

**Barnesville Planning Commission  
Special Meeting  
Tuesday, January 24, 2006**

The special meeting of the Barnesville Planning Commission was called to order by Chair Merlin Strom at 6:30 p.m.

Members present: Steve Mortenson, Merlin Strom, Jeremy Krause, Mike Osten, Pat Berndt, Gary Fraedrich, and Karen Lauer, Acting Zoning Administrator.

Member absent: Marlene Schell.

Also in attendance were Roland Holm, Dean Ernst and Karen Carpenter from the Record Review.

**AGENDA**

**01-24-06-01** Motion by Krause and seconded by Fraedrich to approve the agenda. Unanimously carried.

**OATH OF OFFICE**

Steve Mortenson, Mike Osten and Merlin took the Oath of Office.

**ELECTION OF OFFICERS**

**01-24-06-02** Motion by Fraedrich and seconded by Mortenson to elect Jeremy Krause as Chairman, Merlin Strom as Vice Chairman, and Pat Berndt as Secretary. Unanimously carried.

**REVIEW OF MOORHEAD PROPERTY MAINTENANCE CODES**

Karen Lauer reviewed the various Moorhead property maintenance code handouts. Also distributed and reviewed were excerpts from the Barnesville City Code, questions and problems to consider from Roland Holm, and Moorhead's Administrative Citations and Civil Penalties.

Chief of Police Dean Ernst was present to provide input on the department's role in property maintenance. He reviewed what is currently being done in regards to vehicle and debris violations.

Karen Lauer reviewed the pertinent sections of the Barnesville City Code. The Planning Commission needs to recognize current laws and to avoid creating duplication in ordinances. When possible, it is better to change items in the code than to create new items. Some areas may be appropriate as a chapter of their own, such as administrative citations. Dean Ernst indicated he has copies of administrative citations from Fergus Falls, Detroit Lakes, Belgrade and St. Cloud that he would make available if the Commission would like to review them. The Commission needs to determine what type of things needs to be addressed and enforced. Some areas of concern are exterior of homes (including roofs, shingles, windows, paint, and structural issues), and yards. The intent is not to go looking for problems but to address those seen in the daily travels of city officials or those that cause complaints from individuals. The building inspector's role is to verify the problem. The Planning Commission role is to help put together language for the property maintenance code and is not to administer the code.

Roland Holm highlighted sections of the Moorhead code that he considered important to include in Barnesville's code. First reviewed was Ordinance No. 2004-28, Section 9-2-3, Letter C. Exterior Structures. Planning Commission members discussed the seventeen items listed and consensus was that all were important and not too restrictive for residents.

The next section reviewed was in Ordinance No. 2004-27, Sections 9-8-11 through 9-8-13 that addresses vacant buildings. Roland Holm commented that vacant buildings need to be addressed and the regulations

and fees may provide incentive for property owners to not leave property vacant and allow it to deteriorate. Commission members discussed the definition of a vacant building in Section 9-8-12 Vacant Building Registration. It was the consensus of the Commission members that the definition in five items listed would be OK. Gary Fraedrich questioned how an empty building that is being used for storage would be addressed under this language. Discussion by members indicated that as long as the buildings are secured and not violating any codes, the building would not be considered vacant.

Roland Holm and Commission members agreed that property owners would need to be notified of regulations regarding vacant buildings and would need to be given time to address the issue. Consensus was that a timeline should be established for responding to a letter from the building official, and for making corrections. One possibility discussed was thirty days for each step.

If a property owner would like to appeal a decision, a mechanism would need to be created to facilitate this. Moorhead Ordinance No. 2004-28 outlines a Board of Appeals that “consists of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction.” A provision for a similar board of appeals could be made for the Barnesville ordinance.

If a property owner receives a letter of violation and does nothing to rectify the violation, it is necessary to have a fine system. It would also be advantageous to have a generic agreement between the city and the property owner that outlines a timeframe for completion of required actions and specifies a completion date.

Roland Holm questioned what the procedure would be for a property owner who had insufficient funds to complete the required repairs. Karen Lauer reported that the City attorney commented that selective enforcement is illegal. The attorney stated that if ordinances exist they must be enforced across the board. Commission members discussed possible programs that may be available to assist low-income property owners. Consensus was that a list of possible resources should be compiled and made available to property owners.

Karen Lauer indicated she would complete a draft of possible Barnesville Property Maintenance Codes. She will try to have this draft completed by the February 6 Planning Commission meeting.

Karen Lauer updated the Planning Commission on a problem where the Zoning Ordinance and City Code do not match. The attorney indicated that City Code must be followed even if the City Council has taken action that is different than the Code. The areas that do not match will need to be addressed.

**01-24-06-03** Motion by Fraedrich and seconded by Berndt to adjourn at 8:50 p.m. Unanimously carried.

Submitted by:

Pat Berndt  
Planning Commission Secretary