

SPECIAL COMMISSION MEETING DICKINSON CITY COMMISSION January 18, 2022

CONDEMNATION

1. CALL TO ORDER

President Scott Decker called the meeting to order at 8:00 AM.

2. ROLL CALL

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

Absent: None

3. ADMINISTRATION

City Attorney Christina Wenko outlined the procedure for hearing for each property as listed below.

- 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
- Commission discussion
- Commission vote

President Scott Decker swears in Mr. Blaine Dukart as Building Inspector I for the City of Dickinson. President Scott Decker swears in Lt. Matt Hanson whom is in charge of patrol staff, charge of swat teams, liaison to the city prosecutor office for the City of Dickinson.

1. Joshua Kilwein – 219 South Main

City Attorney Christina Wenko states the property owner was fully informed of proceeding.

Mr. Blaine Dukart states he is the Building Inspector I for the City of Dickinson and states his duties. He states properties are out of compliance, inhabitable and then the property goes into the condemnation process. Discusses what is out of compliance to make sure property is safe and not safe. He states the purpose of today's proceedings to see if structures should be demolished. Mr. Dukart states the address of 219 S Main is owned

by Joshua Kilwein verified by a title search. Mr. Dukart states that Mr. Kilwein was notified with certified letter. He states the purpose of the certified letter was for the notice of hearing. Mr. Blaine Dukart states the issues started in 2015 and began with exterior dilapidation and a hole in the roof. The hole in roof is from the chimney that was removed. There is no water or utilities at this property. He states on 9/23/2020 a letter was sent to owner asking for access for structural inspection to determine if the structure was unsafe because of hole in ceiling. There was no response to this letter. On 1/5/21, the City sent another letter sent to the owner for access. Mr. Dukart states since there was no contact he begins condemnation process and placarded the house. No improvements were made during this time. Finally, on 1/28/21 the owner contacted the building department to set up structural inspection. After inspection, it was deemed unsafe. On 3/22/21, a condemnation letter was sent to owner. Owner was given 45 days to improve property. There was no contact from owner. Since 6/2021, there has been no contact with property owner. City of Dickinson has received complaints from neighbors about exterior or property, maintenance of grass, weeds and vehicles. Property is unkept. Power point of home inspection. Shows ceiling tile coming down, hole in ceiling for garage door, holes in roof. This is the current condition of the property. Past 5 to 6 years no repairs to the home. Dangerous structure. Building dept for the city of Dickinson recommends demolition.

President Scott Decker asks for commissioner questions. There were no commission questions and no property owner present. President Decker asks for mortgage and lien holders which none were present.

Witness Lt. Matt Hanson testified there was criminal activity on 219 souths main - ran it back 10 years – 2 contacts, on 3/2019 and 10/2020. Contacts 3/2019 was vandalism which was a civil matter where individuals doing work on property and took items as payment. On 10/2020 city code enforcement due to unlawful storage of abandon vehicle. It appears that there was a citation.

City Attorney Christina Wenko states it is evident since 1/2015 there has been little to no improvement of this property. The structure is run down. Major overhaul to come into compliance. Property owner had very little contact with city departments. She suggests to move forward with demolition. Property owner that this property would become compliant at any time soon. Ask that this structure should be demolished.

President Scott Decker asks for property owner closing comments. There were none. There were also no comments from commissioners. He states it is the recommendation as follows.

The City presented Exhibits A – C.

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To affirm demolition of property located at 219 South Main

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

2. Justin Dukart – 243 2nd Street SW

City Attorney Christina Wenko questions Mr. Blaine Dukart about the property at 243 2nd Street SW. Blaine Decker states the property owner is Justin Dukart. He states a notice was sent to Justin Dukart from the building department on 9/1/2005 regarding a building permit for this property for a remodel.

Issues began to arise on 11/6/2014, and the building department let the owner know that there were 2 expired building permits on the property. City sent multiple letters to Justin Dukart regarding this property. He states there were various issues including but not limited to the storage of vehicles, sanitation and accumulation of rubbish or garbage. Mr. Blaine Dukart states some of the issues were addressed. On 12/4/2014, a letter given to owner to let them know that the City deemed the structure unfit for human occupancy. There was no full inspection completed because Justin Dukart denied access. There was a partial inspection completed on 12/2/2014 of the residence as well as a detached garage. The house and detached structure was then placarded as unsafe.

After the house was placarded on 12/23/2014, there was a full inspection. Property was in worse condition. No remedial efforts were not taken by the property owner. The issues were sent to municipal court. Judge Robert Keogh issued order to clean up his property. A hearing was held in 12/2018 wherein Justin Dukart was required to show why he hadn't brought the property into compliance. Blaine Dukart states Justin Dukart was trespassed from the property.

On 10/28/2019, an application of building permit by owner to fix structural issues was taken out. A new building permit was issued to fix the structural issues on detached structure. There was no remodeling done to the home at that time.. Repairs on garage were not done and an extension was requested was made 10/8/2020 to complete the repairs to sell the property. Request was granted and extension ended on 6/1/2021, and this was the final extension.

There was a request called in by the owner of the property to extend past 6/1/2021, and this was denied as there was no progress on structure. Letter of condemnation was sent on 6/7/21 to property owner. There were no improvements made after this letter. On 8/30/21, Blaine Dukart contacted Justin Dukart to verify that the owner has one option for the structure to be repaired and sold. Justin Dukart would not get another permit.

Blaine Dukart states the City has received multiple complaints about this property with people entering property. Blaine Dukart states the outside of the property has been cleaned up. Blaine Dukart discusses the house, unregistered vehicles, property maintenance, and other out of compliance issues. This property was on in this condition for many years. The City did not remove the placard that was posted in 2014. Blaine Dukart presents pictures of the roof trusses cut out, so lot of plating is gone and reinforcement is gone. Detached garage as well as residence show continuous concerns structural integrity, jeopardized and out of compliance. There are headers missing from different areas from

doorway walk through, component from stairwell, basement is dirt. Wiring and plumbing was nonexistent. Blaine Dukart states Justin Dukart would have to renovate the interior of home. Blaine Dukart states the Building Department has exhausted all efforts for this property and recommendation of demolition of these structures, the detached garage and residence.

Commissioners and property owner do not have any questions for Blaine Dukart.

Lt. Matt Hanson is familiar with property and has had personal dealings with this property. He states from 2009-2014, there have been campers kept on property, living inside of campers, drug offenses, warrants served. DPD as responded to this residence 121 times for suspicious activity, drug related offenses, trespassing, all around criminal behavior. Lt. Hanson was informed of last evening at 8:15 p.m. PD received phone call that Justin Dukart and his mother were at the residence last night, detached structure and gathered personal belongings and putting them in his vehicle. Lt. Hanson states since 2015 until now 121 contacts from police dept is very high.

Justin Dukart and Commissioners have no questions for Lt. Hanson.

Justin Dukart states the neighbors call in all the time every time he enters his property. Since the property was deemed uninhabitable he was unable to go to property. Justin Dukart states he was in jail for 1 1/2 years and gave property to sister and she never did anything with the structure. He was in foreclosure twice and had to get house of foreclosure so money to remodel. He would like to get one more chance to fix the house up.

Ms. Christina Wenko asks if Justin Dukart is looking to sell property. Did you have an offer from venture homes?

Mr. Justin Dukart states yes, but this was a life investment in this property and \$50,000 was not enough.

Ms. Wenko states you had an opportunity to sell and did not sell the property. What remedial efforts have you taken in the last two years to bring property in compliance?

Justin Dukart states he was in jail for 1 1/2 years. I do have structure supported.

Ms. Wenko states there were 121 police contacts with trespassing on property.

Mr. Justin Dukart does agree that 121 contact are a lot and trespass.

City Attorney Christina Wenko asks what assurance can Justin Dukart give the city. The City will not give him another building permit.

Mr. Justin Dukart states the rafters in garage need to be repaired or replaced the six on the end have been taken care of. All bills are up to date. I understand that I cannot get another building permit. Mr. Dukart states adjustments were made to make a bigger room above the stairs above the garage and that was one w/o my knowledge.

Commissioner Jason Fridrich questions why was work not complete when permit was issued. If the commission gave you another chance what were the assurance this would be done. The city is not willing to give you a building permit.

Mr. Justin Dukart wanted to sell the property and not improve it. He cannot do anything without a building permit. He does not know what options he has.

Commissioner Jason Fridrich states it appears the City has exhausted your options.

Commissioner John Odermann directing the Police Department calls to your neighbors and police dept 120+ calls but looking at this Police Department report do you say that there was good reason for the neighbors to call. Drug related, several arrests, suspicious people. This is concerning to me because of safety of your neighbors that they were have concerns and that you would blame them for those concerns.

Mr. Justin Dukart states there were several people were staying at my house at that time and I don't have contact with those people anymore.

Mr. Jason Henderson, Attorney from Haliday, Watkins & Mann, representing US Bank states there is a mortgage on this property. US Bank has made his office aware of this issue. Respectfully requested that if City does determine demolition is appropriate, that US Bank afforded a reasonable amount of time to conduct an inspection to determine if it should undertake the remedial repairs.

Ms. Wenko explained there is a 30 day appeal process if commission goes to demolition, an inspection could occur within that 30 days should US Bank chose to conduct an inspection

Ms. Wenko states this property has been a problem for City of Dickinson for more than a decade. The City has given Justin Dukart every opportunity to get into compliance and has chosen not to do anything. Justin Dukart is placing blame on everyone but himself. The property has been visited 121 times, which is astonishing. Justin Dukart does not seem to think this is an issue or a problem. Neighbors are extremely upset about structure and criminal activity in the neighborhood. Ms. Wenko recommended the City move forward with the demolition of both structures on the property. Justin Dukart is not getting another building permit. He had opportunity to sell property and did not. If this property is not demolished, the can will be kicked down the road. City would not object to US Bank inspecting the property. Code does provide cost of demolition to be assessed against the property.

Mr. Justin Dukart states there is not much he can do if you don't give me a building permit. If he was allowed to have a year he could have it remodeled and on the market.

The City presented Exhibits A – L.

President Scott Decker's recommends demolition of 243 2nd street SW of Dickinson and current property owner Justin Dukart.

MOTION BY: Jason Fridrich

SECONDED BY: Nikki Wolla

To affirm demolition of property located at 243 2nd Street SW.

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

3. Skye Thompson and Romy Thompson – 1520 West Villard

City Attorney Christina Wenko asks Blaine Dukart when the City was made aware of issues with the property. Blaine Dukart states he became aware of this property in May 2017 when a letter was for tall weeds and grass. The property owner was contacted in June of 2018, June of 2019 and June of 2020 for exterior property maintenance for tall weeds and grass.

Additional correspondence on sent in July 2020 for property maintenance including tall weeds and grass. In December of 2020, the water was shut off by the City, which rendered the property uninhabitable and unsanitary. No letters sent at that time.

On April 15, 2021, the fire department was called for broken windows and at that time a property inspection was completed in April, 2021. Mr. Dukart was contacted by Ms. Thompson, and she proceeded to find a contractor to board up the property and secure it.

In June of 2021, another letter was sent regarding exterior property maintenance, tall weeds and grass. On 6/29/2021, the property was placarded for proceeding with condemnation. In August 2021, the City sent a condemnation letter. Mr. Blaine Dukart showed pictures of the property on 4/15/2021 which broken windows, doors open and property now sits in this condition. The City presented additional photos of different years for tall grass and weeds. Since 2017, the property has historically been cited for property maintenance issues. Mr. Blaine Dukart states major concerns are dangerous structure, dilapidating and deterioration of exterior building, no potable water shut off for one year, no structural improvements have been made, deed public nuisance. Recommendation demolition of this property.

Attorney Christina Wenko questions Lt. Matt Hanson. Ms. Wenko asks Lt. Hanson if he was familiar with the property. Lt. Hanson states he is familiar with property at 1520 West Villard and has responded in 2016 and 2017 for different calls for service and completed a report dated back to 2014 to current contacts with Dickinson PD. The Police Department was there twice last year, 2/2/2021 that particular call from Ms. Thompson's father Shell that someone might have been inside the structure. The Police Department had gone into structure and to make sure no one was there. The Police Department was told that the building needed to be secured. In May of 2021, people were in the building and juveniles were in the structure and at same time Fire Department reached out to City to get it secured. Based on the DPD report, from 2014 to current, the DPD has responded to the property 45 times. In 2016 and 2017, someone was living on premises on west end and individual suffered from mental health issues and addict and uptick in numbers at that time, higher number than same hotel or restaurant. Lt. Hanson states Shell Thompson called the DPD on behalf of the property on at least two occasions.

Ms. Romy Thompson states her and Skye Thompson own the property. Her father, Shel Thompson, oversaw property in Dickinson. In 10/2020, she came from New Orleans to see property. She stated that Shell Thompson did not have her best interest in mind and represented himself as the owner of property.

Mr. Schwindt had sent violations to Shel Thompson's address in CA. Ms. Romy Thompsons states Shell Thompson no longer speaks for the property. She has been in contact with Mr. Dukart in condemnation process. She secured the property. Since this past summer the property has been listed with a local agent. No real offers have been materialized.

In 11/2021, Marcus and Millichap Agents agreed to market 1520 and the Oasis Inn as a package deal. She states this company would market and sell 1520 west Villard. There is great interest to have a stake in the city of Dickinson. Last week, a letter of intent for that purchase. Ms. Thompson asked the City not to demolish the structure as it will hinder the sale of to investors.

City Attorney Christina Wenko thanks Ms. Romy Thompson for appearing and providing information. Ms. Wenko questions Romy Thompson whether she had given her father a power of attorney regarding the properties. Romy Thompson states the power of attorney has been terminated.

Ms. Wenko states the Letter of intent 1/12/2021 is just for 1026 west Villard which is the Oasis Inn.

Romy Thompson states she has spoken with agent since then and they are interested in adding other properties. As of this date, there is no letter of intent for 1520 West Villard. Ms. Thompson states according to brokerage firm they feel this can be repaired.

Attorney Wenko states this is a marketing agreement with letter of intent, there is an inspection period for 60 days, closing 90 days and questioned whether any earnest money been put down on a potential purchase.

Ms. Romy Thompson states this buyer is in Florida and the agent is in SD. Trying to get everyone on the same page at the same time. She has not signed the letter of intent yet but her intent is to sign it with revised with two properties.

Mr. Leonard Schwindt states he has not been on this property. He states there's is a lack of maintenance on property – anything can be rehabbed. Whether or not to take on that expense it would be a stretch.

Ms. Romy Thompson states this property is currently in litigation. She states her brother and her are negotiating our partnership and liquidating all assets. There is a suit against Shell Thompson for gross mismanagement. Skye and Romy are in the process of liquidation and to moving on.

City Attorney Christina Wenko inquires whether Romy is suing Skye Thompson as he would have to sign off on any agreements as a co-owner of this property.

Ms. Thompsons states no, she is not suing her brother but she is suing her dad. Skye and her are both agreement for selling. They are very interested in both properties as well. No opposition from Skye.

Attorney Wenko states there is a letter of intent and no purchase agreement to this property.

Mr. Leonard Schwindt states this has been going on for some time again. The intent is to move forward with this property and not turn this into another decade property.

Ms. Romy Thompson states she has spoken extensively with Building Department and the weed and grass issues were remedied quickly. We have not been contacted with overgrown grass in the past.

Mr. Schwindt states the letters did go to Mr. Shel Thompson. The last letters went to Romy and Skye. The letters were sent to CA.

Ms. Romy Thompson states she had trusted Shel Thompson to manage things appropriately and but was shocked that not only not management them well but ran them into the ground.

Commissioner John Odermann states if executed for purchase we are looking at 5 months for new ownership. Work being done on this location, off of your books and new owner are we going to be in the same situation in a year with no work done and talking about demolition with new owner.

Ms. Thompson states it would be in their best interest to rehab building and the capital. This is a company that has multiple companies across multiple states. Recently purchased Villard commons. Purchasing both building has just come about this past week. Letter of intent is from the buyer. Disclosure and letter from Markus are the real estate firm that contacted me about oasis and west Villard. This particular group deals with small hotels/motels. My intent is to sign the letter of intent and hopefully continue to work with them but I have been looking at what to see my options are and has several different options. Would be remiss if I didn't have a backup option with them.

Commissioner Jason Fridrich states it is convenient that you had had a letter of intent and listing and why hasn't this been looked at long ago.

Ms. Thompson states in 11/2020 she spoke to Michael Martin with Tezek Management Group. I was not aware of this until 2021. Issue with shared common space and at that time there was issue with common space. Since then she has been in contact with Tezek Management Group and negotiating about Oasis and 1520 West Villard.

President Scott Decker asks for mortgage or lien holders. There were none.

City Attorney Christina Wenko states this is a unique situation surrounding her father's involvement of these properties. Mr. Thompson was acting as agent and he gave info to the City, and the property hasn't gotten any better. Property is boarded up and uninhabitable and unlikely to be repaired that will not require a lot of expense. Documentation that was submitted. The City appreciates her efforts, but there is no letter of intent, and no purchase agreement that is binding. It is all hypothetical. Nothing that

Rita Binstock, Assistant to City Administrator

APPROVED BY:

Brian Winningham, City Administrator

Scott Decker, President
Board of City Commissioners

Date: February 15, 2022