

Barnesville City Council
Regular Meeting
May 8, 2006

Vice-Mayor Simonsen called this regular meeting to order at 7:00 p.m. Present were Vice Mayor Simonsen, and council members Roger Cooper, Larry Davis Jr., Chad Hagen, Del Ellefson, and Merlin Strom. Absent was Mayor Ken Bauer. Also in attendance were City Attorney Mike Hannaner, EDA Director Karen Lauer, Finance Director Joel Haugrud, TEC Coordinator Guy Swenson, Public Works Supt. Dave Riddering, Police Chief Dean Ernst, Marty Soma with Ultieg Engineers, Jim Braton, Jeff Braton, Del Peterson, Kim Peterson, Jon Braton, Brenda Braton, Kim Embretson of West Central Initiative and Pam Aakre with the Record Review.

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

Vice Mayor Simonsen asked if there were any additional items or amendments to the agenda. One addition was the Water/Sewer ordinance second reading to be added and to move the deletion of the fountain in the Del Acres/Gilbertson addition up into Administration from the EDA/Planning and Zoning section.

05-08-06-01 Motion by Mr. Cooper and 2nd by Mr. Davis to accept the agenda with the recommended changes. Motion Carried

05-08-06-02 Motion by Mr Davis and second by Mr. Ellefson 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 April 10,2006.
- 2 Approval of the Minutes of the Special meting held on April 17, 2006.
- 3 Approval of the Minutes of the Special meeting held on April 24, 2006.
- 4 Department Head Reports
- 5 Finance report-approval of check numbers 55440-55686 in the amount of \$216,514.43, and EFT payments in the amount of \$103,132.67
- 6 Hire Jeff Swenson and Bryce Yokom for seasonal part time help.
- 7 Approval for the Barnesville Thursday Nite Lions gambling permit for July 15 and July 16, 2006 at the Clay County Fairgrounds.
- 8 Accept resignation of Custodian Charlene Grosz.
- 9 Accept resignation of Liquor Store Clerk Amy Kava.
- 10 Hire Liquor Store Clerk Lori Guida.
- 11 Approve Travel for Jeri Davis to MMCI on July 10th – July 14th.

05-08-06-03 Vice Mayor Simonsen next went through the board and commission reports. Motion by Mr. Cooper and second by Mr. Hagen to accept the board and commission reports as presented. Motion carried. .

Vice Mayor Simonsen then asked for any citizens to be heard.

Mr. Jim Braton discussed with council members about the initial work done for the water main break on Front St. in front of the flower shop. Mr. Braton stated that People Service and MN Rural Water stated the leak was from the curbstop to his building and thence work was done and no leak was found. Mr. Braton questioned if either People Service or MN Rural Water had insurance or accountability for this as Jim told then he was sure if was not where they said the leak was. Vice Mayor Simonsen stated we would have City Clerk Jeri Davis pass the bills onto both People Service and Rural Water to see if they would take responsibility for this item, bills totaled around \$1,700.

No other citizens were to be heard.

Vice Mayor Simonsen then stated the next item on the agenda was Mr. Kim Embretson from West Central Initiative to present their annual report. Mr. Embretson went through highlights of various items on the report and examples of what they do. Council members had no further questions for Mr. Embretson.

Vice Mayor Simonsen stated the next item was the elementary school playground equipment which was just an FYI for the council.

Vice Mayor Simonsen stated the next item was the NIMS training. This is a requirement in order for the City to receive future federal grant money.

05-08-06-04 Motion by Mr Ellefson and 2nd by Mr Davis to authorize City Clerk Jeri Davis to sign the contract with MN State Community & Technical College in the amount of \$300.00 for the required NIMS Training.. Motion carried.

Vice Mayor Simonsen stated the next item was the resolution of commendation of service for City Attorney Mike Hannanher.

05-08-06-05 Motion by Mr Cooper and 2nd by MR. Davis to approve the following resolution.. Motion Carried

**RESOLUTION 05-08-2006
CITY OF BARNESVILLE
CLAY COUNTY, MINNESOTA**

RESOLUTION OF COMMENDATION

WHEREAS: Michael Hannaher began employment with the City of Barnesville in 1974, and served this community for 32 years until May 2006;

WHEREAS: he has readily and generously given of his time to serve our community;

WHEREAS: he has dedicated himself to the duties and provided the best service he could in order to meet the best interests of the City of Barnesville;

WHEREAS: he has always given the extra effort and dedication to distinguish himself as an loyal employee in whatever capacity he was serving;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Barnesville expresses their sincere appreciation and commends Mr. Mike Hannaher for his dedication and for the excellent job done serving the City as the City Attorney for the past 32 years.

Adopted by the City Council this 8th day of May, 2006.

Kim Simonsen
Vice-Mayor

Attest:

Jeri L. Davis
City Clerk

Vice Mayor Simonsen stated the next item was the deletion of the fountain in the Del Acres/Gilbertson addition. Karen Lauer stated that we could remove this from the contract and add it back at a later date. Mr. Del Peterson had a handout showing what he wanted to do in each Phase of the development.

- 5.8.6.6 Motion by Mr. Ellefson to take out the fountain, 2nd by Mr. Strom, motion carried. New resolution to move Phase 2 & 3 pump assessments and reallocate to Phase 1.
- 5.8.6.7 Motion by Mr. Ellefson and 2nd by Mr. Strom., Motion Carried.

TEC Coordinator Guy Swenson next discussed with council members the CIP-Conservation Improvement Program Reauthorization. Mr. Swenson stated that the minimum CIP funding for 2006 is set at \$20,292.00.

05-08-06-08 Motion by Mr.Davis and second by Mr. Strom to approve the 2006 CIP-conservation improvement Program Reauthorization. The minimum CIP funding for 2006 budget is \$20,292.00.. Motion carried.

TEC Coordinator Guy Swenson next discussed the East Sub-station repair expenses. Since they occurred and were paid in 2006, they could not be moved to 2005 were they were approved by TEC board, a separate line will be shown to show these expenses.

05-08-06-09 Motion by Mr Strom 2nd by Mr Ellefson. Motion carried.

Vice Mayor Simonsen stated the next item on the agenda was the discussion of the carry over funds from 2005 budget. TEC Coordinator Guy Swenson informed council members that the carryover request of \$11,798.00 is for the South east feeder update. The money went into the general fund, rather than the electrical fund.

05-08-06-10 Motion by Mr. Cooper and second by Mr. Strom to approve the transfer of \$11,798.00 from the general fund to the electric fund to pay the expenses of the Southeast feeder update. Motion carried.

Vice-Mayor Simonsens stated that the next item on the agenda was the discussion of the Onvoy – Caller Name Services. TEC Coordinator Guy Swenson informed council members the addendum would provide a 50% savings in caller name services, or approximately \$65.00 to \$70.00 per month.

05-08-06-11 Motion by Mr. Strom and second by Mr. Ellefson to approve the Onvoy CNAM-Caller name Services addendum to our Wholesale Master Service Agreement with Onvoy for the three year term. Motion carried.

TEC Coordinator Guy Swenson next discussed with council members the TOC conference. Mr. Swenson stated that the Telephone Operator Conference will be held May 9th-11, 2006 at the Fargo Holiday Inn. Mr. Swenson asked approval for up to three employees to attend the conference.

05-08-06-12 Motion by Mr. Davis, and second by Mr. Hagen to approve attendance of up to three employees to attend the Telephone Operator Conference at the Fargo Holiday Inn. The regristration fee is \$60.00 per person. Motion carried.

Vice Mayor Simonsen stated the next item on the agenda was to award the bid for the stabilization pond system expansion, wastewater treatment facility. Mr. Marty Soma with Ulteig Engineers informed council members that two bids were received for the project. The two bids received were as follows:

Gladen Construction, Inc.	\$4,211,390.20
Visser Scraper Service, LLC	\$3,481,065.00

Mr. Soma recommended to council that we accept the Visser Scraper bids, which excluded Alternates 1 & 2 for the Wastewater Treatment Facility.

05-08-06-13 Motion by Mr. Ellefson and second by Mr. Cooper to accept the stabilization pond system expansion, wastewater Treatment Facility bid in the amount of \$3,481,065.00 from Visser Scraper. Motion carried.

The next item on the agenda was Mr. Marty Soma with Ulteig Engineers requesting a motion to advertise for bids on the Scada System. Mr. Soma asked for authorization to call for bids.

05-08-06-14 Motion by Mr. Ellefson and second by Mr. Hagen to advertise for bids for the Scada System, with bids to be opened on June 6th, 2:00 p.m. Motion carried.

The next item was the VBT Aeration equipment which the contract needed to be signed.

05-08-06-15 Motion by Mr. Ellefson and 2nd by Mr Strom. Motion Carried.

Vice Mayor Simonsen stated the next item on the agenda was the second reading of the sewer rates.

05-08-06-16 Motion by Mr. Cooper and second by Mr. Ellefson to approve the following ordinance. Motion carried.

**Ordinance No. 2005-10 is hereby amended as follows:
Ordinance No. 2006-6
An Ordinance Amending the Sewer Charges**

The City Council of the City of Barnesville does hereby ordain
as follows:

WHEREAS: the City Council did previously enact Ordinance No. 2005-10, defining the sewer service charge; and

WHEREAS; THE City Council of the City of Barnesville has recommended that the fee be changed to the following:

Section 3.41 Sewer Service Charge

A. Residential

- 1. January 1, 2007 \$24.55
- January 1, 2008 \$26.00

B. Commercial/Industrial Flat Rate Charge:

- 1. January 1, 2007 \$47.40
- January 1,2008 \$49.00

PASSED AND ADOPTED by the Barnesville city council this 8th day of May, 2006.

Vice Mayor stated the next item on the agenda was the second reading of the sump pump ordinance.

05-08-06-17 Motion by Mr. Davis and second by Mr. Hagen to approve the following ordinance. Motion carried.

Ordinance No. 2006-7

City of Barnesville Sump pump drain regulations amendment
Amending Ordinance 1998-9 and also amending Ordinance 1995-5
The City Council of the City of Barnesville does hereby ordain
as follows:

WHEREAS: The City of Barnesville did previously enact the Sump Pump Regulations and Unlawful Acts Ordinance:

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

NOW THEREFORE: the Sump Pump Ordinance is hereby amended as follows:

Section 3.60

Sump pump drain regulations and unlawful acts:

Subd. 5 Additional Remedy. In any case where access for inspection of premises by a representative of the City to verify compliance with this Section is denied, or in any case or failure to refusal to comply with any other provision of this Section, the City may discontinue water service to such premises along with a \$100.00 per month penalty.

Council members discussed the enforcement of the sump pump ordinance and who will be enforcing the ordinance.

05-08-06-17 Motion by Mr. Ellefson and second by Mr. Davis to authorize People Service to enforce and verify customer compliance for sump pumps. Motion carried.

Council members next discussed the request from the Barnesville School District for a request for a \$15,000 donation for the summer recreation program.

05-08-06-18 Motion by Mr. Hagen and second by Mr. Davis to authorize the Independent School District #146 for a \$15,000 donation for the 2006 summer recreation program. Motion carried with Mr. Ellefson abstaining.

Vice Mayor Simonsen stated the next item on the agenda was the change in Ambulance Manager position.

05-08-06-19 Motion by Mr. Hagen and second by Mr. Davis to approve the proposed job description for the Ambulance Manger. Motion carried.

Council members next discussed the Ambulance Scheduling Manager position.

05-08-06-20 Motion by Mr. Hagen and second by Mr. Davis to accept Ambulance Scheduling Manager job description. Motion carried.

05-05-06-21 Motion by Mr. Ellefson and second by Mr. Davis to hire Mr. Jon Yeske for the Ambulance Scheduling Manger at a rate of pay of \$500.00 per month. Motion Carried.

Vice Mayor Simonsen stated the next item on the agenda was the Mainstreet Coordinator positions request to become fulltime. EDA Director Karen Lauer gave an overview of the position. Main Street Board Member Brenda Braton discussed with council other highlights of the position also. Main Street Board Member Ryan Tonsfeldt stated that he felt the Mainstreet committee could come up with about half of the additional amount in salary, or around \$7,000 to cover this request to make this position a full-time postion, and asked that the city cover the other half.

05-08-06-22 Motion by Mr. Ellefson and second by Mr. Hagen to change the Main Street Director position from part-time to a full-time status. After a lengthy discussion Vice Mayor Simonsen called for a roll call vote. Those voting in favor of were: Mr. Ellefson, Mr. Hagen and Mr. Strom. Voting against were Mr. Cooper and Mr. Davis. Motion carried.

Vice Mayor Simonsen stated the next itme on the agenda was the first reading of the Amendment to R-2 Zoning Ordinance.

05-05-06-23 Motion by Mr. Hagen and second by Mr. Strom to approve the first reading of the Amendment to R-2 Zoning Ordinance. Motion carried.

Ordinance 2006-X
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 9.00

R-2 URBAN RESIDENTIAL DISTRICT

9.01 Purpose: R-2, the Urban District, is designated for land that is presently developed in predominately urban residential lots. The purpose of this district is to permit the continuation and limited expansion of the more densely populated, established sections of the city.

9.02 Permitted Uses:

- a. Agriculture (See Section 26.00)
- b. Single-Family Dwellings
- c. Two-Family Dwellings
- d. Public & Private Schools
- e. Public Parks & Playgrounds
- f. Essential Services
- g. Accessory Uses (See Section 28.00)
- h. Day care facilities serving 12 or fewer persons, residential care facilities serving 6 or fewer persons, and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer persons.
- i. Manufactured Housing (See Section 20.00)

9.03 Conditional Uses:

- a. Cemeteries
- b. Home Occupations (See Section 18.01)
- c. Non-Profit Recreational Uses
- d. Nursery Schools
- e. Nursing Homes
- f. Hospitals & Clinics for Humans
- g. Public Utility buildings
- h. Fire Stations
- i. Funeral Homes
- j. Water Recreation & Water Storage

- k. Municipal Buildings & Libraries
- l. Bed and Breakfast Facilities (See Section 18.02)
- m. Planned Unit Residential Projects (See Section 19.00)
- n. Residential Facility for 7 or More Persons
- o. Churches
- p. *Daycare facilities serving over 12 people***

9.04 Yard and Lot Requirements:

One Two Accessory

Family Family Structures

Minimum Lot Area 6,000 6,000

Minimum Lot Width

at Setback Line (ft.) 50 50

Minimum Lot Depth (ft.) 120 120

Minimum Rear Yard Setback (ft.) 25 25 [3]

Minimum Front Yard Setback (ft.) [1] [1] 25

Minimum Side Yard Setback (ft.) [2] [2] 5

Maximum Lot Coverage 35% 35%

[1] Twenty-five (25) feet from the property line except on residential streets where the right-of-way is one hundred (100) feet, in which case the setback shall be seventeen and one half (17.5) feet from the property line.

[2] 10% of lot width at front yard setback. Side yard setback on corner lots shall be a minimum of twelve (12) feet from the property line.

[3] Five (5) feet unless a garage entrance faces onto a street, avenue, or alley, the minimum setback will be 18 feet from the property line to accommodate a vehicle from encroaching onto public right-of-way. A setback of ten (10) feet is required if there is a utility easement.

9.05 Garage Space:

All single family homes built, assembled or placed on residential lot must provide, at the minimum, access to and space for sheltered, off-street parking for two standard sized automobiles.

9.06 Permitted Intrusions Into Front Yards:

Uncovered porches and platforms which do not extend above the floor level of the first floor, provided, that they may extend eight feet into the front yard, but in no case will the remaining front yard set be less than 15 feet.

Vice Mayor Simonsen stated the next item on the agenda was the 1st reading for the Water Recreation, Waterstorage facilities.

05-08-06-24 Motion by Mr. Ellefson and second by Mr. Davis to approve the first reading of the following ordinance. Motion carried.

**Ordinance 2006-X
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:

SEC. 11.52. WATER RECREATION AND WATER STORAGE FACILITIES. Any facility for water recreation with a capacity greater than two thousand (2,000) gallons and/or two (2) feet or more in depth such as private swimming pools, swimming clubs, and commercial fishing ponds, or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons, and farm ponds shall comply with the following requirements.

Subd. 1. The facility shall conform with the setback requirements.

Subd. 2. The facility shall be enclosed by a fence with a self-closing gate no less than four feet high and no more than four (4) inches from the bottom of the fence to the ground to prevent uncontrolled access.

Subd. 3. The facility, if operated to attract visitors, shall comply with parking requirements established under Off-Street Parking and Loading provisions of this Chapter.

Subd. 4. Before a Zoning Certificate shall be issued to the operator or owner of the facility, a plan shall be submitted to the Board of Adjustment showing the size of the facility, proposed use, parking arrangement and use of buildings on the site, surrounding properties and their usage, and any other pertinent information.

Provided however that the foregoing terms and conditions should not apply to stormwater retention or detention ponds, but that stormwater retention or detention ponds must comply with Storm Water Management ordinances.

Section 11.55 should be added as shown:

STORM WATER MANAGEMENT The purpose of this ordinance is to promote, preserve and enhance the natural resources within the City of Barnesville and protect them from adverse effects brought about by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality.

Subd. 1. Scope and Effect

Effective at the date of adoption of this ordinance, every applicant for a single building project or a subdivision which would disturb five (5) acres or more must submit a storm water management plan to the City of Barnesville Zoning Officer and apply for a General Storm Water Permit through the Minnesota Pollution Control Agency.

No building permit, or subdivision approval to allow land disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this ordinance.

Subd. 2. Criteria for Permanent Facilities

An applicant shall install or construct on or for the proposed land disturbing or development activity, all storm management facilities necessary to manage increased runoff so that the ten-year storm peak discharge rates existing before the development shall not be increased. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve

multiple land disturbing ad development activities undertaken by one or more persons, including the applicant.

Subd. 3. Design Standards

Storm Water detention facilities constructed in the City of Barnesville shall be designed according to the most current technology using Best Management Practices as reflected in the MPCA publication "Protecting Water Quality in Urban Areas", dated March 2000 and any amendments thereto.

The next item was the 1st reading for the Administrative Citations ordinance.

05-08-06-25 Motion by Mr. Ellefson and second by Mr. Davis to approve the first reading of the following Administrative Citations Ordinance. Motion carried.

The next item on the agenda was the 2nd reading on the Property Maintenance Standard ordinance.
05-08-06-26 Motion by Mr Davis, 2nd by Mr Ellefson.(subd 3 g needs to included ordiance and summary) 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.

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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.

The next item on the agenda were the special assessments on 501 front Street North. Karen Lauer stated the EDA is buying this property to develop and sell as commercial property but needed to pay off the Assessments. She wanted the city of cover \$676 of the amount and the EDA will cover the balance of \$2,322.

05-08-06-27 Motion by Mr. Ellefson and 2nd by Mr. Davis to pay off assessments in this manner. Motion Carried.

05-08-06-28 Motion by Mr. Davis and second by Mr. Ellefson to adjourn the meeting at 8:58 pm. Motion carried.

Submitted by:

Attest:

Joel Haugrud
Finance Director

Kim Simonsen
Vice-Mayor