

Glyndon City Council - 10/28/2020

Public Hearing – 6:00 P.M.

To Recommend a Resolution be Requested Declaring the Property and Structures
Located at 202 Eglon Ave SE to be a Hazardous Property
Glyndon Community Center

1. **Call to Order:** Mayor Cecil Johnson called the meeting to order at 6:00 p.m.
2. **Roll Call:** Council Members Present: Dave Owings, Kimberly Savageau, and Justin Schreiber; City Clerk Wendy Affield; City Attorney Ken Norman; Police Chief Justin Vogel; City Building Inspector Steven Schroeder; City Engineer Kris Carlson.

Absent: Council Member Joe Olson.

As Per Sign in Sheet: Terry Thomason, Jr., Josh Breitwieser, Tracy Tollefson, Carrie Smith, Randall Henriksen, Kris Duenow, Jacob Cuchna and Wade Savageau.

3. **City Attorney Ken Norman will Explain what the Purpose is of this Public Hearing – To Recommend a Resolution be Requested Declaring the Property and Structures Located at 202 Eglon Avenue SE to be a Hazardous Property –**

Norman began by saying the purpose of this hearing is to discuss how to proceed with 202 Eglon Avenue SE. The title to this property is currently held in the name of Cecilia Lugo, who passed away on October 31st, 2012. As City Attorney, he attempted to discover if any probate proceedings had been initiated in the county, and he found none. MN statutes provide a process in which the City can declare the property as hazardous, order it to be abated, or be demolished. Norman said the City has been trying to work with members of the decedent's family over several years, and has examined the property on more than one occasion. He said the City requested to obtain permission from family members to gain access to the home on the property, but requests were not responded to. The City then obtained an Administrative Search Warrant through the District Court to enter the structure and have it examined by the City Building Inspector and also the County Health Inspector. Both have provided written opinions based on their findings, and have declared the property a public nuisance. The Council will use these reports in their deliberations. Norman said there will be testimony presented at this hearing in which Council will use to decide what is to happen to the property. The findings by the Council will be put into a Resolution for consideration at the next regular Council meeting. He said today the Mayor relayed that he had been in recent phone contact with a couple of the decedent's family members, and these persons were hoping to salvage the property. Prior to this, he and City Clerk Affield had also spoken with these persons and Affield provided them with the photographs which were taken at the most recent inspection. Some photos will be presented tonight to Council. Norman said he was advised today that one of the family members has retained legal counsel, who provided a written letter received by Affield today which indicates the family wishes for additional time, and depending upon the Council's findings tonight, they would like to work with the City in order to have the opportunity to rehabilitate the property, or raze the building on or before December 31st, 2020. Norman said the attorney for the family contacted him today, and said since the family would not be in attendance tonight, he would suggest the attorney provide Council some sort of firm plan or outline in which the family intends to move forward. Norman said at this time he is open for any questions from Council.

4. **Time Allowed for Building Inspector Steven Schroeder & Clay County Health Inspector Kent Severson to Discuss Their Reports –** Mayor Johnson said at this time he would like to have

Schroeder present his findings and report to Council. He said County Health Inspector Kent Severson was not able to make it tonight, but he did provide his report to Council for review. Schroeder said when looking at the photos of 202 Eglon Avenue, it is clear there are a lot of issues with the house itself. It is very deteriorated, but if someone were to want to fix it up there would need to be more inspections by structural engineers first. Schroeder said he is not sure as to the foundation of the house, and there could be areas which are not settled. He said the roof appears to be in a poor state and may need to be replaced entirely. If this house were to be rehabbed, and more than fifty percent (50%) would need to be opened up, then all exterior walls would need to be brought up to code. Schroeder said this would include all electrical wiring, heating, installation of egress windows on second floor, etc. He said after all the years of being uninhabited, the interior walls may be rotten on the inside, including the window sills. Schroeder said he is not opposed to someone rehabbing the home or paying to have it fixed up, but he would require documentation from a structural engineer stating the rehab can be done.

5. Time Allowed for Owner or Family to Speak – Mayor Johnson said in the absence of any family members present tonight, and with no one authorized to speak on their behalf other than the letter received today by the family attorney which will be entered into the record as **Exhibit A**, he will now move on to the next portion of the meeting.

6. Time Allowed for Surrounding Property Owners to Speak – Mayor Johnson said at this time, any property owners within the area who would like to speak can now do so, one at a time. Resident Carrie Smith raised her hand to speak first. She said this house and its condition has been an issue for a very long time, and previous Councils should have dealt with this years ago. She is happy to see the issue being addressed now, and is opposed to having the family members be granted any more time to take care of the house. Smith said she would prefer to see the family raze the building and noted they have had ample opportunity to fix it up over the years. She said the building is currently home to several feral cats and other wild animals. She is wondering what the City plans to do about the animal infestation? Schroeder said this is the reason he condemned the building as it is a health and safety concern at this point. He does not want the community to be in any danger of rodents, feral cats, etc. Smith asked Council why all this time has stretched out when this house was previously condemned years ago? Norman said the family at the time had made promises to the Council they were going to fix the home, and the other issue is that the family has never initiated probate proceedings and so the title still remains in the deceased homeowner's name. He said the family stated they were confused as to what to do, and since there has been no forward progress, the City is now moving forward. Smith said she just wanted to reiterate her point this issue has been ongoing for years, and now it is time for it to be resolved. She lives two houses down, and is completely opposed to any more time being granted to the family.

Resident Josh Breitwieser spoke next, and said he can relate to the problem of the feral cats as he lives on the south side of this house. He said the cats come into his yard and leave their waste everywhere, as well as mice running everywhere. He is tired of the nuisance.

Jacob Cuchna stated he is a member of the Volunteer Fire & Rescue squad, and directed his next question to Chief Vogel. He asked if officers have been inside the home when they are removing the cats? Vogel said no, and the only time they have been inside was when the search warrant for the inspection was served. Cuchna said Fire & Rescue does not have the necessary equipment to assist if the home were to collapse, and said this house is a health and safety risk for their squad. He said they would need to call in outside resources to help clean up the property if it were to collapse, and this would be a very high bill for the City.

Resident Kris Duenow stated there is an elderly man who comes to town weekly to feed the cats, and this would be one of his biggest complaints as he lives nearby on the same block. He said he was told this person captures the cats, has them spayed/neutered, and then releases them again. A new litter of kittens was running around the property as recently as this summer. Vogel said his department has made contact with the person before and told him he is not allowed to do this. He said this person is not a

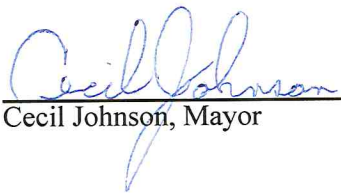
resident of Glyndon, and would appreciate anyone who sees him in town to call his office. Cuchna said he is concerned for the cats, however, and would like to know if they are going to be rehomed or put down? And is there going to be a plan for pest control? Mayor Johnson said in the past the City has placed traps around the property, and this plan will continue.

7. **Time for Council to Discuss** – Mayor Johnson said on the City’s behalf, this property has seen twelve or thirteen (12-13) descendants all but disappear in terms of keeping contact with Council. Mayor Johnson ask if any other Council Member would like to speak. Hearing no comments from Council, Mayor Johnson said Council will now make the decision of how to move forward at the next regular meeting. Norman asked if he is to now prepare a resolution for Council based upon the findings presented here this evening? Mayor Johnson said yes. Affield said the next meeting will be on Tuesday, November 10th at 7:00 a.m. Savageau said as a member of Council she would like to thank everyone who came out tonight to share their thoughts on the issue. She knows this property has been an eyesore for quite some time and there have been some delays. She agrees with those present who have expressed their frustration, and is avowing Council’s intent to move forward, not backward.

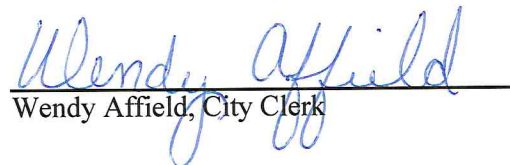
8. **Open Forum** - **this is the time for the General Public to address the Council regarding this topic. The Open Forum shall not be used to make political statements, political endorsements or for any political campaign purposes.*

Wade Savageau asked to address Council, and said if the City ever gets to a point where a decision is going to be made, he would like to have the opportunity to look at the house. He said he has forty years’ (40 yrs.) experience in renovating homes and feels this property has a lot of potential. He would like the chance to view the inside of the property and assess the structure, if the City gets to this point. Norman said the process going forward is statutory only, as the City does not own the house. He wants to make it clear the City is not in any position to sell the house. Norman said the options going forward is that the family sells the house, rehabs the house, or the City goes to district court to have the house razed. Norman stated, contacting the family would be up to you, the City is not here to negotiate a sale of that property for purposes of a private entrepreneur. At this time Mayor Johnson closes the Public Hearing.

9. **Adjournment** – A motion was made by Kimberly Savageau to adjourn at 6:24 p.m., seconded by Justin Schreiber. All in favor.
Motion Carried.



Cecil Johnson, Mayor



Wendy Affield, City Clerk



Heather Johnson, Administrative Assist.

EXHIBIT "A"

Mr. Norman –

This correspondence confirms our engagement of Victor Lugo. Mr. Lugo's background is in construction, and is awaiting the City's inspection report (which can be sent to me). Mr. Lugo has asked that the following be considered during this evening's hearing:

- 1) 10 days to review the inspection reports and/or obtain an inspection form a qualified inspector.
- 2) Upon review of the inspection report(s), the house will either be completely renovated or demolished.
- 3) If renovated:
 - a. The contents of the house would be removed;
 - b. Construction fencing and locked access would be installed;
 - c. Weekly updates provided to the City Attorney or as otherwise directed);
 - d. Renovations to be completed as soon as possible subject to weather, and utilizing all modern construction techniques (e.g., specialty precautions, etc., with respect to asbestos, if any, etc.);
 - e. Plans and permits as soon as possible (60-day or as soon as otherwise practicable).
- 4) If demolition, Mr. Lugo would proceed as soon as possible with completion no later than December 31, 2020.

As we discussed, I have been engaged to clear title and to assist in resolving any open issues with the land and house.

Regards,

=Greg

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