

**MINUTES  
BOARD OF DEVELOPMENT APPEALS AND REVIEW**

**12/06/06**

Attendance: George Dunham, Bob Brandt, Warren Fisk, Rich Huffman, Steve McCarthy, and John Brewer. Absent: Michael Schumacher and Economic Development Representative.

City staff present was as follows: Assistant City Attorney Kevin Lewis, Brad Solon, Tom Kurtenbach, Officer Jim Hansen, and Officer Christ DeGroot. Other people present were: Jim Olesen, Steve Achtien, John DeYoe, Todd Schweiger, Terry Fuller, Mary Riss, and Teresa Gibson.

**APPROVE MINUTES OF PREVIOUS MEETING**

Brandt moved to approve the minutes of the November 13, 2006, meeting. Second by McCarthy. Motion carried.

**SET MEETING AGENDA**

McCarthy moved to approve the agenda. Second by Huffman. Motion carried.

**HEAR APPEAL OF RACHEL FLOOD REGARDING THE DEMOLITION OF 1309 MILWAUKEE STREET PURSUANT TO VIOLATIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED.**

Neither Appellant, Rachel Flood, or property owner, Teresa Gibson, were present when this item was presented. Officer DeGroot said he cannot say whether or not the tenant has moved out of 1309 Milwaukee Street. He said it appears that she might have moved out or is in the process of moving out. Building Official Brad Solon said he drove by the address this morning and about the only changes he saw were the inoperable vehicle is not in driveway and the fence is missing. Other than that, nothing has been done. Officer Hansen said last week the Police Department dealt with the mother and daughter over civil issues in reference to personal property in the house that they are fighting over. At that time, they were advised that the daughter was no longer living in the residence. Brandt moved to approve the City's recommendation and order the structure to be torn down. Second by Fisk. Motion carried. Teresa Gibson arrived at the meeting at 7:40 a.m. She was told that the Board moved to allow the City to move forward with demolition. She said she objects to this action. The tenant is out of the house, and she has gone through it. She said the mildew is superficial, and the house is not in that bad of condition. The smell is mostly from the contents of the house. She was told that the Board gave her time to come up with a time line and nothing has been done. It was the recommendation of the Building Inspection Department and the Police Department that the building be torn down. Brandt said this Board has taken action on this matter, and she needs to talk to the Building Inspection Department.

**HEAR APPEAL OF BLACK HILLS AREA HABITAT FOR HUMANITY REGARDING THE DEMOLITION OF 1909 FIFTH STREET PURSUANT TO VIOLATIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED.**

Assistant City Attorney Kevin Lewis said an agreement has been reached in this matter. The house was recently acquired, and the property has been secured. The purchaser (Habitat for Humanity) agrees that the house needs to be demolished. They will have the structure removed by January 15, 2007. Brandt moved to accept the agreement. Second by Brewer. Motion carried.

**HEAR APPEAL OF JAMES L. OLESEN REGARDING THE REPAIR AND/OR DEMOLITION OF 314 WRIGHT STREET PURSUANT TO VIOLATIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED.**

Mr. Olesen said he received notice on November 1<sup>st</sup>. The people have moved out. He does not know what is needed to bring the house up to code, but he does not believe that the house is that bad. He has considered auctioning the house. If he does not do that, he will tear it down or sell it and let someone else deal with it. Building Official Brad Solon and the owner was to do repairs. There are broken windows, broken doors, sewage, water issues, lack of maintenance, cracked foundation and walls, and many other issues to be addressed. The order from the City told the property owner to take whatever steps are necessary to fix it. He said it would cost as much to fix it up as it would to demolish it. Officer Hansen said there is extensive damage. The tenants were turning the water off at night so the basement did not get wet. Code Enforcement Officer Tom Kurtenbach said under the International Property Maintenance Code, properties cannot be transferred once a notice is sent. Brandt asked the property owner if he wants to tear the structure down or have the City do it and bill him for it. Steve Achtien said money is an issue with Mr. Olesen. He would like to have time to talk to the bank about getting money to fix it up. He said this is Mr. Olesen's busiest time of the season. Brandt said it will cost more to repair the house and if money is an issue, maybe he should let the City tear it down and put a lien on the property. Huffman said that pursuant to the letter sent out by the Building Inspection Department, Mr. Olesen has until December 30<sup>th</sup> to do the work. If he does not have a plan by the end of December, the next step would be an order for demolition. Solon said he has not obtained any building permits. Dunham said it seems to him that the Board could consider granting some kind of an extension so long as the house is secured. If it gets broken into, then he would suggest the motion be drafted so that the extension is removed and the City is authorized to do whatever they want to do. Kurtenbach said he will post the property "do not occupy" again. Brandt said if there is water leaking, then there is probably a mold problem. In his years of experience, he said it is impossible to repair a structure that has mold and make it safe to live in. He suggested the owner seriously consider tearing it down. McCarthy moved to give the property owner a 20 day extension until January 19, 2007, to repair the property, contingent upon the owner securing the house; and if the house gets broken into, then the extension of time is void and the City is authorized to demolish the property. Second by Huffman. Motion carried.

**HEAR APPEAL OF MARY RISS, PROPERTY MANAGER FOR A & A PROFESSIONAL PROPERTY MANAGEMENT, INC. REGARDING THE DEMOLITION OF 828 LEMMON STREET PURSUANT TO VIOLATIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED.**

John DeYoe, father of the property owner, said his son lives in San Francisco. He was not aware that the property was in disrepair. As soon as he was notified of the same, he went and looked at the property. He has had an electrician and a plumber come in and take care of those issues. There are other things that need to be done. He said he will continue working on it. He said

when he was at the property, there were a dozen or more people coming and going. He does not know who lives there. He is trying to fix it up. Brad Solon said they have purchased a permit. He drove by the property this morning, and the two sheds are still there. He said the initial letter went out in the spring, and this has been dragging on. He said the City wants to get this taken care of. Either the property gets fixed or a time frame for demolition be set. Mr. DeYoe said when he got involved, he started taking care of things. He said the outside just needs paint and a little repairing. Brandt asked for a time frame. This has been a problem property for Code Enforcement and the Police Department. Officer Hansen said Officer Hedrick initiated action on this property. The first letter was written on May 24<sup>th</sup>. Kurtenbach said he issued a “do not occupy” order on November 6<sup>th</sup> but did not post it on the property because of the appeal. Mr. DeYoe said he would like to meet with the Building Inspection Department and go over the list of things that need to be done. Brandt asked if it is safe to have anyone living there. Officer Hansen said he would have to go take a visual to see if it is safe. When the reports were made, the property was not safe. There are people coming and going from the house. It has been sub-rented from time to time. Brandt suggested that everyone should be removed from the property, the house should be brought up to code, and it should be inspected by the City before it is rented to anyone. Officer Hansen said they are up there on a regular basis due to the clients that are renting it. Huffman suggested that the building be vacated and an extension of time be granted to repair the structure. Brand moved to authorize the City to immediately issue a vacation order and give the property owner until January 31, 2007, to bring the property up to code, at which time the City will inspect the property. Second by Brewer. Motion carried.

Brandt asked the City Attorney’s office if there is any way the Board can get access to inspect the properties that are being appealed. He requested the City Attorney’s office to draft an agreement which would give them reasonable access to the property when it is being appealed. Assistant City Attorney Kevin Lewis said he would draft the document.

Brewer asked if it would be possible to link the section of the Code that is involved in these hearings to the agenda and send those code sections out with the agenda. Lewis said right now we are getting calls all the time regarding substandard places. He will look into making a copy of the Property Maintenance Code for the Board members.

The meeting adjourned at 7:45 a.m.