

Barnesville City Council
Regular Meeting
April 10, 2006

Mayor Bauer called this special meeting to order at 7:00 p.m. Present were Mayor Bauer and council members Roger Cooper, Larry Davis, Jr., Chad Hagen, Del Ellefson, Kim Simonsen, and Merlin Strom. Others in attendance were City Attorney Mike Hannaher, City Clerk Jeri Davis, EDA Director Karen Lauer, Public Works Superintendent Dave Riddering, Police Chief Dean Ernst, Finance Director Joel Haugrud, TEC Coordinator Guy Swenson, Gary Giltner with People Service, Marty Soma and Dan Hanson with Ulteig Engineers, Mary Henny with the Barnesville P.T.A., Rick Maier, Jeff Berg, and Pam Aakre with the Record Review.

Mayor Bauer stated the first item on the agenda for the evening was the pledge of allegiance. All rose to recite the pledge of allegiance.

Mayor Bauer asked if there were any additional items to add to the agenda. The only addition was the discussion of the CRP land in the Commercial Park.

4.10.6.1 Motion by Mr. Cooper and second by Mr. Strom to accept the agenda as presented. Motion carried.

4.10.6.2 Motion by Mr. Ellefson and second by Mr. Strom to accept the consent agenda as presented. Motion carried. The following items were included in the consent agenda:

1. Approval of the minutes of the regular meeting held on March 13, 2006.
2. Department Head reports
3. Finance report-approval of check numbers 55333 – 55494 in the amount of \$210,322.68, and EFT payments in the amount of \$110,980.04.
4. Approval to hire part-time seasonal beach manger and lifeguards for the season.
5. Approval to enter into an agreement with Ottertail Power Co. to rent office space in the amount of \$150.00 per month at the Power Plant.
6. Approval to hire Laurie Andvik for temporary part-time help in the Administration office.
7. Approval of travel for TEC Coordinator Guy Swenson to attend the annual Missouri River Conference in Sioux Falls, SD.
8. Approval to hire part-time seasonal help at the Golf Course.
9. Approval of the Golf Course Management Board members.

Mayor Bauer next went thru the board and commission reports.

4.10.6.3 Motion by Mr. Davis and second by Mr. Ellefson to accept the board and commission reports as presented. Motion carried.

Mayor Bauer asked if there were any citizens present to be heard.

Ms. Mary Henney, representing the Barnesville P.T.A. discussed with council members the Elementary School playground equipment. Ms. Henney was asking for the city to help finance the playground equipment at the school. Mayor Bauer asked City Attorney Mike Hannaher to check into the legalities of this issue.

There were no other citizens present to be heard.

Mayor Bauer stated the next item on the agenda was the Potato Days Vendor Resolution.

4.10.6.4 Motion by Mr. Ellefson and second by Mr. Davis to approve the following resolution. Motion carried.

**RESOLUTION REGARDING THE ISSUANCE OF
VENDOR LICENSES DURING POTATO DAYS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARNESVILLE AS FOLLOWS:

Whereas, in Ordinance No. 1982-8 the City of Barnesville established certain procedures for licensing vendors within the City of Barnesville; and

Whereas, Paragraph 4 of said ordinance authorized the issuance of licenses under certain circumstances, but prohibited the City Clerk from issuing licenses when the issuance of said licenses would exceed City Council policy regarding the concentration of vendors;

Whereas, the Potato Days celebration in the City of Barnesville every summer is operated and controlled by the Potato Days Committee and said committee is well-suited to govern and control the vendors in the City of Barnesville during the Potato Days celebration.

Now therefore be it resolved as follows:

1. The City Council does hereby resolve and determine that during the annual Potato Days celebration in the City of Barnesville there shall be but one vendor's license issued for the sale of goods and services, which license shall be issued to the Potato Days Committee.

2. It is hereby found to be in the best interests of the City of Barnesville and its citizens that no additional licenses are issued for Potato Days. The concentration of vendors shall be controlled by the Potato Days Committee.

3. Pursuant to Paragraph 4 of Ordinance No. 1982-8, it will be the City Council's policy that the City Clerk not issue vendor licenses for the Potato Days celebration each year.

A motion for the passage of the foregoing resolution was made by Council Member _____ and seconded by Council Member _____.

It passed by a vote of _____, this 10th day of April, 2006.

Ken Bauer, Mayor

Attest: _____
Jeri Davis, City Clerk

Mayor Bauer stated the next item on the agenda was the updating of the Certificate of Deposit shared with the American Legion Club. City Clerk Jeri Davis informed council members that this certificate of deposit is in the amount of \$500.00 and was issued on January 30, 1996. City Clerk Jeri Davis recommended to council members to remove the city on the certificate of deposit.

4.10.6.5 Motion by Mr. Davis and second by Mr. Strom to remove the co-signature of the city on the certificate of deposit shared with the American Legion Post 4628. This certificate of deposit is dated January 30, 1996 in the amount of \$500.00. Motion carried.

Mayor Bauer stated the next item on the agenda was the approval for a digital camera. City Clerk Jeri Davis stated that this camera would be shared between the administration office and public works department, and would not exceed \$300.00.

4.10.6.6 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the purchase of a digital camera, not to exceed \$300.00. Motion carried.

The next item on the agenda was the discussion of the DSL speed. Council member Kim Simonsen stated that this is to increase the speed for the DSL customers, without an additional charge to the customers.

4.10.6.7 Motion by Mr. Simonsen and second by Mr. Strom to approve the increase of the DSL speed one step without an additional charge to the customer. Motion carried.

The next item on the agenda was the discussion of the DSL shelf and modem purchase. Council member Kim Simonsen informed council members that this recommendation from the TEC Board is to approve the purchase of two new shelves and 30 additional modems, and that this was a budgeted item for 2006.

- 4.10.6.8** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the purchase of two new shelves and 30 modems for the DSL. Motion carried.

Mayor Bauer next called on TEC Coordinator Guy Swenson to discuss the Cannon AMR Pilot Project. TEC Coordinator Guy Swenson informed council members that Cannon Technologies, who we currently have our load management system with, can insert a water card and electric readings at the same time into our system. This would be an automated meter reading of electric and water meters, and then transferred into the billing system. This pilot project would not exceed \$10,000.

- 4.10.6.9** Motion by Mr. Ellefson and second by Mr. Simonsen to approve the pilot project with Cannon Technologies, not to exceed \$10,000.00. Motion carried.

Mayor Bauer stated the next item on the agenda was the agreement for professional services for the supervisory controls system project. The estimated cost is estimated at \$13,200.00.

- 4.10.6.10** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the agreement for professional services for the supervisory controls system project with Ulteig Engineers, not to exceed \$13,200. Motion carried.

Mayor Bauer next discussed the main lift station screening with council members. Marty Soma with Ulteig Engineers discussed with council members the screening manhole at the main lift station. Mr. Soma discussed with council members the trash basket manhole as recommended by People Service. This is an 84" trash basket manhole, with the bar screen space of 2" in the amount of \$22,400. The screening manhole on the current contract documents is 96" screening manhole and is about 7/8" with the surface area much larger, in the amount of \$26,300.

- 4.10.6.11** Motion by Mr. Ellefson and second by Mr. Simonsen to approve the trash basket manhole as recommended by People Service in the amount of \$22,400. Motion carried.

Mayor Bauer stated the next item on the agenda was the proposal for the VBT aeration equipment. Council member Del Ellefson informed council members that two proposals had been received, one from Ulteig Engineers in the amount of \$7,750 and the other from Rein & Associate in the amount of \$14,730.

- 4.10.6.12** Motion by Mr. Ellefson and second by Mr. Simonsen to approve the VBT aeration equipment proposal from Ulteig Engineers in the amount of \$7,750. Motion carried.

Mayor Bauer next called on Mr. Dan Hanson with Ulteig Engineers. Mr. Hanson informed council members that Caldwell Tank is asking for a 90 day time extension for the completion of the elevated storage facility. Mr. Hanson recommended to council members that they do not grant the extension to Caldwell Tank.

- 4.10.6.13** Motion by Mr. Simonsen and second by Mr. Cooper to deny the request from Caldwell Tank for a 90 day time extension for the completion of the elevated storage facility. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of the sewer rates. Council member Del Ellefson discussed with council members the proposed changes for sewer rates. Mr. Ellefson stated that the residential sewer rate for 2007 would be changed from \$24.00 to \$24.55 and in the year 2008 the rate would be \$26.00. The commercial sewer rate for 2007 would be from \$65.80 to \$47.40 and in 2008 be \$49.00 per month.

4.10.6.14 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the first reading of the proposed sewer rate changes as recommended. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of the sump pump compliance check. Mr. Gary Giltner with People Service informed council members that there has been excessive usage the past few weeks, and there has been close to a million gallons thru the plant. Council members discussed the present monthly fine if a customer is not in compliance with the present ordinance. The present fine is \$25.00 per month. After much discussion, council members agreed to change the fine to \$100.00 per month, and that this would be considered as the first reading to amend the ordinance.

4.10.6.15 Motion by Mr. Ellefson and second by Mr. Davis to increase the monthly fee from \$25.00 per month to \$100.00 per month for any customer not in compliance with the sump pump ordinance. Motion carried.

Mayor Bauer next discussed the seal coating bids. Public Works Superintendent Dave Riddering informed council members that bids had been received and he recommends the bid award to Morris Seal coat & Trucking in the amount of \$69,504. This amount is \$204.00 over the budgeted amount.

4.10.6.16 Motion by Mr. Simonsen and second by Mr. Cooper to approve the seal coating bid from Morris Seal coat & Trucking in the amount of \$69,504.00. Motion carried.

Public Work Superintendent Dave Riddering next discussed the re-location of the present brush burn pile, the compost pile and the various materials piles. Mr. Riddering stated that the pile would need to be moved due to the new pond construction. Mr. Riddering stated that he would like to build another driveway to the proposed site, which he will need to install a culvert at the approximate cost of \$500.00, along with the approval from Buffalo River Watershed Authority. Mr. Riddering stated that this cost be put as a contingency cost to the pond project.

4.10.6.17 Motion by Mr. Simonsen and second by Mr. Cooper to approve the installation of the culvert in the amount of \$500.00, with the Buffalo River Watershed approval. Motion carried.

Mayor Bauer stated the next item on the agenda was the Del Acres-Gilbertson Addition bid opening. Mr. Dan Hanson with Ulteig Engineers informed council members that the bid opening was held earlier in the day. Quam Construction and Sellin Brothers were the two lowest bidders. Mr. Hanson informed council members that they would like additional time to verify the bids. Mayor Bauer informed council members that this bid award would be included on the special meeting to be held on Monday, April 17th.

Mayor Bauer stated the next item on the agenda was the public hearing for the JOBZ application from Agassiz Valley Grain, LLC.

Mayor Bauer opened the public hearing for the JOBZ application from Agassiz Valley Grain, LLC. at 8:34 p.m. EDA Director Karen Lauer informed council members that we administer the application. Rick Maier informed council that Red River Electric will be providing the electricity to the site. There were no other questions or comments.

Mayor Bauer closed the public hearing at 8:37 p.m.

Mayor Bauer stated the next item on the agenda was the 2nd reading to amend the zoning ordinance.

4.10.6.18 Motion by Mr. Simonsen and second by Mr. Strom to approved the 2nd reading of the following ordinance. Motion carried.

Ordinance 2006-5
City of Barnesville Zoning Amendment
Amending the city Zoning Ordinance
The City Council of the City of Barnesville does hereby ordain as follows:

WHEREAS: the City of Barnesville did previously enact the Zoning Ordinance in August 1994;

WHEREAS: a section has been identified as needing updating or modification;

NOW THEREFORE: the Zoning Ordinance is hereby amended as follows:

SECTION 20.00 MANUFACTURED HOUSING is hereby deleted and replaced with
SECTION 20.00 PERMANENT FOUNDATION REQUIRED

20.01 All principle structures in R-1, R-2 and R-3 Zoning Districts shall have a permanent exterior perimeter foundation. The foundation shall meet all requirements of the International Building Code or the International Residential Code; whichever is applicable. The provision shall not allow post and beam or pier construction above grade as a exterior perimeter foundation. All attached accessory structures must follow these same requirements.

SECTION 31.00 MOVED BUILDINGS

31.01 *Subject to 31.02*, no building over 150 square feet, will be moved within or into the City without having first obtained a conditional use permit (CUP). Any such building allowed by a CUP shall, at a minimum, blend into the neighborhood to which it is moved and have an appearance in harmony with surrounding structures.

31.02 A manufactured home may be moved, but without a Conditional Use Permit, provided the structure is a manufactured housing unit being relocated to a subdivision whose covenants do not restrict manufactured housing and provided said manufactured housing unit is in compliance with applicable State Statutes, the Manufactured Home Building Code and City Ordinances.

EFFECTIVE DATE: This amendment shall become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 10th day of April, 2006.

APPROVED:

Kenneth J. Bauer
Mayor

ATTEST:

Jeri L. Davis
City Clerk

EDA Director Karen Lauer next discussed with council members the Administrative Citations, an ordinance to create and enact chapter 2.18 of the Barnesville Municipal Code relating to administrative citations and civil and criminal penalties. Mrs. Lauer stated that we need to work with the Clay County District Court, and that this is for information only. City Attorney Mike Hannaher is working with the District on this. EDA Director Karen Lauer stated that she will present this again at the May regular meeting.

EDA Director Karen Lauer next discussed with council members the first reading of the Property Maintenance Code. Mrs. Lauer stated that this will assist city officials to effectively deal with residents who fail to keep up their property in an acceptable manner.

4.10.6.19 Motion by Mr. Simonsen and second by Mr. Strom to approve the 1st reading for the Property Maintenance Code. Motion carried.

ORDINANCE NO. 2006-XX

AN ORDINANCE TO CREATE AND ENACT CHAPTER 10.17 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO PROPERTY MAINTENANCE.

BE IT ORDAINED by the City Council of the City of Barnesville as follows:

SECTION 1. Chapter 10.17 of the Barnesville City Code is hereby created and enacted to read as follows:

CHAPTER 10.17

PROPERTY MAINTENANCE STANDARDS

Sections:

Subd. 1	Purpose
Subd. 2	Applicability
Subd. 3	Duties and Powers of the Code Official
Subd. 4	Definitions
Subd. 5	Maintenance of Exterior Structures
Subd. 6	Securing Vacant Buildings
Subd. 7	Vacant Building Registration
Subd. 8	Vacant Building Fees
Subd. 9	Notices and Orders
Subd. 10	Penalty for Violations

Subd. 1 Purpose. It is hereby determined that property that is not properly maintained in a clean, safe, secure and sanitary condition tends to result in blighted and deteriorated neighborhoods and is contrary to the public peace, health, safety and general welfare of the community. The provisions of this Chapter shall govern the minimum conditions and responsibilities of the property owner for maintenance of structures and exterior property.

Subd. 2 Applicability

A. General. The provisions of this Chapter shall apply to all property within the City limits of Barnesville and constitute minimum requirements and standards for premises and structures; the responsibility of owners, and for the administration, enforcement and penalties..

B. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. An owner or manager shall not permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code

C. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City Building Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Barnesville Zoning Code.

D. Existing remedies. The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure, which is dangerous, unsafe and unsanitary.

E. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

F. Severability. If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the Code.

Subd. 3 Duties and Powers of the Code Official

A. Appointment. The City Council shall appoint a Code Official to administer this chapter.

B. Designees. The Code Official shall have the authority to appoint designees to carry out the inspections and to enforce the provisions of this chapter. Whenever Code Official is stated in this chapter, it includes all designees of the Code Official.

C. Liability. The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and the Code Official, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions by reason of any act or omission in the performance of official duties in connection therewith.

D. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be set by the Barnesville

City Council through approval and adoption of a fee schedule. The most current adopted fee schedule shall be used.

E. Rule-making authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

F. Inspections. The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

G. Right of entry. With permission, the Code Official is authorized to enter the structure or premises at reasonable times to inspect ~~subject to constitutional restrictions on unreasonable searches and seizures.~~ If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

H. Identification. The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

I. Notices and orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

J. Department records. The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records pursuant to the document retention policy of the City.

K. Coordination of inspections. Whenever the enforcement of this Code or another code or ordinance, the responsibility of more than one Code Official of the jurisdiction is involved, it shall be the duty of the Code Officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction.

L. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first

find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the City files.

Subd. 4 Definitions

A. Terms defined in other codes. Where terms are not defined in this Code and are defined in the City’s Building Code, Fire Code or Barnesville Zoning Code, such terms shall have the meanings ascribed to them as in those codes.

B. General Definitions

1. “approved” Approved by the Code Official.
2. “basement” That portion of a building which is partly or completely below grade.
3. “code official” The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.
4. “dwelling unit” A single unit providing complete, independent living facilities for one or more persons, including permanent provisions living, sleeping, eating, cooking and sanitation.
5. “exterior property” The open space on the premises and on adjoining property under the control of owners or managers of such premises.
6. “occupancy” The purpose for which a building or portion thereof is utilized or occupied.
7. “occupant” Any individual living or sleeping in a building, or having possession of a space within a building.
8. “openable area” That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to outdoors.
9. “owner” Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
10. “person” An individual, corporation, partnership or any other group acting as a unit.

11. “premises” A lot, plot or parcel of land, easement or public way, including any structures thereon.
12. “structure” That which is built or constructed or a portion thereof.
13. “ventilation” The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
14. “workmanlike” Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Subd. 5 Maintenance of Exterior Structures

A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Paint which is peeling, or blistering to an extent of more than twenty-five (25) percent of the area, shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight.

C. Street numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way.

D. Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

E. Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

F. Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

G. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. All gutters and

downspouts shall be present and functional on every structure such that full and complete drainage away from the building occurs.

H. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

I. Overhang extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. All soffit and fascia areas shall be unreasonably weather-tight, watertight and rodent-proof; and shall be kept in a workmanlike state of maintenance and repair.

J. Stair and walking surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall be kept in a proper state of repair and maintained free from hazardous conditions.

K. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

L. Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

M. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

N. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

O. Insect screens. During the appropriate season, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens.

P. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

Q. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Subd. 6 Securing Vacant Buildings

A. General. If any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the Code Official, may order the building secured and shall cause notice of the order to be served upon the owner of the premises. Such notice may be served personally or by mail. Service by mail is complete upon mailing a copy of the order to the owner at the last known address. If the owner fails to comply with the order within fifteen (15) days after the order is served, the Code Official shall cause the building to be boarded up or otherwise properly secured.

B. Emergency. When it is determined by the Code Official or the Chief of Police, or the Fire Chief that an emergency exists with respect to the health or safety of persons in the community, and immediate boarding and securing of a building is required, and where danger will exist to children, transients or others in the absence of an immediate boarding or securing of the building, the director of inspections or the chief of police, or the fire chief may waive all requirements herein and immediately board or otherwise secure the building, provided that:

1. The conditions showing the existence of an emergency are documented in writing by the Code Official or the chief of police or the fire chief or their designees.

2. Notice be mailed immediately by the department invoking this section to the address of the owner and taxpayer, and, if recorded on the assessors rolls, the address of the mortgage holder, of the date of boarding or otherwise securing and the reasons therefor.

C. Securing a Building After a vacant or unoccupied building has been boarded or otherwise secured under this section, should the owner fail to maintain the building in a secured condition until such time as it has been repaired and re-occupied, the Code Official shall re-secure any openings into the building whenever it again becomes open to trespass, without further notice to the owner.

An administrative fee of \$75.00 and all other costs incurred by the City for boarding or otherwise securing a building under this section, including, but not limited to, the actual costs for boarding, inspecting, posting and monitoring the building, shall be charged as a special assessment against the real estate upon which the structure is located and shall be a lien upon such real estate.

Subd. 7 Vacant Building Registration

A. Definition. The owner of a building shall register the building with the Code Official within five (5) days after it becomes a vacant building. In this section a “vacant building” is one that is:

1. Condemned;
2. Unoccupied and unsecured for five (5) days or more;
3. Unoccupied and secured by means other than those normally used in the design of the building for thirty (30) days or more;
4. Unoccupied and has multiple building standards, fire or building code violations existing for thirty (30) days or more;
5. Unoccupied for a period of time over 365 days and during which time an order has been issued to correct a nuisance condition

B. Registration. The registration shall be submitted on forms provided by the Code Official and shall include the following information supplied by the owner:

1. A description of the premises;
2. The names and addresses of the owner or owners;
3. The names and addresses of all known lienholders and all other parties with an ownership interest in the building;
4. The period of time the building is expected to remain vacant and a plan and timetable for returning the building to appropriate occupancy or for demolition of the building.

C. Laws and Codes. The owner shall comply with all applicable laws and codes. The owner shall notify the Code Official of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revision must meet the approval of the Code Official. The Code Official may require the water to be shut off in a vacant building in order to avoid the possibility of damages from broken water lines, freezing of water lines or vandalism.

D. Safety. The owner and the subsequent owners shall keep the building secured and safe and the building and grounds properly maintained until the rehabilitation or demolition has been completed.

E. New Owners. The new owner(s) shall register or re-register the vacant building with the Code Official within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the director of inspections.

Subd. 8 Vacant Building Fees

A. Annual Fee. The owner of a vacant building shall pay an annual fee of \$400.00. The fee is imposed to defray the administrative costs for registering and processing the vacant building registration form and for the costs of the City in monitoring the vacant building site.

The first annual fee shall be paid no later than thirty (30) days after the building becomes vacant. Subsequent annual fees shall be due on the anniversary date of initial vacancy. The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

Unpaid fees shall be charged as a special assessment against the real estate upon which the structure is located and shall be a lien upon such real estate. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid and subsequent annual fees.

Subd. 9 Notices and Orders

A. Notice to person responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the person responsible in the manner prescribed.

B. Form. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

C. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address of the person responsible; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

D. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Subd. 10 Penalty for Violations

A. Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

B. Notice of violation. The Code Official shall serve a notice of violation or order in accordance with Chapter 10.17-9.

C. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Chapter 10.17-9 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to

restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the City shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. Violation of penalties. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by state or City Code. Violation shall be deemed a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Alternatively, the Code Official may proceed with administrative citations and civil penalties as provided in Barnesville City Code.

E. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the City from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

F. Application for appeal. Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the City Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

SECTION 2. This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this day of
2006.

APPROVED BY:

ATTEST:

JERI DAVIS, City Clerk

First Consideration: April 10, 2006
Second Consideration: May 8, 2006
Date of Publication: May 15, 2006

EDA Director Karen Lauer next discussed the quotes on the Old City Hall project. Mrs. Lauer stated that she had received two quotes for each part of the project.

4.10.6.20 Motion by Mr. Davis and second by Mr. Ellefson to approve the following quotes for the Old City Hall project.

Brick cleaning and tuckpointing:	North Country Restoration	\$29,805.00
Purchase of 2 nd Story Windows	Barnesville Building Center	\$44,863.21
Installation of New Windows	Phil Schritz	\$18,190.58

Motion carried.

EDA Director Karen Lauer next discussed the Tom & DeLoyce Anderson lot merge request. This lot merge request is in Stoneridge Addition, Lots 10 and 11, Block 2. Mrs. Lauer stated that the Anderson's plan to build a large rambler, and that they wish to combine the lots.

4.10.6.21 Motion by Mr. Davis and second by Mr. Strom to approve the lot merge request from Tom and DeLoyce Anderson for Stoneridge Addition, Lots 10 and 11, Block 2. Motion carried.

EDA Director Karen Lauer next discussed the application from Patricia Dickelman for a massage therapist license and massage enterprise license at Appearances 203. Police Chief Dean Ernst stated that approval be contingent pending a clean background check.

4.10.6.22 Motion by Mr. Hagen and second by Mr. Davis to approve the massage therapist license for Patricia Dickelman, pending approval of a clean background check. Motion carried.

4.10.6.23 Motion by Mr. Hagen and second by Mr. Davis to approve the massage enterprise license, pending approval of a clean background check for Patricia Dickelman. Motion carried.

EDA Director Karen Lauer next discussed with council members the present CRP land in the Commercial Park. EDA recommends the majority of the land stay in the CRP program and only a portion to be removed from the program.

4.10.6.24 Motion by Mr. Ellefson and second by Mr. Davis to approve the recommendation of the EDA to renew the CRP contract in the Commercial Park, and only a portion of the land to be removed from the program. Motion carried.

Mayor Bauer next called on Finance Director Joel Haugrud to discuss the CD renewal rates. Mr. Haugrud informed council members that he is recommending a two year renewal with Wells Fargo on the \$100,000 CD with an interest rate of 4.80%.

4.10.6.25 Motion by Mr. Davis and second by Mr. Strom to approve the renewal of the \$100,000 Certificate of deposit with Wells Fargo Bank with an interest rate of 4.80%. Motion carried.

Mayor Bauer adjourned the meeting at 9:04 p.m.

Submitted by:

Attest:

Jeri L. Davis
City Clerk

Kenneth J. Bauer
Mayor

