

Glyndon City Council

9/23/2020

Public Hearing | Proposed Resolution for Declaring Hazardous Property
418 2nd Street SE – 6:30 P.M.
Glyndon Community Center

1. **Call to Order:** Mayor Cecil Johnson called the meeting to order at 6:30 p.m.
2. **Roll Call:** Council Members Present: Dave Owings, Joe Olson, Kimberly Savageau, and Justin Schreiber; City Clerk Wendy Affield; City Attorney Ken Norman; Police Chief Justin Vogel; City Building Inspector Steven Schroeder; Clay County Health Department Inspector Kent Severson.

As Per Sign in Sheet: Angie Kuehl, Randall Henriksen, Bryant DeVries, Louis & Sarah Kuhry, Lance Savageau, Jeremy Peterson, Sarah Peterson, Darrell Sjothun and Dayton Kjonaas.

3. **City Attorney Ken Norman will Explain what the Purpose is of this Public Hearing – To Consider a Resolution Declaring the Property and Structures Located at 418 2nd Street SE to be a Hazardous Property**

➤ **Addition to Hearing: Kent Severson from Clay County Public Health Department, and City Building Inspector Steven Schroeder – Mayor Johnson**

Norman began by stating the purpose for this hearing is to discuss the condition of the property located at 418 2nd Street SE. This hearing is also to determine how the City wants to approach how to treat the property going forward. Norman said under Section 463 of the MN Building Code, the City has the opportunity to examine structures and pieces of property within the community to determine whether or not they are hazardous or pose a threat to the health and safety of the residents of Glyndon, and to make a determination as to what should occur relative to that property. Tonight, evidence will be presented concerning what has been detected at the property, in terms of its condition. Council will consider the evidence presented, via notes, reports, and observations made after two (2) separate inspections were conducted. Norman said in December of 2019, the City approached the property owner asking for permission to inspect the home, but permission was not granted. This resulted in the City applying for and being granted an Administrative Search Warrant from the District Court. An inspection was then completed by City Building Inspector Schroeder. A second search warrant has been granted since, and a second inspection was conducted recently including Clay County Public Health Inspector Kent Severson. Norman asked Mayor Johnson to have the Building Inspector and Health Inspector submit their findings to the Council.

Mayor Johnson called upon Clay County Public Health Inspector Severson to report. Severson asked to clarify if he was to discuss his observations during the recent inspection? Mayor Johnson said yes. Severson began by saying the inspection started on the outside of the property, and he felt the main negative health impacts were due to the storage of several semi-functional, in-disrepair items that would prevent the property owner from being able to mow properly, maintain the rodent population, provide weed control, etc. He noted one of the attached garages appeared to have no room for any entry with the amount of material in it, as he himself was not able to gain access for this reason. Per Minnesota health regulations, Severson said it is imperative for buildings to have a clear path of entry for emergency personnel. He said this property did not have clear pathways indoors due to the amount of materials blocking the way throughout the home.

Mayor Johnson then called on City Building Inspector Schroeder to present his findings. Schroeder began by saying his main concern is the house. He would like to see the structure become a livable domain, and at this point it is not. Schroeder said thus far the building has not been deemed a “tear-down” unit, although some sections of the house may need to be destructed. He said the home itself is structurally sound, and could very well be brought up to code and be considered livable. Schroeder referred to the list given to the property owners in order to make the home livable, as one of the largest concerns is the lack of running water to the house. In order to be a “dwelling unit” the property needs to be able to provide adequate shelter, running water, and the ability for food to be cooked. Until these major items are taken care of, he cannot issue a Certificate of Occupancy. Schroeder said also, the sections of the home which may need to be brought down are ones in which no building permit was issued. He said there are portions of the home in which are open to the elements, and the framing is in question. He is not sure as to the status of the lumber at this point, and he would require a licensed contractor to now go through the house to determine salvageability. Schroeder said the foundation is new and in good standing. He wanted to make clear this property has not been condemned, but instead is an “uninhabitable” property. He is not making his findings based on the outside of the home, as his only expertise is regarding the actual house.

Norman stated the findings of both the Health Inspector and the Building Inspector are available via written letter. He wishes at this time to inform Council and those present in regards to the history of this property. Norman said there was a building permit issued in 2015 to have the home relocated to Glyndon. He said it is important to note when a home is relocated, that the home meet all of the existing building codes and requirements of the City it is moved to. The purpose of the building permit was to rehab the structures being placed onto the new foundation, and to bring those structures up to code. Norman said as of today, those structures have still not been rehabbed or brought up to code nor have any inspections taken place. He said there has been a substantial lapse of time and water has never been turned on due to no official plumbing inspections to the connection to City utilities. Service leading to the house had at one time been excavated and then covered with an official inspection. Norman said at this point the Building Inspector’s hands are tied due to no Certificate of Occupancy being issued. Several promises over the years by the property owner has resulted in no work being done on the home, and the property remains not up to code compliance. Norman stated the Building Inspector has exercised a great deal of patience, to no avail. Simply put, this home does not meet the standards of a Certificate of Occupancy to be issued. The structure as it exists cannot be used as a personal residence until this certificate is issued.

Chief Vogel asked to present his findings as to the outside of the property. Vogel said he has been with the City of Glyndon since April of this year, and since then his department has made several attempts to have the property owner clean up the outside. He has drafted numerous citations for public nuisance ordinance violations regarding the state of the property. One of his main concerns are the unlocked freezers sitting on the property, which are a danger to any children playing on the property. So far, the property owner has failed to move these items despite repeated requests to do so. Norman clarified Vogel’s findings are primarily concerned with numerous nuisance violations in addition to the building code violations.

Mayor Johnson asked if any of the Council members wished to ask any questions of either Building Inspector Schroeder or County Health Inspector Severson prior to moving on? Hearing none, Mayor Johnson at this time will open up the portion of the meeting to allow the property owner to speak.

4. Time Allowed for Property Owner to Speak – Sarah Peterson is the official property owner, and she was present to speak on her behalf. Peterson first began by admitting her and her partner, Darrell Sjothun, have not made all of the progress they’ve wanted to in regards to fixing up the property. She said there have been personal life issues which have hindered their progress. Peterson said they were

under the impression the company Rebuilding Together was coming to help them finish rehabbing the home so they could move into it. She said her and Sjothun had been working with the County but then did not hear back from anyone, and she has since been unable to reach them. Peterson said they do now have a new place to live, and will start the process of removing items off of the property. She said at this point she does not intend to make the property at 418 2nd Street SE her permanent residence, but would like to have access to it in order to finish what needs to be done with the house so that she can sell it, or down the road be able to make it their permanent residence. Mayor Johnson asked Peterson to clarify she no longer intends to live there, but would like access in order to clean it up? Peterson said last August they tried to clean up the property and had a licensed contractor ready to work on the house, but was not allowed to do the work. She said they have been locked out of their home for over a year and it is hard to get any work done in this situation. Peterson claims Legal Aid was told they were attempting to live in the home and says this is not true. She also says they were served a search warrant last December even though she never said the police were not allowed to enter the house. She clarified she has emails to Schroeder allowing him access to the house but not former Chief Cline due to his harassment of her in the year prior. Sjothun said he felt Cline had been harassing their children as well. Peterson went on to say she would have allowed access to the house as long as she could be there also, but instead she claims she has not received any of the findings from this previous search. City Clerk Affield stated to Peterson a hard copy of the search warrant was left the same day of the search, and also emailed Peterson copies of it. Peterson said she was not concerned about the actual search warrant, but wanted a copy of the findings or report from the search itself. She is upset because she feels photos were taken during the search and then handed over to Social Services. Norman interjected and said this is the purpose for the hearing, to discuss the findings. He said none of the findings have been given over to the school. The only information provided was to Peterson's lawyer at Legal Aid, which was given by Norman himself. Sjothun said Cline had the school principal over to his office, but Norman interjected and said Council is not here to discuss anything other than the matter at hand. Mayor Johnson asked Peterson if there was anything else she wanted to say prior to him allowing Sjothun to speak? Peterson said she at one point had asked for "slow" signs regarding traffic by her property and was denied by Norman. Norman responded this is an untrue statement, and Mayor Johnson said this is not relevant to the hearing. Peterson said it is difficult to remedy their situation when it feels like everyone is against you. She said a person can type in her address and find several Council meeting minutes where her property is being talked about, and it is hurtful to read how all her neighbors do not like her or that the property is so ugly.

Sjothun is now offered the chance to speak. He said according to MN building statutes, a building can be moved to a different location within the same municipality without having to be up to code as "new construction". Unless the building has been altered, such as tearing out all the plumbing or the electrical. Schroeder asked him where he got this information? Sjothun said it is in the books on the website. Schroeder said he was not sure what books Sjothun is referring to, maybe an ordinance, but this is not the correct information regarding MN State Department of Labor and Industry statutes, it is clear that if a building is moved from lot to lot and an address change occurs, everything needs to be brought up to code as it is now considered "new construction." Sjothun countered by saying his home was livable in its prior location, and nothing had changed at the new one except for being placed on a new foundation. Schroeder said it is irrelevant because the address changed, which is what the statute discusses. Sjothun started to talk about a former maintenance supervisor to the City and the "trash talk" he would do, but Mayor Johnson interrupted him to say the Council is only here to discuss matters of the property. Sjothun claims the City has put them and their family out on the street, and the only Council Member to speak on their behalf ever was Dave Owings. He also claims in the Council minutes Cline had stated he was "waiting to take their property" once they run out of tax money. Chief Vogel said all of them at the City have tried several times to assist Peterson and Sjothun, and although he was not supposed to let them into the home once it had been locked up, he did so in order to help them get things cleaned and fixed up. He said the City does not want to kick them out and would rather keep their entire family here, but the problem is that the City has asked time and time again for them to clean up the property but nothing has

changed in years. Sjothun said he started to clean up one time and moved his travel trailer to the street so someone could come pick it up, but he was cited instead. Vogel said the trailer was not supposed to be on the road as it had expired registration, therefore it was towed. He said it was also parked in a No Parking zone. At this time, Council Member Joe Olson wanted to address a situation which occurred recently. He said the incident he is referring to happened at his place of work, and is on camera. He stated Peterson and Sjothun both approached him while he was entering the elevator. Olson stated Sjothun hurled expletives at him, sarcastically thanking Olson for kicking him off of his property. Olson admitted to angrily replying, "pay your taxes." He wants it known at this hearing he has never before spoken directly to Peterson, and was quite upset she would confront him in such a manner at his place of employment. He feels he has always been good to both Peterson and Sjothun, and after this confrontation he receive a citizen complaint the next day from Peterson. Olson finished by saying on record he is done talking to either of them going forward. Olson apologized for saying what he did about the taxes but the things they said to him at his place of work was very inappropriate. Mayor Johnson told all parties to settle down, as the discussion was starting to get off track. Affield stated she came to be hired by the City in 2014, and this is the same year Peterson and Sjothun wanted to move their house to the location it currently is in town. She said Sjothun came to City Hall with blueprints and said once the house was situated, he was going to have it re-sided, re-shingled, and new windows put in. Since 2014, none of this has happened. Peterson said she had a secured loan at the time, and all of those fixes were her intention. She said the loan company then backed out once they saw what the special assessments were going to be for the property. Peterson said this was their first setback, and they've struggled since then to get back on track. She said they've dealt with financial problems, deaths, and other personal issues which have really put a strain on them. Norman stated he wished to clarify a couple of allegations, one of them being he has ordered certain restrictions for the property. He said he does not make the decisions for anything, and it is Council which makes the decisions. The other issue is Peterson claiming she was never asked to give her permission to enter the home, and Norman said Affield had printed out permission slips for her to come in and sign but she never did. Sjothun asked how they could give permission to enter the home when they were locked out of it? Affield said the reason they were locked out is because they never received a Certificate of Occupancy to live in the home. For Peterson to claim they have never lived in the home is not true, Affield said, because officers had caught them in there. Peterson countered by saying they were attempting to live in the home only when it became too cold in the winter to stay in the camper they had on the property, and she did not want her children to freeze. She said they had a contractor lined up that December to help them, and after speaking with the City he disappeared and they were not able to reach him again. Norman asked to counter this, and said this hearing surrounds the questions of whether or not a Certificate of Occupancy can be issued, and whether the home has been brought into compliance after six years of requests by the City. The decision to secure the home was made on the basis the property is not a safe, healthy living environment. He said without a Certificate of Occupancy issued, the City is not going to place itself in the position of allowing Peterson and her family to live in a hazardous home. Norman said the City will pass a resolution determining what the current condition of the property is, and will issue an order indicating something needs to be done on the property during a specified time limit. If the property owner fails to meet the specifications of the order, the City will take the matter to District Court. Norman said the initial step has to be taken by Peterson, which is to get all new building permits, and cleaning up the exterior of the property. This is all the City is requesting from them, and the only matter to be discussed tonight.

Mayor Johnson said now that Council has heard from both Peterson and Sjothun, he is going to allow surrounding property owners present to speak on the matter. He said now is the time for those neighbors to provide comments or ask questions if they have any.

5. Time Allowed for Surrounding Property Owners to Speak – Neighbor Louis Kuhry asked to speak. He said he lives about two hundred fifty feet (250 ft.) from 418 2nd Street SE, and it has been a nightmare living nearby as to the clutter which is plain to see. He said on some occasions there has been

a fire burning, sometimes in the afternoon and sometimes at night, although he is not sure what is being burned. He stated he ran over to the house because he thought the home was on fire and someone might be in danger. Kuhry said this is when he met Peterson for the first time. He said he immediately noticed a large number of bicycles stacked in the yard, and nearby was a barrel with something burning inside. Kuhry said the smoke coming from it was completely black, and the smell was possibly noxious. He said he called the Police Department when a fourth fire had been started. Kuhry wanted to say directly to Peterson and Sjothun that he rides his bike by the property nearly every evening and he is "sick to death" of what he sees. He said he was at the meeting in 2014 in which the blueprints were presented for this property, and he knew then something did not add up. Sara Kuhry, his wife, agreed and said for twenty-some years they have been paying taxes to the City and never have they seen such a mess. She said when someone drives into Glyndon from the east, this mess is the first thing they see. Kuhry feels the pertinent points are the garbage and clutter on the property needing to be cleaned up.

Mayor Johnson asked if anyone else present would like to speak? Neighbor Charlie Lahlum stated he moved to Glyndon shortly before Peterson and Sjothun did in 2014, and their kids played together often. He said everything was fine until 2017 or 2018 when all work on the house seemed to come to a stop. Lahlum feels if they have had permits since 2014, then there needs to be a hard timeline given for them to get the property cleaned up and the house worked on. He said if he tried to sell his property at this point, no one would be interested based on how long the property has sat looking like it does. Sara Kuhry wanted to make one last point, as she said it was one thing when they were taking so long to fix the property to live there, but now Peterson and Sjothun have stated they do not even intend to live in the home any longer. She asked what would be their incentive to do anything now? Neighbor Lance Savageau stated he has to look at the property every day he walks out his front door, and numerous times he has been asked by his guests what the deal is with the junkyard? He feels neighbors should not be subjected to looking at all the junk, and everything that sits outside the property should be moved into one of their storage buildings. Lance Savageau said if there have been permits issued, he agrees there needs to be a hard timeline set for the work to be done. He feels his and his neighbors' property values are decreasing yearly because of this property.

Schroeder took a moment to apologize to the neighbors and residents of Glyndon, as he feels he is responsible for the health and safety of the whole community. He feels he went above and beyond to try and help Peterson get this property up to code. He stated he violated State statute and could lose his certification over allowing them back into the house after it had been locked up the first time. He said once a property has been deemed uninhabitable, there is to be absolutely zero access to it after that. Schroeder said he allowed them access in order to remove necessary items and in the hopes they would clean up the house. Kuhry said he counted numerous times in which Sjothun would bring a trailer full of items to the property instead of removing them, he believes if the construction work would have continued at the same level of energy as the gathering of the items on the trailer there would have been serious progress. Schroeder agreed, and said he tried to be helpful by allowing the electric to remain for about a year but he now has had that pulled until there are written agreements to reconstruct the building. Going forward the house will be 100% secured, and no one will be allowed access unless accompanied by himself, the Chief, and a written agreement. Schroeder said if there is going to be clean up efforts by Peterson and Sjothun, they have to set it up in advance. Sjothun asked when this clean up period is to start? Schroeder and Mayor Johnson both said this is what the hearing is for, to determine the next steps.

Mayor Johnson asked if there are any other neighboring residents wanting to speak? Randall Henriksen of Randall's Excavating asked to say a few things. Henriksen said he has met Sjothun but does not really know him, and feels the main problem lies with the City and with Council trying to be helpful for as long as possible, but still nothing being done by the property owners. He feels a line needs to be drawn, the property cleaned up and finished with. Mayor Johnson agreed, and asked if there are any other comments? Lahlum said if Peterson states she has a new place to live, he feels she should provide an end

date as to when this is going to actually happen so that people can see progress being made. Norman said there is currently no agreement from the property owners to clean up and there never has been, despite repeated pleas from the City. Norman said now is the time to finally ask Peterson, what is your proposal to the Council? Peterson said yes, she does now have a place to live and a place to bring her stuff but it has been difficult to get this accomplished when the house has been locked for so long. She also claims her things were destroyed by snow getting in when the house wasn't properly secured. Peterson said she would like to begin by cleaning the outside of the property and getting things from the inside, as she is not trying to make it her permanent residence for now. Norman said this is just conjecture, and the Council is going to need to know specifically what you plan to do and when. Peterson said again, she would like to be given the time to clean everything up. Chief Vogel asked how much time? Peterson said maybe two months, since there is a lot going on right now. She said in 2015 the City was supposed to help them hook up the water/sewer and it never happened. Olson asked what does she mean by the City not helping her? Sjothun said the City was supposed to help with their plumbing and inspect it. Olson said this is not what the City does, only a plumber and the Building Inspector do the inspection. Schroeder said the hole for the plumbing was half recovered by the time he was informed and went to go and inspect it. Olson said it is hard to hear words like "the City never helped us" when he says years ago, he did what he could to help them, and voted to get Peterson and Sjothun a chance to make it work in Glyndon. Olson says he now regrets making those votes. He said even Owings went to Council to try and get part of their interest amount reduced on their taxes just to help them out. So as a Council, they are trying to understand how six years later, nothing has been done despite their efforts to help? Sjothun said he purchased a permit for sewer and water, but a curb stop was never installed. Olson asked if he got the work done by a professional? Sjothun said yes. Olson said if it was done by a professional, then the Council should be presented with the documentation stating so. Henriksen said the property does not have or require a curb stop, just a gate valve in the street stubbed to the lot and it is the homeowner's responsibility to take it from that point to the house. Olson said it comes down to not even wanting to extend them any more time to do the cleanup, especially after listening to the surrounding residents. He said it has been six years and nothing has been done, and he is tired of hearing about it when Council has only been trying to help them for this long. Sjothun said he did not anticipate having to attach water to a gate valve, and said he does not think any other residents would be required to do the same. Savageau said their property abuts to an industrial zone, which is why the water situation is what it is and why any work done on the valve would require additional inspection. Sjothun explained that he has a six (6) inch water line in front of his house and that is not normal for a residential line. Savageau explained the infrastructure was installed for an industrial area yet your property was zoned residential, this is why it is important to have it inspected. Sjothun said again they had the work done by a professional, but Affield said there was never any proof of this submitted to the City or to Schroeder. Olson said this is what he is getting at, where nothing has ever been turned over to the City and there is no proof. Schroeder said he received a call from this "professional" who refused to provide his name, swore at him, and claimed to have pictures of the work that was done. Nothing was ever provided to him, including supposed documentation. Schroeder said if Sjothun is still concerned about getting water and sewer hooked up, it now requires proof of a bonded and licensed professional to apply for the permit.

6. Time for Council to Discuss – Mayor Johnson said with no other comments from surrounding neighbors, he is now going to turn the hearing over to Norman in order to discuss the findings. He said Norman will draw up a resolution for Council to review and vote on during the October regular meeting. Norman said prior to the resolution, he would like to see some consensus by the Council as to how they would like to proceed. He said the section of code which brought about this hearing indicates the Council can pass the resolution based on findings, make a determination the property can be abated, or decide the property can be destroyed. Norman said abatement calls for the cleaning up of the property and bringing it into compliance. The cost of doing this can be assessed against the property and brought before District Court, which is all part of the process. He said Council will pass a resolution based upon the findings presented tonight. After going over the facts and reports submitted, the Council will issue an order

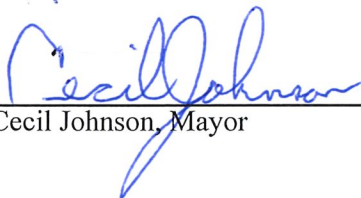
directed to Peterson that she will have a period of twenty (20) days from when the order is served, to either complete the cleanup on her own, or the City will go to the District Court to petition to do the cleanup using whomever the City hires to do it. All costs of any contractors would be assessed to the property taxes. Norman said if the property owners do not respond within the twenty days (20) then it goes to District Court. He said thus far the property owners have stated tonight their intention to clean up, but have not provided any specifics for a plan, nor have they applied for any permits. Peterson said the one and only permit she has ever applied for was denied. Sjothun asked Norman if Peterson were to apply for a permit would she be approved without having to spend thousands on hiring a bonded contractor? Norman said he cannot provide an answer to this as this would be up to the City and the Building Inspector to determine whether they would meet the terms of their requirements. Norman said over the six (6) year period, two different permits have lapsed due to non-fulfilment of the work. He said the Building Inspector may require additional conditions be met and advise the City of those as well. Olson asked to clarify with Norman regarding the initial step of giving the property owners twenty (20) days to respond? Norman said this is correct, and if they respond then they are granted an additional twenty (20) days to complete the cleanup. Olson said then this forty (40) day timeframes is something the City has the option to consider, and possibly a permit? Norman said a permit is only for the structure, and this hearing is for the cleanup of the outside of the property also. He said the findings of the County Health Inspector have deemed the outside to be a public health nuisance. Olson said he just wanted to be sure of the time frame. Norman said Council also has the option of deciding whether to enter into an agreement with the property owner. Olson asked if this meant the City buying the property? Peterson said she had sent an email to Norman at one time offering to sell the property to the City, but never heard anything back. Norman said he has never received any email regarding this, and stated he is not here tonight to discuss the buying or selling of anything. He said the hearing is only regarding the code violations of the property. Peterson's brother Jeremy spoke at this time. He said based on the State statute regarding hazardous properties, the City could use eminent domain on the property, mitigate it by abandoning it, or use abatement. He said after listening to everyone speak, it appears to him the best option for everyone is to go separate ways. He knows his sister and Sjothun want to move out, and feels they have made attempts to move out. He said he was going to try and help them financially and also help them move some things out but they were told they could not do anything until the hearing. He would like to see both sides cut through the back and forth and get to a final resolution that is fair for everyone. He added he would like to ask whether it is possible to have the specific State statute added to the minutes which goes over in detail the moving of structures from one municipality to another, and how these are deemed as "new construction." He said he had done some checking on this but had not heard of this before. He feels there are many instances where a home has been moved and it was not required that the plumbing, electric, etc. be up to new code. Schroeder said this statute most often is applied with the moving of a mobile home. When those are brought to a new city, he said it is usually required the home is brought up to code prior to even being moved. He said this is what he was told by the MN Department of Labor and Industry, but offhand he does not know the exact statute number. J. Peterson said he can see where these updates can be made easily to a mobile home, but it would be a lot more difficult for a house the size of this one. Schroeder said he is not here to discuss those old issues. He said he has been asking Peterson to make changes such as proper egress windows for the second floor, smoke detectors and CO2 detectors, etc. Some of which have been completed. Schroeder said if they started remodeling the inside, if more than fifty percent (50%) of the exterior wall is opened then it would have to be brought up to code. He said this does not mean the entire inside of the home needs to be up to code, just portions. For example, Schroeder said if the foundation has insulation put in the exterior walls and a floor put in, it will be up to code as well. J. Peterson asked to clarify if there was a specific list of items for completion? Schroeder said yes, and the repairs are basic in nature. Replacing windows, detectors and radon system, plumbing needs to be inspected, etc. Norman said an entire punch list of these items were provided by Schroeder to Peterson on more than one occasion. J. Peterson apologized for misunderstanding, and confirmed that he has seen and looked over this list. Schroeder said he could not attest to any electrical work which may need to be inspected, as he is only a mechanical/building and plumbing inspector.

Schroeder said Peterson can certainly still apply for any permits she may need, but now the City is going to require a licensed and performance-bonded contractor to agree to do the work within on a certain timeframe. J. Peterson asked who the performance bond would be to? Schroeder said it would be to the City, and if the job is not completed in the allotted time then the bond is cashed and the funds are used to finish the work. Sjothun asked if the City would accept holding onto the deed to the property so he and Peterson's family can work on the house, and if they do not complete the work the City gets the deed? Schroeder said he feels things have dragged on too long to allow something like this, but the City makes the final determination. Peterson asked what if she were to take down the addition to the house, would she be granted a permit then? Schroeder said there would be an open extension to the foundation and would most likely fill with water. Sjothun suggested they could cover it with a roof or patio, or maybe a subfloor? Schroeder said even then, they would still need a licensed contractor for the work with a performance bond. Once all repairs are made and the house brought up to code, he then can call it a livable dwelling and issue the Certificate of Occupancy. Council Member Schreiber said for his part, he has seen Sjothun come before Council many times and they have asked repeatedly for them to clean up the yard and all Council has heard is promises. He said this makes it hard for any of them to believe any promises tonight of cleaning it up, because it never happens. Peterson said she is mostly upset because no one has come and talked to her directly about her property, and the previous Chief always went behind her back. Chief Vogel said with his hiring, things between his department and Peterson are starting fresh, but he said it does not change the fact the property needs to be cleaned up. Olson added he has never personally seen Peterson at any Council meetings, just Sjothun, even though she is the owner of the property. He said Council is glad to see Peterson here tonight, but it is not fair for her to say no one has talked to her about this issue when she has never been present to speak to. Olson asked Peterson if the City gives her twenty days (20) to clean the property, can she get it done? Peterson said probably, if she is allowed to freely access her property. Olson said the City will help where they can, but will need more specifics as to how she plans to move all of the items within those twenty days? Norman said Olson brings up a valid question, as winter is coming very soon and once the snow falls, nothing will get moved. Peterson asked if the City wants everything moved, both inside and outside, within twenty (20) days? Council Member Savageau answered by saying Council wants to focus right now on the exterior of the property. She said Peterson can do considerable work even in just one day simply by removing all of the bagged garbage around the yard. Savageau said unfortunately, no one sees any improvement because one day there might be some things removed, and the next even more items have been brought back in. She said there must be visible improvement continuing before Council will consider anything longer than a twenty (20) day time frame. Savageau feels the Council is being extremely gracious with this timeframe, as she feels only five (5) days should be granted. Peterson asked again if Council just wants her to do the exterior, and if so, once the twenty (20) days are up will she be allowed to start on the interior of the house? Savageau said it is the exterior that people are constantly seeing, and Council will need to see improvements to the yard before any notion of a timeframe for the inside will be granted. Peterson said she is simply wanting to get some of her children's personal items out of the house. Mayor Johnson said the major focus is on the exterior. Affield agreed and said before the winter comes. Chief Vogel said he is going to work with Schroeder on this, but his recommendation is the citizens also deserve to see this property abated and cleaned up. Norman asked to clarify Vogel is recommending Council move forward anyway with the resolution to abate the property at the next meeting, which will be on October 7th? Vogel said yes. Norman said if work begins on the property right away, it will be up to Schroeder to decide on allowing access to the house. Schroeder said if a crew has been available to help them in the past, they should be able to get a crew to help them clean up the property now, and fourteen (14) days should be plenty of time to do it. After this, and if the whole yard is cleaned up satisfactorily, then and only then will he consider allowing access to the house. Schroeder said at this point the access to the house will be one to two days at most, with supervision, and then secured back up again once Peterson removes what she wants. He feels a two-week (2 wk.) timeline is plenty in order to get done what she and Sjothun need to do. Schreiber said by the time the next Council meeting rolls around, which is the fourteen (14) days Schroeder is referring to, if the outside is fully cleaned up then Council can recommend Schroeder allow

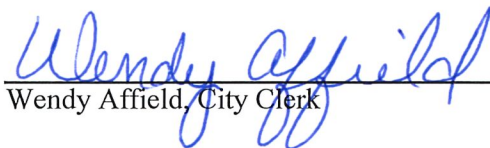
access to the house. He said if it is not cleaned up by then, the Council will keep pushing forward until it is. Olson agreed, and asked to clarify the resolution will be brought to Council at the next meeting? Mayor Johnson said yes. Olson said at this meeting Council will vote for what will happen with this property. He asked if there will be a few different options, or just one option? Norman said he will present the resolution to Council, and at the end of the resolution will come the order, which will specify what the property owner must do. Norman said J. Peterson had previously mentioned "eminent domain", and he wanted to clarify eminent domain is definitely possible when dealing with a hazardous building. Norman explained eminent domain is when a City would come forward to claim a property, and under due process the City would have to adequately compensate the property owner for the value of said property. He said he cannot discuss the value of Peterson's property as he is not an assessor, but said there is also part of the eminent domain process called a "quick take." This means the City can take possession of the property, but it all boils down to the cost and whether the City wants to invest the funds or not. Norman said this is a very strict procedure, and he feels the City will not want to look at eminent domain procedures. Savageau asked if eminent domain is a court process? Norman said yes. Savageau then said the Council would still be at the mercy of waiting for the court's timeline. Norman confirmed this as true, too. J. Peterson asked to clarify if the City chooses abatement and has the property either rehabilitated or torn down, the cost of doing so is then applied against the lien to the property owners? Norman said this is correct. J. Peterson said then there is a risk to the City with this process, in that they may never recoup the costs from the property owner, but if Council chooses eminent domain there is the chance to sell the property at a market-agreeable price. As he sees it, these are the only two options which are by consent of both parties. Norman clarified and said if the City chooses abatement, this is not by consent and would be by court order. He said the City is a long way away from considering eminent domain, and is not a discussion which is on the table at this point. Savageau acknowledged the abatement process is going to cost the City taxpayers money, but it is something the City is willing to do to move forward on this issue. However, she said these costs will be recouped by adding them to the special assessments for this property.

7. **Open Forum** - **this is the time for the General Public to address the Council regarding this topic. The Open Forum shall not be used to make political statements, political endorsements or for any political campaign purposes.*

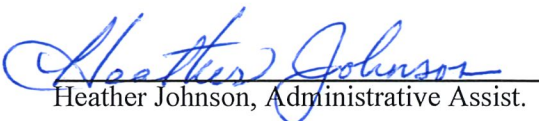
8. **Adjournment** – A motion was made by Dave Owings to adjourn at 8:07 p.m., seconded by Kimberly Savageau. All in favor.
Motion Carried.



Cecil Johnson, Mayor



Wendy Affield, City Clerk



Heather Johnson, Administrative Assist.