

**Quasi-Judicial hearing**  
**CITY OF PARKER COUNCIL**  
**October 27, 2022**  
**9:00 am**  
**PARKER CITY HALL**

**Present: Magistrate Libby, Attorney Sloan, City Planning Melissa Correia, Code Enforcement Jim Talley, Building Inspector Mark Hodges**

Magistrate addressed the room at 9:04 am and called the meeting to order. Stated we will follow an agenda, would like everyone to feel comfortable but things are more serious now. Will prepare legal documents in between each case. The city will present their case and owners will have a chance to respond.

1. **712 N 9<sup>th</sup> St** – Michael Kent, owner, represented by Joyce Walters property manager. Swore in all parties at 9:06am. Mr. Sloan stated the property is a duplex and has smoke damage. Mr. Talley stated several months ago the property suffered a fully engulfed fire and the building is unfit/unsafe due to damages. Mr. Hodges stated due to the fire, he is unsure that the property is safe. Recommend a structural engineer assess the home. Mr. Talley has spoken with Mr. Kent about the debris outside, he said he would clean it up and pull the permit for structure repair but that has not happened yet. Ms. Walters stated two gentlemen are there now cleaning up the yard and the permits will be pulled today. Mr. Talley requested an order for 31 days to pull permits and begin work to repair, requested structural report. The Magistrate stated the city presented a preponderance of competent and substantial evidence to support their code enforcement case and therefore rules for the city. The owner has 31 days to pull permits and start corrective actions or start demolition. Debris cleanup will also need to be done within the 31-day period. No fees or fines at this time, if the order is not complied with the fines of \$250 per day will start after the 31-day time period.
2. **719 N 9<sup>th</sup> St** – Ramon Sellers, owner not in attendance. Notice was provided by 1<sup>st</sup> class and certified mail. Swore in all parties at 9:15 am. The home was purchased in May of 2022, the home has damaged but no active permits for repair. Mr. Hodges stated there is a hole in the roof, plywood on NE corner, unfit/unsafe currently. Mr. Talley requested an order for 31 days to pull permit to repair or demo then \$250 per day fine would begin. Also, requested that debris and yard be cleaned up. The magistrate stated the city presented a preponderance of competent and substantial evidence to support their code enforcement case, there was a failure to appear by the owner and therefore rules for the city.
3. **739 N 9<sup>th</sup> Plaza** – Mr. Sloan stated that both owners are deceased based upon previous hearings. The attorney for the family is filing a probate case but is unable to appear today. The city had brought home before the council to declare the home an imminent public health threat and home was to be vacated by October 17<sup>th</sup>. This is the third time brought to hearing, no fines assessed as of yet. Swore in Ms. Correia and Mr. Talley at 9:25am. Mr. Talley stated the living conditions are heinous, oppose continuance and if the owner would like to appeal, they may do so. The magistrate agreed not to allow a continuation. Notice of hearing was posted on property and delivered to gentleman at the home. Mr. Talley requested a structural engineer report be submitted and allow 31 days to pull a permit to repair or demo the home, fines to start at \$250 a day after 31 days, city will abate if not complied with. Photos shown of home. The magistrate stated the city presented a preponderance of competent and substantial evidence to support their code enforcement case and therefore rules for the city. Mr. Talley requested the \$500 attorney fee and \$39 city fees, after 31 days the process of abatement may start.

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4. **4802 Meadow St** – Enrique Pescod not present – Swore in all other parties at 9:32am. Notice was provided by first class and certified mail, and it was signed for. Mr. Talley said that while he was out on leave, a final order was signed but has expired. Home is unfit and unsafe per Mr. Hodges due to the roof, open soffits and holes in windows and doors. Ms. Correia stated that no permits are active on property. Mr. Talley asked for 31 days to pull permits to start repairs or demo. Asking that fines of \$250 per day start after 31 days. Not asking for attorney fees at this time. The Magistrate stated the city presented a preponderance of competent and substantial evidence to support their code enforcement case and therefore rules for the city.
5. **5408 Lake Dr** – David and Pamela Holland, Correia and Talley sworn in at 9:43am. Mr. Sloan stated that this case has come before the magistrate twice previously. The city was set to demo the home in August, determined the order from June 16<sup>th</sup> was not complied with. Ms. Correia cannot confirm that they received the certified mail in June, it did not come back in mail, but the city cannot confirm that they received June 16<sup>th</sup> notice. The last order had a quantified fine of \$7500 plus attorney fees of \$500 and standard verbiage. Mr. Talley spoke with the owners and cannot find where the certified mail for June was sent. Thought best to bring them back to hearing for order. Communication from owner to city was that Rebuild Bay may help. Rebuild Bay called the city yesterday for the first time, they did not confirm that they would be able to fund the repairs. Ms. Correia stated the city asks for 31 days to pull permits; magistrate may use fine of \$7500 but new fines would be \$33250 from June 16<sup>th</sup> till now. Mr. Holland stated that he did not turn in one paper necessary for assistance with Rebuild Bay, then the program switched to the county to Rehouse Bay. No proof of communication with building assistance provided. Ms. Correia stated the city asks for 31 days to pull permit to repair or demo. Magistrate would like to continue the fine of \$7500 without additional fines for time after June hearing, \$500 attorney fine plus \$39 for city fees. Order from June is vacated. The Magistrate stated the city presented a preponderance of competent and substantial evidence to support their code enforcement case and therefore rules for the city.



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Jami Hinrichs, City Clerk