

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS
June 14, 2016 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Robert Kanuit; Cyndy Reno; Joe Peterson; Anna Tanski; Councilor Gloria Nelson

Members Absent: None

Others Present: Jim Rich, Building Official; Lara Nygaard, City Attorney; Wayne Johnson, 3617 Secora Rd.

2. APPROVAL OF AGENDA

Motion made by Cyndy Reno to approve the June 14, 2016 agenda as presented. Seconded by Anna Tanski. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Joe Peterson to approve the April 12, 2016 meeting minutes as presented. Seconded by Cyndy Reno. Motion carried.

4. PUBLIC DISCUSSION

There was no one present for public discussion.

5. PUBLIC HEARING

6. CONTINUING BUSINESS

Appeal taken by Great Lakes Alarm & Wayne Johnson from the Directive of the Building Official of the City of Hermantown that the Hermantown General Store Canopy located at 5105 Morris Thomas Road is hazardous and unsafe and directing its removal.

This matter was previously before the Board at the April 12, 2016 Meeting at which time a motion was passed to table consideration of the appeal until June 14, 2016.

Wayne Johnson, 5105 Morris Thomas Rd. - He stated that he has a deal with O'Day. He is upset with the process and feels he was pressured into doing this in a quick timeframe. He stated he doesn't know if it is the best deal, but did it to satisfy the Board.

Robert Kanuit – He asked if Johnson had a finance commitment.

Johnson – He stated that he's got it done.

Kanuit – He asked where it was and if it was in writing and what the cost was.

Johnson – He stated it was his financing and that the financing was for \$216,000.

Kanuit – He asked if Johnson had that money himself or was he borrowing it from a bank.

Johnson – He stated that he's borrowing money personally from a bank, not the company's money because corporate financing takes a lot longer.

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Kanuit – He asked Johnson if he had a written commitment from the bank.

Johnson – He replied, “Why do you care as long as I get it done?” He stated that he has the money, and got the deal done. He stated that he is not happy with this process.

Cyndy Reno – She asked when it was going to happen.

Johnson – He stated that it would take six to eight weeks to get the product in there, so probably September and also that the Board doesn’t really have any say here and now it goes to the City Council.

Kanuit – He stated that Johnson was not being respectful to the Board and that the Board is not made up of city employees being paid but that the Board members are volunteers.

Reno – She asked Johnson why he was taking issue with the Board today since the Board had passed the motion to table consideration of the appeal at the April 12, 2016 until the June 14, 2016 meeting.

Johnson – He stated that whole process got hurried and that he was going to do the canopy issue next year. He further stated that the whole process was already in place to get everything done next summer (2017) without the pressure of the Board.

Reno – She asked if Johnson had made any contact with the City since the April 12, 2016 Board meeting.

Johnson – He stated he had nothing going on so there was nothing to tell. He indicated he didn’t get the proposal from O’Day until May 31, 2016. He stated that he made the deal today to satisfy the Board.

Reno - She asked if anyone has reviewed Johnson’s plan.

Lara Nygaard – She stated that she has not seen it.

Johnson – He stated that he just got it this afternoon and that he had a copy the Board could have. He further stated that the canopy will be removed but that he’s also doing other things beside the canopy. He indicated that the canopy removal is not expensive because once it is removed, it will be destroyed at the cost of \$2,100 and that the new one will be \$40,000.

Jim Rich, Building Official – He stated that there has been no contact by Mr. Johnson nor any contractors with Mr. Rich regarding this issue since the April 12, 2016 meeting.

Kanuit – He stated that this matter will be going forward to the City Council if the Board makes the decision, one way or another, it must be affirmed. If the Board affirms the Building Official’s decision, further proceedings will be held before the City Council.

Nygaard – She stated that if the matter is affirmed, the matter will be set on the City Council’s July agenda, at which time the Council will issue an Order that will be served upon Mr. Johnson and he has twenty (20) days to answer, and that answer would be in front of the District Court.

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Kanuit – He stated if the Board overturned the Building Official’s decision, the matter would end here.

Nygaard – She stated that was correct.

Kanuit – He read the entire Resolution prepared by Lara Nygaard, City Attorney.

Motion made by Robert Kanuit to deny the Appeal by Great Lakes Alarm and Wayne Johnson from the Directive of the Building Official that the Hermantown General Store Canopy located at 5105 Morris Thomas Road is hazardous and unsafe and directing its removal. The decision of the Building Official is hereby affirmed. Motion seconded by Anna Tanski. Motion carried.

7. NEW BUSINESS

8. COMMUNICATIONS

Memorandum from Jim Rich, Building Official, dated June 1, 2016.

Communication 16-72 from Lara Nygaard, Maki & Overom to Patrick Spott, Spott Law Office regarding Hermantown General Store Canopy, 5105 Morris Thomas Road, dated April 14, 2016.

Communication 16-142 from Patrick Spott, Spott Law Office to Lara Nygaard, Maki & Overom regarding Hermantown General Store Canopy, 5105 Morris Thomas Road, dated April 20, 2016.

9. COMMISSION MEMBER REPORTS

- Cyndy Reno – No report
- Joseph Peterson – No report
- Anna Tanski – No report
- Robert Kanuit – No report
- Gloria Nelson – No report

ADJOURN

Motion made by Cyndy Reno to adjourn the meeting. Seconded by Anna Tanski.
Meeting adjourned at 7:18 p.m.

Officiated by:

Transcribed by:

Robert Kanuit, Chairman

Mary Melde, Administrative Assistant