

SPECIAL MEETING DICKINSON CITY COMMISSION DECEMBER 5, 2023

1. CALL TO ORDER

President Scott Decker called the meeting to order at 3:00 PM.

2. ROLL CALL

Present were: President Scott Decker, Vice President John Odermann
 Commissioners Jason Fridrich, Suzi Sobolik

Absent: Robert Baer

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

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

405 2nd Avenue West

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 405 2nd Avenue West is owned by Joshua Olson. She states in 2021 the property went into foreclosure and as of

the current date the foreclosure is almost complete. The City began noticing issues in 2018 and at that time the City had notified the property owner by certified mail. She states that in 2017 and 2018 the property owner was notified numerous times for junk rubbish and garbage around the home.

In 2018, a letter was sent reviewing the outside of the home and accumulation of rubbish. In 2019, a letter was sent for the purpose of being out of compliance with weeds exceeding 10". In 2020, correspondence was sent in regard to the accumulation of junk, rubbish, garage and the City had seen no improvements.

In the latter part of 2020, the City noticed the property had received a foreclosure notice. Ms. Stewart states in 2021 a letter was sent in regard regarding the accumulation of junk items as well as notifying the property owner that the City was having concerns of the building being dangerous. The City was allowed to do an inspection in 2021. The inspection did occur in February of 2021 of the interior.

The City then sent PennyMac a letter in regards to the findings of the interior. In March, 2021 a letter was sent to inform Penny Mac that the property at 405 2nd Avenue West was uninhabitable and did placard the property. The City declared the structure on the property a dangerous structure. The purpose of the placard was to declare the property as dangerous and no-one should enter.

After the letter in March 2021, a letter was sent in June of 2021 in regards to tall weeds and grass over 10". On June 22, 2021 a demolish letter was sent to PennyMac. No letter was sent to Mr. Olson as there was no current address. In July of, 2022 an address was obtained for Mr. Olson, and the City forwarded all the notices to him including the demolition notice.

In 2022, the property still showed issues. At that time windows were broken out of the home, and the grass and weeds are more than 10" with junk items in the same spot as in 2018. A letter was sent in regard to the tall grass and weeds. Recent photographs were taken on 12/1/2023 showing the property in a same or similar condition as prior years.

Since 2017, the City has seen continued concerns of grass and weeds, junk and rubbish and garbage violations. Ms. Stewart states that PennyMac was contacted to see what its intentions were for this property. The City was informed that PennyMac would market and sell the property. This was not an acceptable resolution for the City.

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 405 2nd Avenue West.

City Attorney Christina Wenko stated the next step in the hearing procedure would be to hear evidence from the property owner. However, Attorney Wenko did not anticipate that Mr. Olson would be present at the meeting. Ms. Wenko states the foreclosure is 99% complete. The sheriff executed a Sherriff's Deed on November 30, 2023, but the deed has not been recorded at this time.

Penny Mac representative Attorney Jason Henderson states that Penny Mac has been a long-term mortgage holder and is now coming into ownership. He states there was a foreclosure sale in September and a 60-day redemption period. The Sheriff's Deed would finally change the title ownership, and this could be done as soon as tomorrow. Mr. Henderson states the evidence speaks for itself. He states obviously the building is dangerous. He states Penny Mac did ask him to express that PennyMac would like to have the opportunity to demolish the property itself and is in the process of obtaining bids to do so. PennyMac also intends to list the property. He states they are cognancies that time is of the essence and the city does not have an open-ended time line on it. Penny Mac is working as quickly as it can. Penny Mac will keep the City advised and if could present a timeline to demolish.

City Attorney Christina Wenko states that there is a 30-day appeal period. If the Commission would allow PennyMac to compete the demolition, PennyMac would have to provide the City with bids for demolition, request a demolition permit, and provide the City with a timeline for demolition of the property. If the city does not receive any of the information within the 30 day appeal period, the City will demolish the property, and assess the costs of demolition back to the property.

President Scott Decker states the City should pass a motion to demolish this property with the amendment that PennyMac provide the City with adequate documentation and it is going to demolish the property and this would be acceptable.

Mr. Jason Henderson states if that is the most acceptable position for the City then Penny Mac will be able to work with the City.

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

To declare the property at 405 2nd Avenue West to be dangerous structure and to proceed with demolition subject to the above recommendations. During the 30 day appeal period, PennyMac may submit its own bids to demolish the building along with a proposed timeline for the completion of the demolition. If the City does not receive that information within 30 days, the City will move forward with the

