



SPECIAL COMMISSION MEETING - CONDEMNATION - 12/05/2023 AGENDA

Tuesday, December 05, 2023 at 3:00 PM
City Hall – 38 1st Street West Dickinson, ND 58601

City Commissioners:

President: Scott Decker

Vice President: John Odermann

Jason Fridrich

Suzi Sobolik

Robert Baer

CALL TO ORDER

ROLL CALL

1. ORDER OF BUSINESS: CONSIDERATION FOR APPROVAL

2. ADMINISTRATION / FINANCE

A. Condemnation/Demolition Hearing - 405 2nd Ave West, Dickinson, ND (Enc.)

Presented by: Attorney Wenko

Consideration to approve

3. ADJOURNMENT

Link for viewing Commission Meeting and Commission Packet:

<https://www.dickinsongov.com/meetings>

To join meeting via TEAMS:

Teams Meeting: <https://tinyurl.com/CCM-12-05-2023-Teams>

Meeting ID: 272 261 236 830

Meeting Passcode: WRER8s

Teams Phone #: 701-506-320

Phone Conference ID: 488 889 157#

Local Phone #: 701-456-7006

**Persons who desire to be heard under Section 8 "Public Comments not on Agenda"
may call in at (701) 456-7006 at 5:00 p.m.**

***Persons desiring to attend the meeting who require special accommodations are asked
to contact the City Administrator by the Friday preceding the meeting.***



STAFF REPORT

To: City Commission
From: City of Dickinson Building and Codes Department
Date: 12/5/2023
Re: Demolition – 405 2nd Avenue West, Dickinson, ND 58601

OWNER/APPLICANT

Williams County Detention Center
 Attn: Joshua Olson
 223 East Broadway
 Williston, ND 58801

Joshua Olson
 405 2nd Ave West
 Dickinson, ND 58601

PennyMac Loan Services, LLC
 3043 Townsgate Road, Suite 200
 Westlake Village, CA 91361

Halliday Watkins & Mann, PC
 Attn: Benjamin Mann
 376 East 400 South, Suite 300
 Salt Lake City, UT 84111

Public Hearings: {12/5/2023}

City Commission

REQUEST

- A. Request:** to demolish the structures on an R3 zoned lot per section 7.030, 7.030.010, 7.030.020 & 7.030.030 of the Dickinson Municipal Code
- B. Project Address/Legal Description/Area:** 405 2nd Avenue West / E101' Lot 6, Block 29, Original Plat

STAFF REVIEW AND RECOMMENDATIONS

- A. Public Input:** Code enforcement has been contacted by neighboring property owners approximately 8 times with concerns, Code enforcement has dispatched police department one time
- B. Staff Recommendation:** approval of the demolition of the structures on noted property

Table I: Current Zoning and Use

| | |
|--|-----------|
| ZONING | R3 |
| FUTURE LAND USE MAP DESIGNATION | R3 |

| | |
|---------------------------|-------------|
| GROSS SITE ACREAGE | .116 |
|---------------------------|-------------|

Table II: Current Adjacent Land Use/Zoning

| Direction | Zoning | Land Use |
|-----------|--------|------------------------|
| North | R3 | Single family detached |
| East | R3 | Single family detached |
| South | R3 | Single family detached |
| West | R3 | Single family detached |

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

“I move the City of Dickinson Commission recommend the demolition of the structures located at 405 2nd Avenue West, subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare “

(AND) the following additional requirements (IF THE CITY COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):

1. _____;
2. _____.

*****Denial*****

*“I move the Dickinson Commission recommend Denial of **the demolition of the structures located 405 2nd Avenue West** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.”*

APPLICATION MATERIALS

ATTACHMENT A

Aerial Photo:



Attachment B:

405 2nd Ave W Timeline

5/17/2017 – PD dispatched for mental health check

8/9/2017 – First violation letter sent for property maintenance (Sections 24.08.020 & 39.06.009 of the Dickinson Municipal Code (DMC))

5/23/2018 – Grass and weed letter sent - completed (Section 302.4 of the International Property Maintenance Code (IPMC))

7/11/2018 – 2nd letter for sent for property maintenance (Sections 302.1, 308.1, 308.2 & 308.3 of the IPMC)

5/22/2019 – Grass and weed letter sent (section 302.4 of the IPMC) – was not completed

6/3/2020 – 3rd property maintenance letter sent (Section 24.08 of DMC, Sections 302.1, 308.1, 308.2, 308.2.1 & 308.3 of IPMC), noted sticker from Safeguard Properties (property management company for the mortgage company)

1/12/2021 – letter to Safeguard Properties (Steve Neal) for property maintenance (Section 24.08 of the DMC) & listing property as a Dangerous Building (water off since 2015 – unfit for human occupancy, Sections 7.030 & 7.030.030 of DMC & Section 108.1.3 of IPMC), requested inspection to determine if the home could become habitable

2/19/2021 – interior access granted by Safeguard Properties; inspection completed

3/9/2021 – based on findings from inspection, letter sent deeming the structure as a Dangerous Building per section 7.030 & 7.030.030 of DMC, condemnation process began, Building placarded as unfit for human occupancy due to no water

6/14/2021 – grass and weed letter sent (section 302.4 of IPMC) – was not completed

6/22/2021 – Notice of Demolition per sections 7.030, 7.030.010, 7.030.020 & 7.030.030 of the DMC sent to Penny Mac Loan Services (no known address for property owner, contacted legal to find most current address)

6/15/2022 – PD dispatched due to vandalism

7/12/2022 – Property owner address acquired; all previous notices forwarded to new address

8/11/2022 – Grass and weed letter sent (section 302.4 of IPMC) – completed

10/13/2022 – information sent to Legal team

11/11/2022 – email from legal team requesting City Administrator to work case into a commission meeting & a flash drive with information, flash drive was delivered same day

6/29/2023 – grass and weed letter sent – was not complete

7/28/2023 – confirmation from Police Department that they have officers checking on property regularly

Attachment C:





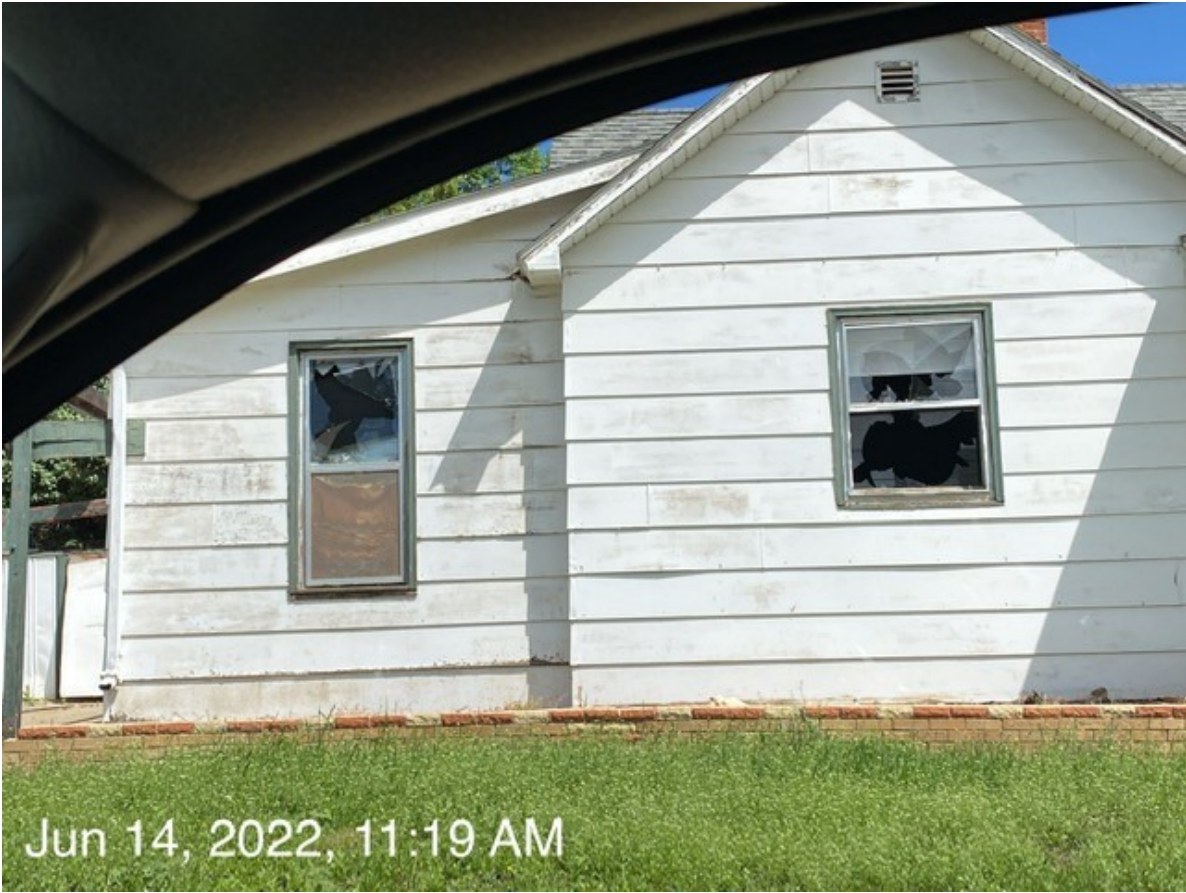


















Procedure for Hearing for Each Property

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



Building Condemnation/Demolition

City of Dickinson

Building Department



Dickinson Municipal Code

- Property unfit for occupancy based on conditions outlined in the Dickinson Municipal Code and adopted ICC codes
- City of Dickinson Municipal Code 7.030:
 - Dangerous Buildings or Structures: For the purpose of this ordinance, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered. For purposes of this ordinance, the term “Building Code”, shall mean the building code adopted by the City of Dickinson in Chapter 7 of the Dickinson City Code.
- City of Dickinson Municipal Code 7.030.020:
 - Dangerous Buildings: All “dangerous buildings” within the terms of section 7.030 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this ordinance



Procedure For Demolition

Upon a finding a structure is fit for demolition, the City Building Department will:

- 1) Request bids for demolition from contractors
- 2) Hire a specialist to inspect property for asbestos
- 3) If asbestos is present, perform remedial clean up before demolition can begin
- 4) Demolish the structure
- 5) Assess the property for any costs associated with the demolition
 - I. Contractor costs
 - II. Landfill costs
 - III. Asbestos remediation

Property Address: 405 2nd Ave. W
Property Owner: Josh Olson/PennyMac Loan Services

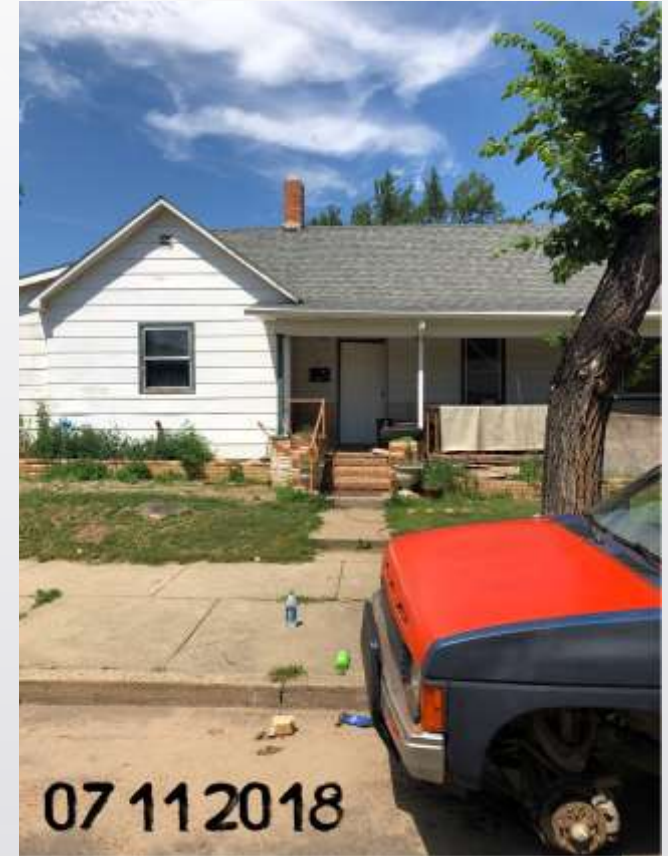




Timeline of Events Regarding Foreclosure

- Judicial foreclosure commenced in February 2021
- Notice of Real Estate Sale in January 2023
- Notice of Real Estate Sale in May 2023
- Notice of Real Estate Sale in August 2023
- Order Confirming Real Estate Sale November 2023
- Redemption Period Expires January 2024

Exterior 2018



Exterior 2019



Exterior 2020



Exterior 2021



Interior 2021



Interior 2021 cont.





Notices Posted by City in 2021



Exterior 2022



Exterior 2022, continued



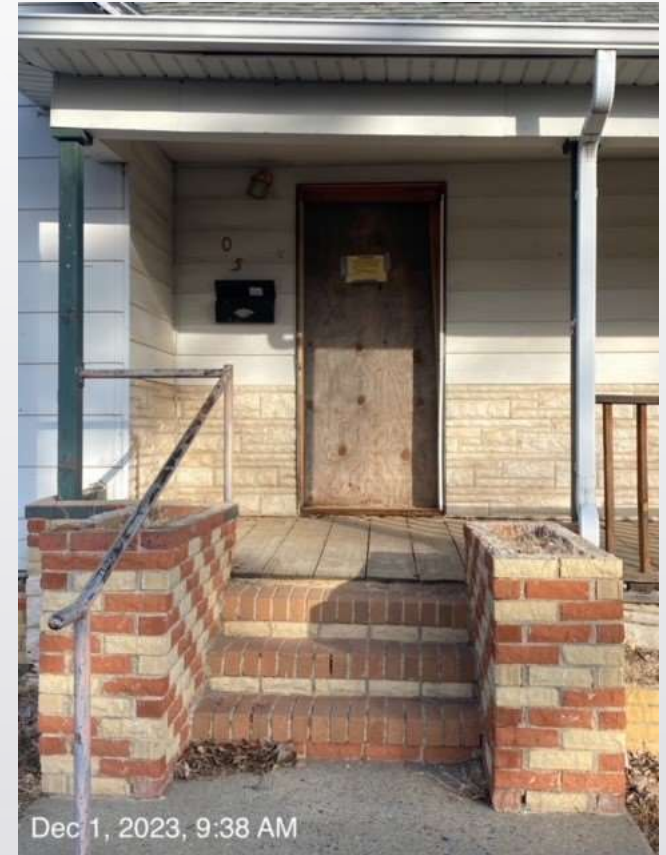
Exterior 2023



Exterior 2023, continued



Exterior 2023, continued



Grass & Weed Violations 2018-2022



2018



2019



2021



2022

Junk, Rubbish & Garbage Violations 2017-2022

