

Night of Music starts tonight at AG Church. C1.

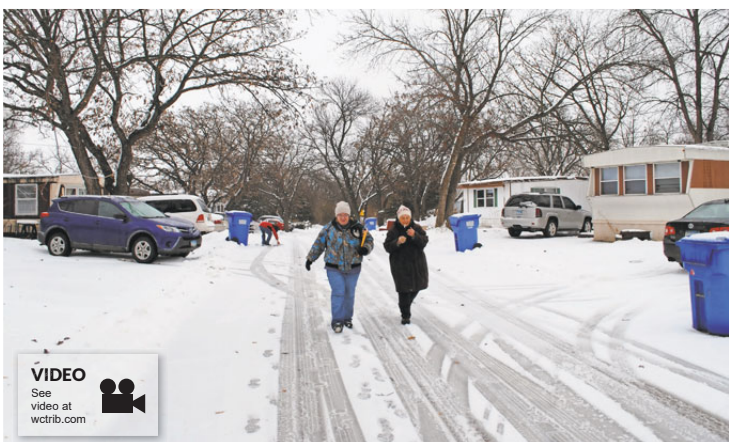
Willmar girl is Golden Gloves boxer. B1.



WILLMAR, MINN.

THURSDAY, DECEMBER 12, 2019

\$1.00



Photos by Tom Cherveny / West Central Tribune
Katie Polman, left, and Shannon Larson went door to door Nov. 30 in the Chippewa Terrace Mobile Home Park in Granite Falls to encourage residents to attend a meeting to hear about their rights and possibly form a residents' association.

GRANITE FALLS TENANTS SEEK LEGAL HELP AGAINST NEW LANDLORD

Complaints include distrust of disbarred Pennsylvania attorney who owns mobile home park

By Tom Cherveny
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Granite Falls
After purchasing the Chippewa Terrace Mobile Home Park in Granite Falls in March, new owner Scott Kramer of Pennsylvania sent residents a letter telling them of a rent increase three days before it was due, along with news of "good changes coming to the Park."

The changes included plans for summer barbecues and a Christmas visit by Santa Claus to give gifts to their children.

A couple of weeks before Christmas, residents in the park are hoping instead for a visit by attorneys with



Shannon Larson, left, and Katie Polman said they heard concerns from residents throughout the Chippewa Terrace Mobile Home Park in Granite Falls when they went door to door Nov. 30 to encourage them to attend a meeting on their rights.

the Minnesota Attorney General's office. At a session with an attorney from Mid-Minnesota Legal Aid on the evening

of Dec. 5, nearly two dozen residents, including owners of 16 of the 35 manufactured homes in the park, outlined a litany

of complaints against the new landlord of the park on U.S. Highway 212 East.

Attorney Adam Fleischman, with Mid-Minnesota's Willmar office, said staff will be discussing whether to bring the concerns to the attention of the Attorney General's office. He also offered to meet individually with residents to discuss their individual issues.

"The tenants' concerns start with their distrust of Scott Kramer. They have learned that he was disbarred as an attorney by the Pennsylvania Supreme Court. In a July 30 decision, the court cited him for "ethical

LANDLORD: Page A3

House Judiciary debates articles of impeachment against Trump

By Michael Brice-Saddler and Colby Itkowitz
The Washington Post

The House Judiciary Committee on Wednesday evening weighed articles of impeachment accusing President Trump of abuse of power and obstruction of Congress, with both parties gearing for a spirited debate about his conduct toward Ukraine.

Trump is just the fourth president in U.S. history to face the prospect of such a sanction for misconduct in office, which could be approved by next week on the House floor.

At the heart of the Democrats' case is the allegation that Trump tried to leverage a White House meeting and military aid, sought by Ukraine to combat Russian military aggression, to pressure Ukrainian President Volodymyr Zelenskyy to launch an investigation of former vice president Joe Biden and his son Hunter Biden, as well as a probe of an unfounded theory that Kyiv conspired with Democrats to interfere in the 2016 presidential election.

After more than three and a half hours of opening statements from every Judiciary Committee member Wednesday night, the members will reconvene at 9 a.m. Thursday to debate and vote on articles of impeachment against Trump.

Republicans will have the opportunity to offer amendments. Once they're finished, the committee will vote first on Article 1 and then on Article 2.

On Wednesday night, Democrats and Republicans portrayed the vote as a moment in history and dared the other to be on the right side of it.

House Judiciary Committee Chairman Jerrold Nadler, D-N.Y., opened Wednesday night's hearing by detailing the rationale behind the two articles of impeachment drafted against President Trump: abuse of power and obstruction of Congress.

He called the facts, laid out in previous hearings, "overwhelming." "President Trump should have been focused on America's national security," Nadler said. "Instead, he completely ignored them to push his own personal, political interests."

Nadler closed with an appeal to House Republicans, reminding them that Trump would not be president forever. He implored them not to justify behavior "that we know in our heart is wrong."

"When his time has passed, when his grip on our politics is gone, when our country returns, as surely it will, to calmer times and stronger leadership, history will look back on our actions here today. How would you be remembered?" Nadler asked.

"We have each taken an oath to support and defend the Constitution against all enemies, foreign and domestic. I hope to be remembered for honoring that oath. I hope you feel the same."

Rep. Doug Collins, Ga., the top Republican member on the House Judiciary Committee, said the Democrats are "tearing down a world leader" and calling Zelenskyy "a liar" by suggesting he felt pressured by Trump when the Ukrainian president has said he didn't.

"When we can't make IMPEACH: Page A3

New tax treatment for Minnesota cabins?

State revenue department to reevaluate properties in response to more short-term vacation rentals

By Brian Bakst
MPR News

ST. PAUL — Letters to some Minnesota cabin and vacation property owners arriving this month pose questions that could carry significant tax ramifications, possibly bumping their land into a costlier commercial classification.

It comes down to this: Are the properties being used more as personal retreats or more to pull in extra income by listing them as short-term rentals?

The answers will be used to assign

a primary use. And that matters because different classifications of properties carry different tax rates.

The reevaluation, triggered in part by a May memo from the Department of Revenue, has stirred up concern in lake country and already led to calls for state lawmakers to get involved.

"Minnesotans love their cabins," said state Sen. Tom Bakst, DFL-Cook. "I think it's likely to boil up and become a hot-button issue in the session."

Assessors in Cook County along the Lake Superior shore and Otter Tail County in northwest Minnesota are among those that mailed out notices in recent days.

Under penalty of law for making false statements, property owners

are asked to inventory the number of days they personally stay at a property and the number of nights other people rent it for short-term getaways.

While property values affect the specific rates someone pays, seasonal recreational taxes are typically lower than commercial, sometimes considerably.

"I think this is a big, big deal. I'm very concerned," said Mike Larson, who runs Cascade Vacation Rentals, a company that manages about 170 properties owned by other people in the North Shore region.

Larson has begun preparing his owner clients for possible sticker shock. He's worried that some

CABIN: Page A2



MPR News file photo
A large cabin dwarfs a smaller cabin on an island on Lake Vermilion in northeast Minnesota.

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Appeals court affirms city not liable in Madison sewer backup

By Tom Cherveny
tcherveny@westtrib.com

MADISON — In a ruling filed Monday, the Minnesota Court of Appeals affirmed a Lac qui Parle County District Court finding that the city of Madison was not negligent in a homeowner's sewer backup.

Madison homeowners Lauren Dvorak and Timothy Judovsky appealed the District Court decision that the city was not negligent and was entitled to

immunity from their lawsuit. Six inches of sewage backed up into their basement following a torrential rain on Aug. 11, 2016.

During the early morning prior to the backup, the city wastewater plant operator responded to an alert from the plant's control system. He found the level of water in a wet well at the plant was at a high level but the pumps were running. He concluded that the system was satisfactorily handling

the flow, according to the court's findings.

When the plant operators were alerted to the backup in the plaintiffs' basement, they took action to bypass the flow and the sewage drained from the basement.

The city had invested more than \$10 million over the previous three years to upgrade its stormwater and sanitary sewer system and \$4 million to install three new pumps at the plant. The court

noted that only two segments of the sewer system were not replaced as part of the project because the Minnesota Department of Transportation had denied permission to disrupt the highways under which those two segments run.

The plant operator believes the backup occurred because the heavy rainfall caused the older stormwater pipes — that the city was not allowed to replace — to leak into the sanitary sewer system.

There was also speculation that the sewer backup may have been caused by too many residents discharging their sump pumps into the sanitary sewer system in violation of a city ordinance, according to the court findings.

In the ruling, the Court of Appeals noted that the District Court was in the best position to determine whether the facts showed negligence. There was nothing in the record to contradict that determi-

nation.

Vicarious official immunity protects governments from suits when the response of staff is appropriate to the situation and based on a discretionary judgment made at the scene. The plant operator had no manual or policy to follow in this case but relied on his experience. "This is the type of emergency or crisis situation in which official immunity is meant to apply," stated the court decision.

IMPEACH

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our case, we tear down, not only try to tear down the leader of the free world, President Trump, but we're tearing down the newly elected leader of the Ukraine. This is amazing to me," Collins said.

"I never thought we would cross outside of the ocean to try to basically impugn the integrity of a world leader like we have been on the last two

hearings," he added.

One of the Democrats' central arguments for impeachment is their contention that Trump tried to use a vulnerable ally to help him politically.

Collins, his voice raised to a yell, also railed against the Democrats for not allowing the Republicans to hold a minority hearing, warning that one day the GOP will be back in power and will tell the Democrats they "put a dagger in minority rights."

The penultimate speaker, Rep. Debbie Mucarsell-Powell

(D-Fla.), noted that many of her constituents had fled dictatorships in Cuba and Venezuela that "choked the economic, social and political potential of those countries for the benefit of those who hold power."

In contrast, she said, the United States is a "beacon of freedom — a place where anyone can get a fair shot."

But, she said, the United States is also a country where "even the most powerful are held to account."

"We cannot accept a president who says America first,

but really puts his own interests before the country," she said. "We cannot accept a president who makes a show of hugging the American flag but whose obstruction of congress takes a big black sharpie on Article I of the Constitution."

Rep. Ken Buck (R-Colo.) accused Democrats of "looking for any excuse" to impeach Trump since his election and said their efforts would ultimately backfire.

"Democrats are so righteous in their belief the president must be impeached that they

ignore plain facts," Buck said, characterizing their impeachment argument as flimsy.

"I tell my colleagues: 'Go ahead, vote to impeach President Trump tomorrow. But when you walk out of this hearing room call your freshmen colleagues and tell them they're not coming back and you hope they've had their fun,'" Buck said. "Say goodbye to your majority status and please join us in 2021 when President Trump is inaugurated again."

rights on Dec. 5 that she intends to resolve their maintenance issues one by one.

Manager Danielle Lund acknowledged that the park is not in the shape it once was. "I like the trailer park and want to get to where it was before," she said.

A local plumbing contractor and electrical contractor attended the residents' meeting to state their concerns about not being paid for services provided at the park. They said a number of contractors and vendors in the community are owed money by the new owner.

Electrician Troy Eiegen has restored a number of calls to restore electrical power to homes. He said it puts him in a difficult position when people call to restore power needed to run their furnaces. "I can't afford to go to them because I'm not getting paid. I want to know where this is all going to go."

Kramer said he has heard the concerns and said he has now sent payments to the contractors. He said his largest bill with a local hardware store was paid by the former manager for a \$4,000 lawn mower without Kramer's knowledge. Nonetheless, he said he is honoring the purchase and making monthly payments on it.

Resident Shannon Larson told the West Central Tribune she is fearful that Kramer is trying hard to evict her because she has spoken up. "We can't afford to move anywhere else. He tries really hard to evict us," she said. "It is very intimidating. We know our legal rights (and it) makes him more mad."

Granite Falls City Council members attended the residents' meeting and expressed their concerns. One termed it "a real mess."

"It's a horrible situation you guys are in," EDA Director Anderson said after hearing the residents concerns.

"Look, I'm not a bad guy," Kramer told the West Central Tribune by phone. "I'm trying to make the park better and transition to tenant-owned (units). People have more pride in their community."

LANDLORD

From Page A1

misconduct" against six clients that spanned six years. Some of the conduct represented "outright theft," stated the state Supreme Court, with the most serious occurring against a man accused of ties to a Mexican drug cartel.

The Pennsylvania Supreme Court found that Kramer had charged his client a "clearly excessive" retainer totaling \$420,000 and accessed over \$746,647.96 from the client's court-mandated account. Kramer repaid the man a portion after a complaint was filed, but the court stated he had not repaid \$507,900 to the man. The other five clients, one a disabled veteran, reported lesser monetary losses.

Kramer told the West Central Tribune in a recent telephone interview that the disbarment was "political in nature" and blamed it on "political corruption" in Pennsylvania. "I believe my case was fixed," he said.

Chippewa Terrace residents Shannon Larson and Katie Polman went door to door in the park Nov. 30 to urge residents to attend the Dec. 5 meeting with Granite Falls city officials and the legal aid attorney in hopes of seeing change.

"Our main goal is just to make this a better place to live, to get the community rallied to our side, and to have houses that are safe to live in that are up to code," Polman told the West Central Tribune in an interview.

They and residents at the meeting hope to form a residents' association. Their concerns are many. They object to a mandate from the new owner forcing those who were leasing their mobile homes from the park to purchase them from him. Polman said she specifically told the park manager she wanted to lease her trailer when she moved into the park in May. Now, she said her monthly lease includes a \$100 fee toward the purchase of the trailer.

"The thing is, a lot of us are low-income or on disability," Polman told the West Central Tribune. "We don't have the income to fix our trailers or maintain our own properties."

Shannon Larson and William McGraw were among the trailer owners at the meeting who said they purchased their trailers due to Kramer's mandate.



Mid-Minnesota Legal Aid attorney Adam Fleischman, standing at left, heard the concerns of residents in the Chippewa Terrace Mobile Home Park in Granite Falls during a meeting Dec. 5. Residents, city officials and contractors who say they have not been paid for work at the park were among those in attendance.

They paid \$1,800 for a 1970s-vintage unit, all of them told the legal aid attorney that they have not seen titles from Kramer for their purchase.

Fleischman said he is not sure whether Kramer can force residents to purchase trailers. He is also attempting to determine whether Kramer has a license and is bonded to sell trailers as required under Minnesota law. The new trailer owners said they do not know if there may be liens against the units.

Kramer denies forcing residents to purchase their trailers, but his letter in March stated that with the exception of Section 8-subsidized home, residents with park-owned homes will "automatically be purchasing their homes from the park."

In the telephone interview with the West Central Tribune, Kramer said the vast majority of residents have chosen to purchase their trailers, with the exception of two tenants who continue to pay rent. "In the long run, I am making people homeowners instead of renters," Kramer said.

Attorney Fleischman told residents at the Dec. 5 meeting that state law requires that the residents receive titles when they purchase their residence.

Kramer said the titles are held by former park owner Gary Dalager as collateral while Kramer is in the process of refinancing the mortgage on the property. He said residents who

purchased their trailers have received bills of sale, and will receive the titles when released by Dalager.

Residents said they had been told that Kramer purchased the park on a contract for deed from its previous owner. Cathy Anderson, economic development director for Granite Falls, said state records show that Kramer purchased the property in a cash transaction for \$730,000 from Dalager.

Park residents at the meeting charged that they are being harassed by Kramer with what many called "fake" threats of eviction when they speak up for their rights. Most nodded in agreement when one woman said they fear retaliation for speaking up about concerns over unmet maintenance needs.

Kramer said he is seeking to evict two residents he described as "rabble rousers. They haven't paid their rent since September and I am evicting them," he said.

William McGraw said he purchased his trailer, and yet afterward, Kramer sent a police officer to his door with a

trespass notice. Shannon Larson said Kramer accused her of being suicidal and giving drugs to someone. She and McGraw recently filed a civil claim for their security deposit held by Kramer.

Fleischman said Kramer cannot evict residents unless they violate any of eight specific legal requirements, such as not paying their rent or violating the law. And, Kramer cannot evict someone unless he obtains a judge's order.

At the meeting, Jason Abel said he moved out of the park after the ownership change due to his belief that Kramer was not treating people as required by law. He said he and his wife have left the park, but have not received their original security deposit from Kramer despite their demands for it. They have not received a requested written itemization from Kramer as to what repairs the landlord told them were performed on their trailer, as the law requires, they stated.

Residents at the meeting charged that since taking over, Kramer has told residents they

must pay a \$50 monthly fee for water. Fleischman said he does not believe such a substantial change to existing leases is legal.

Kramer said that since the Dec. 5 meeting, he has modified the leases to make the water fee part of the rent. The \$30 monthly rent plus \$50 water fee has been changed to a lease fee of \$360 per month. He said each unit will have separate water meters installed in the spring and water fees will be paid directly by the unit owners to the city.

Despite promises by Kramer to "spruce up the park," residents said conditions in the park are deteriorating. They said the previous park manager, who began serving a prison sentence this month, had not responded to many of their requests for maintenance.

The landlord said he blames many of the maintenance issues raised by residents on the former manager. He said he fired him when he learned that the former manager was paying to have things fixed, "but he never did them."

He has appointed a new manager, who told

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