

**Public Hearing – 45 E Boundary St
April 16, 2024
City Hall, Council Chambers**

Call To Order:

Mayor Omerza called the Public Hearing to order at 5:15pm.

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

Absent: None

Purpose:

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.

Attorney Klun indicated that this is a public hearing relative to abatement at 45 E Boundary St. Before the council is a proposed resolution and order, this resolution calls for certain conditions to be remedied. The Building Official can go through the conditions in which are being requested to be remedied for the health and safety of the community.

Building Official Whitney stated that he has tried to meet with the homeowner several times, but they have always canceled. Whitney indicated that he has not seen the inside of the property yet. On September 13, 2023 there was a fire at the property in the basement. The property was subject to smoke damage and at one time most of the windows have been broken out of the home. The repairs that need to be done would need to be completed by a Minnesota State licensed contractor, generally it is a fire restoration contractor that is used to dealing with water damage and fire damage. Whitney went through items a-o on page 6 of the resolution and order of the things that need to be completed.

- 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.

Whitney indicated that the building department has not seen a building permit from a contractor to know what the scope of the work that needs to be done at this point. We do know that the house was subject to a fire, floor joists were burned, and there was smoke damage throughout the house.

Jason Gillson indicated that he has been waiting for insurance inspectors to come to the property. Gillson indicated that he was advised by a lawyer to wait to let anyone into the property, as soon as his lawyer said that it was ok to let people in, Gillson contacted the insurance company. The insurance inspector came to the property last Friday and gave a verbal report to Gillson. The Insurance Inspector told him that he was impressed that there was not a lot of odors when he walked into the house, there was not a lot of mold from water damage on the main floor or upstairs, he did say there was some areas to keep an eye on in the basement. The floor joists are a little charred, the insurance inspector did not feel that they were structurally compromised, however Mr. Whitney indicated that anything with char on it needs to be replaced. Gillson indicated that he has not seen a written report from the Insurance Company. Gillson stated that Building Official Whitney has not seen inside the house yet, but he will set up an appointment with him in soon. Gillson indicated that he has put in some temporary windows and is waiting to see if his insurance claim is going to be honored or not to complete more repairs. Gillson stated that he has taken care of what he could, the outside is spotless, he has been waiting to see if he gets funds from insurance to do further repairs. Gillson indicated that he received an email back from the insurance adjuster today and they are reviewing his claim. The insurance adjuster indicated that the main things that will need to get done are the electrical, some of it was melted in the fire, and the furnace would need to be replaced. The adjuster told Gillson he did not feel there would need to be a deep cleaning on the main floor or the upstairs. Gillson indicated that he filled a dumpster once and is working with insurance to get another dumpster. He is more than happy to cooperate and wants to get his home back. Gillson indicated that he is unable to afford to fix some things at this time until he gets the insurance money, right now he is waiting on the funds.

Langowski voiced concern that Gillson has said he is willing to cooperate, but up to this point he has not cooperated. Multiple attempts have been made to schedule inspections and every time it is canceled. Langowski asked how all the windows got broken out of the house, was it because of the fire?

Gillson stated that half of them were broken out before the fire, and the rest of them were broken during the fire. Gillson indicated that he has had some reluctance towards Whitney with some of the comments that have been said as to what needs to get done

to the house without Whitney seeing the inside. Gillson indicated that he feels like he has been cooperative, but he has an uneasiness with Building Official Whitney.

Mayor Omerza asked how long have we been working on this, when was the fire? – September 13, 2023 – Omerza indicated that it has been a long time since then. Gillson indicated that they did not get the report from the fire investigator until 6 weeks ago, so everything was put on hold until that report came out. At the advice of his lawyer, he was told to keep people out of the property to preserve it if necessary.

Kess asked that Exhibit C in the packet that was dated March 26, 2024, that is the latest notice of violation, which references exhibit A which was a previous notice of violation from October 2, 2023 that listed the repairs that were necessary to be repaired. All of these are related to the exterior of the property.

Attorney Klun indicated that at this point we have not been in the interior of property. Kess asked if he were to complete the six items listed there, that we told him he had to do would that satisfy us?

Attorney Klun indicated that the most recent notice that came from the Building Official included items a-o, most of it is exterior work. The original notice that went out was a shorter list that was done in September 2023, because that was the knowledge that we had at that time.

Langowski indicated that we did not have any access to the property to make an inspection, or to take photos until the fire investigator report came out in the last month or so. The fire investigator report are the only photos and the only information we currently have. This order is for these actions to occur within 30 days which may be given at the council's direction at the council meeting tonight. The property is deemed uninhabitable right now, the whole neighborhood is dealing with blight.

Gillson indicated that he has cleaned up his yard and at this time there is not any blight for his neighbors to see.

Adjourn

Mayor Omerza adjourned the hearing at 5:34pm without objection.

Casey Velcheff
Deputy Clerk