

**Public Hearing Agenda
April 16, 2024 5:15pm
City Hall, Council Chambers**

Call To Order:

Roll Call: Council members A.Forsman, Kess, Debeltz, Callen, Campbell, Bisbee and Mayor Omerza

Purpose:

(2-25) The Hearing pursuant to Ely City Code Section 10-22 Subdivision 10 Abatement, to determine or abate blight or blighting factors at the property located at 45 E Boundary St, Ely, MN 55731.

Adjourn

RESOLUTION 2024-016 AND ORDER OF THE CITY OF ELY

**A RESOLUTION AND ORDER OF THE CITY OF ELY, MINNESOTA,
DECLARING THE REAL PROPERTY AT 45 EAST BOUNDARY STREET BLIGHT
PURSUANT TO THE ELY CITY CODE**

WHEREAS, the City of Ely is a Municipal Corporation governed under the Charter of the City of Ely with powers vested in its City Council; and

WHEREAS, the City of Ely is authorized to exercise its municipal powers for the promotion of health and safety;

WHEREAS, pursuant to Ely City Code Sec. 10.22, subd. 2. “Exterior of Structures and Exterior Property Areas. a) The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair. b) Every exterior wall shall be free of holes, breaks, major portions of loose or rotting boards or timbers, and major portions of falling or loose stucco. c) All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of breaks or holes. d) All public health and safety hazards shall be removed from all lots and parcels of land. e) Water service lines shall be installed or repaired and in working order on occupied property. Empty lots exempt.”

WHEREAS, pursuant to Ely City Code Sec. 10.22, subd. 3. “Interior areas of structures, including residential dwellings. a) The interior of every structure shall be maintained in a sanitary condition, free of accumulations of garbage and refuse. b) The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests and animal waste. c) All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks, and defects. d) The storage of

excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.”

WHEREAS, pursuant to Ely City Code Sec. 10.22, subd. 4. “Deteriorated Structures. In any area the existence of any structure or part of any structure which because of fire, wind, natural disaster, or physical deterioration is no longer habitable or useful for any other purpose for which it may have been intended or permitted or the deterioration of which has become a hazard to the general public or adjoining properties, shall not be allowed for a period longer than 6 months.”

WHEREAS, pursuant to Ely City Code Sec. 10.22 subd. 9, “Duties of City Officers. The Enforcement Officer(s) shall enforce the provisions of this Ordinance relating to blight and blighting factors and shall assist the other designated officer(s) in the enforcement of provisions relating to blight and blighting factors affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of blight and blighting factors.”

WHEREAS, pursuant to the Ely City Code Sec. 10.22, Subd. 10(a)3, “Notice of City Council Order. Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).”

WHEREAS, pursuant to the Ely City Code Sec. 10.22, Subd. 10(b) “Procedure. Whenever the Officer charged with enforcement determines that blight or blighting factors exist on premises in the City, the Officer shall notify in writing the owner of record or occupant of the premises of such fact and order that such blight or blighting factors be terminated or abated. The Notice of Violation shall specify the steps to be taken to abate the blight or blighting factors and

the time within which the blight or blighting factor is to be abated. If the Notice of Violation is not complied with within the time specified, the enforcing Officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the Notice of Violation is a blight or blighting factor and further order that if the blight or blighting factor is not abated within the time prescribed by the Council the City may seek injunctive relief by serving a copy of the City Council Order and Notice for Summary Enforcement.”

NOW, THEREFORE, the City Council of the City of Ely, finds that:

1. On September 13, 2023, City of Ely, Building Official Douglas K. Whitney “Whitney” inspected a dwelling relative to the external condition, after a fire had taken place, located at 45 East Boundary Street, Ely, Minnesota 55731 “Dwelling.” An inspection report dated October 2, 2023 was served by mail to the owners. **Exhibit “A”**.
2. On September 14, 2023, a “Posted to Prevent Occupancy” Notice was issued and posted to prevent the occupancy of the unsafe dwelling for any purposes other than clean up and/or repair between the hours of 8:30 a.m. and 4:00 p.m.
3. On March 7, 2024, Whitney issued a Notice of Violation of Maintenance of Private Property and/or Unsafe Buildings or Structures and/or Minnesota State Fire Code to its owners Jason Keith Gillson and Mark D. Herman. **Exhibit “B”**. Said notice indicated that the building poses a threat to public health and safety.
4. Along with the Notice of Violation, Gillson and Herman also received a notice indicating their right to appeal by filing with the City. To date, Gillson and/or Herman have not filed an appeal.

5. The Notice of Violation of Maintenance of Private Property and/or Unsafe Buildings or Structures and/or Minnesota State Fire Code, issued on March 7, 2024 indicated that the following remedies to the property needed to be completed within thirty (30) days, and upon completion, would be inspected by the Building Official and Fire Marshall:

- a. A fire damage contractor must perform an assessment of the damage sustained in the fire and ensuing water intrusion;
- b. Personal property must be removed from the interior of the structure;
- c. Damaged drywall , flooring, and other materials must be removed down to the studs as necessary;
- d. Water extraction crews must work with commercial equipment to dry out the structure;
- e. Must properly clean smoke and soot from all interior and exterior surfaces;
- f. Deodorizing agents must be used to fully remove any lingering smoke odors;
- g. Must sanitize or apply antimicrobial chemicals to halt any subsequent mold growth;
- h. Duct cleaning must be done in order to remove any soot, smoke, or debris that may have settled in ducts;
- i. Replacing electrical, replacing and repainting drywall, replacing flooring materials, replacing interior counters, fixtures, etc. to bring property back to a pre-loss condition;
- j. Repair of all of the broken doors and windows;
- k. Remove any building materials from the yard;
- l. Remove any junk and debris from the exterior of the property.

- m. Remove any household items from the exterior of the property;
- n. Create and maintain interior storage conditions that comply with the Minnesota State Fire Code, relative Building Codes and Statutes; and
- o. Minnesota State licensed contractors must be used for the repairs and assessments.

6. On or about March 28, 2024, and pursuant to Ely City Code Section 10.22 subd. 10(a) 2, a hearing before the Ely City Council was scheduled and Gillson and Herman received notice of said hearing and notice of the opportunity to be present. **Exhibit “C”**.

7. On, April 16, 2024, a hearing was held at 5:15 p.m. at City Hall. All members of the Ely City Council were present. Testimony was received by Building Official Whitney, _____, and _____. **Exhibits “A - C”** were entered into evidence and are made part of this Order.

THE ELY CITY COUNCIL finds that:

1. The tax parcel code for the real property is 030-0070-00680 and the registered owner pursuant to St. Louis County tax and real property records is Jason Keith Gillson and Mark D. Herman, 45 East Boundary Street, Ely, Minnesota 55731.
2. The conditions that exist on the real property located at 45 East Boundary Street are blight and pose an imminent public health hazard in violation of Ely City Code Section 10.22.
3. Jason Keith Gillson and Mark D. Herman were served and notified on March 7, 2024, of the factors and conditions of blight existing on the property. To date, Gillson and/or Herman have not abated or terminated the blighting factors.

4. The blight or blighting factors create an unreasonable danger to public health, safety and welfare. The building is unfit for human habitation or entry due to extreme filth and squalor and hazard to the neighborhood.
5. Based on the blight conditions, the following must be performed by Minnesota State licensed contractors, to abate the conditions:
 - a. A fire damage contractor must perform an assessment of the damage sustained in the fire and ensuing water intrusion;
 - b. Personal property must be removed from the interior of the structure;
 - c. Damaged drywall, flooring, and other materials must be removed down to the studs as necessary;
 - d. Water extraction crews must work with commercial equipment to dry out the structure;
 - e. Must properly clean smoke and soot from all interior and exterior surfaces;
 - f. Deodorizing agents must be used to fully remove any lingering smoke odors;
 - g. Must sanitize or apply antimicrobial chemicals to halt any subsequent mold growth;
 - h. Duct cleaning must be done in order to remove any soot, smoke, or debris that may have settled in ducts;
 - i. Replacing electrical, replacing and repainting drywall, replacing flooring materials, replacing interior counters, fixtures, etc. to bring property back to a pre-loss condition;
 - j. Repair of all of the broken doors and windows;
 - k. Remove any building materials from the yard;
 - l. Remove any junk and debris from the exterior of the property.

- m. Remove any household items from the exterior of the property;
- n. Create and maintain interior storage conditions that comply with the Minnesota State Fire Code, relative Building Codes and Statutes; and
- o. Minnesota State licensed contractors must be used for the repairs and assessments.

BE IT ORDERED, by the City Council of the City of Ely, that:

The conditions that exists on the real property located at 45 East Boundary Street, Ely, Minnesota 55731, are blight and poses an imminent and unreasonable danger to public health, safety and welfare. Notice is hereby given to Jason Keith Gillson and Mark D. Herman, that the City of Ely will move for Summary Enforcement of this Order unless the specified corrective action is taken for items A-C, by May 17, 2024, or unless an injunction is filed and granted by the District Court. The City of Ely will seek reimbursement for abatement and all costs incurred in obtaining and enforcing this Order.

The Council will schedule a follow-up hearing if deemed necessary.

THIS RESOLUTION AND ORDER IS HEREBY ADOPTED, by the City Council of the City of Ely and the undersigned Mayor and Clerk-Treasurer hereby certify the adoption of said Order.

IN WITNESS WHEREOF, the undersigned Mayor and Clerk-Treasurer execute this Resolution this _____ day of _____ 2024.

CITY OF ELY:

Heidi Omerza, Mayor

Harold Langowski, Clerk-Treasurer

STATE OF MINNESOTA }
COUNTY OF ST. LOUIS } ss.

This instrument was acknowledged before me this _____ day of _____ 2024, by Heidi Omerza, as Mayor, and Harold Langowski, as Clerk-Treasurer, respectively of the City of Ely, a municipal corporation, St. Louis County, Minnesota.

[SEAL]

NOTARY PUBLIC

Monday, October 2, 2023



GILLSON JASON KEITH
45 E BOUNDARY ST
ELY MN 55731

**NOTICE OF MAINTENANCE
OF PRIVATE PROPERTY
ELY CITY CODE § 10.22
And/or
UNSAFE BUILDINGS OR
STRUCTURES,
MINNESOTA RULES 1300.0180
And /or
MINNESOTA STATE FIRE CODE**

Notice of Violation Parcel Number: 030-0070-00680

Owners of Record: GILLSON JASON KEITH
45 E BOUNDARY ST
ELY MN 55731

Re: Your property located at 45 E BOUNDARY ST, ELY, MN 55731

Ladies and Gentlemen:

Please take **NOTICE** that on September 13th, 2023 your property at 45 E Boundary St. Street was first inspected after the dwelling had been subject to a fire.

Due to the extent of fire damage and the presence of excessive interior storage pursuant to City Code §10.22, Minnesota Rules 1300.0180 and the Minnesota State Fire Code; WE HAVE DETERMINED THAT THE DWELLING IS NOT SAFE FOR HUMAN HABITATION.

Based on the conditions of the site, the dwelling has been Posted to Prevent Occupancy on September 14th, 2023 at 11:20 AM. This posting is to prevent the occupancy of the unsafe dwelling other than for cleanup and repair between the hours of 8:30AM and 4:00PM only.

FINDINGS. Pursuant to City Code §10.22 and/or Minnesota Rules 1300.0180 Unsafe Buildings or Structures and the Minnesota State Fire Code; I hereby find that the structure fails to meet the minimum requirements of the City Code and the Minnesota State Building and Fire Code, and is a hazard to public safety.

The conditions that led to this determination are:

- Fire damage.
- Excessive interior storage.
- Doors and windows are in a state of disrepair.
- The property has garbage and debris scattered throughout.
- The property has unlicensed, unregistered or inoperable vehicle(s), household furnishings or appliances and is hereby declared to be a nuisance.

Based on the interior and exterior conditions of the building and property, you are hereby ordered to make the following corrections within 30 days:

Make all repairs necessary in order to restore the damages incurred by the fire to include;

- Repair all of the broken doors and windows.
- Remove any building materials from the yard.
- Remove or register any unregistered vehicles on the property.
- Remove any junk and debris from the exterior of the property.
- Remove any household items from the exterior of the property.
- Create and maintain interior storage conditions that comply with the Minnesota State Fire Code (Informational handout included).
- **Minnesota State Licensed Contractors must be used for the work as required by law.**

This order will be satisfied and closed upon a completed, satisfactory inspection by the City Building Official and Fire Marshall. Call Douglas Whitney at 218-504-5142 to schedule the inspection once the repairs are complete.

If you believe that this order is based on an erroneous interpretation of City Code, State or Federal law, you may appeal the order by filing a written appeal within ten days.

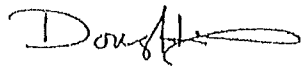
NO OWNERSHIP TRANSFER. While this Order is pending you may not transfer ownership of the property unless you provide a copy of this Order to the party to whom the transfer is made and notify the City prior to the transfer.

EXECUTION OF THIS ORDER. If you do not appeal the order, if you do not prevail on appeal, and if you do not comply with the conditions of the Order, the matter will be scheduled for a hearing before the City Council, at which hearing the City Council may remedy the conditions described above by hiring a contractor of the City's choosing and specially assess the costs of all repairs, staff time and administrative costs against the real estate. You will be given at least 10 days' notice of the hearing before the City Council.

If you cannot afford to remedy the conditions described and wish to take care of the matter as soon as possible you may agree to have the City contract for the work and assess the costs against the real estate as a special assessment. If you choose to do so, a written agreement will be prepared for your signature. Please contact me if you wish to enter into such an agreement.

Lastly, please be advised that failing to comply with this Order or appeal within the time prescribed may be charged as a misdemeanor criminal offense.

Respectfully,

A handwritten signature in black ink, appearing to read "Douglas K. Whitney". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Douglas K. Whitney, P.E. - Building Official No.1029
City of Ely, Phone 612-598-4993

MINNESOTA ADMINISTRATIVE RULES §1300.0180 UNSAFE BUILDINGS OR STRUCTURES.

A building or structure regulated by the code is unsafe, for purposes of this part, if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life.

Building service equipment that is regulated by the code is unsafe, for purposes of this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise dangerous to human life. Use of a building, structure, or building service equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in the code are unsafe building appendages.

The building official shall order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The building official shall have the authority to order disconnection of utility services to the building, structure, or system, regulated by the code, in case of an emergency to eliminate a hazard to life or property. The order shall be in writing and state the reasons for the action.

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26.

ELY CODE SEC. 10.22. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. It is the primary responsibility of any person, firm, corporation or entity of any kind occupying, leasing or renting any lot or parcel of land to maintain such property in a manner free from blight or blighting factors. The owner and occupant shall comply with the regulations contained herein.

Subd. 2. Exterior of Structures and Exterior Property Areas.

a) The exterior of all structures and accessory structures including detached garages shall be maintained in a workmanlike state of maintenance and repair.

b) Every exterior wall shall be free of holes, breaks, major portions of loose or rotting boards or timbers, and major portions of falling or loose stucco.

c) All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of breaks or holes.

d) All public health and safety hazards shall be removed from all lots and parcels of land.

e) Water service lines shall be installed or repaired and in working order on occupied property. Empty lots exempt.

Subd. 3. Interior areas of structures, including residential dwellings.

a) The interior of every structure shall be maintained in a sanitary condition, free of accumulations of garbage and refuse.

b) The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests and animal waste.

c) All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks, and defects.

d) The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

Subd. 4. Deteriorated Structures. In any area the existence of any structure or part of any structure which because of fire, wind, natural disaster, or physical deterioration is no longer habitable or useful for any other

purpose for which it may have been intended or permitted or the deterioration of which has become a hazard to the general public or adjoining properties, shall not be allowed for a period longer than 6 months.

Subd. 5. Vacated structures and vacant properties. The owners of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and the owner of any structure, garage or other outbuilding which has been vacant for a period of sixty (60) days or more shall make the dwelling or structure safe and secure by keeping the same securely locked, windows kept glazed or neatly boarded up and entrances and doorways provided with proper doors or, in the alternative, neatly boarded up and otherwise protected to prevent entrance, so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Such shall be done in a manner which will be suitable to the general nature and character of the neighborhood including decorative effects and coloration such as will not make such structure present an offensive appearance to neighbors and in general accord with the area as far as its appearance may be concerned. Any such structure open at the doors and windows, if unguarded, shall be deemed to be a nuisance within the meaning of this ordinance. The owner of vacant lands shall make said lands safe and secure by barricading or fencing the property or the like, or by placing said lands in their natural unimproved condition and removing all dangerous conditions. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary. A vacant structure that is not secured against entry shall be deemed unsafe.

a) Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs alterations, additions or changes of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34 of the 2006 International Building Code.

Subd. 6. Vacant Buildings: Exterior Property Areas.

a) Sanitation. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazardous condition, and free from any accumulation of refuse or garbage.

b) Free from pests. All exterior property areas and vacant areas shall be kept free from, rodents, vermin, or other pests, which are noxious or detrimental to the public health.

c) Junk automobiles. In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicles, stored in the open, which is not currently licensed for use upon the highways or the State of Minnesota, and is either: a) unusable or inoperable because of lack of, or defects in component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or c) beyond repair and therefore not intended for future use as a motor vehicle; or d) being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.

Subd. 7. Enforcement Officer. The City Building Official of the City of Ely, the City Clerk-Treasurer, and the Chief of Police are appointed as the enforcement officers, and it is the enforcement officers' duty to enforce the provisions of this ordinance.

Subd 8. Inspection of structures, vacant properties, generally. The enforcement officer shall be authorized to make or cause to be made inspection to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or his designated representative shall, with the permission of the owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a violation exists on that premises, a search warrant may be obtained.

Subd. 9. Duties of City Officers. The Enforcement Officer(s) shall enforce the provisions of this Ordinance relating to blight and blighting factors and shall assist the other designated officer(s) in the enforcement of provisions relating to blight and blighting factors affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of blight and blighting factors.

Subd. 10. Abatement.

a) Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; Notice of City Council Order; and Notice of Motion for Summary Enforcement Hearing shall be given as set forth in this Subdivision.

1. Notice of Violation. Written Notice of Violation shall be served by the Officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept Notice of Violation, Notice of Violation shall be served by posting it on the premises.

2. Notice of Council Hearing. Written notice of any City Council Hearing to determine or abate blight or blighting factors shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept Notice of Council Hearing, Notice of Council Hearing shall be serviced by posting on the premises.

3. Notice of City Council Order. Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

b) Procedure. Whenever the Officer charged with enforcement determines that blight or blighting factors exist on premises in the City, the Officer shall notify in writing the owner of record or occupant of the premises of such fact and order that such blight or blighting factors be terminated or abated. The Notice of Violation shall specify the steps to be taken to abate the blight or blighting factors and the time within which the blight or blighting factor is to be abated. If the Notice of Violation is not complied with within the time specified, the enforcing Officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the Notice of Violation is a blight or blighting factor and further order that if the blight or blighting factor is not abated within the time prescribed by the Council the City may seek injunctive relief by serving a copy of the City Council Order and Notice for Summary Enforcement.

c) Emergency Procedure; Summary Enforcement. In case of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in Subdivisions 1 and 2 above will permit a continuing blight or blighting factor to unreasonably endanger public health, safety or welfare, the City Council may order Summary Enforcement and abate the blight or blighting factor. To proceed with Summary Enforcement, the Officer charged with enforcement shall determine that blight or a blighting factor exists or is being maintained on premises in the City and that delay in abatement of the blight or blighting factor will unreasonably endanger public health, safety or welfare. The Enforcement Officer shall notify in writing the occupant or owner of the premises of the nature of the blight or blighting factor and of the City's intention to see Summary Enforcement and the time and place of the Council meeting to consider the question of Summary Enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a blight or blighting factor, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in Subdivision 1 above, and may order that such blight or blighting factor be immediately terminated or abated. If the blight or blighting factor is not immediately terminated or abated, the City Council may order summary enforcement and abate the blight or blighting factor.

d) Immediate Abatement. Nothing in Subdivision 6 of this Ordinance shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Subd. 11. Recovery of Cost.

a) Personal Liability. The owner of premises on which a blight or blighting factor has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

b) Assessment. If the blight or blighting factor is a public health or safety hazard on private property, the officer, shall, on or before September 1 next following abatement of the blight or blighting factor, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. 429.101 against each separate lot, or parcel to which the charges are attributable. The Council may then spread the charges against such property under the statute and other pertinent statutes for certification to the County

Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Subd. 12. Public Complaints. In order to assist the City in investigating the existence of blight or blighting factors as defined in Subdivision 1 of this Section, complaints to the City of the existence of conditions which are believed to be blight may be submitted to the City Clerk or Chief of Police, in writing, and contain the following information:

1. The complete address of the property upon which the alleged blight or blighting factor exists and the conditions which the complainant believes to be blight or a blighting factor; and

2. Signatures of all persons who own property adjoining the property having the alleged condition, or signatures of a majority of persons who own property located within 100 feet of the property having the alleged condition. For purposes of this Subdivision, the signature of one person who owns a parcel of land jointly with others shall be deemed the signature of all joint owners of that parcel.

Subd. 13. Failure to comply with any of the requirements of this Ordinance shall constitute a petty misdemeanor offense and upon the conviction thereof shall be punishable accordingly.

Subd. 14. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 3.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Subd. 15. Continuing Violation. Each week that any person continues in violation of this Section shall be a separate offense and punishable as such in the amount of \$100.00 per week.

Subd. 16. Severability. If any section, subdivision, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Source: Ordinance No. 22, Second Series
Effective Date: January 5, 1993

Source: Ordinance No. 284, Second Series
Effective Date: June 22, 2014

Thursday, March 7, 2024



GILLSON JASON KEITH
45 E BOUNDARY ST
ELY MN 55731

**NOTICE OF MAINTENANCE
OF PRIVATE PROPERTY
ELY CITY CODE § 10.22
And/or
UNSAFE BUILDINGS OR
STRUCTURES,
MINNESOTA RULES 1300.0180
And /or
MINNESOTA STATE FIRE CODE**

Notice of Violation Parcel Number: 030-0070-00680

Owners of Record: GILLSON JASON KEITH
45 E BOUNDARY ST
ELY MN 55731

HERMAN MARK D
65780 GREAT RIVER RD
JACOBSON MN 55752

Re: Your property located at 45 E BOUNDARY ST, ELY, MN 55731

Ladies and Gentlemen:

Please take **NOTICE** that on September 13th, 2023 your property at 45 E Boundary St. Street was first inspected after the dwelling had been subject to a fire.

Due to the extent of fire damage and hazardous interior storage conditions, pursuant to City Code §10.22, Minnesota Rules 1300.0180 and the Minnesota State Fire Code;

We have determined that the dwelling is not safe for human habitation.

Based on the conditions of the site, the dwelling has been Posted to Prevent Occupancy on September 14th, 2023 at 11:20 AM. This posting is to prevent the occupancy of the unsafe dwelling other than for cleanup and repair between the hours of 8:30AM and 4:00PM only.

If you believe that this order is based on an erroneous interpretation of City Code, State or Federal law, you may appeal the order by filing a written appeal within ten days.

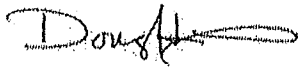
NO OWNERSHIP TRANSFER. While this Order is pending you may not transfer ownership of the property unless you provide a copy of this Order to the party to whom the transfer is made and notify the City prior to the transfer.

EXECUTION OF THIS ORDER. If you do not appeal the order, if you do not prevail on appeal, and if you do not comply with the conditions of the Order, the matter will be scheduled for a hearing before the City Council, at which hearing the City Council may remedy the conditions described above by hiring a contractor of the City's choosing and specially assess the costs of all repairs, staff time and administrative costs against the real estate. You will be given at least 10 days' notice of the hearing before the City Council.

If you cannot afford to remedy the conditions described and wish to take care of the matter as soon as possible you may agree to have the City contract for the work and assess the costs against the real estate as a special assessment. If you choose to do so, a written agreement will be prepared for your signature. Please contact me if you wish to enter into such an agreement.

Lastly, please be advised that failing to comply with this Order or appeal within the time prescribed may be charged as a misdemeanor criminal offense.

Respectfully,



Douglas K. Whitney, P.E. - Building Official No.1029
City of Ely, Phone 612-598-4993

Subd. 4. Deteriorated Structures. In any area the existence of any structure or part of any structure which because of fire, wind, natural disaster, or physical deterioration is no longer habitable or useful for any other purpose for which it may have been intended or permitted or the deterioration of which has become a hazard to the general public or adjoining properties, shall not be allowed for a period longer than 6 months.

Subd. 5. Vacated structures and vacant properties. The owners of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and the owner of any structure, garage or other outbuilding which has been vacant for a period of sixty (60) days or more shall make the dwelling or structure safe and secure by keeping the same securely locked, windows kept glazed or neatly boarded up and entrances and doorways provided with proper doors or, in the alternative, neatly boarded up and otherwise protected to prevent entrance, so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Such shall be done in a manner which will be suitable to the general nature and character of the neighborhood including decorative effects and coloration such as will not make such structure present an offensive appearance to neighbors and in general accord with the area as far as its appearance may be concerned. Any such structure open at the doors and windows, if unguarded, shall be deemed to be a nuisance within the meaning of this ordinance. The owner of vacant lands shall make said lands safe and secure by barricading or fencing the property or the like, or by placing said lands in their natural unimproved condition and removing all dangerous conditions. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary. A vacant structure that is not secured against entry shall be deemed unsafe.

a) Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs alterations, additions or changes of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34 of the 2006 International Building Code.

Subd. 6. Vacant Buildings: Exterior Property Areas.

a) Sanitation. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazardous condition, and free from any accumulation of refuse or garbage.

b) Free from pests. All exterior property areas and vacant areas shall be kept free from, rodents, vermin, or other pests, which are noxious or detrimental to the public health.

c) Junk automobiles. In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicles, stored in the open, which is not currently licensed for use upon the highways or the State of Minnesota, and is either: a) unusable or inoperable because of lack of, or defects in component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or c) beyond repair and therefore not intended for future use as a motor vehicle; or d) being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.

Subd. 7. Enforcement Officer. The City Building Official of the City of Ely, the City Clerk-Treasurer, and the Chief of Police are appointed as the enforcement officers, and it is the enforcement officers' duty to enforce the provisions of this ordinance.

Subd 8. Inspection of structures, vacant properties, generally. The enforcement officer shall be authorized to make or cause to be made inspection to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or his designated representative shall, with the permission of the owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a violation exists on that premises, a search warrant may be obtained.

Subd. 9. Duties of City Officers. The Enforcement Officer(s) shall enforce the provisions of this Ordinance relating to blight and blighting factors and shall assist the other designated officer(s) in the enforcement of provisions relating to blight and blighting factors affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of blight and blighting factors.

charges against such property under the statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Subd. 12. Public Complaints. In order to assist the City in investigating the existence of blight or blighting factors as defined in Subdivision 1 of this Section, complaints to the City of the existence of conditions which are believed to be blight may be submitted to the City Clerk or Chief of Police, in writing, and contain the following information:

1. The complete address of the property upon which the alleged blight or blighting factor exists and the conditions which the complainant believes to be blight or a blighting factor; and

2. Signatures of all persons who own property adjoining the property having the alleged condition, or signatures of a majority of persons who own property located within 100 feet of the property having the alleged condition. For purposes of this Subdivision, the signature of one person who owns a parcel of land jointly with others shall be deemed the signature of all joint owners of that parcel.

Subd. 13. Failure to comply with any of the requirements of this Ordinance shall constitute a petty misdemeanor offense and upon the conviction thereof shall be punishable accordingly.

Subd. 14. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 3.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Subd. 15. Continuing Violation. Each week that any person continues in violation of this Section shall be a separate offense and punishable as such in the amount of \$100.00 per week.

Subd. 16. Severability. If any section, subdivision, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Source: Ordinance No. 22, Second Series
Effective Date: January 5, 1993

Source: Ordinance No. 284, Second Series
Effective Date: June 22, 2014

Thursday, March 7, 2024



HERMAN MARK D
65780 GREAT RIVER RD
JACOBSON MN 55752

**NOTICE OF MAINTENANCE
OF PRIVATE PROPERTY
ELY CITY CODE § 10.22
And/or
UNSAFE BUILDINGS OR
STRUCTURES,
MINNESOTA RULES 1300.0180
And /or
MINNESOTA STATE FIRE CODE**

Notice of Violation Parcel Number: 030-0070-00680

Owners of Record: GILLSON JASON KEITH
45 E BOUNDARY ST
ELY MN 55731

HERMAN MARK D
65780 GREAT RIVER RD
JACOBSON MN 55752

Re: Your property located at 45 E BOUNDARY ST, ELY, MN 55731

Ladies and Gentlemen:

Please take **NOTICE** that on September 13th, 2023 your property at 45 E Boundary St. Street was first inspected after the dwelling had been subject to a fire.

Due to the extent of fire damage and hazardous interior storage conditions, pursuant to City Code §10.22, Minnesota Rules 1300.0180 and the Minnesota State Fire Code;

We have determined that the dwelling is not safe for human habitation.

Based on the conditions of the site, the dwelling has been Posted to Prevent Occupancy on September 14th, 2023 at 11:20 AM. This posting is to prevent the occupancy of the unsafe dwelling other than for cleanup and repair between the hours of 8:30AM and 4:00PM only.

If you believe that this order is based on an erroneous interpretation of City Code, State or Federal law, you may appeal the order by filing a written appeal within ten days.

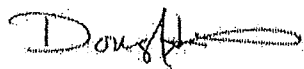
NO OWNERSHIP TRANSFER. While this Order is pending you may not transfer ownership of the property unless you provide a copy of this Order to the party to whom the transfer is made and notify the City prior to the transfer.

EXECUTION OF THIS ORDER. If you do not appeal the order, if you do not prevail on appeal, and if you do not comply with the conditions of the Order, the matter will be scheduled for a hearing before the City Council, at which hearing the City Council may remedy the conditions described above by hiring a contractor of the City's choosing and specially assess the costs of all repairs, staff time and administrative costs against the real estate. You will be given at least 10 days' notice of the hearing before the City Council.

If you cannot afford to remedy the conditions described and wish to take care of the matter as soon as possible you may agree to have the City contract for the work and assess the costs against the real estate as a special assessment. If you choose to do so, a written agreement will be prepared for your signature. Please contact me if you wish to enter into such an agreement.

Lastly, please be advised that failing to comply with this Order or appeal within the time prescribed may be charged as a misdemeanor criminal offense.

Respectfully,



Douglas K. Whitney, P.E. - Building Official No.1029
City of Ely, Phone 612-598-4993

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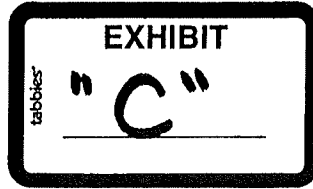
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Source: Ordinance No. 22, Second Series
Effective Date: January 5, 1993

Source: Ordinance No. 284, Second Series
Effective Date: June 22, 2014

Tuesday, March 26, 2024



**NOTICE OF MAINTENANCE
OF PRIVATE PROPERTY
ELY CITY CODE §10.22 AND/OR
UNSAFE BUILDINGS OR STRUCTURES
MINNESOTA RULES 1300.0180 AND/OR
MINNESOTA STATE FIRE CODE**

JASON GILLSON
45 E. BOUNDARY ST.
ELY, MN 55731

MARK HERMAN
65780 GREAT RIVER RD.
JACOBSON, MN 55752

**NOTICE OF VIOLATION Parcel Number: 030-0070-00680
10 days' notice of City Council Hearing**

Owner of Record: Jason Keith Gillson and Mark D. Herman

Re: Your property located at: 45 E. Boundary St., Ely, MN 55731

Ladies and Gentlemen:

Please take NOTICE pursuant to Ely City Code Section 10-22 Subdivision 10 Abatement, a City Council Hearing has been scheduled to determine or abate blight or blighting factors at the property located at: 45 E. Boundary St., Ely, MN 55731. This hearing will take place on April 16, 2024, at 5:15 pm in the City Council Chambers at 209 E. Chapman St., Ely, MN 55731.

The blight abatement to be considered at the Council Hearing:

See attached exhibit "A"

Respectfully,

A handwritten signature in black ink, appearing to be "Kelly M. Klun".

Kelly M. Klun
Attorney for the City of Ely