

SPECIAL MEETING DICKINSON CITY COMMISSION DECEMBER 18, 2024

1. CALL TO ORDER

President Scott Decker called the meeting to order at 9:00 AM

2. ROLL CALL

Present were: President Scott Decker, Vice President Robert Baer, Commissioners
 Jason Fridrich, Joe Ridl and John Odermann

Absent: None

3. ADMINISTRATION

City Attorney Christina Wenko outlined the procedure for the hearing. City will present evidence through exhibits and testimony

- Property Owner may ask witness questions
- When City is concluded with each witness, Commissioners may ask witness questions
- When City is concluded, property owner shall present evidence
 - City Attorney may ask witness questions
 - When owner is concluded with each witness, Commissioners may ask witness questions
- Any mortgage/lienholders may present evidence/make a statement
 - City Attorney and Property Owner may ask questions
 - When owner is concluded with each witness, Commissioners may ask witness questions
- Closing Argument City Attorney
- Closing Argument Property Owner
- Commission discussion
- Commission vote

Attorney Wenko did state there were two other properties on the list for this date and one of them had taken out a building permit and the other property owners could not be located to serve papers.

President Scott Decker swears in Mrs. Tiffany Stewart as Code Enforcement Officer for the City of Dickinson.

348 E Broadway

City Attorney Christina Wenko asks Ms. Stewart what constitutes a dangerous structure requiring demolition. Pursuant to Code, a dangerous structure can be repaired, vacated or demolished. Ms. Stewart states that if the structure is beyond repair, it then has to be demolished. She states the City would request bids for demolition. The City has the ability to assess the property for the costs.

Code Enforcement Officer Tiffany Stewart states the property at 348 East Broadway is owned by Ulises Barrios Flores. She states in 2021 the property taxes were paid and in 2022 and 2023 the taxes were not paid. She states these are no other liens for foreclosures on this property. Ms. Stewart had sent the property owner a notice of the hearing by certified mail. She provides copies of the certified mail signatures.

Ms. Tiffany Stewart states that in September, 2022 the Building and Codes Department noticed construction and plumbing materials outside of the home. She states there was no building permit. The City did issue a stop work order. Property owner did allow staff to do a walk through at that time. It was herself and Building Inspector II Blaine Dukart. The purpose of the walk through was to determine whether or not permits were required. A subsequent inspection was done on 9/2/2022. Photos were taken at that time. Ms. Stewart states the wall had been removed exposing floor, exposed wiring, support beam was altered without plans. There was dilapidation of basement, exposed wiring, etc. The HVAC was also exposed. She states after inspection was requirements communicated to property owner what was required. Ms. Stewart states Mr. Flores did not get a building permit. The City did send a letter notifying property owner to receive permit. He has not gotten a building permit and has not done any improvements since 2023. Ms. Stewart had sent a condemnation letter and stated the City would be moving forward with condemnation process. The structure was deemed dangerous and was placarded. She did notify the property owner and public that the structure is dangerous and no one should be in structure. Ms. Stewart did send a condemnation letter by certified mail. Ms. Stewart states that on 7/29/2024 a letter was sent to inform the property owner that the City will move forward with demo process. This letter was sent via certified mail. There was also a demo notice sent and that the property owner had the opportunity to complete demo himself 8/2024. This letter was sent via certified mail. She states this property was deemed dangerous. The City also placed a copy of the notice with placard at the property.

Ms. Wenko asked if more recent photos taken.

Ms. Stewart states that the property owner removed all siding; outdoor storage and accumulation of more junk and garbage, commercial vehicles being stored, and driving over sidewalk curb and gutter.

Ms. Wenko asks what does the Code provide that can happen if property is deemed dangerous.

Ms. Stewart states to vacated, repaired or demolished.

City Attorney Christina Wenko asked Ms. Stewart if the City feels it has exhausted all options with this property.

Ms. Tiffany Stewart states the City has exhausted all its options for this property. Ms. Stewart suggestion is to demolish the property at 348 E Broadway.

President Scott Decker asks if the Commissioners had any questions.

Commissioner Jason Fridrich asks staff if they have ever reached out to his place of employment.

Ms. Stewart stated the only time that the City had heard from Mr. Flores was when we asked for a current address for the mailing of the demolish of this address.

Commissioner Robert Baer asked when you did contact him afterwards where the letters were resent to him as they were returned to the city.

Ms. Stewart stated the letters were either sent in via mail or posted at structure and were removed from the structure.

Commissioner John Odermann asks since the siding was removed; does he need to have a permit to remove siding. Is there any indication on why he disengaged with the City staff?

Ms. Stewart no he does not need a permit. She states when conducted first inspection his intent was to make the structure a multi-family structure and the code states, he would have to have a single family and he did not seem to comply with that.

President Scott Decker asks if there was any communication of any after demo letter. He has not reached out to contact city staff.

Ms. Stewart states there has been no contact

City Attorney Christina Wenko stated the next step in the hearing procedure would be to hear evidence from the property owner. However, Attorney Wenko states that Mr. Ulises Barrios Flores is not present at the meeting.

President Scott Decker states if there are no questions for staff or questions from commissioners. He is asking for a vote.

MOTION BY: Robert Baer

SECONDED BY: Joe Ridl

To declare the property at 348 E Broadway to be dangerous structure and to proceed with demolition subject to the above recommendations. If the City does not receive that information within 30 day appeal period, the City will move forward with the demolish of the property at 458 E. Broadway, Dickinson, ND and assess the cost of demolition to the property

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0
Motion declared duly passed

Attorney Wenko states she will present findings in front of Commission 1/7/ 2025 outlining the testimony. If the Commission approved the findings, a copy will be sent to the property owner. He does have 30 days to appeal. Once that 30-day appeal expires and then the city staff will proceed. Cost of tear down will be assessed to the property pursuant to city code.

President Scott Decker states from the pictures, once we proceed with teardown, other obvious material on lot, there is a lot of abandoned cars, boats, and such. Demolish would be hindered by some of the other violations.

Building Official Leonard Schwindt states that if there are other violations, we would follow procedure to clean up the lot.

4. **ADJOURNMENT**

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

Adjournment of the meeting at approximately 9:25 A.M.

DISPOSITION: Roll call vote... Aye 5, Nay 0, Absent 0
Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

Rita Binstock, Assistant to City Administrator

APPROVED BY:

Dustin Dassinger, City Administrator

Scott Decker, President
Board of City Commissioners

Date: January 7, 2024