

## MINUTES OF THE LEGISLATIVE HEARING

### *Excerpt Pertaining to J1101A Property Clean-Ups from July 16 to 29, 2010*

**Tuesday, September 21, 2010**

627 Bush Avenue (J1101A)

Eleanor Scott and Gerald Frisch appeared.

Essling reported this is a vacant lot. This is a summary abatement with a compliance date of 7/13/10. The work was done on 7/20/10 for \$4,690 total. Paula Seeley has more information.

Scott said she never got a notice, call, nor letter. She is home all the time. She gets her mail everyday. Frisch said that Scott and he are co-trustees. All the correspondence goes to the trust. He is sensitive about the mailing. They never received the notice.

Scott said they got the rest of the mail about the hearing. Frisch added they have been cooperating with the City. The property was rezoned. There is no one living there. He has been involved with the City Attorney's Office, City Council. He is disappointed he did not receive notice on this.

Moermond asked about notices mailed. Essling responded it was mailed to Richard A. Wybierala Trustee, 625 Lake Shore Drive, Sauk Centre, and there is no returned mail. Scott responded she did not get it.

Moermond stated she would like to look at the video and a copy of the order.

(A video was shown.)

Scott reiterated that she never got anything. All that trash by the road is thrown over by people. She has talked to the City about it and the police department. When she gets a notice, she tries to take care of it.

Frisch stated he would like Moermond to look at another case regarding a similar issue, in which the appellate court said the assessment could not be levied. Moermond responded there is a difference of opinion about the notice.

Paula Seeley stated this is illegal dumping obviously. The owners need to take responsibility for barricading that entire area. People keep going in there.

Moermond stated they are not proactive taking care of the situation. The owner is saying that she did not get the mail, but Moermond hears this all the time. She would like to look at the records to see if it is consistent with what they are saying. The owners should get out to the property today. They should have people fixing the fences there. If there is a problem with dumping, then they should deal with it. Notice-wise, it is not required by the City to make sure the mail is in the owner's hand and opened.

Frisch gave Moermond his card and to have him notified also. Moermond responded that she cannot tell the inspectors to mail it to him. If he wants to be notified, he has to get on the county records.

(Moermond's recommendation is *forthcoming*.)

960 Conway Street (J1101A)

The following appeared: Steven Cormier, owner, and Lisa Schultz.

Essling said the orders were to remove wood, refuse, furniture. The orders were mailed on 7/14/10 with a compliance date of 7/20/10. The work was done on July 22, 2010 for a total of \$456.

Cormier said that they gave him one week to do this. His father was in hospice and he died August 1. He called the inspector, told him the situation, and asked for more time. He was going to get rid of it in a few days. They took down the fence he had and some other stuff that was left there when he bought the property, minus the door. They did not take anything that was not there for about 15 years.

Moermond asked did he speak to an inspector. Cormier responded he talked to Jack Reardon and told him the situation and that he was giving his father rides. It was bad timing.

(A videotape was shown.)

Cormier stated he removed half the stuff. The windshield was still there. Lisa Schultz concurred.

Moermond's recommendation is *forthcoming*. (On September 22, Ms. Moermond reviewed the file and *recommended deleting the assessment as it was a good faith effort on the owner's part.*)

**Tuesday, October 5, 2010**

371 E.Cook Avenue East (J1101A) (Laid over from 9/21/10)

Phillippe Hamze, owner, stated he just realized that his paperwork from his construction company has the wrong number on Cook Avenue. He would like it laid over so that he can get the appropriate paperwork.

Moermond *laid over to October 5 Legislative Hearing*.

227 Page Street East (J1101A)

(*Rescheduled to the October 5 Legislative Hearing.*)

690 Sims Avenue (J1101A)

*(Moermond's recommendation is forthcoming)*

1864 Stillwater Avenue (J1101A)

*(Rescheduled to the October 5 Legislative Hearing.)*

1407 Virginia Street (J1101A)

Thomas Cross, Delores Cross son, appeared.

He did get notice, got a card, and sent it back.

Inspector said the nuisance was tall grass and weeds. The order were mailed on 7/14/10 with a compliance date of 7/19/10. The work was done on July 21. The notice went to Delores Cross in Chicago, and the total is \$300. There is a list of other work on the property.

Moermond asked how long they owned it. Cross responded April.

Cross said they understand that this is a vacant category. He did not get around to cutting the grass. He would have cut it right away. She is more concerned about the vacancy fee. It got sent to her and it was gone. He needs to pull some permits. The basement is done. The plumber is done. The doorknobs are on. The smoke detectors should be in there October 31. They pulled the permits. The work has all been done except for plumbing.

Moermond asked have they talked about the vacant building fee before. Cross responded she was going to see where they were at. Moermond stated that was laid over to October.

Moermond stated they were good on the lawn. She asked is he okay with it being on the taxes. Cross said he is okay with that.

*Moermond recommends approval of the assessment. The vacant building issue remains open.*

## **October 5, 2010**

371 Cook Avenue East (J1101A) – laid over from 9/21; *reduce the assessment from \$494 to \$247 (made good faith effort).*

Phillippe Hamze, Appellant and Jim Horske, Horske Construction appeared.

Ms. Moermond asked for a staff report. Mr. Yannarely reported that a Summary Abatement was issued on July 9, 2010 for cleanup of wood, window, rubbish, tarp and brush in the yard, with a compliance date of July 15, 2010 and a check date also July 15, 2010. The resulting work order was sent to Parks and the work was performed on July 19, 2010.

Ms. Moermond asked the Appellant whether they were rehabbing or trashing out the building at the time. The Appellant responded that he had Horske Construction come out and perform cleanup. Mr. Horske cut the grass and laid branches aside, neatly. Mr. Horske also raked the yard and trimmed and put leaves into bags and set them neatly in the alley to be hauled away because he had no key to the garage. He left the tarp purposely on the sawhorse next to the garage, neatly. Mr. Horske did not have a trailer or he would have removed the bags of grass, etc. The Appellant said he thought everything was cleaned up. He had purchased the building in June of 2009.

A video was played showing the wood next to the garage and the sawhorse with the tarp. Near the alley there were trash bags and branches, wood, etc. before it was removed by the City.

Ms. Moermond said that she saw a good faith effort but would only split the assessment in half. *She recommended reducing the assessment from \$494 to \$247 due to the Appellant making a made good faith effort.*

1786 Hawthorne (J1101A) - approve the assessment.

Alex Aqel appeared.

Ms. Moermond asked for a staff report. Mr. Yannarely reported that a summary abatement for tall grass was issued July 12, 2010 with a compliance of 72 hours, checked on July 16<sup>th</sup>, 2010. A work order was sent to Parks and work was performed on July 21, 2010. Mr. Essling said that there are two (2) assessments for tall grass and weeds.

The Appellant said that he recently purchased the property and was working on rehabilitating it but money is tight. The Appellant said that he was out of the country for a month and had contracted for lawn service. He was unaware that the contractor expected COD payment the same day that the work was performed. The contractors had performed the work once, and when they were not paid, they did not return. The Appellant was unable to pay them once he was out of the country. The Appellant said that he was hoping for a reduction on the assessment(s), and that he had hired the wrong people; the situation was simply beyond his control.

*Ms. Moermond said that she was not comfortable with granting a reduction as the City had to perform the work. If this outcome is unsatisfactory, the Appellant was encouraged to go before the City Council.*

The Appellant also had a window item, on 1789 Maryland, and was advised to file an appeal; it would not be heard that day.

227 Page Street East (J1101A) – rescheduled from September 21; delete the assessment per DSI.

Dario Abila and his mother appeared.

Ms. Moermond asked for a staff report. Mr. Essling said that there was an error on the summary abatement: the wrong compliance date was listed; it should have been July 27, 2010, not

September 19, 2010. Mr. Essling recommended deleting the assessment. *Ms. Moermond recommended deleting the assessment per DSI.*

690 Sims Avenue (J1101A) – forthcoming; (continued from 9/21 – written testimony via email);  
*delete the assessment.*

Ms. Moermond read an e-mail from the Appellant not present that day, and recommended deleting the assessment.

1864 Stillwater Avenue (J1101A) – rescheduled from September 21.