

**MINUTES
BOARD OF DEVELOPMENT APPEALS AND REVIEW**

12/17/08

Attendance: Bob DeMersseman, John Herr, Mike Albertson, Rich Huffman, John Brewer, and Lloyd LaCroix. Absent: Bob Brandt and Gary Renner.

City staff present was as follows: Assistant City Attorney Mike Schad, Building Official Brad Solon, Code Enforcement Officer Jim Martz, Code Enforcement Officer Patricia Pummel, Police Officer Jim Hansen, Police Officer Karl Jegeris, and Legal/Administrative Assistant Maggie Paul.

Co-Chairman Bob DeMersseman called the meeting to order.

APPROVE MINUTES OF PREVIOUS MEETING

Herr moved to approve the minutes of the November 29, 2008, meeting. Second by Brewer. Motion carried.

SET MEETING AGENDA:

Albertson moved to approve the agenda. Second by Herr. Motion carried.

ACTING AS THE INTERNATIONAL PROPERTY MAINTENANCE CODE BOARD OF APPEALS:

HEAR APPEAL FROM FERNAND MARQUIS REGARDING VIOLATIONS OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AT 624 EAST MADISON STREET (CONTINUED FROM THE NOVEMBER 19, 2008, MEETING).

Building Official Brad Solon said Mr. Marquis was sent a certified letter several months ago regarding substandard conditions at 624 East Madison Street. The tenant had done a lot of damage to the dwelling. The City went in and did an inspection and posted an eviction notice on the property. A lot of cleaning was done to the property, and the City went back out a week later and did another inspection. At that time, the eviction notice was taken down because the property had been cleaned up but the City determined that the house needed to be demolished. It is staff's opinion that the useful life of the dwelling is up and that the house needs to be demolished. Stan Anker, attorney for Mr. Marquis, handed out a proposal for renovation of the property. He stated that the tenant created a lot of problems. She is now gone. Mr. Marquis has invested over \$3,000 in repairs over the last two years, and he has spoken with several contractors and has come up with a plan to renovate the property. He is willing to spend approximately \$26,000 renovations to bring the property up to code. He is requesting a 90 day extension for these renovations. Solon said if the City thought the house could be renovated, they would have sent Mr. Marquis a letter to renovate it. Staff is of the opinion that the house needs to be demolished. Mr. Anker stated that all of the City's issues will be taken care of through this renovation process. The work should be

done in 90 days, although there is some work that has to be done on the outside. Albertson moved to grant Mr. Marquis a 90 day extension on the condition that a building permit be applied for prior to Christmas. Second by Huffman. Motion carried.

HEAR APPEAL FROM ETHAN SCHMIDT, ATTORNEY FOR RONALD MARK LANGSTAFF AND SHERRY LANGSTAFF, REGARDING VIOLATIONS OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AT THE WESTERN THRIFTY MOTEL, 617 AND 621 EAST NORTH STREET.

Building Official Brad Solon said this matter came before the Board a couple of months ago. It was continued until a meeting in December. Mr. Ashley has entered into a plea agreement that states the Western Thrifty would be substantially completed by the end of year. In October, nothing had been done so the City sent him a demolition order telling him that because of the lack of progress, the buildings would need to be demolished and the property would need to be readied for redevelopment. Mr. Schmidt appealed that demolition order on behalf of Mr. and Mrs. Mark Langstaff. The condition of the property is the same as in the past. Assistant City Attorney Schad said he got involved in this matter in July. Subsequent to that, his office learned that Mr. Ashley was buying this property on a contract for deed and United Bank in Columbus, Montana, holds a mortgage. He said his office feels that notice needed to be given to the Bank, as well as the Langstoffs and that the Bank has not received proper legal notice. He has been in contact with the attorney for the bank, and he told both the attorney and the bank that he would request that the Board be given an update at this meeting and then ask for a continuance so that proper legal notice can be given to all parties who have an interest. He said with regard to the criminal charges, a status hearing was held yesterday and Mr. Ashley asked for time to retain an attorney for representation of those charges. That was continued until January 5th. He said the City will be recommending demolition if the property remains in the same condition as it is now; however, with that in mind, the City needs to allow for due process. He did say that the bank is considering all of their options at this point. Officer Jegeris and Officer Hansen spoke about the present conditions at the motel. Hansen said the doors are kicked in on a regular basis, and the police are called up there all the time. Nothing has changed there in the last several years. John Ashley said the doors have been screwed shut so that no one can enter the property. Attorney Ethan Schmidt said his client (the Langstoffs) do not want the motel back. They just want to be paid from John Ashley. Mr. Langstaff said Mr. Ashley is current on his payments with him and with the bank. There is over \$200,000 or \$300,000 owed to the bank. He said his biggest problems are with Mr. Ashley who has not done what he was supposed to do. Officer Hansen said Mr. Ashley himself cannot and will not get that property improved. He's had all the time in the world to do that. Brewer moved to continue this item to January 7, 2009, and instruct the City Attorney's office to send out the proper legal notice of the hearing, at which time this Board will reconvene and take whatever action is necessary. Second by Albertson. Motion carried.

HEAR APPEAL FROM JIM AND BEVERLY SHAW REGARDING VIOLATIONS OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AT 914 WEST BOULEVARD.

Building Official Brad Solon said the City received a complaint on this property and sent staff to do an inspection from the street. There are maintenance items on the outside that need to be addressed. He sent the Shaws a letter, and they are appealing that letter. Mr. Shaw said they have not lived in this house for three years. He acknowledges that it needs repair work and is asking to have an extension to June 30, 2009, so that they can do a major modification of the house in addition to taking care of the code violations. It is their intention to move back into the house. Herr asked Mr. Shaw if he could put together a construction schedule. Shaw agreed to do that. Herr moved to grant an extension to June 30, 2009, to complete the necessary work at 914 West Boulevard. Second by Brewer. Motion carried.

UPDATE ON APPEAL FROM LES ODEGAARD REGARDING VIOLATIONS OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AT 1011 ST. JOSEPH STREET, 1015 ST. JOSEPH STREET, AND 1019 ST. JOSEPH STREET

Building Official Brad Solon said this Board previously heard an appeal by Mr. Odegaard regarding 1011 St. Joseph Street, 1015 St. Joseph Street, and 1019 St. Joseph Street. Mr. Odegaard was granted a 90 day extension to get the work completed. Mr. Odegaard called Mr. Solon and requested that this update be placed on the next agenda, but because the 90 days was up, the City Attorney said it should be on this agenda. Mr. Odegaard said he is in the process of getting bids and refinancing the loan. He wants to get these properties taken care of this spring or as soon as the weather breaks. Brewer moved to continue this item for 120 days with the understanding that all work will be completed. Second by Huffman. Motion carried.

UPDATE ON APPEAL FROM JAMES GIESE REGARDING VIOLATIONS OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AT 610 11TH STREET AND 1021 ST. JOSEPH STREET

Building Official Brad Solon said the violations on these properties have been taken care of.

The meeting adjourned at 8:15 a.m.