

Quasi-Judicial Hearing

June 16, 2022

Magistrate Libby called the meeting to order at 9:01am.

Welcomed Ms. Gibson and Mr. Stryker. Stated the hearing is open to the public, but they do not participate unless called upon to testify. Following Ordinance 395 and others as they may show up.

Attorney Tim Sloan present, Code Enforcement Officer Melissa Correia present.

1. 5711 E Hwy 98 – La Brisa Inn, Rudra P Inc. - Jay Patel of Nashbuilt Inc, Kishane Patel attorney for Rudra Inc, Rudra Patel and Melissa Correia sworn in.

Came before council February 2021, order given for 60 days to obtain a permit or demo, today at periodic update to determine if complied with order and current condition. April 5, 2022, order to get evaluation and structural engineer report. Review notes sent on December 15, 2021, from engineer of city unanswered. Swimming pool not covered, remains a danger, city requests demo of property as it has been 16 months since original order and no progress has been made. Pictures from yesterday submitted with packet to Magistrate. Magistrate requested architect drawings. Mr. Jay Patel hired a civil engineer, Robert Carroll, will submit engineering plans in the next 2 weeks. Choice Hotel must approve the plans. Kishane Patel stated they have been working with the franchise to see which brand hotel would be best. Working with Quality Inn under Choice Hotels. City has had no communication with owner or contractor. City asked for structural engineer report previously and failed to receive it. Jay Patel will have report to City by end of next week. Financing through The First is underway, letter to that effect received from Kishane Patel today. Magistrate requested that timelines be set and met. Will send final orders to Jay Patel and Kishane Patel as well as owner. Review of new plans will need to be completed, Jay Patel will resubmit a development request and pay fee. All past fines of \$850 have been paid. Attorney Sloan will input new time frames, 10 days to submit MK Weber report, 60 days for structural drawings, start construction within 30 days of receiving building permit, 15 months to build, understanding that there are supply chain issues and may cause delays in building. All orders will be sent to owner, Jay Patel and Kishane Patel. Attorney Sloan stated that if compliance is not kept that the next meeting could lead to demolishing the structure.

2. 137 Blackshear – 9:29 swore in M Correia, owner not in attendance

Before Magistrate previously, obtained remodel permit in March of 2022, no plans submitted and not in compliance currently. Fines today equal \$22,00. Asked Magistrate to quantify the fine, did so at \$22,000 daily fine, \$500 attorney fee and \$35 city cost fee, 31 days to demo or city may abate the property.

3. 507 N 11th St – Harry Vorderberg and M Correia sworn in at 9:34.

Case previously heard by Magistrate in February of 2022. Two roof permits have been issued, roof remains open, no plans submitted, fines currently at \$23,750 recommend demo in 31 days. Permit still open and not expired for roof. Home is under contract to sell, will close in 2 weeks per Harry Vorderberg, to a contractor. Magistrate quantified the fine at \$23,750, \$500 attorney fee and \$35 city cost fee, 31 days to demo or city may abate the property. Attorney said the buyer can talk with the city, Magistrate said owner can apply for reduction of fines using the form given to the city clerk. Harry Vorderberg will pick up form after hearings.

4. 728 S Hwy 22A – Juan Glenny, notarized letter given to speak for owner/daughter Ashley Glenny, and M. Correia sworn in.

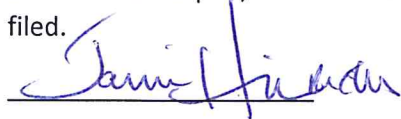
Attorney Sloan stated the case has had 5 previous hearings, numerous costs incurred, fines now \$5340.16 for abatement of property, \$30328 daily fine total of \$35,668.16 currently. Juan Glenny requested a reduction in fines, plans to rebuild the home. Attorney Sloan stated no fines have been paid. Magistrate stated the city has hard costs of the actual demolition of the structure, \$5340.14 for demolition, \$1078 and quantified daily fine at \$7500 total of \$13,918.16, Magistrate ruled for the city for the \$13,918.16.

5. 4919 E 2nd St – Leonard Thomas and M. Correia sworn in.

Attorney Sloan stated case seen in February 2022, photos submitted. Permit obtained in March 2022 for roof, two sheds in neglected condition, daily fine at \$22,000, last active water utility account on property was in 2018. L Thomas living in home and having financial difficulties, no car to get materials. L Thomas said he is guarding the home and does not want city to steal his property. Used extension cord from neighboring home for electricity. City asks 31 days to begin work as permit is currently active. Magistrate quantified the fines at \$7500 daily fine, \$500 attorney fee and \$39 city mail costs. Attorney Sloan asked to include 31 days to start work on main house, 31 days to get structural engineer report or demo home, 31 days to cut grass. Magistrate ruled for the city.

6. 5408 Lake Dr – owner not in attendance, M Correia sworn in.

Case seen in February 2022, no fines at that time, tarp on roof and no permits on property, no communication from home owner. Daily fine at \$22,000 currently. City asks for 31 days to pull permit or abate the property. Magistrate quantified the fine at \$7500. Mr. Jim Talley sworn in, stated owner contacted him 2 or 3 days after last order and stated he was getting a permit or would demo structure. Structure is warped, no further communication. Magistrate asked for an affidavit of noncompliance be filed.



Jami Hinrichs, City Clerk