

# OFFICIAL PROCEEDINGS

## Hampton Housing Appeals Board

### HAMPTON HOUSING APPEALS BOARD MEETING MINUTES WEDNESDAY, NOVEMBER 18, 2020, 5:30 P.M.

The Hampton Housing Appeals Board Meeting was called to order via Zoom teleconference by Chairman Pohlman at 5:31 p.m. Due to heightened public health risks surrounding the spread of the COVID-19 virus, Federal, State and local public health requirements of social distancing, it was determined that holding a "normal" meeting was impracticable and the only individuals physically present in the city hall were City Manager Dunt and Zoning Administrator Doug Tarr. All other participants participated remotely via Zoom teleconference. The agenda for this meeting also displayed instructions for the public to call in and participate in this open meeting. Housing Appeals Board Members participating electronically were Howard Pohlman, John Currier, Patrick Sietsema, Dick Allbee and Robin Maas. Also present were the appellant Judy Mulford and her attorney David Skilton. Kristine Stone, Ahlers & Cooney appeared on behalf of the City of Hampton. Chairman Pohlman called for a motion to approve the agenda. Motion by Allbee. Second by Sietsema. Motion approved unanimously.

Zoning Administrator Tarr reviewed the duties and procedures of the board.

Current Chairperson Howard Pohlman called for designation of a Hampton Housing Board of Appeals Chairperson for 2020-21. Motion by Allbee, second by Sietsema, to designate Howard Pohlman as the Hampton Housing Board of Appeals Chairperson. Motion approved unanimously.

Chairman Pohlman stated acknowledgement of Doug Tarr as Board Secretary as designated by Chief Administrative Officer Ron Dunt on August 19, 2019.

Public Hearing: Chairman Pohlman opened the appeal hearing of Judy Mulford regarding a nuisance notice and order to demolish property located at 121 Central Avenue East, Hampton, Iowa at 5:34 p.m. Chairman Pohlman offered the appellant comments. Appearing for the appellant was attorney David Skilton. Skilton inquired if the appeals board received his packet of submitted documents including exhibits. He offered exhibits A-G for the record. The board indicated they did receive the packet and exhibits. Skilton questioned the validity of Kristine Stone representing the city. He objected to Stone submitting a response to his brief after the deadline designated by the city. He objected to the appeal board's authority, powers and procedures. He questioned whether the board members had taken an oath, were covered by bonds, and the validity of their appointments. He further explained the details set forth in the brief submitted to the board emphasizing that Mulford already went to court on this matter and she should not be tried again. He stated that the evidence is undisputed that the matter had been tried and dismissed. He requested the board dismiss the notice. He stated that his client has cooperated with the city and does not want the fight. Mulford doesn't want to spend any money and does not have money.

A the conclusion of Skilton's presentation, Chairman Pohlman then gave opportunity for Kristine Stone to present on behalf of the city. Stone stated that the issue before the board is whether the city appropriately issued a notice of violation at 121 Central Ave East issued on March 20, 2020. The notice was issued in response to an inspection completed on March 10, 2020. She stated that the city's position is that any arguments brought forward of any actions taken by the city prior to March 10, 2020 are irrelevant to the appeal. She recognized that she submitted a response to the defendant's hearing brief to the board after the deadline which is why she also submitted a request to admit the response. She requested that the response be received as part of the record. She requested that the board find that the notice complies with Section 107 of the International Property Maintenance Code (IPMC) and that the issuance of the notice in the matter be upheld. She questioned Doug Tarr on his background and witnessing the inspection of the property on March 10, 2020. He stated the property had been vacant for months if not years and that he is the individual who issued the notice dated March 10, 2020. She had him review the issues which were specified in the notice and that the notice specified the structure be demolished or a timeline for repairs be submitted within 30 days. He stated that no work has been completed on the property and the next step for the city would be to file some court action to have the property demolished at the owner's expense. He stated the city continues to receive citizen complaints on the condition of the property. Stone concluded. Skilton asked Tarr if he had posted a sign on the structure that the property was vacant or condemned. Tarr did not recall if it had been placarded in the past 2 years. Tarr couldn't recall. Skilton asked Tarr if the prior ticket issued specified demolition requirements. Tarr stated it did. Kristine Stone requested a closing comment. Chairman Pohlman allowed. Stone stated that the International Property Maintenance Code which the city has adopted, outlined notice requirements and that the city's notice did comply with those requirements. The city asks the board to find that the notice complied with Section 107 of the IPMC and that the issuance is of the notice in the matter be upheld. Chairman Pohlman closed the public hearing at 5:59 p.m. Chairman Pohlman then offered opportunity for board discussion on the matter. Skilton asked Chairman Pohlman if he could speak. Chairman Pohlman explained that the public hearing was closed and it was time for board discussion. Motion by Allbee to deny the appeal. Second by Robin Maas. Chairman Pohlman called for a vote on the motion that the code was correctly administered by the city. Vote; ayes, 5. Nays; 0. Motion approved unanimously. Appeal denied.

Old Business: None.

Motion to adjourn by Currier at 6:02 p.m. Second by Maas. Motion approved unanimously. Adjournment 6:02 p.m.

Attest:

Doug Tarr,

Code Enforcement Officer

Chairman Howard Pohlman