

**Public Hearing Minutes
February 7, 2023 5:00pm
City Hall, Council Chambers**

Call To Order:

Mayor Omerza called the public hearing to order at 5:00pm.

Present: Council members Kess, Debeltz, Callen, Campbell, Bisbee and Mayor Omerza
Absent: Council member A.Forsman

Purpose:

The Public Hearing will be for the consideration to not renew a rental license at 105 W. Conan St. A rental inspection was done on December 10, 2022, the building was found to be not rentable since the building does not comply with health, building, maintenance, or other provisions of the City Code.

The following information was provided in the public hearing packet:

- Rental License City Code
- Rental Inspection 105 W Conan December 10, 2022
- Public Hearing Notice
- Rental Inspection 105 W Conan January 23, 2023
- Inspection Check List 105 W Conan January 23, 2023
- Bentz letter to City – January 27, 2023

Building Official Whitney discussed the rental inspections that were completed on December 10th and January 23rd some of the remarks from the inspections include:
Exterior-

- a. Found peeling paint or lead based paint. Uniform color and appearance. All walls must be protected from the elements by paint or other protective coating/treatment.
- b. Missing Stairs/Porches/Decks on rear of building.
- c. Found doors in poor condition and disrepair, and not capable of being easily opened.
- d. Noted windows in very poor condition, with missing glass. If openable window, must have hardware to hold in the “open” position, fit tight in frame and secure locking mechanism. (Locks required on every window up to and including second story or accessible by fire escape, stairs, etc.) Windows must be equipped with screens, missing.
- e. The Roof is new.

Interior –

- a. Found exposed wires or other electrical hazards
- b. Random surface mounted wiring throughout
- c. Lack of adequate outlets Missing GFCI outlets.
- d. Noted missing locks on ground floor windows and exterior door locks.
- e. Found ceiling water damage, cracking or peeling paint and in a state of disrepair.
- f. Found some holes in walls and/or visible water damage.
- g. Large holes in basement bathroom floor, tripping hazards throughout
- h. Bathroom / kitchen floors do not have watertight surfaces.
- i. Missing range in apartment number 4, third floor

- j. Range in apartment number 1, basement not connected.
- k. Leaks in sinks and wash basins
- l. Many of the cast iron sewer drainage pipes leak.
- m. Operable bath fans required if no bathroom window, windows inoperable.
- n. Stairway carpeting is not secure.
- o. Handrails to be on all stairs in good condition and securely mounted.
- p. The building is heated with vented room heaters
 - i. Note: A 30,000 BTU/hr. input unit requires the equivalent of a 30-inch-wide window be open 1 inch for safe operation. Combustion air in shall be in accordance with the appliance manufacturer's installation instructions.
 - ii. Note: a 24" minimum side clearance is recommended.
 - iii. None of the gas piping is secured.
 - iv. A shut off and a drip leg should be installed for each room heater.
 - v. Vented room heaters shall be tested in accordance with ANSI Z21.86/CSA 2.32, shall be designed and equipped as specified in Section IFGC 602.2 and shall be installed in accordance with the manufacturer's instructions. IFGC 602.2 states the flame safeguard device shall automatically shut off the fuel supply to a main burner or group of burners when the means of ignition of such burners becomes inoperative.
 - vi. The vented room heaters are too old to be properly serviced and maintained; they all should be replaced and properly vented,
 - vii. Joints between sections of vent connector piping and connections to flue collars and draft hood outlets shall be fastened sheet metal screws not just tape.
- q. Minnesota Statutes and the Minnesota State Fire Code (MSFC) regulate excess or hazardous storage, accumulation of trash or excess belongings in residential dwellings as listed below. An excessive accumulation of storage in dwellings can cause extreme fire loading, entrapment of victims or firefighters, difficulty in extricating medical patients and extraneous hazards to neighbors, occupants and emergency personnel.
 - i. MSFC 315.2 Storage in buildings. Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.
 - ii. MSFC 315.2.1 Ceiling clearance. Storage shall be maintained 2 feet or more below the ceiling areas of buildings
 - iii. MSFC 315.2.2 Means of egress. Combustible materials shall not be stored in exits or exit enclosures.
 - iv. MSFC 315.2.3.2 Mechanical A 3-foot aisle shall be maintained to all equipment. No storage shall be allowed within 3 feet of fuel-fired equipment.
 - v. Access to electrical service panels shall be maintained.
 - vi. MSFC 604.3 Working space and clearance. A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. Storage of materials shall not be located within the designated working space.
- r. Missing Apartment 4, third floor kitchen range.
- s. Missing Apartment 1, basement tub and toilet.
- t. Much of building is poor condition due to inadequate maintenance and structural failure of the front and rear porches.

Building Official Whitney indicated that the recommendation/requirement is as follows:

1. The building is in need of extensive rehabilitation and renovations with most of the electrical, plumbing and mechanical systems needing replacement.
2. Rebuild the front and rear porches and associated exterior stairs.
3. Correct the exterior and interior deficiencies noted above.

In Summary: The 4-unit apartment building had fallen in to a life-threatening state of disrepair. The electrical, plumbing and heating systems are either worn out or obsolete. Found the stairs, porches and decks on the rear of the building providing the second exits were removed and not replaced. Noted foundation failures of both the front and rear porches. The 4-unit apartment building is becoming physically obsolete since its value has declined due to physical deterioration, physical neglect and deferred maintenance resulting in a condition that has made the building incredibly expensive to repair. The repair bill could be large enough that it may be cheaper to either gut and renovate or demolish the property and build anew. Building may have come to the end of its useful life.

Building Official Whitney indicated that his recommendation is to revoke the rental license. Whitney went through the photos from the inspection on January 23rd.

Kess asked since the December 10th inspection and the January 23rd inspection has any progress been made.

Whitney indicated that one of the space heaters was replaced, Como came and checked the other heaters, but things were still by the heaters, you need to have 24inches around each of these heaters clear of stuff. Whitney indicated it is one thing if is an owner occupied house versus a renter occupied.

Kess asked if most of the things on the inspection list are correctable.

Whitney indicated the plumbing needs to be fixed; the home is an old log home which might be the reason for the electrical wiring on the surface.

Debeltz stated that a new roof was installed recently. In the past we have given people time to fix these issues. With old houses in Ely we are going to find these issues.

Debeltz asked how long ago did Bentz get notice of these issues.

Whitney indicated that we sent him the first notice of correction in 2017 and his first rental inspection was in 1998. We sent him notice after the December 10th inspection.

Bisbee asked how often rental inspections are completed. Whitney indicated every 3 years, but with Covid they are just getting back into doing inspections and going into these properties.

Langowski indicated that a citizen complaint was made in December concerning the condition of the property and that there were tenants living in the property, and that is what pushed trying to get in the property to complete an inspection, and to hopefully repair any of these safety hazards. Fire Chief Marshall has also been in the property after a smell of gas was detected during the 2nd inspection on January 23rd. The way this works is when the council revokes a rental license; the license would get reissued when the checklist meets the standard. The owner/landlord has time to make the repairs in a timely manner, then Building Official Whitney would go back in and do another inspection, and could reissue a license if it passes.

Omerza also commented that a property that is owner owned verses a rental there are different thresholds.

Rae Bentz (property owner of 105 W Conan St)-

Bentz indicated that he sent a letter to the council which was included in the packet in regard to the items on the December 6th inspection report. The roof was completed about 15 months ago; it was a several year struggle to get it done since it is hard to get contractors. Bentz indicated that he has some issues as to how the inspection report was written. On the report it stated that most windows are cracked, Bentz indicated that he has fixed 4 of the windows that had issues, he has probably around 30 windows in the property and the rest of the windows are fine. Bentz indicated that he removed the stove from Unit #4 that was mentioned in the December 10th report, but then in the January 23rd inspection report Doug used it against him stating that Unit #4 did not have a stove. Bentz stated that he trusts the tenants to know to not put things on the furnaces that are running. Bentz indicated that he was unaware of the inspection on January 23rd. During the inspection on the 23rd Whitney claims to have smelled gas. Como and the fire department came and everything was fine and now Bentz stated that he has an emergency bill from Como. Bentz is talking to Como about swapping out the furnaces to the direct wall vent style. Bentz indicated that if any council members would like to do a walkthrough he will let them in. It is a very old building and one tenant was hoarding, but she is working on cleaning it up. Bentz has had the porches looked at before and has talked to a contractor about the porches. Bentz indicated that he is waiting for estimates from drywall installers. Bentz indicated that he has no problem with Plumbers and Electricians going through the property to check it out. He indicated it would be reasonable to give more time to fix the issues as it is hard to get contractors these days. Currently he has 6 people living in the property, 2 single females and a man with 3 children. Bentz indicated that he has never had a carbon monoxide incident till the day Whitney claimed he smelled gas the other day. Bentz went through the inspection checklist. Bentz stated that the basement is being remodeled and the handrails are being put back up. Attorney Klun asked Bentz what kind of time frame he is looking at to make the property up to compliance. Bentz indicated 6-8 months since it is hard to get contractors to come into complete the work.

Adjourn

Mayor Omerza adjourned the public hearing at 5:29pm.

Casey Velcheff
Deputy Clerk