

**Barnesville City Council
Regular Meeting
November 14, 2016**

Mayor Gene Prim called this regular meeting to order at 7:00 p.m. Members present were Council members Jason Rick, Don Goedtke, Betty Strom, Larry Davis, Jr., Dawn Stuvland and Brad Field. Others in attendance were City Administrator Mike Rietz, Sara Nyhus-Wear with Ohnstad Twitchell, City Clerk Jeri Reep, Finance Director Laurie Schell, TEC Manager Guy Swenson, EDA Director Karen Lauer, Police Chief Dean Ernst, Public Works Supt. Trevor Moen, Ambulance Director Scott Nelson, Jon Pauna with KLJ Engineering, Steve Stetz, Ron Norling, Shannon Norling, Cris Mortenson, Tim Thompson, Nicholas Aadland, Kent Fuchs and Dave Olek with Fuchs Sanitation, Kirk Rosenberg with Clay County Solid Waste, and Michael Stein with the Record Review.

Mayor Prim next asked if there were any addition or corrections to the agenda. City Administrator Mike Rietz stated there were no corrections or additions to the agenda.

11-14-16-01 Motion by Mr. Rick and second by Mr. Goedke to approve the agenda as presented. Motion carried.

Mayor Prim stated the next item on the agenda was the consent agenda.

11-14-16-02 Motion by Mr. Rick and second by Mr. Goedtke to approve the consent agenda. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on October 10, 2016.
2. Approval of the minutes of the special meeting held on October 17, 2016.
3. Approval of the minutes of the special meeting held on November 2, 2016.
4. Approval of the department head reports.
5. Approval of the check numbers 82688 – 82823 in the amount of \$622, 989.32 and EFT payments in the amount of \$302,804.73.
6. Set the Truth in Taxation hearing of December 12, 2016.
7. Approval to hire Ryan Erdmann for Public Works Maintenance I at \$16.00 per hour.
8. Approval to allow the Rothsay Golf team to practice at the Willow Creek Golf Course.
9. Approval of the Pro Turf contract.
10. Approval of pay estimate #2 in the amount of \$21,448.45 and Change Order #1 to Hough, Inc. in the amount of \$9,935.85.
11. Approval of the gambling permit for the Barnesville Fire Dept for January 27, 2017.
12. Approval of travel for TEC Manager Guy Swenson to attend the MN Clean Energy Resource meeting-Nov. 21, 2016.
13. Approval of Genband 2017 Service & Support Agreement.

Mayor Prim stated the next item on the agenda was the board and commission reports.

Council members reported on the boards and commissions they serve on.

Mayor Prim stated the next item on the agenda was the public forum. Mayor Prim asked if there were any citizens present to be heard.

Mr. Cris Mortensen next approached the council. Mr. Mortensen stated that the Public Works Dept. took out a tree on his property by the Stop sign. Mr. Mortensen also questioned who is in charge of the Joint Powers, who polices it and enforces it. Mr. Mortensen also informed council members that he has had the elevator property surveyed, and is waiting for the survey to be completed. Council member Field asked staff to put on a future agenda the EDA accomplishments.

Mayor Prim asked if there were any other citizens present to be heard. There were no other citizens present to be heard.

Mayor Prim stated the next item on the agenda was the Milligan property maintenance assessments.

City Administrator Mike Rietz informed council members that Chief Ernst has reviewed the property at 101 4th Street NW, and found that the five violations on the property that were outstanding at the December 2015 council meeting are still present on the property. These violations have resulted in fines of \$10,000, with a vacant building fee of \$400.00. Mr. Steve Stetz next asked council members for additional time to fix the violations. Mr. Stetz stated that he has a signed purchase agreement for the property. Mr. James Hegewald is in the process of purchasing the home, and plans to refurbish the home. Mayor Prim and council members agreed to place this item on the March 2017 agenda, and not assess the fines at this time.

Mayor Prim stated the next item on the agenda was the public hearing on the property maintenance assessments.

11-14-16-03 Motion by Mr. Rick and second by Mrs. Strom to open the public hearing at 7:31 p.m. for the property maintenance assessments. Motion carried.

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

Mr. Nicholas Aadland approached the council. Mr. Aadland stated that he is done with the property at 508 6th Street NW, and plans to list the property with a realtor. Mayor Prim stated that the mowing and maintenance violations will be charged on this property.

Mayor Prim asked if there were any other citizens present to be heard. There were none.

11-14-16-04 Motion by Mr. Goedtke and second by Mrs. Strom to close the public hearing for the property maintenance assessments at 7:45 p.m. Motion carried.

11-14-16-05 Motion by Mrs. Stuvland and second by Mr. Goedtke to approve the following list for property maintenance assessments, and to remove the assessment at 508 6 St. NW in the amount of \$4400.00. This assessment will be tabled until the March 2017 regular council meeting. Motion carried.

500530120	1401 4 Ave SE	Heatland Self Storage	\$300.00	Mowing
505750030	801 5 St SE	Midland Mortgage	75.00	Mowing
507500080	327 2 St NE	Jeffrey & Sara Benke	150.00	Mowing
502500340	110 5 Ave NW	Robert Wojcik	225.00	Mowing
505753240	412 Front St S	JM Property Devel.	75.00	Mowing
505751670	812 3 St SE	Bayview Loan Serv	375.00	Mowing
500500090	508 6 St NW	Benson Kimemia	860.00	Maint Viol
505751480	304 6 Ave SE	Walter Olson	75.00	Mowing
505751130	201 4 St SE	Gretchen Gottsacker	600.00	Mowing
505752440	117 3 St NE	Reverse Mortgage	300.00	Mowing
500500090	508 6 St NW	Benson Kiemema	125.00	Mowing

Mayor Prim stated the next item on the agenda was the CUP conditions of a moved building at 508 6th Street NW.

City Administrator Mike Rietz informed council members that the CUP at 508 6th Street NW will need to be extended or a public hearing at the Planning Commission will be needed to consider revoking the CUP.

11-14-16-06 Motion by Mrs. Strom and second by Mr. Rick to extend the CUP at 508 6th Street NW for one year, until the December 2017 council meeting. Motion carried.

Mayor Prim stated the next item on the agenda was the public hearing on Tax Abatement.

11-14-16-07 Motion by Mr. Rick and second by Mrs. Strom to open the public hearing for the tax abatement at 7:55 p.m. Motion carried.

EDA Director Karen Lauer stated that this public hearing and resolution are done annually. The public hearing is required prior to granting an abatement to a property. The amount of the abatement listed in the resolution is an estimated amount. The actual amount should be less and will be the City portion of the taxes on the property as determined by the County.

Mayor Prim asked if there were any other citizens present to be heard. There were none.

11-14-16-08 Motion by Mr. Davis and second by Mrs. Stuvland to close the tax abatement public hearing at 7:56 p.m. Motion carried.

11-14-16-09 Motion by Mr. Field and second by Mr. Goedtke to approve the following resolution. Upon a roll call vote, the following voted aye: Council members Rick, Goedtke, Strom, Davis, Stuvland, and Field. The following voted nay: none. Motion carried.

CITY OF BARNESVILLE
CLAY COUNTY, MINNESOTA
RESOLUTION AUTHORIZING A PROPERTY TAX ABATEMENT FOR QUALIFIED
PROPERTY OWNERS
RESOLUTION 11-14-16-09

WHEREAS, pursuant to proper notice duly given as required by law, the Mayor and Council met on November 14, 2016 and heard any and passed upon all objections to the proposed property tax abatements granted to properties located within the City of Barnesville.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Barnesville, Minnesota:

1. Such proposed abatement, which applies to the properties described as 809 11th Ave SE Parcel No. 50.336.0020, 111 14th St. SE Parcel No. 50.235.0180, 102 14th St. NE Parcel No. 50.235.0190, 1004 3rd Ave NE Parcel No. 50.745.0070, 805 11th Ave. SE Parcel No. 50.336.0010, 105 15th St. NE Parcel No. 50.235.0280, 103 14th St. NE Parcel No. 50.235.0140, 101 14th St. NE Parcel No. 50.235.0130, 108 14th St. SE Parcel No. 50.235.0220, which qualifies with the program established by the Resolution 10-08-12-22, is hereby accepted and shall constitute the estimated total abated value of \$10,659 for each of the two years of the abatement program.
2. The abatement for parcels described as 401 2nd Avenue NW Parcel No. 50.500.0080, 1409 2nd Avenue NE Parcel 50.235.0080, 1407 2nd Ave, NE Parcel No. 50.235.0070, 104 14th Street NE Parcel No. 50.235.0200, 812 11th Ave. SE Parcel No. 50.377.0060 in the estimated amount of \$6,800 that was established by resolution of the City Council in December 2015 is hereby re-affirmed for the second year of abatement program for payment in 2017.
3. Abated taxes are to be refunded at the end of the year of which they were paid.
4. The abatement shall not apply to any special assessments that are levied against the property.
5. The Mayor and City Administrator are hereby authorized to sign any documents necessary to affect these abatements.

PASSED, by the City Council of the City of Barnesville this 14th day of November, 2016.

Eugene Prim
Mayor

Attest:

Jeri Reep
City Clerk

11-14-16-10 Motion by Mr. Rick and second by Mr. Goedtke to approve the following resolution authorizing a property tax abatement for qualified property owners. Upon a roll call vote, the following voted aye: Council members Rick, Goedtke, Strom, Davis, Stuvland, and Field. The following voted nay: none. Motion carried.

CITY OF BARNESVILLE
CLAY COUNTY, MINNESOTA
RESOLUTION AUTHORIZING A PROPERTY TAX ABATEMENT PROGRAM
RESOLUTION 11-14-16-10

Whereas, Minnesota law (469.1813-469.1816) authorizes political subdivisions to grant property tax abatements for economic development purposes including:

- General economic development, such as increasing the property tax base or the number of jobs in the area;
- Providing access to services for residents such as housing; and

Whereas, the City of Barnesville received a request from Clay County to join with the County and participate in a *“Two-year Residential Property Tax Abatement Program”* (hereinafter referred to as the *“Program”*); and

Whereas, it is the desire of the City of Barnesville to participate in the *“Program”* by abating its property taxes as allowed by Minnesota law; and

Whereas, as a condition precedent for a City to receive an abatement of Clay County residential property taxes the participating City must approve its Authorizing Resolution no later than December 31, 2016.

Now, Therefore Be It Resolved, by the Barnesville City Council that The City of Barnesville does herein approve participation in the *“Program”* for new home construction and improvements to existing homes for the period commencing January 1, 2017 and expiring December 31, 2018.

Be It Further Resolved, by the Barnesville City Council that the approved *“Program”* be fully compliant with Minnesota law 469.1813-469.1816 and subject to the following:

- A residential structure will qualify for the abatement if it is classified as 1a, 1b, 2a, 4a, 4b, 4bb, or 4d under Minnesota Statutes 273.13.
- The assessed value attributable to land and new residential structures shall be abated from property taxes, for two taxes payable years, corresponding to the first two years of full value assessment after construction has been completed, provided that no part of the structure was in existence prior to January 1, 2017 and construction of the structure is

commenced prior to December 31, 2018. Construction is deemed to have been commenced if a proper building permit has been issued.

- For property classified as class 1a, 1b, 2a, 4b or 4bb the abatement is limited to the assessed value of the land and the new construction. For a property classified as class 4a or 4d, the abatement is limited to the assessed value of the new construction.
- The abatement shall not apply to any special assessments that are levied against the property.

PASSED, by the City Council of the City of Barnesville this 14th day of November, 2016.

Eugene Prim
Mayor

Attest:

Michael Rietz
City Administrator

- 1a Residential Homestead
- 1b Blind/Disabled Homestead
- 2a Homestead House, Garage and First Acres – Ag
- 4a Apartment 4+units
- 4b Residential non-homestead 1-3 units
Unclassified Manufactured Home
Ag non-homestead 2-3 units
- 4bb Residential non-homestead single unit
Ag non-homestead single unit
- 4d Qualifying low-income rental housing

Mayor Prim stated the next item on the agenda was the variance and CUP for a garage at 502 6th Street NW.

City Administrator Mike Rietz informed council members that the recommendation from the Planning Commission is to approve the CUP for an accessory building that is larger than the house on the property, and deny the variance.

11-14-16-11 Motion by Mr. Davis and second by Mrs. Stuvland to approve the CUP request for a garage at 502 6th Street NW, and to deny the variance request at 502 6th Street NW. Motion carried.

Mayor Prim stated the next item on the agenda was Kirk Rosenberger with Clay County Solid Waste.

Mr. Kirk Rosenberger with Clay County Solid Waste next discussed with council members the new landfill fees. Mr. Rosenberger stated the new landfill fees is a fair way of charging for solid waste, you pay for what is brought into the landfill.

Mr. Dave Olek and Mr. Kent Fuchs with Fuchs Sanitation next handed out to council members what was transported to the landfill from Barnesville. The proposed rates from Fuchs Sanitation is to cover the operating costs for Fuchs Sanitation.

City Administrator Mike Rietz asked council members if they wish to bid out the garbage collection, or proceed with a new contract with Fuchs Sanitation. Council directed staff to refer the garbage collection to the Personnel and Finance portfolio.

Mayor Prim stated the next item on the agenda was the resolution adopting the assessment roll for the Del Acres Gilbertson 2nd Addition.

City Administrator Mike Rietz stated that this resolution adopts the assessments for the current work being completed in the Del Acres Gilbertson 2nd Addition. These assessments will be deferred until the lots are sold. The total of the single-family assessments will be \$35,929.70 and for a twin home will be \$17,964.85.

11-14-16-12 Motion by Mr. Rick and second by Mr. Goedtke to approve the following resolution. Upon a roll call vote, the following voted aye: Council members Rick, Goedtke, Strom, Davis, Stuvland, and Field. The following voted nay: none. Motion carried.

EXTRACT OF MINUTES OF MEETING OF
THE CITY COUNCIL OF THE CITY OF
BARNESVILLE, MINNESOTA
HELD: November 14, 2016

RESOLUTION ADOPTING ASSESSMENT

Resolution No. 11-14-16-12

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed assessment for Improvement District 2016-1 and has amended such proposed assessment as it deems just;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Barnesville, Minnesota, as follows:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefitted by the proposed improvement.
2. Such assessments shall be as follows:
 - a. The assessments shall be payable in equal annual installments including principal and interest extending over a period of 20 years, with interest at the rate of 4.04% per annum, in the amount annually required to pay the principal over such period at such rate. The assessments on each individual parcel are deferred until the parcel is sold, at which time the first of said installments shall be payable with general taxes for the year following the year each individual parcel is sold, collectible with such taxes during the year after each individual parcel is sold. Interest shall accrue from and after January 1st of the year of assessment. The interest thereon for the period of deferment shall not be added to the principal amount of the assessment when it becomes payable.
 - b. The owner of the property so assessed may at any time prior to the certification of the assessment to the County Auditor, pay to the City Clerk, and thereafter at any time prior to November 15 of any year pay to the County Auditor, the whole of the principal amount of the assessment on such property provided that no such prepayment shall be accepted without payment of all installments due to and including December 31 of the year prepayment, and the original principal amount reduced only by the amounts of principal included in such installments computed on an annual amortization basis.
3. Upon expiration of the deferment described in paragraph 2.a. above, the City Clerk shall forthwith certify the assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Whereupon said resolution was declared duly passed and adopted.

Eugene Prim, Mayor

Attest:

Jeri Reep, City Clerk

STATE OF MINNESOTA)
COUNTY OF CLAY) ss
CITY OF BARNESVILLE)

I, the undersigned, being duly qualified and acting Clerk of the City of Barnesville, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and foregoing extract of minutes of a meeting of the City Council of said City held on the date therein indicated with the original thereof on file in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to adopting assessments of Improvement District Improvements of 2016 and that notice of said meeting was duly given in accordance with law. WITNESS my hand as such Clerk and the seal of said City this 14th day of November, 2016.

Jeri Reep, City Clerk

(SEAL)

Mayor Prim stated the next item on the agenda was the 2nd reading of Ordinance 2016-08, an Ordinance on the composition of the Park Board.

City Administrator Mike Rietz stated that this Ordinance reduces the size of the Park Board by one member as recommended by the Park Board.

11-14-16-13 Motion by Mrs. Strom and second by Mr. Goedtke to approve the 2nd reading of Ordinance 2016-08. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2016-08**

**AN ORDINANCE AMENDING SEC. 1-0604, SUBD. 1 OF THE MUNICIPAL CODE
PARKS, RECREATION AND FORESTRY ADVISORY BOARD.**

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

SECTION 1-0604, Subd. 1 is amended as indicated:

Subd. 1 Establishment and Composition: A Parks, Recreation and Forestry Advisory Board is hereby established. The Board shall be composed of six (6) ~~seven (7)~~ members from the resident population of the City's three wards who shall serve staggered three-year terms. Two members of the Council shall be appointed by the Mayor with the approval of the Council. Absence from any three meetings in one year unless excused in advance by the Chairperson, constitutes a vacancy. The term of the Council members appointed shall be a one-year term to expire on December 31 of each year. Each Board member shall have equal voting privileges. Any member may be removed for cause by a two-thirds vote of the Council. The Parks and Recreation Department Head shall serve as an ex-officio member. Other persons may serve in an ex-officio capacity as the Council deems appropriate.

PASSED AND ADOPTED by the Barnesville City Council this 14th day of November, 2016.

APPROVED:

Gene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: October 10, 2016

Second Reading: November 14, 2016
Adopted: November 14, 2016
Publication: November 21, 2016

Mayor Prim stated the next item on the agenda was the 2nd reading of Ordinance 2016-09, an Ordinance on Ambulance fees.

City Administrator Mike Rietz stated that this ordinance is to increase the ambulance rates as recommended by the Personnel and Finance committee.

11-14-16-14 Motion by Mr. Davis and second by Mr. Goedtke to approve the 2nd reading of Ordinance 2016-09. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE 2016-09
AN ORDINANCE AMENDING CHAPTER 8-01, SEC. 2-0114 OF THE
MUNICIPAL CODE REGARDING AMBULANCE FEES**

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

CHAPTER 8-01, SECTION 2-0114 is created to read as follows:

Fees payable by those receiving ambulance services are hereby established as follows:

Basic Life Support, Non-Emergency	\$1,000 <u>\$1,100</u>
Basic Life Support, Emergency	\$1,100 <u>\$1,200</u>
Advanced Life Support-1	\$1,400 <u>\$1,500</u>
Advanced Life Support-2	\$1,500 <u>\$1,600</u>

The fees listed here are the base fees and supplies. Charges for mileage will also be billed as calculated by the Ambulance Director.

PASSED AND ADOPTED by the Barnesville City Council this 14th day of November, 2016.

Approved:

Gene Prim, Mayor

Attest:

Jeri Reep
City Clerk

First Reading October 10, 2016
Second Reading: November 14, 2016
Adopted: November 14, 2016
Published: November 21, 2016

Mayor Prim stated the next item on the agenda was the 1st reading of Ordinance 2016-10, a rental unit registration ordinance.

City Administrator Mike Rietz stated that this ordinance includes a background check on potential tenants prior to leasing the unit. This service will be provided by the Police Department, but it is being made a requirement in order to provide an additional level of protection to the community. This ordinance also includes a requirement for multi-unit rental properties to add emergency lock boxes. These boxes are important to give emergency responders access to the common areas of the building in the event of an emergency.

11-14-16-15 Motion by Mr. Rick and second by Mr. Field to approve the first reading of Ordinance 2016-10. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE 2016-10
AN ORDINANCE AMENDING CHAPTER 3-05, SEC. 3-0501 OF THE
MUNICIPAL CODE REGARDING RENTAL UNIT REGISTRATION**

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

CHAPTER 3-05, SECTION 3-0501 is amended to read as follows:

SEC. 3-0501. RENTAL UNIT REGISTRATION AND REGULATIONS.

Subd. 1. Purpose and Intent.

A. It is the purpose of this Section to protect the public health, safety and welfare of the community at large and the residents of rental dwellings in the City.

B. It is the intent of this Section that a permanent mode of protecting and regulating the living conditions of citizens of the City be established; and that uniform standards be established and applicable for all rental dwellings in the city.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. Rental Unit means any room or group of rooms located within a dwelling and forming a single habitable unit.

B. Dwelling means any building, including a manufactured home (mobile home) as defined in MS 327.31 Subd. 6, which is intended to be used for living or sleeping by human occupants.

C. Rental means the leasing of a rental unit to a non-owner for a fixed or non-fixed period of time, and shall include "lease to buy, contract for deed, installment sales, purchases@,and other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

Subd. 3. Registration Requirements. It is unlawful for any person to hereafter occupy, allow to be occupied or let to another person for occupancy any rental unit within the City for which a rental unit registration has not been issued by the City Clerk. An application for registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

A. Name, address, phone number and FAX number (if owner has one) of the property owner.

B. Name, address, phone number and FAX number (if manager has one) of the designated local property manager. There must be an owner or local property manager residing within a 60 mile radius of the City.

C. The street address of the rental property.

D. The number and types of units within the rental property (dwelling units or sleeping rooms).

E. The maximum number of occupants permitted for each dwelling unit or sleeping room.

F. The name, phone number, FAX number and address of the person authorized to make or order made repairs or services for the property if in violation of State codes or City Code provisions, if the person is different than the owner or local manager.

Subd. 4. Exemptions. This Section shall not apply to campus dormitory and campus residence units, hospital units, nursing home units, retirement home units, or other similar units which are otherwise licensed by the State of Minnesota or the City.

Subd. 5. Manner of Registration Renewal. Registration shall be required for each calendar year and be issued prior to January 1 of each year. The City shall be required annually to mail renewal forms to the property owner or designated local manager on or before October 1 of each year, and such renewal forms may be returned by mail, at the property owner or designated local manager's risk, to the City Clerk.

Subd. 6. Transfer of Property. Every new owner of a rental unit (whether as fee owner or contract purchaser) shall be required to furnish to the City Clerk the new owner's name, address and phone number, and the name, address and phone number of the owner's designated local manger before taking possession of the rental property upon closing of the transaction. No

registration fee shall be required of the new owner during the year in which possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Section and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

Subd. 7. Posting of Registration. Each registration holder must post the annual registration issued by the City in a conspicuous spot near the front entrance to the rental unit, a public corridor, hallway, or lobby of the rental dwelling for which it is issued.

Subd. 8. Fees. The fees for registration, a registration renewal, a late fee, and inspection fees shall be in the amount set by consolidated ordinance of the Council and amended from time to time.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. 9. Maintenance of Records. All records, files and documents pertaining to the Rental Registration and Rental Unit Inspection Program shall be maintained by the City Clerk and made available to the public as allowed or required by State law or City Code provisions.

Subd. 10. Background Checks. The owner of the rental unit is required to perform a criminal background check for all new tenants prior to leasing the unit to that tenant. To satisfy this requirement, the owner may request a local record check from the Barnesville Police Department and the police department will provide that service free of charge. Failure to conduct this background check may subject the owner to administrative fines as described in Sec. 1-1004 of the City Code.

Subd. 11. Emergency Lock Boxes. Secured multi-unit buildings are required to have an emergency lock box. The Barnesville Fire Department will purchase these lock boxes and the owner will be responsible for the cost of the box and its installation. This will give emergency personnel access to the common areas of the building. Failure to install an emergency lock box may subject the owner to administrative fines as described in Sec. 1-1004 of the City Code.

Subd. ~~10~~ 12. Maintenance Standards. Every rental unit shall be maintained in accordance with the building standards of the City and of the State of Minnesota, and in a manner so as not to create a nuisance pursuant to the City Code.

Subd. ~~11~~ 13. Inspections and Investigations.

A. Fire Department personnel, police officers, the City Clerk and the City Building Code Officials are hereby authorized to make inspections reasonably necessary to the enforcement of this Section.

B. All persons authorized herein to inspect shall have the authority to enter, at all reasonable times, any rental dwelling or rental unit which is registered pursuant to the provisions of this Section.

C. Persons inspecting any rental dwelling or rental unit as provided herein shall notify the registration holder of all violations, if any, by written notice. Said notice shall direct that compliance be made immediately and that the property will be reinspected in not less than fifteen (15) days, unless extended by the compliance official based on good cause.

D. A registration holder may appeal a compliance order by filing a written appeal with the City Clerk within ten (10) days of the date of the compliance order. The City Clerk shall schedule a hearing within ten (10) days of the filing of the notice of appeal. Enforcement of the compliance order shall be stayed pending the decision of the City Clerk on the appeal.

E. The fees charged for inspections and reinspection of rental property as relating to this Section shall be determined by the Council.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. ~~12~~ 14. Conduct on Registered Premises. It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly.

A. For purposes of this Section, a premises is disorderly at which any of the following activities occur:

1. Conduct which constitutes a violation of the Public Nuisance provisions of the City Code.

2. Conduct which constitutes a violation of the City Code and State Statute relating to noisy parties and other unnecessary and loud noises.

3. Conduct which constitutes a violation of laws relating to the possession of controlled substances, as defined in State Statute, Section 152.07 et. seq.

4. Conduct which constitutes a violation of the City Code relating to disorderly conduct or creating a breach of the peace, or violation of laws relating to disorderly conduct as defined in State Statute, Section 609.72.

5. Conduct which constitutes a violation of the City Code relating to minor possessing or consuming alcohol relating to providing alcohol to minors, or violation of State Statute, Sections 340A.701 and 304.702 relating to sale of intoxicating liquor.

6. Conduct which constitutes a violation of the City Code relating to prostitution and indecent exposure, or a violation of laws relating to prostitution or acts related to prostitution as defined in State Statute, Sections 609.321 - 609.324.

7. Conduct which constitutes a violation of the City Code relating to weapons, or laws relating to unlawful use or possession of a firearm as defined in the State Statute, Section 609.66 on the registered premises.

8. Conduct which constitutes a violation of the City Code relating to assaults, including domestic assaults, as defined in State Statute, Section 609.224.

9. Conduct which constitutes a violation of laws relating to contributing to the need for protection or services or delinquency of a minor, as defined in State Statute, Section 260.315.

10. Conduct which constitutes a violation of any other Federal law, State law, or City Code provision which would be likely to threaten, annoy or harass other tenants or other neighbors to the residential rental unit.

B. The City Clerk shall be responsible for administration of this Section. The authority to take any action authorized under this Section may be delegated by the City Clerk to an authorized person or persons.

C. Upon determination by the City Clerk or his/her designee that a rental unit registered premises was used in a disorderly manner, as described in the City Code, the City Clerk or his/her designee, shall give notice to the registration holder and the renters of the rental unit affected, of the violation and direct the registration holder to take steps to prevent further violations. This Section does not apply to the property owner who has "taken action to prevent disorderly use of the premises" as described herein.

D. If another instance of disorderly use of the rental unit registered premises occurs within three (3) months of an incident for which a notice as described above was given, the City Clerk, or his/her designee, shall notify the registration holder and the renters of the affected unit of the violation and shall request the registration holder to take action. This action will be submitted to the City Clerk, or his/her designee person, in writing, within five (5) days of receipt of the notice of disorderly use of the premises, and shall detail all the actions taken by the registration holder in response to all notices of disorderly use of the premises within the preceding three (3) months.

E. If another instance of disorderly use of the rental unit registered premises occurs within three (3) months after any two (2) previous instances of disorderly use for which notices were given to the registration holder, and the renters of the affected unit, pursuant to this Section, and the rental property owner has not "taken action to prevent disorderly use of the premises", the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Clerk who shall give to the licensee written notice of a hearing before the Council to consider such denial, revocation, suspension or non-renewal. Such written notice shall specify all violations of this section, and shall state the date, time, place, and purpose of the hearing. The hearing shall be held no less than thirty (30) days after giving such notice.

F. Following the hearing, the Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

G. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violation of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate action which will prevent further instances of disorderly use.

H. A determination that the registered premises have been used in a disorderly manner as described in this Subdivision shall be made upon a fair preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, but the incident must have resulted in the police being called to the rental unit registered premises and a police report being prepared.

I. For purposes of this Section, disorderly use of the rental unit registered premises shall mean disorderly use in the particular rental unit by the renters, occupants or guests or conduct by the tenants which constitutes disorderly use anywhere on the property of the apartment building, or home, or mobile home park in which the rental unit is situated.

J. For the purpose of this Section, participation and compliance by the rental property owner with the provisions of the "Barnesville City Rental Property Owners Partnership Program" shall meet the requirements for the rental owner "taking action to prevent further disorderly use of the premises".

Subd. ~~13~~ 15. Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration.

A. The City reserves the right not to register a unit unless the rental unit or units for which registration is sought complies with the requirements of this Section.

B. Any registration issued under this Section is subject to the right, which is hereby expressly reserved by the City, to suspend, revoke, or fail to renew the same should the registration holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Section or any other City Code provision or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be suspended, revoked, or failed to be renewed if the registration holder complies with a compliance order, or orders, in a timely manner.

C. The City Clerk shall notify, in writing, the applicant that his/her registration has been denied, or the registration holder that his/her registration is being suspended, removed or non-renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the order, or at such later date as set out in the order. The notice shall be served by mailing a copy of the order to the property owner, and the designated local property manager, if any, as indicated in the records on file in the City Clerk's office.

D. If the order is appealed to the Council, the registration holder shall receive at least seven (7) days written notice of the hearing date before the Council and, at the hearing, the registration holder, the local managing agent, and/or an attorney representing the registration holder may present evidence. After the hearing, the Council may uphold the decision of the City Clerk, reverse the decision of the City Clerk, or enter a different order with different conditions if the Council deems it necessary to protect the public health, sanitation, safety or general welfare of the community at large or the residents of rental units in the City. The Council shall issue written findings of fact and its order within twenty (20) days of the hearing.

E. The decision of the Council may be appealed by the registration holder by filing an appeal or an appropriate writ with the Clay County District Court within fifteen (15) days of the date of the order of the Council.

Subd. ~~14~~ 16. Summary Action.

A. When the conduct of any registration holder or their agent, representative, employee or lessee, or the condition of their rental dwelling or rental unit is detrimental to the public health, sanitation, safety or general welfare of the community at large, or residents of the rental units so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and, thus, give rise to an emergency, the City Clerk shall have the authority to summarily condemn or close off individual rental units or such areas of the rental dwelling as necessary. Notice of summary condemnation shall be posted at the units or areas affected and shall indicate the units or areas affected. No person shall remove the posted notice, other than the Fire Marshal, City Clerk, or their designated representative. Any person aggrieved by the decision or the action of the City Clerk or Fire Marshal set out herein may appeal the decision. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action; however, the date of the hearing may be expedited with the consent of the registration holder.

B. The decision of the City Clerk set forth in Subdivision A, above, shall not be voided by the filing of such appeal. Only after the hearing by the City Council has been held will the decision or action of the City Clerk be affected.

Subd. 15 17. Applicable Laws. Registration holders shall be subject to all of the provisions of the City Code and State of Minnesota relating to rental dwellings, and this Section shall not be construed or interpreted to supersede or limit any other such applicable City Code provisions or law.

Subd. 16 18. Violations, Injunctive Relief. Nothing in this Section shall prevent the City from taking affirmative action under any of its fire, housing, zoning or other health safety codes for violations thereof to seek either injunctive relief or criminal prosecution for such violations in accordance with the terms and conditions of the particular City Code provision under which the City would proceed against the property owner, designated property manager or occupant of any residential rental dwelling unit covered by this registration and inspection section. Nothing contained in this Section shall prevent the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Section to obtain an order closing such rental units until violations of this particular Section have been remedied by the property owner or designated property manager.

Subd. 17 19. Severability Clause. If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section.

PASSED AND ADOPTED by the Barnesville City Council this 12th day of December, 2016.

Approved:

Gene Prim, Mayor

Attest:

Jeri Reep
City Clerk

First Reading	November 14, 2016
Second Reading:	December 12, 2016
Adopted:	December 12, 2016
Published:	December 19, 2016

Mayor Prim stated the next item on the agenda was the snow removal at Barnesville Homes.

Council member Jason Rick stated that he would be abstaining from this agenda item due to that he owns a snow removal business.

City Administrator Mike Rietz informed council members that on November 1st, council members Davis and Goedtke, along with Karen Lauer, Public Works Supt. Trevor Moen and City Administrator Mike Rietz met with Mr. Dave Johnson with Barnesville Homes. After considerable discussion, the parties involved agreed that a reasonable compromise was to clear a space on the boulevard at the end of the boardwalk leading to his office with the city's front end loader. The city has received a letter from Mr. Johnson attorney after the meeting, and puts this agreement in written form and requests a 20-foot opening at the end of the boardwalk. This may be wider than what the City representatives had envisioned at the end of the meeting. Council member Davis stated the width of the blade would be adequate for the snow removal. After much discussion, council members agreed to a minimum of 10 feet of snow removal on the boulevard at the end of the boardwalk leading to his office.

11-14-16-16 Motion by Mrs. Strom and second by Mr. Field to authorize the Public Works Dept. to clear the snow at Barnesville Homes, a minimum of 10 feet of snow removal on the boulevard at the end of the boardwalk leading to his office. Motion carried.

Mayor Prim stated the next item on the agenda was the priority setting discussion follow up. Council members had nothing new to report on.

Mayor Prim adjourned the meeting at 8:50 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Eugene Prim
Mayor