

Regular City Council Meeting
Mountain Lake City Hall
Monday, November 7, 2022
6:30 p.m.

AGENDA

1. Meeting Called to Order *Additional information on agenda item is attached or at City Hall
2. Approval of Agenda and Consent Agenda
 - a. Bills: Checks #26584-26648, 833e-836e (1-9)
 - b. Payroll: Checks # 66978-67011
 - c. Approve September 19, 22, 27 & October 3, 12 EDA Board Minutes (10-15)
 - d. Approve October 13 Utilities Commission Minutes (16-17)
 - e. Approve October 17 City Council Minutes (18-19)
 - f. Approve October Street Department Report (20)
3. Public – A total of ten (10) minutes is allotted for individuals to briefly discuss a topic of concern or provide comments to the Council.
4. Active Living Committee
 - a. Discussion/Action – Safe Routes to School
5. City Attorney
 - a. Discussion/Action – Ordinance # 5-22 Section 4.07 (First Reading) (21-28)
 - b. Discussion/Action – Section 5.32 & 5.60 (29)
6. City Administrator
7. Roundtable
 - a. Discussion – Commissions/Boards Update
8. Adjourn

Economic Development Authority
Monday, September 19, 2022
Mt. Lake City Hall
Council Chambers

PRESENT: Jerry Haberman, Mike Nelson, Darla Kruser, Vern Peterson, Mitch Schroeder, Chuck Stevensen, Steve Syverson (via phone call/in-person), and Clara Johnson, Advisor.

ABSENT:

STAFF: Rob Anderson and Tabitha Garloff

CITY ADMINISTRATOR: Michael Mueller

GUEST: Maryellen Suhrhoff, City Attorney. Dana Kass, Andy Ysker and Dean Janzen, City Council Member. Sue Garloff, Chamber President.

1. CALL TO ORDER: President Haberman called the meeting to order at 12:01 p.m.
2. Motion to Approve Consent Agenda
Consent Agenda:
 - a. Approval of August 15, 2022, Regular Meeting Minutes.
 - b. Approval of Financial Reports and Bills. Motion made and seconded by Darla and Vern to approve the consent agenda as presented. Carried.
3. Employee Performance Evaluation (meeting may be open or closed as allowed in MN Statutes 13D.05 as requested by employee). Meeting closed at 12:02 p.m. per Rob Anderson's request. Motion made by Mike to close the public meeting seconded by Vern. Carried. Motion made by Mike and seconded by Steve to open the public meeting at 1:08. Carried. Darla made a motion of termination and pay restitution. Chuck and Vern opposed, Mike Mitch, Steve, and Darla voted yes to termination with restitution. Motion carried. Darla rescinded previous motion for termination. Mike seconded. Motion carried. Motion made by Darla to work on a separation agreement with Rob, as of now Rob is on unpaid leave. Seconded by Mike. If an agreement cannot be made in 2 weeks, then termination with restitution. Motion carried.
4. Jenny's Subdivision Lots 2 and 3 for Potential Fire/Ambulance Hall Location. Land Agreement/Swap with City. Motion made and seconded by Chuck and Mike, that upon building a new fire/ambulance hall, within 5 years or upon completion, the EDA will swap the old fire/ambulance hall for the lot to build the new fire/ambulance hall. Carried. Darla abstained.
5. Window Replacement at 3 Heritage Estates Units, 4-Plex Account #607. See Enclosed Interfund Loan Resolution and Windows Quote from Boyum Window & Siding. Motion made and seconded by Vern and Darla to approve the resolution and replacement of windows at Heritage Estates Units. Carried.
6. Housing Study. Headwaters Development is Requesting Housing Study prior to Commitment. Motion made and seconded by Vern and Mitch to approve the housing study of \$5,200. Carried. Michael/Tabitha will contact Viewpoint.

7. Discuss Lot Price for EDA Lot on Corner of 10th Street and Fourth Avenue. Tabled from July and August Meetings. Motion made and seconded by Steve and Darla to set the lot price at \$50,000 with covenants that construction must start by 2024 of forfeit purchase price. Contingent on TIF. Carried.
8. Ebeling Meat Processing. Nothing new to report.
9. Broadband Committee Report/SDN Project in Commercial Park. Nothing new to report.
10. Krienke Foods International, Inc. Maryellen Suhrhoff will continue to send notices as needed.
11. Mountain Lake Commercial Park:
 - a. Cold Storage. Nothing new to report.
 - b. Other. Nothing further to discuss.
12. GENERAL DISCUSSION:
 - a. DEED Small Cities Grant Award for Housing & Commercial Rehab has been delayed until September.
 - b. Next Regular Board Meeting is October 17, 2022. Special meeting will be scheduled as needed to discuss employee separation agreement.
 - c. Other Business. Nothing further to discuss.
13. ADJOURN. President Haberman adjourned the meeting at 1:50 p.m.

Economic Development Authority
Thursday, September 22, 2022
Mt. Lake City Hall
Council Chambers

PRESENT: Vern Peterson, Mitch Schroeder, Darla Kruser, Chuck Stevensen, Jerry Haberman, Mike Nelson, and Steve Syverson.
CITY ADMINISTRATOR: Michael Mueller
STAFF: Tabitha Garloff
GUESTS: Sue Garloff and Barrie Wright, Chamber Board Members.

1. CALL TO ORDER: President Haberman called the meeting to order at 12:00 p.m.
2. Motion to Approve Agenda. Motion made by Mike to approve the agenda with the addition of the CEO Program seconded by Vern. Motion carried.
3. Severance Agreement. Mike motioned to pay vacation accrued and remainder of health insurance for 2022. Seconded by Vern. Darla, Steve, and Chuck opposed. Vern, Mike, and Mitch voted yes. Jerry opposed. Motion failed. Discussion continued. Motion made by Chuck to offer \$1,000 for each year worked minus restitution. Seconded by Steve. Motion Carried.
4. Hire new Economic Development Director/ Coordinator. The EDA will advertise for an EDA director/coordinator in the future.
5. Interim Economic Development Director. Jerry suggested moving Tabitha to interim EDA Director with Michael's guidance. Tabitha will bump to step one on the EDA Director pay scale. Motion made by Darla to move Tabitha to interim EDA coordinator and to step one on the EDA pay scale effective Tuesday, September 20th, 2022. Seconded by Mitch. Motion carried.

Other: CEO Program. Motion made by Mike to approve the request to partner with the chamber as sponsors for the CEO Program with \$500 a year for the next 3 years. \$1,500 for EDA and \$1,500 for chamber. Seconded by Darla. Motion carried.
6. ADJOURN. President Haberman adjourned the meeting at 1:26 p.m.

Economic Development Authority
Tuesday, September 27, 2022
Mt. Lake City Hall
Council Chambers
Special Meeting

PRESENT: Vern Peterson, Mitch Schroeder, Chuck Stevensen, Mike Nelson, Darla Kruser and Jerry Haberman (arrived at 12:13).

ABSENT: Steve Syverson

STAFF: Michael Mueller and Tabitha Garloff

GUEST: Maryellen Suhrhoff, City Attorney.

1. CALL TO ORDER: Vice-president Peterson called the meeting to order at 12:02 p.m.
2. Motion to Approve Agenda. Motion made by Mike to approve the agenda and seconded by Mitch. Motion carried.
3. Severance Agreement. Motion made by Darla to close the public meeting at 12:05 p.m. seconded by Mitch. Motion carried. Motion made by Mike to open the public meeting seconded by Darla. Motion carried. Motion made by Mike to offer Rob Anderson pay through September 30th, 2022, pay out accrued vacation through September 30th, 2022, and pay out accrued sick pay through September 30th, 2022. Seconded by Vern. Motion carried. Maryellen will contact Rob and prepare the severance agreement.
4. ADJOURN. President Haberman adjourned the meeting at 12:37 p.m.

Economic Development Authority
Monday, October 3, 2022
12:00 Noon
Mt. Lake City Hall
Council Chambers
Special Meeting

PRESENT: Jerry Haberman, Chuck Stevensen, Steve Syverson, Darla Kruser, Mike Nelson and Vern Peterson.

ABSENT: Mitch Schroeder

STAFF: Michael Mueller and Tabitha Garloff

CITY ATTORNEY: Maryellen Suhrhoff

MEETING CLOSED DUE TO POTENTIAL LIGATION

1. Call To Order: President Haberman called the meeting to order at 12:07 p.m.
2. Motion made by Mike to close the open meeting at 12:09 p.m. Motion seconded by Darla. Motion carried.
3. Motion made by Mike to open the closed meeting at 1:02 p.m. Motion seconded by Vern. Motion carried.
4. No action taken. Maryellen will contact Rob Anderson.
5. President Haberman adjourned the meeting at 1:03 p.m.

Economic Development Authority
Wednesday, October 12, 2022
12:00 Noon
Mt. Lake City Hall
Council Chambers
Special Meeting

PRESENT: Jerry Haberman, Darla Kruser, Mitch Schroeder, Chuck Stevensen, Vern Peterson, Mike Nelson, via phone.

ABSENT: Steve Syverson and Clara Johnson, Advisor.

CITY ADMINISTRATOR: Michael Mueller

STAFF: Tabitha Garloff

1. CALL TO ORDER: President Haberman called the meeting to order at 12:02 p.m.
2. Motion to Approve Agenda. Motion made by Mitch to approve the agenda as presented. Seconded by Darla. Motion carried.
3. EDA Resolution 7-89. President Haberman stated the city council has moved to obtain hiring and firing authority from the EDA. Discussion continued regarding the EDA performing employee performance evaluations. Motion made by Vern that the EDA continue to have authority to hire and fire the EDA Director and employees. Seconded by Chuck. Mike voted no, Darla abstained from voting, yes votes Chuck, Jerry, Mitch, and Vern. Motion carried. Suggestion was made to invite the city council members to the EDA meeting to communicate and discuss the EDA's desire to maintain authority to hire and fire EDA positions. Motion made by Vern to revise the EDA Resolution NO.7-89 and submit to city council for approval. Seconded by Mitch. Motion carried.
4. EDA Director Position. Discussed filling the EDA director position. Tabled until next meeting.
5. Tabitha's EDA/Chamber Position. Discussed Tabitha's responsibilities and expectations.
6. ADJOURN. President Haberman adjourned the meeting at 1:21 p.m.

Mountain Lake Utilities Commission Meeting
Mountain Lake City Hall
Thursday, October 13, 2022
7 AM

Members Present: Mark Langland, Sue Garloff, City Council Liaison Dean Janzen, David Savage, Todd Johnson

Members Absent: Brian Janzen

Staff Present: Michael Mueller; Clerk/Administrator; Jill Falk; Utilities Office Manager, Dave Watkins; Electric Superintendent; Lane Anderson; Lineman; Steve Peters; Lineman; Taylor Nesmoe; Water/Wastewater Superintendent

Others Present:

Call to Order

The meeting was called to order at 7 AM.

Approval of Minutes and Bills

Motion by Garloff seconded by Johnson to approve the September 22nd Minutes, and Check Numbers 22020-22071 (419E-420E). Motion carried.

Electric Department

A water pump in one of the generators has been repaired. It was leaking and the fuel pump was stuck. The repairs have been made and now the engine is up and running for testing. The cost for the water pump was \$5700, but the capacity payment received for generation is around \$87,000. In the discussion of generation, a motion was made by Garloff to accept the Generation Certificate verifying our production. This was seconded by Johnson, motion passed. Watkins pointed out that Stack testing should be completed every five years and we are probably a year overdue. He has reached out to both CMPAS and Farabee to get this completed as soon as possible. Nickel provided a quote of \$1800 to repair the brick around the six streetlights but they will not be able to get to it until Spring. Nickel has also completed the work on its new building. They are still waiting for the transformer to arrive, which should be shipped this week.

Water/Wastewater Department

Both Nesmoe and Pankratz made a visit to Red Wood Falls to observe the process of adding the manhole liner. The goal is to repair the manhole on County Road 1 which has been damaged by Milk Specialties. This company was recommended by Jon Graupman and the lining

would cost around \$10,000. Polyuria and spray foam are used to line the manhole to prevent corrosion and wear.

Nesmoe stated they could use the PFA note to purchase a new mower for the ponds. The utilities will make the purchase and then be reimbursed through PFA. They have received quotes from both Toro and Midway. Although Midway is slightly more expensive, the decision was made to stay local. Nesmoe also wanted to discuss the 2022 Ford trucks that were quoted and bided out last year. As of now, there is no new information from the dealership, and they are not even sure if the vehicles will be completed at all. He has reached out to Jason at Mountain Lake Automotive. Previously, we were not able to use them for a state bid, but he did say he could assist in finding vehicles. Unfortunately, the trucks would be used and would cost as much as the new trucks with the state bids. It was also recommended to reach out to Higley in Windom and see what they can offer.

Nesmoe included a map for the potential long-distance shooting range. The selected area would be outside of the fence line and closed off to the pond. It would be approximately 400 yards and the Gun Club would be responsible for any permits and any additional dirt needed to level the area or build the berm. It was discussed to invite Dean Sawatzky to the next meeting to answer additional safety questions.

City Administrator

Mueller has applied for two grants totaling \$20,000 to assist with the purchase and digging of a new well. He also mentioned that he will be attending the generator meeting next week at Barr Engineering.

Adjourn

The meeting was adjourned at 7:40 a.m.

ATTEST:

Jill Falk, Utilities Office Manager

City of Mountain Lake
Regular City Council Meeting
Mountain Lake City Hall – 930 Third Ave
Monday, October 17, 2022
6:30 p.m.

Members Present: Dean Janzen, Dana Kass, Darla Kruser, Andrew Ysker, Mike Nelson

City Staff Present: Michael Mueller City Administrator; Maryellen Suhrhoff City Attorney

Others Present: Rachel Yoder, Doug Regehr, Sue Garloff, Cheryl Hiebert, Jerry Haberman, Vern Peterson

Call to Order

The meeting was called to order by Mike Nelson at 6:30 p.m.

Approval of Agenda & Consent Agenda

Motion by Kass, seconded by Ysker, to add EDA Powers and Resolution # 20-22 Condemn 605 6th Ave to the agenda. Motion carried 5– 0. Motion by Kass, seconded by Janzen to approve the agenda and consent agenda as amended. Motion carried 5– 0.

Bills: Checks #26541-26583, 828E – 832E

Payroll: Checks #66943 – 66977

Approve July 11 Tree Commission Minutes

Approve September 12 Lake Commission Minutes

Approve September 13 Library Board Minutes

Approve September 22 Utilities Commission Minutes

Approve October 3 City Council Minutes

Approve Ambulance Orientation Book & Contract Changes for New Members

Approve MOU between the City & PFA

Public

Rachel Yoder spoke during the public comment section of the meeting.

Chamber of Commerce

Sue Garloff and Cheryl Hiebert presented a petition to City Council to continue the sunflower, repainting, or any touch ups. No action was taken, instead it was directed to bring this to the County Commissioners, as it is a county street.

City Attorney

Motion by Kruser, seconded by Nelson to approve Resolution # 20-22 Condemn 605 6th Ave.
Motion carried 5– 0. Motion by Kass, seconded by Kruser to rescind their previous motion at the
last meeting to have a public hearing, to change the EDA Resolution 7-89, removing the
authority of hiring and firing of the EDA, and transferring the authority back to City Council.
Motion carried 5– 0.

City Administrator

Michael Mueller City Administrator discussed with Council about liquor licenses inquiries and purchasing a projector for the Council Chambers.

Adjourn

The meeting was adjourned at 7:25 p.m.

ATTEST:

Michael Mueller, Administrator/Clerk

October Report Street Dept

- Clean Plunge Pool
- TREE Cleanup hocon Park, Dirt Work Seep
- Cold Patch Pot Holes
- Trim Bushes, Clean up landscape City Hall
- Tree Dump Fence East Side, Remove Old, New Posts
Fix Gate
- Sweep Streets
- Cemetery Stakes
- Dike @ Close Graves, Pack @ Seep
- Winterize Campground 10-14-22
- Get 6Ton Cold Patch
- Remove Boardwalk, Sign + Barricade Trail
Salvage 8' Sections, Placed by Street Shop.
- Clean Library Roof, Remove Retaining Wall East Side
- Wash EQ, Clean Shop

ORDINANCE NO. 5-22**An Ordinance of the City of Mountain Lake Amending
Section 4.07 of the City Code Regarding Building Maintenance**

Be it ordained Mountain Lake City Code is amended by renaming Section 4.07 Uniform Housing Code, repealing Subdivision 1, subdivision 2. Intent and subdivision 8, amending subdivisions 24 and 25, adding a subdivision for accessory buildings and renumbering all subdivisions to read as follows:

SECTION 4.07. MINIMUM MAINTENANCE STANDARDS**Subdivision 1. Purpose**

The purpose of this Section is to protect the public health, safety, and the general welfare of the people of this city. The general objectives include, among others, the following:

- A. To protect the character and stability of all buildings and property within the city.
- B. To correct and prevent conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental and social well-being of persons occupying buildings within Mountain Lake.
- C. To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings.
- D. To provide minimum standards for light and ventilation, necessary to health and safety.
- E. To prevent the overcrowding of dwellings by providing space standards per occupant for each dwelling.
- F. To provide minimum standards for the maintenance of existing buildings, and to thus prevent slums and blight.
- G. To preserve the value of land and buildings throughout the City.

Subdivision 2. Application.

Every building, as well as its premises, and all occupied premises within Mountain Lake shall conform to the requirements of this ordinance, irrespective of when such building may have been constructed, altered, or repaired.

Subdivision 3. Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. Approved- Acceptable to this jurisdiction
2. Accessory Building- A structure subordinate to the main or principal building which is not authorized nor used for living or sleeping by human occupants and which is located on or partially on the premises.
3. Building- Any structure used or intended for supporting or sheltering any use or occupancy.
4. Compliance Official- The Building Official
5. Dwelling- A building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two family dwellings, and multiple family dwellings, but not including hotels and motels.
6. Dwelling Unit- A single residential accommodation which is arranged, designed, used, or if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.
7. Family- One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than six persons not all so related, maintaining a common household in a dwelling unit and using common cooking and kitchen facilities.
8. Group or foster care of not more than six (6) wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency.
9. Flush Water Closet- An approved toilet system with a bowl and trap made in one piece connected to the city water and sewer system.
10. Garbage- Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
11. Habitable Building- Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.
12. Habitable Room- A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet

compartments, laundries, furnace rooms, unfinished basements, (those without required ventilation, required electrical outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

13. Heated water- Water heated to a temperature of not less than 120 degrees Fahrenheit, or such lesser temperature required by government authority, measured at the faucet outlet.
14. Kitchen- A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for storage of cooking utensils.
15. Multiple Family Dwelling- A dwelling or portion thereof containing three or more dwelling units.
16. Non residential Building- All other buildings or structures other than dwellings or dwelling units.
17. Occupant- Any person (including owner or operator) occupying any structure, building or part thereof, dwelling, dwelling unit, rooming unit or premise.
18. Permissible Occupant Load- The maximum number of persons permitted to occupy a building or space within a building.
19. Person- An individual, firm, partnership, association, corporation or joint venture or organization of any kind.
20. Refuse- All putrescible and non-putrescible waste solids including garbage and rubbish.
21. Repair- To restore to a sound and acceptable state of operation, serviceability or appearance.
22. Rodent Harborage- Any place where rodents can live, nest, or seek shelter.
23. Rooming unit- Any room or group of rooms forming a single habitable unit used for living or sleeping but not for cooking and eating purposes.
24. Safety- The condition of being reasonably free from danger and hazards which may cause accidents and diseases.
25. Structure- That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

26. Substandard Building- Any dwelling which does not conform to the minimum standards established by City Ordinances.

Subdivision 4. Responsibilities of Owners

No owner or person shall occupy or let another person occupy any building, unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the State of Minnesota and the City of Mountain Lake.

Subdivision 5. Maintenance of Shared or Public Areas

Every owner of a building shall maintain in a clean, sanitary, and safe condition, the shared or public areas of the building or premises thereof.

Subdivision 6. Maintenance of Occupied Areas

All occupants of a building shall maintain in a clean, sanitary, and safe condition that part or those parts of the building, and premises thereof that they control.

Subdivision 7. Storage and Disposal of Garbage

All occupants of a building shall store and dispose of all their garbage in a clean, sanitary, and safe manner as described in chapter 8 of the city code within 7 days.

Subdivision 8. Responsibility For Pest Extermination

Every occupant of a dwelling containing a single dwelling unit or an occupant of a non residential building containing a single unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a nonresidential building containing more than one unit shall be responsible for such extermination whenever their unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a building in a reasonable rodent proof or reasonable vermin proof condition, extermination shall be the responsibility of the owner. Whenever extermination is the responsibility of the owner, the extermination must be performed by a licensed pest control contractor.

Subdivision 9. Rodent Harborages Prohibited in Occupied Areas

No occupant of a building shall accumulate boxes, lumber, firewood, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling unit or building. Stored materials shall be stacked neatly.

Subdivision 10. Sanitary Maintenance of Fixtures and Facilities

Every occupant of a building shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Subdivision 11. Minimum Heating Capability and Maintenance

In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than an occupant, a temperature of at least 68 degrees Fahrenheit shall be maintained 3 feet above the floor.

Subdivision 12. Accessory Buildings

All accessory buildings shall be maintained to be compatible with the primary building, structurally sound, sanitary and in good repair. Such buildings may not harbor rodents.

Subdivision 13. Removal of Snow and Ice

Every occupant and/or owner shall be responsible for the removal of snow or ice from the parking lots, sidewalks, and driveways on the premises. Individual snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches, shall be removed from parking lots and driveways within 24 hours after the cessation of snow to a depth of one inch, and shall be removed from steps and walkways within the time specified in chapter 8 of the city code.

Subdivision 14. Maintenance of Driving and Parking Areas

- A. The owner of a building shall be responsible for providing and maintaining in good condition and delineating parking areas and driveways. No parking shall be permitted in the front setback (front yard) of a residential zone unless it is an approved driveway or parking area.
- B. Exemption: During snowfall or snow removal.

Subdivision 15. Maintenance of Yards

The owner shall be responsible for providing and maintaining premises yards consistent with chapter 8 of the city code.

Subdivision 16. Foundations, Exterior Walls and Roofs

The foundation, exterior walls, and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or

timbers, and any other which might admit rain or dampness to the interior portion of the walls or the exterior spaces of the building. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or determined by the code enforcement officer to be paint blistered, the surface shall be painted. If the exterior surface of the pointing on any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.

Subdivision 17. Windows, Doors, and Screens

Every window, exterior door, and other exterior openings, shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin, and rodents from entering the building. Every openable window shall be supplied with 16 mesh screens during the insect season and shall be equipped with an approved lock if located less than six feet above grade.

Subdivision 18. Facilities to Function

Every supplied facility, piece of equipment or utility required under city ordinances, and every chimney and flue, shall be installed and maintained and shall function effectively in a safe, sound and working condition.

Subdivision 19. Permissible Occupancy per Dwelling Unit

The maximum permissible occupancy of any dwelling unit shall be determined as follows:

1. For the first occupant, 150 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
2. In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen in the dwelling unit.
3. Not more than one family, except for temporary guests shall occupy a dwelling unit.

Subdivision 20. Basements not Permissible for Living

Basements unfinished shall not be occupied for the purpose of living.

Subdivision 21. Commencement of Proceedings

Whenever possible, a building inspection shall be initiated within three (3) business days of receipt of any complaint alleging a particular building to be substandard. Whenever the Building Official has inspected or caused to be inspected any building and has found

and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

Subdivision 22. Notice and Order

The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the Building Official has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous.
3. A statement of the action required to be taken as determined by the Building Official.
 - (i) If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed thirty (30) days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all circumstances.
 - (ii) If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official.
4. Statements advising that if any required repair or demolition work (without vacation being required) is not commenced within the time specified, the Building Official:
 - (i) Will order the building vacated and posted to prevent further occupancy until the work is completed; and
 - (ii) May proceed to cause the work to be done and charge the cost thereof against the property or its owner.
5. Statements advising: That any person having record title or legal interest in the building may appeal from the notice and order any actions of the Building Official.

Subdivision 23. Appeals

Any person aggrieved by any notice or order of the Building Official issued under this Ordinance may file a petition with the City Administrator within ten (10) days after the notice or order.

- A. Upon receipt of the review, the City Administrator, or designee, shall set a date for a hearing and give the petitioner at least five (5) days prior written notice of the date, time and place of the hearing.
- B. At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn. The petitioner may be represented by counsel of choosing at his/her expense.
- C. The hearing shall be conducted by the City Council.
- D. The City Council may modify, reverse, or affirm the decision of the Building Official.

Subdivision 24 Enforcement

Violation of this Ordinance shall be a petty misdemeanor and/or remedied by the guidelines set forth by this ordinance.

SECTION. 5.32. BEER LICENSE RESTRICTIONS AND REGULATIONS.

Subdivision 5. Except as otherwise provided in this Chapter, no license shall be granted for any building within 300 feet of any public elementary or secondary school structure, or within 100 feet of any church structure.

SECTION 5.60. LIQUOR AND ON-SALE WINE LICENSE RESTRICTIONS AND REGULATIONS:

Subdivision 4.

No license shall be granted for any building within 300 feet of any public elementary or secondary school structure or within 100 feet of any church structure.