

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

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August 16, 2012

Mayor Dains called the Special City Council Meeting to order at 6:30 p.m.

Councilors present: Mary Gaasch, Roxanne Grove, Lara Mac Lean, Denise Hawkinson, and Mayor Jeff Dains.

Staff present: Heather Butkowski, City Administrator and Jim Bownik, Assistant to the City Administrator.

Mayor Dains said the meeting was being held to discuss a rental housing license issue. He explained that the Council would accept testimony from all interested parties but all must address the Council from the podium. The Mayor then introduced the city attorney, Ron Batty.

Batty said the Council would be asked to act in a quasi-judicial manner when discussing the matter of the rental housing license. The Council will need to determine the facts and then make a decision regarding the license. The council packet contained a memo from Batty, the police calls from the property in question, and correspondence between the owner and city staff. During the meeting the Council could take additional testimony before making a decision. Batty suggested articulating the Council's findings and having staff prepare a resolution summarizing them for approval at a future council meeting. The Council may also continue the public hearing at a future date if necessary.

The Mayor opened the floor for testimony.

Doug Turner, attorney for Allan Geise, Geise Rice Creek, LLC and Trilogy Property, LLC addressed the Council. He said he was from the firm Hanbery and Turner, P.A. Also present was Josh Benson of Trilogy Properties. Turner explained that the property owner accepted Housing Choice Vouchers (previously known as Section 8). He said the owner was coming in a spirit of cooperation but dealing with the issue would be difficult as he didn't know if the incidents in the police reports would substantiate an eviction in housing court. Turner also highlighted one of the incidents, feeling it would not stand as it involved domestic violence. He noted that Geise had promised via a management plan to evict the resident if there were future incidents. But he explained again that he couldn't promise this based on the incidents in the reports. Turner asked for more time to discuss the matter with the police and suggested non-renewal of the tenants' leases which will end December 31. He mentioned they were also exploring the option of a mutual-termination agreement.

Benson addressed the Council. He said the property is maintained and up to code. He said taking the license would be devastating to the tenants and make it difficult for the owner to pay the bills. He said the matter was being handled.

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The Mayor asked how the matter was being handled. He said the testimony until this point has not addressed how the issue is being handled.

Turner said Benson has met with the tenants to discuss how their conduct may make them homeless. They impressed upon the tenants the need to be lease compliant but he said they can't control the tenants' future conduct.

Councilor Hawkinson asked if their hands were tied because they rent the property as Section 8. Turner said they are in that the tenant will likely receive legal aid to fight the eviction and because the owner has to prove in court that the incidents are serious.

Butkowski asked Turner to explain the relationship between Allan Geise's company and Trilogy Properties. Turner explained Trilogy Properties is a property management company that maintains the property for Geise.

Batty addressed the Council. He said he would defer to Turner regarding the ability to evict the tenant but the Council's purpose was to apply the ordinance to the situation. The Council must decide if there were enough incidences of disorderly conduct to take action against the license. He also noted that the noise violation mentioned by Turner was not one of the calls that triggered the hearing as there have been six calls to the property since the start of the year. Batty also addressed the domestic abuse law. Batty said in this case the police were called by a neighbor and it wasn't determined until later that the tenant had also called.

Turner reiterated that he feels the three alleged incidences do not rise to the level of violating the ordinance. He suggested the Council consider the underpinnings of the reports. He said it would be unfair for someone to be held accountable for welfare checks or fights in the street.

The Mayor asked Turner to clarify his argument. At first the argument was the inability to evict, now Turner was disputing the calls. The Mayor said the City is trying to provide a safe community and the police do a good job. He followed by asking Turner what he thinks the city should do.

Turner said he sees the issue both ways, that there is not enough evidence to evict and that is based on the police reports. He said he wasn't saying the police weren't doing a good job, just that an eviction would be difficult based upon the police reports.

Gaasch said she appreciated the spirit of cooperation Turner, Benson, and the tenants have presented by being at the meeting. However, she said she does not feel sorry for individuals that make themselves homeless based upon their conduct. She said Lauderdale has basic expectations that most cities have and she is concerned that the owner has brought forward no

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options for resolving the situation. She also noted that tenants did not cooperate with the police at the time of the calls.

Butkowski pointed out that calls for service were not included in the packet; there were additional calls to the property beyond those included in the report.

Jodi Glauvitz addressed the Council. She said she has lived at 1954 Malvern Street, the upstairs unit, for six years and has lived in the City for 38 years. She said the owner keeps the property up and that she helps by mowing the yard. She said she didn't think she should be penalized for the few incidents she has had. She also said she didn't want to have to leave.

Councilor Gaasch asked Glauvitz to address the call she was party to.

Glauvitz said it was an incident regarding lost keys. Gaasch noted that the issue was public intoxication. Glauvitz reiterated she was concerned about her keys and would do a better job of keeping track of them.

Orase Mehrete, 1954 Malvern Street, the downstairs unit, addressed the Council. She said she felt she shouldn't be held accountable for the incident in which she called the police. She also said she had started a full-time job and that there would be no future disturbance calls.

The Mayor asked her how she would manage people coming to her house and whether she would call the police.

Mehrete said she has called the police. She also mentioned that she feels the police unfairly monitor her property.

Gaasch suggested that the police may monitor the property because of the history of calls to the property. She pointed out that the police reports indicate that Mehrete has been uncooperative when they are called. She then asked Mehrete how she would correct her action.

Mehrete replied by disputing the calls.

Bryan Olson, 1592 Roselawn Avenue in Falcon Heights, addressed the Council. He noted examples of how Minneapolis handles housing violations.

Ilze Bakuzis, 1927 Malvern Street, addressed the Council. She suggested that racism was involved in the calls that neighbors made regarding the property.

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Batty reiterated that the Council must determine the facts, apply them to the ordinance, and determine what the remedy will be for the property. He reminded the Council that 30 days after closing the hearing they must make a determination.

The Mayor said the ordinance was adopted because the City has significant rental housing and the Council responded to community complaints that the properties weren't maintained. The Council created the ordinance with the feedback of landlords, thereby creating a social contract with them. The ordinance has been effective and this is the first time the Council has had to hold a hearing regarding a license in six years.

The Council discussed whether to continue the hearing.

Councilor Grove moved to continue the hearing on September 13 at 6:00 p.m. Councilor Gaasch seconded the motion and it carried.

There being no further business on the council agenda, Councilor Mac Lean moved to adjourn the meeting. Councilor Gaasch seconded the motion and it carried. The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Heather Butkowski
City Administrator