, CE 2021-100, CE 2021-101, CE 2021-102, CE 201-103, CE 2021-104, and 2021-105

Parcel Information

Parcel #	Parcel Address	Owner Name	Owner Address
2537720608	8104 WILSON RALSTON, NE 68127	VUKOTA FIRESIDE VILLAGE APART	C/O PAUL EVANS 5251 DTC PKWY #1001 GREENWOOD VILLAG, CO 80111



CASE NOTES

Case # CE-2021-0094 **Parcel # :** 2537720608

Site Address: 8104 Wilson Dr (Parent Case)

Case Description: Complaint regarding multiple building code violations throughout the Fireside Village Apartment complex. HG. Child cases include CE 2021-098, CE 2021-099, CE 2021-100, CE 2021-101, CE 2021-102, CE 201-103, CE 2021-104, and 2021-105

Note Type	Note Code	Text	Created By	Begin Date	End Date
GENERAL		<p>On 09/21/2021 at 0946 hours Sterling Ralston called me in regard to the notices that have been sent to him regarding Fireside Village Apartments. He expressed concern about the involvement of attorneys, despite him not engaging his attorney on this matter. He was upset that the City Attorney automatically sent the letters to his attorney and the discussion they have had back and forth. He said that Don Ficene was conveying a message that made him believe the City doesn't believe they will make the repairs and that we are pushing for them to leave the city. I assured Mr. Ralston that was not the case and the City's only intent is to ensure the safety of the building for the benefit of the citizens.</p> <p>Mr. Ralston told me that he has received bids for foundation work from three companies, in addition to Thrasher. He said that they all have provided different information and would like more guidance about what the City is requiring. He said it will be a \$40k project and he doesn't want to spend the money and not satisfy the requirements from the City. Mr. Ralston said that Fireside Village Apartments is losing \$150k a month and they are concerned that the property not be pushed into bankruptcy. He then mentioned all of the money they are already investing in work throughout the property, including concrete work. I asked Mr. Ralston what the status of the concrete work is because it appears to have been abandoned. He said that they are having problems with the contractor and they are fighting to get him there to complete it.</p> <p>Mr. Ralston stated that he would have Lori Zapata email me the bids they have received and asked that I communicate with her and copy him on the emails. He also mentioned the possibility of having a meeting (Zoom) to discuss the repairs and actions they are taking some time in the coming weeks, which I said would be a possibility. Mr. Sterling also added that they have not received any code violations in the past, and he didn't understand why he suddenly receiving multiple notices. I told him that we regularly receive complaints on the property and have for several years that may have not reached his level. I then pointed out that we have changed how we are conducting code enforcement cases and that may be the reason he is noticing an increase in formal notices.</p>	Heather Gamon	09/21/21	



CASE NOTES

Note Type	Note Code	Text	Created By	Begin Date	End Date
GENERAL		<p>On 09/15/2021 at 11:57 am I delivered the attached documents to Fireside Village Apartments. They were given to Jared, who stated he was a Leasing Agent after he told me that Shauna Oliver was showing an apartment. A copy was also mailed to: Avantic Residential / Vukota Fireside Village Apartments Attn: Sterling Ralston 5360 Academy Blvd, Ste 250 Colorado Springs, CO 80918-4038 Certified Mail Receipt No. 7020 1810 0001 5039 0357</p>	Heather Gamon	09/16/21	
GENERAL		<p>Don Ficenec received the following response from the attorney for Fireside:</p> <p>From: Andrew Simpson <SimpsonA@goosmannlaw.com> Sent: Thursday, September 2, 2021 9:09 AM To: Don Ficenec <dficenec@ralstonlaw.net> Subject: RE: Fireside Village</p> <p>Good morning Don,</p> <p>Couple of updates from my client on the alleged code violations.</p> <ol style="list-style-type: none">1. On the survey for the electrical easement, understood on the survey needed. Do you want to see how much JEO would charge to prepare that information (I assume they serve as the City Engineers?) and I can then take to my client for approval? If not I work with TD2 regularly and can ask them the same question so we can wrap that piece of the lincense agreement up.2. Structural: 8103, 8225, 8215 & the nearby garage- Thrasher Foundation will be out on 09/02 to inspect including inside 8103-033. Health Hazards-8107-15 has been trashed out. Waiting to get on the schedule for flooring removal and replacement.4. 8225-03 Site was waiting for a 2nd bid and to get a date scheduled for remediation.5. 8225 BLDG<ul style="list-style-type: none">Rails-temp fix, looking for a company to replace and repairDoor locks-in house. they are no longer lockingWater heater cover-had to orderElect Junction box & disconnects on roof National Elec came yesterday-waiting on bidsDrywall-this should be done in house by the end of this week6. Garage 16-Roofing company is adding as part of the work they are currently doing7. 8104-06 eviction in progress-Management re-inspecting unit 09/01	Heather Gamon	09/02/21	



CASE NOTES

aware, has not yet scheduled us

9. Fence Permit-Vivax is in progress on getting

10. Fire Inspection-bid approved-will get on their schedule

You can see my folks are working diligently on these items but some of the timing is dependent on labor, given that I am not sure how realistic the 9/7 dates are especially with the holiday.

Thanks

Andy



GENERAL	Returned, signed, and dated 08/27/2021 certified mail receipt attached.	Heather Gamon	09/01/21
GENERAL	On August 23, 2021 Dan Freshman, Structural Engineer Steve Arnes, Fire Chief Kevin Eishied, Jason McClun, and Ty Hernes (both with NE State Fire Marshall's office) conducted inspections throughout the Fireside Village Apartment complex.	Heather Gamon	08/26/21
GENERAL	Cases will be opened for the code violations found, based on the building they were located within. This case will remain open as the parent case.	Heather Gamon	08/26/21
GENERAL	Copy of all documents mailed overnight on 08/26/2021 to: Vuokota Fireside Village Apartments Attn: Sterling Ralston, Vukota Capital Management 5360 N. Academy Blvd., Ste 250 Colorado Springs, CO 80918-4038 Tracking Number: 7020 1810 0001 5039 0364 Hand delivered to Shauna Oliver, Property Manager at 8214 Wilson Drive by Heather Gamon on 08/26/2021 at 2:50 pm. Will also be emailed by Don Ficene to the owners attorney.	Heather Gamon	08/26/21
GENERAL	On 08/16/2021, City Attorney Don Ficene sent the attached letter and documents to attorney Andrew Simpson, for Fireside Village.	Heather Gamon	08/16/21
GENERAL	See attached memo regarding a conversation with the complainant. I briefed Dan Freshman on 08/04/2021 by phone, Don Ficene on 08/05/2021 in a Zoom meeting, and Rick Hoppe on 08/05/2021 by email. A Zoom meeting was held on 08/10/2021 to discuss the situation. I was asked to submitted the attached Memo to Don Ficene who was asked to write a letter to the property owner requesting them to allow an inspection to take place. In attendance at the meeting were: Rick Hoppe, Don Ficene, Rosie	Heather Gamon	08/12/21



CASE NOTES

Note Type	Note Code	Text	Created By	Begin Date	End Date
GENERAL		This case will be assigned to Dan Freshman for follow-up.	Heather Gamon	08/12/21	



RALSTON
NEBRASKA
INDEPENDENCE CITY

MAYOR

Donald A. Groesser

CITY COUNCIL

Timothy Brousek
Lee Fidelity
Brian Kavanaugh
Jerry Krause
Michael Sanchez
Ben Preis

August 26, 2021

Vukota Fireside Village Apartments
Attn: Sterling Ralston, Vukota Capital Management
5360 N. Academy Blvd. Ste 250
Colorado Springs, CO 80918-4038

RE: Fireside Village Apartments Inspections

Mr. Ralston,

On August 23, 2021, the City of Ralston inspected several buildings contained within the Fireside Village Apartment Complex. As a result, the following notices have been issued, which are enclosed.

- Notice of Violation for Unsafe Building- 8103 Wilson Drive
- Notice of Violation for Unsafe Building – 8104 & 8107 Wilson Drive
- Notice of Violation for Unsafe Building- 8225 Wilson Drive
- Notice of Violation for Unsafe Building- 8215 Wilson-Garage & Garage #16
- Board of Health Notice of Nuisance Violation- 8107 Wilson Drive, Apt.15
- Board of Health Notice of Nuisance Violation – 8225 Wilson Drive, Apt. 3
- Notice of Inspection for September 7, 2021



Thank you,

Heather Gamon

Community Development Coordinator

*The Spirit of
Independence*

CC: Dan Freshman, Building Official; Don Ficenece, City Attorney, Rick Hoppe, City Administrator; Rosie Russell, City Clerk.

5500 South 77th Street
Ralston, NE 68127-3896
(402) 331-6677
Fax (402) 331-4553
E-mail: cityhall@cityofralston.com



NOTICE OF VIOLATION

Vukota Fireside Village Apartments
Attn: Sterling Ralston, Vukota Capital Management
5360 N. Academy Blvd., Ste 250
Colorado Springs, CO 80918-4038

August 26, 2021

RE: 8103 Wilson Drive

Mr. Sterling Ralston,

On August 23, 2021, I inspected the property located at 8103 Wilson Drive, including apartment 3. As the appointed Building Inspector for the City of Ralston, I have been authorized and directed to enforce all provisions of the Municipal Code pertaining to building, plumbing, electrical, and zoning regulations pursuant to sections 1-322 and 9-101 of the Ralston Municipal Code. You are hereby notified that 8103 Wilson Drive has been determined to be an unsafe building and a nuisance. The following items **failed** to meet maintenance and building code requirements, and repairs shall be made:

1. 8103 Wilson Drive, Apt. 3: Horizontal bowing is present on the foundation wall and shifted inward at the top causing structural damage to the load-bearing wall and exterior brick façade of the building. The cause of the bowing shall be identified and repaired as follows:
 - a. Provide temporary support in accordance with plans overseen by a Nebraska licensed structural engineer to be completed on or before **September 7, 2021**.
 - b. Make all necessary repairs per the 2006 International Building Code requirements, the 2018 International Property Maintenance Code requirements, and in accordance with plans approved and stamped by a Nebraska licensed structural engineer within on or before **October 29, 2021**.

YOU ARE HEREBY ORDERED TO:

- **Complete all required repairs and have the required inspections scheduled and completed for each item listed by the date provided.**
- **Provide documentation related to all repairs made, and ensure that permits are obtained for all work taking place.**

- **Allow access to any apartment that abuts the south wall of the building for inspections as requested. Pursuant to the Nebraska Landlord-Tenant Act you may be required to provide the tenants of such apartments 24 hours advance notice of such inspections.**

Violation of the Ralston Municipal Code and Building Regulations of the City of Ralston are misdemeanors punishable by fine, imprisonment, or both, and each day that the violation continues shall be considered a separate offense. The owner or tenant of the structure, as well as any builder, contractor, or agent who maintains or participates in the violation, may be found guilty thereof by law. (Section 9-1401)

Failure to comply may also result in the suspension or revocation of the Certificate of Occupancy for your property by the City of Ralston. (Chapter 11, Section 12-6d)

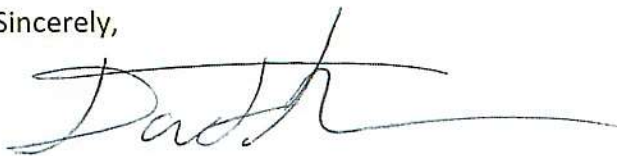
Additionally, failure to remedy these conditions within the timeframes provided may result in the structure being condemned if determined to be unfit for human occupancy. (Sections 1-322 and 9-403)

You have the right to request a hearing with the Ralston City Council to appeal any of these violations within ten (10) days of receipt of this notice by submitting a written appeal with the office of the Ralston City Clerk, 5500 S. 77th Street, Ralston, NE, 68127.

If the person receiving this notice has not complied therewith or requested an appeal within 10 days from the time this notice is served, the City may proceed to remedy the condition or demolish the unsafe building and assess the cost thereof to the owner. (Sections 9-403 and 9-406)

Please contact Heather Gamon at 402-331-6677, Ext. 1204 or hgamon@cityofralston.com with any questions or to schedule an inspection. I may be reached at dfreshman@cityofralston.com to provide additional information if needed.

Sincerely,



Daniel C. Freshman
Ralston Building Official

CC: Donald Ficenec, City Attorney; Rick Hoppe, City Administrator; Rosie Russell, City Clerk; Heather Gamon, Community Development Coordinator.

HLG



NOTICE OF VIOLATION

Vukota Fireside Village Apartments
Attn: Sterling Ralston, Vukota Capital Management
5360 N. Academy Blvd., Ste 250
Colorado Springs, CO 80918-4038

August 26, 2021

RE: 8104 Wilson Drive & 8107 Wilson Drive

Mr. Sterling Ralston,

On August 23, 2021, I inspected the property located at 8107 Wilson Drive, Apt. 15, and we attempted to inspect 8104 Wilson Drive, Apt. 6. As the appointed Building Inspector for the City of Ralston, I have been authorized and directed to enforce all provisions of the Municipal Code pertaining to building, plumbing, electrical, and zoning regulations pursuant to sections 1-322 and 9-101 of the Ralston Municipal Code. You are hereby notified that 8107 Wilson Drive, Apt. 15 has been determined to be an unsafe building and a nuisance. The following items **failed** to meet maintenance and building code requirements, and repairs shall be made:

1. 8107 Wilson Drive, Apt. 15: After the recent hospitalization and subsequent death of the tenant, his animals were left alone in the apartment. As a result, animal urine and feces are present throughout the apartment. Repairs shall be made in accordance with the 2006 IBC to remove all hazards and sanitize the space making it safe on or before **September 7, 2021**. This includes the removal of garbage, feces, and urine-soaked carpet. Documentation of full mitigation of any unseen hazardous conditions or damage done as a result shall be submitted to the City on or before **October 29, 2021**, in addition to a physical minimum housing inspection before the unit is re-rented. (2006 IBC, Section 115; IMPC 308.1, 308.2)
2. 8104 Wilson Dr, Apt. 6: I was unable to physically inspect this unit, but was able to view pictures of its recent condition. It is my understanding that the eviction process is currently taking place for the tenant of this unit. A physical minimum housing inspection will be required before the unit is re-rented. (2006 IBC, Section 115; IMPC 308.1, 308.2)

YOU ARE HEREBY ORDERED TO: Complete all required temporary repairs on or before September 7, 2021. Additionally, you are required to complete all final repairs and have the required inspections scheduled and completed for each item listed on or before October 29th, 2021. Failure to do so is subject to the following penal provisions of the Ralston Municipal Code:

Violation of the Ralston Municipal Code and Building Regulations of the City of Ralston are misdemeanors punishable by fine, imprisonment, or both, and each day that the violation continues

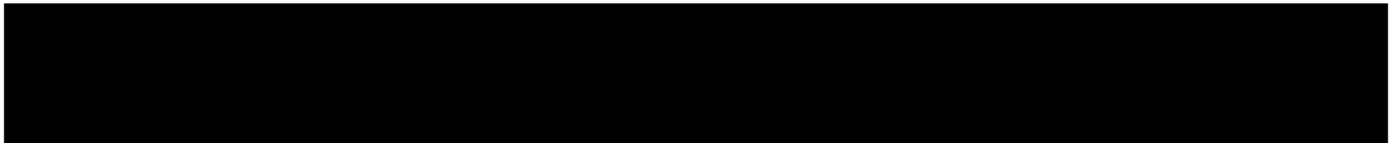
shall be considered a separate offense. The owner or tenant of the structure, as well as any builder, contractor, or agent who maintains or participates in the violation, may be found guilty thereof by law. (Section 9-1401)

Failure to comply may also result in the suspension or revocation of the Certificate of Occupancy for your property by the City of Ralston. (Chapter 11, Section 12-6d)

Additionally, failure to remedy these conditions within the timeframes provided may result in the structure being condemned if determined to be unfit for human occupancy. (Sections 1-322 and 9-403)

You have the right to request a hearing with the Ralston City Council to appeal any of these violations within ten (10) days of receipt of this notice by submitting a written appeal with the office of the Ralston City Clerk, 5500 S. 77th Street, Ralston, NE, 68127.

If the person receiving this notice has not complied therewith or requested an appeal within 10 days from the time this notice is served, the City may proceed to remedy the condition or demolish the unsafe building and assess the cost thereof to the owner. (Sections 9-403 and 9-406)



Sincerely,

A handwritten signature in black ink, appearing to read "Dan Freshman", with a long horizontal flourish extending to the right.

Daniel C. Freshman
Ralston Building Official

CC: Donald Ficene, City Attorney; Rick Hoppe, City Administrator; Rosie Russell, City Clerk; Heather Gamon, Community Development Coordinator.

HLG



NOTICE OF VIOLATION

Vukota Fireside Village Apartments
Attn: Sterling Ralston, Vukota Capital Management
5360 N. Academy Blvd., Ste 250
Colorado Springs, CO 80918-4038

August 26, 2021

RE: 8225 Wilson Drive

Mr. Sterling Ralston,

On August 23, 2021, I inspected the property located at 8225 Wilson Drive, including apartment unit 3. As the appointed Building Inspector for the City of Ralston, I have been authorized and directed to enforce all provisions of the Municipal Code pertaining to building, plumbing, electrical, and zoning regulations pursuant to sections 1-322 and 9-101 of the Ralston Municipal Code. You are hereby notified that 8225 Wilson Drive has been determined to be an unsafe building and a nuisance. The following items **failed** to meet maintenance and building code requirements, and repairs shall be made:

1. 8225 Wilson Dr, Apt. 3: The south and east foundation walls of apartment 3 are showing signs of horizontal bowing. The cause of the bowing shall be identified and repaired as follows:
 - a. Provide temporary support in accordance with plans overseen by a Nebraska licensed structural engineer to be completed on or before **September 7, 2021**.
 - b. Make all necessary repairs per the 2006 International Building Code requirements, the 2018 International Property Maintenance Code requirements, and in accordance with plans approved and stamped by a Nebraska licensed structural engineer on or before **October 29, 2021**.
2. 8225 Wilson Drive, Apt 3: A plumbing backup occurred several months ago, resulting in copious amounts of human excreta throughout the bathroom, spilling into other parts of the apartment that has been allowed to remain since the incident. Repairs shall be made in accordance with the 2006 IBC to remove all hazards and sanitize the space making it safe on or before **September 7, 2021**. Documentation of full mitigation of any unseen hazardous conditions or damage done as a result shall be submitted to the City in addition to a physical inspection on or before **October 29, 2021**. (2006 IBC, Section 115)
3. Exterior stoop and stairs: Missing required guardrails and handrails. The required railings shall be installed in accordance with section 1009 of the 2006 IBC on or before **September 7, 2021**.

4. The guardrail for the interior back stairwell is not attached and is sitting against a nearby wall. The required railing shall be installed in accordance with the 2006 IBC, Section 1009 on or before **September 7, 2021**.
5. A large section of drywall is missing from the ceiling in the garden level corridor. The missing section shall be replaced in accordance with the 2006 IBC requirements on or before **October 29, 2021**.
6. The water heater is missing the temperature and pressure blowoff pipe. The missing parts shall be installed, and all repairs shall be made in accordance with the 2021 Ralston Plumbing Code on or before **October 29, 2021**.
7. The electrical junction box is missing the required cover. A cover shall be installed, and all repairs shall be made in accordance with the 2017 National Electrical Code, on or before **October 29, 2021**.
8. The disconnect boxes on the roof are not properly installed. A Nebraska state-licensed Electrical Contractor will be required to inspect the disconnect boxes and make the necessary repairs as follows with the proper permits in place:
 - a. Temporary repairs shall be made in accordance with the 2006 IBC and the 2017 NEC to be completed on or before **September 7, 2021**.
 - b. All required permanent repairs shall be made in accordance with the 2006 IBC and the 2017 NEC on or before **October 29, 2021**.

YOU ARE HEREBY ORDERED TO: Complete all required temporary repairs on or before September 7, 2021. Additionally, you are required to complete all final repairs and have the required inspections scheduled and completed for each item listed on or before October 29th, 2021. Failure to do so is subject to the following penal provisions of the Ralston Municipal Code:

Violation of the Ralston Municipal Code and Building Regulations of the City of Ralston are misdemeanors punishable by fine, imprisonment, or both, and each day that the violation continues shall be considered a separate offense. The owner or tenant of the structure, as well as any builder, contractor, or agent who maintains or participates in the violation, may be found guilty thereof by law. (Section 9-1401)

Failure to comply may also result in the suspension or revocation of the Certificate of Occupancy for your property by the City of Ralston. (Chapter 11, Section 12-6d)

Additionally, failure to remedy these conditions within the timeframes provided may result in the structure being condemned if determined to be unfit for human occupancy. (Sections 1-322 and 9-403)

You have the right to request a hearing with the Ralston City Council to appeal any of these violations within ten (10) days of receipt of this notice by submitting a written appeal with the office of the Ralston City Clerk, 5500 S. 77th Street, Ralston, NE, 68127.

If the person receiving this notice has not complied therewith or requested an appeal within 10 days from the time this notice is served, the City may proceed to remedy the condition or demolish the unsafe building and assess the cost thereof to the owner. (Sections 9-403 and 9-406)



Sincerely,

A handwritten signature in black ink, appearing to read "Dan Freshman".

Daniel C. Freshman
Ralston Building Official

CC: Donald Ficenc, City Attorney; Rick Hoppe, City Administrator; Rosie Russell, City Clerk; Heather Gamon, Community Development Coordinator.

HLG



NOTICE OF VIOLATION

Vukota Fireside Village Apartments
Attn: Sterling Ralston, Vukota Capital Management
5360 N. Academy Blvd., Ste 250
Colorado Springs, CO 80918-4038

August 26, 2021

RE: Garage Units

Mr. Sterling Ralston,

On August 23, 2021, I inspected multiple areas located within the Fireside Village Apartments property, including the garage located next to 8215 Wilson Drive and Garage #16. As the appointed Building Inspector for the City of Ralston, I have been authorized and directed to enforce all provisions of the Municipal Code pertaining to building, plumbing, electrical, and zoning regulations pursuant to sections 1-322 and 9-101 of the Ralston Municipal Code. You are hereby notified that the garages listed above have been determined to be unsafe structures and a nuisance. The following items **failed** to meet maintenance and building code requirements, and repairs shall be made:

1. 8215 Wilson Drive, garage: The southwest corner blocks are missing and the east structure wall is bowing. Repairs shall be made in accordance with the 2006 International Building Code as follows:
 - a. Provide temporary support to be complete on or before **September 7, 2021**.
 - b. Make all required permanent repairs to bring the garage in compliance with the code, on or before **October 29, 2021**. All structural work shall be completed before any work taking place on the roof of the structure.
2. Garage #16: The roof rafter is sagging from being overspun, and has been notched. Repairs shall be made in accordance with the 2006 IBC as follows:
 - a. Provide temporary support to be complete on or before **September 7, 2021**.
 - b. Make all required permanent repairs to bring the garage in compliance with the code, on or before **October 29, 2021**. All structural work shall be completed before any work taking place on the roof of the structure.

YOU ARE HEREBY ORDERED TO: Complete all required temporary repairs on or before

September 7, 2021. Additionally, you are required to complete all final repairs and have the required inspections scheduled and completed for each item listed on or before October 29th, 2021.

Refrain from renting the garages or allow anybody inside for anything other than the purpose of making repairs. Nobody is to be allowed on top of the structures and at least one padlock is to remain in place at all times, other than those times repairs are being made and workers are present. All work must be completed pursuant to a valid Ralston building permit.

Failure to do so is subject to the following penal provisions of the Ralston Municipal Code:

Violation of the Ralston Municipal Code and Building Regulations of the City of Ralston are misdemeanors punishable by fine, imprisonment, or both, and each day that the violation continues shall be considered a separate offense. The owner or tenant of the structure, as well as any builder, contractor, or agent who maintains or participates in the violation, may be found guilty thereof by law. (Section 9-1401)

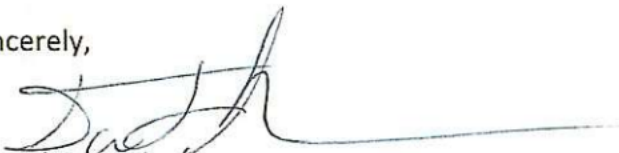
Failure to comply may also result in the suspension or revocation of the Certificate of Occupancy for your property by the City of Ralston. (Chapter 11, Section 12-6d)

Additionally, failure to remedy these conditions within the timeframes provided may result in the structure being condemned if determined to be unfit for human occupancy. (Sections 1-322 and 9-403)

You have the right to request a hearing with the Ralston City Council to appeal any of these violations within ten (10) days of receipt of this notice by submitting a written appeal with the office of the Ralston City Clerk, 5500 S. 77th Street, Ralston, NE, 68127.

If the person receiving this notice has not complied therewith or requested an appeal within 10 days from the time this notice is served, the City may proceed to remedy the condition or demolish the unsafe building and assess the cost thereof to the owner. (Sections 9-403 and 9-406)

Sincerely,



Daniel C. Freshman
Ralston Building Official

CC: Donald Ficenec, City Attorney; Rick Hoppe, City Administrator; Rosie Russell, City Clerk; Heather Gamon, Community Development Coordinator.

HLG



August 24, 2021

Vukota Fireside Village Apartments
Attention: Sterling Ralston
5251 DTC PKWY, #1001
Greenwood Village, CO 80111

RE: 8107 Wilson Drive, Apt. 15

Mr. Sterling Ralston,

On August 23, 2021, an inspection of 8107 Wilson Drive, Apt 15 was conducted by the Ralston Building Official, Dan Freshman. After reviewing photos taken on-site, it has been determined that you are in violation of Chapter Four, Article III of of the Ralston Municipal Code.

Pursuant to section 4-301 the Ralston Municipal Code, a nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, for which an act of omission, condition, or thing either injures or endangers the comfort, repose, health, or safety of others, offends decency, is offensive to the senses, in any way renders other persons insecure in life or the use of property, or essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others. Furthermore, pursuant to section 4-302(5) the maintaining, using, placing, depositing, leaving, or permitting of garbage is declared to be a nuisance. Finally, pursuant to section 4-306 it is unlawful for any person, firm, corporation or other entity to maintain a nuisance.

8107 Wilson Drive, Apartment 15 is in violation for: Maintaining, placing, depositing, leaving, or permitting garbage in the form of animal waste to remain as shown in the photographs below.



Ralston Board of Health
5500 S. 77th Street
Ralston, NE 68127

YOU ARE HEREBY ORDERED TO:

Abate the nuisance by the prompt removal of all garbage, including animal waste . Failure to do so will be a violation of the Ralston Municipal Code.

Any person or persons, corporation, employee, partnership, or other entity who violates any of these provisions of Chapter 4, Article III, or who fails or refuses to obey any lawful order issued in pursuance of such provisions, or allows a nuisance to exist or fails to abate a nuisance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine up to \$500 or imprisonment up to 60 days, or both. (Section 4-313)

Whenever the owners fail to abate the nuisance, then the City shall abate the nuisance. The expense of an abatement carried out by the City, will be billed to the owners and recoverable in a suit at law. (Sections 4-309, 4-310)

You have the right to request a hearing with the Ralston Board of Health to appeal this violation within five (5) days of receipt of this notice by submitting a written appeal with the office of the Ralston City Clerk, 5500 S. 77th Street, Ralston, NE, 68127. The hearing for the appeal shall be held within fourteen (14) days after the filing of the appeal.

Within five (5) days after receipt of such notice, if the owner or occupant does not request a hearing or fails to comply with the order to abate and remove the nuisance, a citation will be issued by the City as allowed in the Municipal Code.

Sincerely,



Mayor Donald A. Groesser
Chairman, Ralston Board of Health

CC: Dan Freshman, Building Official; Rick Hoppe, City Administrator; Donald Ficenc, City Attorney; Rosie Russell, City Clerk; Heather Gamon, Community Development.

Ralston Board of Health
5500 S. 77th Street
Ralston, NE 68127



August 24, 2021

Vukota Fireside Village Apartments
Attention: Sterling Ralston
5251 DTC PKWY, #1001
Greenwood Village, CO 80111

RE: 8225 Wilson Drive, Apt. 3

Mr. Sterling Ralston,

On August 23, 2021, an inspection of 8225 Wilson Drive, Apt 3 was conducted by the Ralston Building Official, Dan Freshman. After reviewing photos taken on-site, it has been determined that you are in violation of Chapter Four, Article III of the Ralston Municipal Code.

Pursuant to section 4-301 of the Ralston Municipal Code, a nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, for which an act of omission, condition, or thing either injures or endangers the comfort, repose, health, or safety of others, offends decency, is offensive to the senses, in any way renders other persons insecure in life or the use of property, or essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others. Furthermore, pursuant to section 4-302(5), the maintaining, using, placing, depositing, leaving, or permitting of human excreta is declared to be a nuisance. Finally, pursuant to section 4-306 it is unlawful for any person, firm, corporation or other entity to maintain a nuisance.

8225 Wilson Drive, Apartment 3 is in violation for: Maintaining, placing, depositing, leaving, or permitting human excreta to remain as shown in the photographs below.



Ralston Board of Health
5500 S. 77th Street
Ralston, NE 68127

YOU ARE HEREBY ORDERED TO:

Abate the nuisance by the prompt removal of all human excreta. Failure to do so will be a violation of the Ralston Municipal Code.

Any person or persons, corporation, employee, partnership, or other entity who violates any of the provisions of Chapter 4, Article III, or who fails or refuses to obey any lawful order issued in pursuance of such provisions, or allows a nuisance to exist or fails to abate a nuisance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine up to \$500 or imprisonment up to 60 days, or both. (Section 4-313)

Whenever the owners fail to abate the nuisance, then the City shall abate the nuisance. The expense of an abatement carried out by the City, will be billed to the owners and recoverable in a suit at law. (Sections 4-309, 4-310)

You have the right to request a hearing with the Ralston Board of Health to appeal this violation within five (5) days of receipt of this notice by submitting a written appeal with the office of the Ralston City Clerk, 5500 S. 77th Street, Ralston, NE, 68127. The hearing for the appeal shall be held within fourteen (14) days after the filing of the appeal.

Within five (5) days after receipt of such notice, if the owner or occupant does not request a hearing or fails to comply with the order to abate and remove the nuisance, a citation will be issued by the City as allowed in the Municipal Code.

Sincerely,



Mayor Donald A. Groesser
Chairman, Ralston Board of Health

CC: Dan Freshman, Building Official; Rick Hoppe, City Administrator; Donald Ficenc, City Attorney; Rosie Russell, City Clerk; Heather Gamon, Community Development.



RALSTON
NEBRASKA
INDEPENDENCE CITY

MAYOR

Donald A. Groesser

CITY COUNCIL

Timothy Brousek
Lee Fidelity
Brian Kavanaugh
Jerry Krause
Michael Sanchez
Ben Preis

August 26, 2021

Vukota Fireside Village Apartments / Avantic Residential
Attn: Shauna Oliver, Property Manager
8214 Wilson Drive
Ralston, NE 68127

RE: Inspection Notice

Ms. Oliver,

Recent inspections conducted at Fireside Village Apartments revealed several code violations. As a result, the Ralston Building Inspector, pursuant to the authority granted to him by state law and the Ralston Municipal Code, will require access to the following properties on Tuesday, September 7, 2021, at 9:00 a.m.

- 8103 Wilson Drive, including the interior of all apartments that abut the south side of the building.
- 8225 Wilson Drive, including the roof, interior corridors, and the interior of apartment unit 3.
- 8107 Wilson Drive, including the interior of apartment unit 15.
- 8215 Wilson Drive, garage, including the interior of the unit.
- Garage #16, including the interior of the unit.

Pursuant to the Nebraska Landlord-Tenant Act you may be required to provide the tenants of such apartments 24 hours advance notice of such inspections.

Thank you,

Heather Gamon
Community Development Coordinator

*The Spirit of
Independence*

CC: Dan Freshman, Building Official; Don Ficenece, City Attorney, Rick Hoppe, City Administrator; Sterling Ralston, President of Avantics; Andrew Simpson, Attorney.

5500 South 77th Street
Ralston, NE 68127-3896
(402) 331-6677
Fax (402) 331-4553
E-mail: cityhall@cityofralston.com



September 15, 2021

Vukota Fireside Village Apartments
Attn: Sterling Ralston & Shauna Oliver
5360 N. Academy Blvd., Ste 250
Colorado Springs, CO 80918-4038

MAYOR
Donald A. Groesser

CITY COUNCIL
Timothy Brousek
Lee Fideline
Brian Kavanaugh
Jerry Krause
Michael Sanchez
Ben Preis

RE: Fireside Village Apartments

Mr. Sterling Ralston & Shauna Oliver,

Your organization was given two weeks to make temporary corrections that would render the building safe while undergoing permanent repairs for the issues detailed in the Notices of Violation sent on August 26, 2021. The notification indicated that the City planned to conduct re-inspections on September 7th, 2021.

On the 7th, the City of Ralston conducted the planned inspections of several buildings located on your property.

Our inspectors concluded that very little progress has been made. Although bids had been obtained for some of the work, no assurances were given that the work would actually be performed. Your staff informed the City that it was up to "corporate" whether the repairs would in fact be scheduled and completed.

Further, City inspectors were not able to complete their reviews as tenants were not notified per the *Nebraska Landlord and Tenant Act* despite the prior notice by the City.

The lack of progress on serious health and safety issues has left the City with little recourse. Stronger measures will be taken to ensure compliance.

Per the authority granted by ordinance to Daniel C. Freshman, the Ralston City Building Official, all temporary repairs will be completed by September 30, 2021 or the Fireside Apartments Certificate of Occupancy (COO) will be revoked. The revocation will apply to each building individually. In cases where the violation only exists in a portion of the building, the entire building will be affected.

If the COOs are revoked, Fireside Village Apartments can apply for a pre-occupancy permit. A pre-occupancy permit is valid for 30 days and has a fee of \$500.00. At the end of 30 days, Fireside will be required to obtain either a temporary COO or a final

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COO. If these steps are not taken the building(s) will need to be vacated until a valid COO is issued. Please note that a new Certificate of Occupancy will require meeting ALL code requirements throughout the building and on the premises.

Additionally, if requirements are not met by the 30th, a referral may be made to the Ralston Police Department. Criminal charges may be filed, for maintaining or permitting the existence of an unsafe building(s) with the City of Ralston.

The City maintains that management has not addressed the issues in good faith. The failure to inform tenants of inspections and the minimal progress made on serious health and safety issues has put your residents at risk. As a result, the city will inform tenants of the situation and the possibility they may need to relocate in the event of non-compliance by September 30th.

Thank you,



Heather Gamon
Community Development Coordinator

CC: Donald Ficenec, City Attorney; Rick Hoppe, City Administrator; Rosie Russell, City Clerk;
Dan Freshman, City Building Official.

Enclosed: Notice of Inspection



RALSTON
NEBRASKA
INDEPENDENCE CITY

MAYOR

Donald A. Groesser

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Michael Sanchez

Ben Preis

September 15, 2021

Vukota Fireside Village Apartments / Avantic Residential
Attn: Shauna Oliver, Property Manager
8214 Wilson Drive
Ralston, NE 68127

RE: Inspection Notice

Ms. Oliver,

Recent inspections conducted at Fireside Village Apartments revealed several code violations. As a result, the Ralston Building Inspector, pursuant to the authority granted to him by state law and the Ralston Municipal Code, will require access to the following properties on Thursday September 30, 2021 at 10:00 a.m.

- 8103 Wilson Drive, including the interior corridors and any new work done in apartments 1,3, and 5.
- 8225 Wilson Drive, including the roof, interior corridors, and the interior of apartment unit 3.
- 8104 Wilson Drive, Apartment 4.
- 8107 Wilson Drive, including the interior of apartment unit 15.
- 8215 Wilson Drive, garage, including the interior of the unit.
- Garage #16, including the interior of the unit.

Pursuant to the Nebraska Landlord-Tenant Act you may be required to provide the tenants of such apartments 24 hours advance notice of such inspections.

Thank you,

Heather Gamon
Community Development Coordinator

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