

City of Ramsey
Agenda
City Council Work Session
Tuesday July 10, 2012
6:00 p.m. or Immediately following Personnel
Lake Itasca Room 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Topics for Discussion**
 1. Consider Request from Ramsey Raceway re Use of Community Sign
 2. Discussion Regarding Contracted Building Official Services
 3. City Owned Land Inventory Update: Peltzer Park, Windsorwood, Dedicated Lands
 4. Attorney/Client Privileged Discussion relating to the Isanti County District Court Litigation titled Isanti County vs Keith Kiefer vs City of Ramsey - **Portions of this case will be closed to the public.**
 5. Lower Rum River Water Management Organization (LRRWMO) - Implementation of Third Generation Plan; New Development Requirements
- 3. Future Topics for Discussion - *See Attached Calendar***
 1. Review Future Work Session Topics and Calendar
- 4. Mayor/Council/Staff Input**
- 5. Adjournment**

CC Work Session

2. 1.

Meeting Date: 07/10/2012

Submitted For: Kurt Ulrich

By: Jo Thieling, Administrative Services

Title:

Consider Request from Ramsey Raceway re Use of Community Sign

Background:

Staff has received a request from Karl of Ramsey Raceway to use the community sign to advertise the Raceway's schedule. Attached is the sign use request.

The City's Community Sign Policy states the following criteria for use: "For Profit organizations may use the community sign when hosting a non-profit community event with City approval of the Ramsey City Council. Organizations, or the event, must be located within the City of Ramsey." These events are held in the City of Ramsey and the City has a unique partnership with Ramsey Raceway splitting proceeds from their profits to benefit the City's Happy Days Festival.

The application criteria is that the request must be received a minimum of 14 days prior to the proposed start date of a message, and includes a limited number of characters. It also states that messages shall be played no more than 14 days in advance of an event, with a 14 day maximum duration. The policy limits organizations to a maximum of four messages per year.

The Community Sign Policy is attached for Council information.

Funding Source:

N/A

Council Action:

Based upon Council discussion.

Attachments

Request for Use of Community Sign

Community Sign Policy

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	07/05/2012 11:04 AM
Form Started By: Jo Thieling		Started On: 07/03/2012 07:16 PM
		Final Approval Date: 07/05/2012

Jo Thieling

Subject: FW: elec. sign

From: powerbykarl@comcast.net
To: kulirich@ci.ramsey.mn.us
Sent: Tuesday, July 3, 2012 1:43:00 PM
Subject: elec. sing

Dear Kurt,

This is the list of the race dates we would like on the electronic billboard.

Friday night races are as follows and we would like to have these shown Wednesday, Thursday and Friday prior to scheduled races.

July 13th
July 20th
July 27th
August 10th
August 17th
August 24th
September 7th & 8th

We also have two Wednesday night races, we would like these shown Monday, Tuesday and Wednesday prior.

August 1st
August 29th

The wording we would like used is

"KART RACING FRI 7PM"
"RAMSEYRACEWAY.COM"
"COME WATCH THE FUN"

Please let me know if this will work.

Sincerely,

Karl Janzen

COMMUNITY SIGN POLICY

SECTION 1: SCOPE

- A. BACKGROUND: The City of Ramsey owns and operates a community sign; located at 7665 Highway 10 (near the Ramsey Municipal Center). The sign is a computerized LED electronic message center. It is housed within a larger sign unit for The COR (Center of Ramsey).
- B. PURPOSE: the purpose of the community sign is to promote city and community organization events.

SECTION 2: CRITERIA/PROCEDURE

- A. ELIGIBLE USERS: Not for profit organizations are eligible users of the community sign. Examples of not for profit and government organizations include (but are not limited to): youth organizations, Lions Clubs, Rotary Clubs, Women of Today, religious institutions, government institutions, educational institutions, senior citizen clubs, etc. For-profit organizations may use the community sign when hosting a non-profit community event with city approval of the Ramsey City Council. Organizations, or the event, must be located within the City of Ramsey.

- B. APPLICATION: “Community Sign Use” applications must be submitted a minimum of 14 days prior to the proposed start date of a message; and, must not be submitted more than six months in advance of the start date of a message. Applications must be received by the City of Ramsey, Administrative Services Department.

“Community Sign Use” applications will be accepted and documented on a first-come-first-serve basis—based on the order in which completed applications are physically received. In the event that too many message requests are received for a particular date, the City of Ramsey reserves right to decide what messages will be played. The city will make a good faith effort to play messages in the order that they were received.

- C. MESSAGE: All messages should be kept as short as possible; with a maximum of three lines totaling 57 characters, 19 characters per line. Messages may contain graphics. NOTE: this sign only allows for low resolution graphics. See Section “Sign Specifications” for more information.

All messages are subject to change by the City of Ramsey and the City of Ramsey is not responsible for errors. Messages that contain, but not limited to the following, will be denied: political campaigns messages, for-profit advertising, religious messages, messages pertaining to illegal activities and any message containing profanity or offensive language. Messages must be of broad community interest.

Messages must conform to Minnesota Department of Transportation (MNDOT) sign regulations: MS Chapter 173—SIGNS & BILLBOARDS ALONG HIGHWAYS. Messages must also comply with City of Ramsey sign regulations: Code of Ordinances Chapter 117—Part II—DIVISION 8. Regulations include, but are not limited to (1) message must remain static for a minimum three seconds (2) message cannot included flashing, scrolling, etc.

- D. DURATION: Messages shall be played no more than 14 days in advance of an event, with a 14 day maximum duration. The length of time a message is displayed and number of times a message is displayed in a given day is at the discretion of the City of Ramsey.
- E. ANNUAL USE: Organizations are limited to a maximum of four messages per year.
- F. MESSAGE PRIORITY: The City of Ramsey reserves the right to prioritize the order of all messages played on the community sign. Messages from the City of Ramsey, along with any urgent/emergency notices, will take precedence over community messages.
- G. CHARGE: Use of the community sign is provided at no charge.
- H. APPROVAL: Messages will be reviewed and approved by the City Administrator; or, his/her designee.

SECTION 3: SIGN SPECIFICATIONS

- A. SPECIFICATIONS:
 - Type: LED (Light Emitting Diode) Electronic Message Center
 - Size: 31.5" high by 389.59" wide
 - Resolution: 40 pixels high by 176 pixels wide
 - Programming: Stationary or scrolling abilities

CC Work Session

2. 2.

Meeting Date: 07/10/2012

By: Colleen Lasher, Administrative Services

Title:

Discussion Regarding Contracted Building Official Services

Background:

Strategic Goals

As part of the 2012 City Council Strategic Goals, Staff has been analyzing expenses related to the administration of building permits, as well as the most cost effective way to deliver these services while providing continuity and stability in an efficient manner. The 2012 Strategic Goals note a comprehensive review of all required permits and inspections. Staff has not completed this full analysis of all expenses related to the administration of the Building Code, but is nearing completion of this analysis. Staff is currently exploring ways to reduce costs now and into the future in order to effectively and efficiently deliver these services. Staff is currently exploring such things as ePermits, electronic/wireless field data entry, and streamlined/automated reporting. In addition, Staff has recently submitted a similar analysis to ICMA as part of the performance measurement program they provide. Staff is awaiting the results of that analysis to better focus further analysis. Staff is forwarding the Building Official discussion due to time considerations and to finalize details of the 2013 Preliminary Budget related to the Building Division. As the Building Division completes plan review on major projects currently under review and completes many of the administrative projects that need completion in the near future, Staff will complete the analysis as requested by the City Council.

Background

In December, 2011, the City began contracting for Building Official services due to a vacancy in the position. The City had already been contracting for building inspection and plan review services. As part of this restructuring, it was determined that the Building Official role would be evaluated in six (6) months to determine a long term solution to this role. This six (6) month review period would also coincide with the 2013 budget discussion. The case was discussed by the Personnel Committee and City Council on December 13, 2011.

The current rate for contracted services with Inspectron is \$50 per hour. Current service levels have required 40 hours per week of Building Official services and 40 hours per week of building inspection and plan review services. It is anticipated that the building inspection and plan review services will drop to 20-30 hours per week upon completion of plan review of two (2) major projects and Staff catching up with two (2) larger projects that have been on hold pending plan review completion. During other times of the year, the hours per week could reduce even further.

Note: Due to the fact that the original contract was to provide building inspection and plan review services, and did not include providing Building Official services, it is anticipated that the contract will need to be revised to reflect the services provided. It is anticipated that this would be reflected in the 2013 budget.

Current Structure

The Building Division is currently comprised of a Building Official (contract services-40 hours per week), a Building Inspector (contracted services-10 to 40 hours per week), a Permit Technician, and is supervised by the Senior Planner. As part of the expense analysis of the Building Division, Staff recommends that the Building Official is needed 40 hours per week in order to provide timely response to plan review, inspections, customer service inquiries, administrative projects, and code enforcement throughout the year. It should be noted that a portion of the Building Official's time is spent on activities that are not directly tied to an active Permit review or inspection (such as administrative tasks and code enforcement activities noted above). Some of these activities are delayed during peak permit levels to allow Staff to focus on administration of active permits.

The current contracted services provided by Inspectron, Inc. have been positive and have provided good customer

service in a timely manner.

Recommendation:

Staff would recommend that the City remain with contract services for building inspection and plan review services on an as needed basis. Contracted services allow the City to respond better to seasonal variations in service level needs. In addition, the contracted services provide access to additional areas of expertise and review.

However, contracted services for the Building Official role presents the possibility of disruption in the continuity of delivery of services and is more costly, assuming a Building Official at a full-time equivalent. There are two (2) options to consider for providing Building Official services, depending on the level of guaranteed coverage the City Council is comfortable in providing. Option 1 would be to hire a Building Official as a regular, full-time employee of the City. This option would appear to be the preferred option if the City Council decides 40 hours of coverage per week is necessary year round. However, Option 2 would be to continue with contracted services for the Building Official. This option would be acceptable if the City Council is comfortable in assuming that the Building Official hours could be reduced in the non-peak times, thus creating some gaps in coverage.

The City does not have full control over assignments directed by the contracted services. The contracted service could decide to re-assign its staff over time to other locations resulting in the loss of expertise and know how specific to Ramsey. As each community has slightly different processes, rates, and permit software, it is necessary to provide the individual contractor with professional development related to the City's unique features and culture. Naturally, there are direct and indirect costs involved in contractor development and staff is concerned with potential turnover.

Staff would recommend an external recruitment to hire a full-time regular Building Official. Given the current fees paid for contracted Building Official services and the City's current Building Official pay scale, the net savings to the City could be approximately \$16,000 the first year with continued savings in years 2, 3, 4, 5. Year 6 (step 6---top of the scale) would be the only year when costs would be slightly more than the contracted rate (approximately \$1,972.00 more). These calculations include salary and benefits, are based on the 2012 pay scale, and are estimates only. The current contract for services is for \$50 per hour. Since the City does not pay vacation time to the contracted employee, the maximum number of hours paid for a full-time equivalent is 2,000 hours (\$50 x 2,000 hours = \$100,000). Savings would still be realized in monitoring contracted inspection hours and using only as needed. Finally, it is anticipated that the rate may increase slightly if the City chooses to continue to contract for Building Official services, which is in addition to the original scope of the contract. The current supervision structure is proposed to remain in place, with the Senior Planner leading the Planning Division and the Building Division.

Note: The two (2) individuals currently serving Ramsey in contracted services would not be eligible for an internal recruitment. It is important to note that the contract with Inspectron includes a 'buy-out' clause if the City chooses to hire a current employee of Inspectron within one (1) of said employee providing service to the City. Said buy-out would be 10% of the employee's first year annual salary with the City.

Funding Source:

The Building Official position, whether a regular, full-time employee or contracted services, is a component of the General Fund. Expenses of the Building Division are paid by Building Permit revenue collected when Building Permits are issued.

Council Action:

Based on discussion.

Attachments

Building Inspection Services Contract

Minnesota Rules Chapter 1300 (Administration of Building Code)

Form Review

Form Started By: Colleen Lasher

Started On: 07/05/2012

Final Approval Date: 07/03/2012

BUILDING INSPECTION SERVICES AGREEMENT

This agreement (this "Agreement") is entered into this 22 day of January 2010 by and between Inspectron, Inc., a Minnesota corporation with its principle place of business located at 15120 Chippendale Ave., Rosemount, MN, 55068 ("Inspectron") and the City of Ramsey an incorporated Minnesota city with its principle offices located at 7550 Sunwood Dr. N.W. Ramsey MN 56043 ("City").

WHEREAS, the City has adopted the Minnesota Building code (the "Code");

WHEREAS, the City requires building inspection services to ensure compliance with the Code;

WHEREAS, the City desires to enter into an agreement for the purchase of building inspection services with Inspectron; and

WHEREAS, Inspectron desires to provide such services to the City,

NOW THEREFORE, upon adequate consideration, the receipt and sufficiency of which is acknowledged, the parties hereto agree as follows:

1. **Inspection services.** During the term of this agreement, Inspectron agrees to perform inspection services as outlined in the proposal dated November 13, 2009 (attached hereto as Exhibit A).
2. **Condition of Inspection Services.**
 - a) City agrees to provide Inspectron with access to pertinent information, records, systems and data, as determined necessary in the discretion of Inspectron. The city shall provide all required forms. Inspectron shall assist in the responsibilities of administration and enforcement of the City's zoning ordinance by reviewing, as directed by the city, certain building permits for final zoning approval and land use. City shall hold Inspectron harmless and indemnify Inspectron from any and all claims that arise or may arise from zoning, land use, ordinances or incomplete or incorrect information on the permit application, except in the case of gross negligence by Inspectron. Such indemnification and hold harmless shall specifically include damages, claims costs and reasonable attorney fees.
 - b) Inspectron shall perform the services under this Agreement at such location and at such times as Inspectron deems appropriate while providing the coverage requested by the City.
 - c) Inspectron shall provide all tools, and communication devices it deems necessary to carry out the field services of this Agreement. The City shall provide an inspection vehicle and appropriate desk space for use by Inspectron employees for plan review, in the event plan review services are requested by the City.

- d) All employees of Inspectron performing services hereunder shall be certified State of Minnesota building inspectors.
- e) Inspectron agrees to proceed diligently and in accordance with its usual course and manner of business in providing the services requested by the city herein. Inspectron may at its discretion retain subcontractors in the performance of this agreement. Inspectron shall notify the City in the event a sub-contractor will be used. Inspectron is contractually responsible for all service provided including any subcontracted labor. Inspectron agrees to perform additional services, to which the parties agree during the term of this contract under the terms and conditions of this agreement.

3. **Term of Agreement.** This Agreement is effective commencing January 25, 2010 and shall consist of a period of six months of service. This Agreement may be automatically extended upon such terms and conditions as contained herein.

4. **Non-exclusive Agreement.** Inspectron acknowledges that the City is not granting it by this Agreement, the exclusive right to perform all of the City's commercial and residential building inspections and or plan reviews. The services performed by Inspectron shall be only those specifically directed by the City's Building Official.

5. **Payment.** In consideration of such consulting work, the City agrees to pay to Inspectron under the following schedule:

- a). Commercial and Residential inspections performed by qualified employees: \$50 hour
- b) Commercial and Residential Plan Review performed by qualified employees: \$50 hour

Hourly charges are inclusive of equipment charges, communication charges and overhead.

Work will be billed on a monthly basis and shall be due and payable upon receipt of such billing. The City upon receipt of such billing shall pay within 30 days.

Payments more than 30 days delinquent shall accrue a 1.5 percent monthly finance charge.

6. Notwithstanding the Agreement terms outlined in the November 13, 2009 "Proposal to the City of Ramsey", the City does not by this Agreement, contract with Inspectron for a minimum number of hours per week. The number of hours required of Inspectron shall be at the sole discretion of the City.

7. **Confidentiality.** Subject to compliance by the City with the State of Minnesota data practices laws, the City agrees that it will not reveal divulge or make known to any person, firm, or corporation any secret or confidential information during or after the term of this agreement. Confidential information shall be defined as knowledge, systems,

practices or other information submitted in writing or other tangible form designated as confidential by Inspectron. The City shall use such confidential information for the limited purposes of this agreement.

8. **No Employment Relationship.** Nothing in this Agreement shall be construed to create an employment, partnership, joint venture, license or agency relationship between the parties hereto and neither party shall have the right or authority to bind the other. For purposes of this Agreement, Inspectron shall be deemed an independent contractor. Inspectron's employees shall not be entitled to any employment benefits customarily given to City employees.

9. **Inspectron Employees.** The City agrees that it will not hire any of Inspectron's employees, who have provided services under this agreement, during the term of this contract or for a period of one year after the expiration or termination of this agreement, without the express written consent of Inspectron. In the event the City hires such Inspectron employee(s) (with or without express written consent of Inspectron); the City shall notify Inspectron and pay a fee of ten (10%) percent of the employee's 1st year annual salary with the City. Such payment shall be due upon the commencement of employment with the City.

10. **Termination.** This Agreement may be terminated by either party without cause upon forty-five (45) days written notice. Such termination shall not affect the rights and obligations of the parties accrued prior to the termination date or rights under paragraphs 3 and 4 above.

11. **Assignability.** This Agreement is not assignable by either party without the prior written consent of the non-assigning party.

12. **Law.** This Agreement shall be governed by the law of the State of Minnesota. The parties agree that the venue of any legal action arising under this Agreement shall be Anoka County, Minnesota. The parties further agree that in the event either party brings an action against the other to enforce any condition or covenant of this Agreement the prevailing party shall be entitled to recover its court costs and reasonable attorney fees in the judgment rendered in such action.

13. **Severability.** If any provision of this Agreement shall be held by any court of competent jurisdiction to be illegal, invalid or unenforceable, such provision shall be construed and enforced as if it had been more narrowly drawn so as to be legal, valid or enforceable. Such illegality, invalidity or unenforceability shall not have effect upon or impair the enforceability of any other provision of this Agreement.

14. **Indemnification.** Any and all claims that arise or may arise against Inspectron, its agents, servants or employees as a consequence of any act or omission on the part of Inspectron or its agents, servants, or employees while engaged in the performance of this Agreement shall in no way be the obligation or responsibility of the City. Inspectron shall indemnify, hold harmless and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including

attorney's fees which the City, its officers or employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of Inspectron, its agents, servants or employees, in the execution, performance, or failure to adequately perform Inspectron's obligations pursuant to this Agreement.


Inspectron shall further indemnify the City against all liability and loss in connection with, and shall assume full responsibility for, payment of all federal, state and local taxes or contributions imposed or required under employment insurance, social security and income tax laws, with respect to Inspectron employees engaged in performance of this Agreement.

15. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties. This Agreement may be amended only by written agreement of both the City and Inspectron.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written above.

City

Inspectron, Inc.

By: 
Its: Mayor

By: 
Its: President.

ATTEST:

By: 
Its: City Administrator

"Exhibit A"

INSPECTRON INC.

**Proposal for Building Inspection and Related Services for
City of Ramsey**

**Attention:
Mick Kaehler, Building Official
7550 Sunwood Drive NW
Ramsey, MN 55303**

November 13, 2009

Proposal to City of Ramsey MN

Scope of Services

Inspectron, Inc. proposes to provide part time building inspection and related services to the City of Ramsey. This service is intended to include inspecting properties and enforcing the Minnesota State Building Code under the direction of the City Building Official. This service will be provided for both residential and commercial projects.

Building Inspection

Inspectron Inc. will inspect properties and enforce the Minnesota State Building Code under the direction of the City Building Official.

Plumbing Code

Inspectron Inc. will provide enforcement and administration of the Minnesota State Plumbing Code and plumbing plan review services.

Rental Housing Inspection

Inspectron Inc. will be responsible for inspecting and enforcing the City's Rental Housing Ordinance, including but not limited to inspecting rental housing for license renewal, responding to complaint inspections and performing administrative tasks associated with the enforcement of the Rental Housing Ordinance.

Additional Duties:

Work regarding the above referenced codes and ordinances involves responsibility for plan review, scheduling, and inspection of residential and commercial buildings and other structures in regard to conformity with code requirements and technical standards, any administrative work in support of those duties assigned herein and enforcement. Work also involves determining building permit valuations for inspected construction projects and providing the City with Code revisions that are either desirable or required. These duties also include complaint investigations, hazardous building inspections and assistance with the prosecution of building code and hazardous building violations.

Other Services

Inspectron Inc. is also willing and able to provide the following services at the request of the City:

On-site Sewage Disposal Systems

Inspectron Inc. will provide On-site Sewage Disposal System review and inspections with its staff of MPCA certified inspectors. This would include review of new system designs, inspection of new and replacement installations and compliance inspections as necessary. All system installations will be documented with a record as built form.

Zoning Enforcement Scope of Services

At the request of the City, Inspectron Inc. will also enforce junk and other public nuisance complaints through thorough investigation, notification and assistance to the City Attorney with prosecution as necessary. Inspectron will provide fair and consistent nuisance enforcement that will include written inspection reports and necessary correspondence to the violator. Violation citations will be issued for all non-responsive, uncooperative violators.

Terms

Inspectron will have personnel available as needed 15-20 hours per week to cover the inspection services outlined in the Scope of Services. This schedule can be increased as necessary to meet the needs of the City.

Inspectron, Inc. will provide effective, efficient and expedient service by utilizing its team of inspectors and plan review staff for inspections and plan reviews. A designated inspector will be assigned but the full staff of Inspectron Inc. will be available. Ron Wasmund will serve as the Project Manager.

Inspectron, Inc. will provide the services listed in the Scope of Services at the hourly rate of \$50.00/per hour. Services will be billed to the City on a monthly basis.

Inspectron, Inc. will provide the services listed in the Onsite Sewage Disposal Systems Scope of Work at the hourly rate of \$50.00/per hour. Services will be billed to the City on a monthly basis.

Inspectron, Inc. will provide the services listed in the Zoning Enforcement Scope of Services at the hourly rate of \$65.00/per hour and will be added to the monthly invoice.

All communication, tools and insurance costs will be the direct responsibility of Inspectron, Inc. A Certificate of Insurance indicating all required insurance will be provided upon execution of a service agreement.

Inspections requested outside of normal business hours, M-F 8:00 a.m. to 4:30 p.m. will be billed \$75.00 per hour. A 1-hour minimum will apply.

Statement of Understanding

We/I have read the City's Request for Proposal (RFP) for part-time consulting services and fully understand its intent. We/I certify that we have adequate personnel, equipment and facilities to provide the City's requested services. We/I have thoroughly examined the RFP requirements, and our proposed fees cover all the services that we have indicated we can provide.

Respectfully Submitted,

Ron Wasmund
President
Inspectron Inc.

MINNESOTA RULES, CHAPTER 1300

ADMINISTRATION OF THE STATE BUILDING CODE

1300.0010 ADMINISTRATION.

This chapter provides administrative provisions for all Minnesota State Building Code rule chapters identified in part 1300.0050. If specific administrative provisions are provided in a statute or rule chapter, the specific administrative provisions apply.

Chapter 1315 shall be administered according to chapter 3800, and the Minnesota Electrical Act, Minnesota Statutes, sections 326.01, and 326.241 to 326.248. Provisions of this chapter that do not conflict with the Minnesota Electrical Act also apply.

1300.0020 TITLE.

The chapters listed in part 1300.0050, including the standards they adopt by reference, are the Minnesota State Building Code and may be cited as or referred to as the "code."

1300.0030 PURPOSE AND APPLICATION.

Subpart 1. **Purpose.** The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

The purpose of the code is not to create, establish, or designate a particular class or group of persons who will or should be especially protected or benefited by the terms of the code.

Subp. 2. **Application.**

A. The code applies statewide except as provided in Minnesota Statutes, sections 16B.72 and 16B.73, and supersedes the building code of any municipality. The code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by Minnesota Statutes, sections 103F.141, subdivision 8, and 326.2441.

B. The codes and standards referenced in a rule chapter are considered part of the requirements of the code to the prescribed extent of each reference. If differences occur between provisions of the code and referenced codes and standards, the provisions of the code apply.

C. In the event that a new edition of the code is adopted after a permit has been issued, the edition of the code current at the time of permit application shall remain in effect throughout the work authorized by the permit.

1300.0040 SCOPE.

The code applies to the construction, alteration, moving, demolition, repair, and use of any building, structure, or building service equipment in a municipality, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in the code, and hydraulic flood control structures. Structures classified under part 1300.0070, subpart 12a, as IRC 1, IRC 2, IRC 3, and IRC 4 occupancies not more than three stories above grade plane in height with separate means of egress shall comply with chapter 1309 and other applicable rules. Other buildings and structures and appurtenances connected or attached to them shall comply with chapter 1305 and other applicable rules.

Exception: The following structures that meet the scope of chapter 1305 shall be

designed to comply with Minnesota Rules, chapter 1311:

- (1) existing buildings undergoing repair, alteration, or change of occupancy; and
- (2) historic buildings.

If different provisions of the code specify different materials, methods of construction, or other requirements, the most restrictive provision governs. If there is a conflict between a general requirement and a specific requirement, the specific requirement applies.

If reference is made in the code to an appendix, the provisions in the appendix do not apply unless specifically adopted by the code. Optional appendix chapters of the code identified in part 1300.0060 do not apply unless a municipality has specifically adopted them.

1300.0050 CHAPTERS OF MINNESOTA STATE BUILDING CODE.

The Minnesota State Building Code adopted under Minnesota Statutes, section 16B.61, subdivision 1, includes the following chapters:

- A. 1300, Minnesota Building Code Administration;
- B. 1301, Building Official Certification;
- C. 1302, State Building Code Construction Approvals;
- D. 1303, Special Provisions;
- E. 1305, Adoption of the International Building Code;
- F. 1306, Special Fire Protection Systems;
- G. 1307, Elevators and Related Devices;
- H. 1309, Adoption of the International Residential Code;
- I. 1311, Minnesota Conservation Code for Existing Buildings;
- J. 1315, Adoption of the National Electrical Code;
- K. 1325, Solar Energy Systems;

- L. 1335, Floodproofing Regulations;
- M. 1341, Minnesota Accessibility Code;
- N. 1346, Minnesota Mechanical Code;
- O. 1350, Manufactured Homes;
- P. 1360, Prefabricated Structures;
- Q. 1361, Industrialized/Modular Buildings;
- R. 1370, Storm Shelters (Manufactured Home Parks);
- S. 4715, Minnesota Plumbing Code; and
- T. 7670, 7672, 7674, 7676, and 7678, Minnesota Energy Code.

1300.0060 OPTIONAL ADMINISTRATION.

The following chapters of the code are not mandatory but may be adopted without change by a municipality which has adopted the code:

- A. chapter 1306, Special Fire Protection Systems;
- B. grading, IBC appendix chapter J; and
- C. chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

1300.0070 DEFINITIONS.

Subpart 1. **Scope; incorporation by reference.** The definitions in this part apply to parts 1300.0010 to 1300.0250. For terms that are not defined through the methods authorized by this chapter, the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings. The dictionary is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 2. **Administrative authority.** "Administrative authority" means a municipality's governing body or its assigned administrative authority.

Subp. 3. **Adult day care center.** "Adult day care center" means a facility that provides adult day care to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant's home or the residence of the facility operator.

A. "Class E" means any building or portion of a building used for adult day care purposes, by more than five occupants, for those participants who are capable of taking appropriate action for self-preservation under emergency conditions as determined according to part 9555.9730, and must meet Group E occupancy requirements.

B. "Class I" means any building or portion of a building used for adult day care purposes, by more than five occupants, for those participants who are not capable of taking appropriate action for self-preservation under emergency conditions as determined according to part 9555.9730, and must meet Group I, Division 4 occupancy requirements.

Subp. 4. **Agricultural building.** "Agricultural building" means a building that meets the requirements of Minnesota Statutes, section 16B.60, subdivision 5.

Subp. 5. **Building official.** "Building official" means the municipal building code official certified under Minnesota Statutes, section 16B.65, subdivisions 2 and 3.

Subp. 6. **Building service equipment.** "Building service equipment" refers to the plumbing, mechanical, electrical, and elevator equipment, including piping, wiring, fixtures, and other accessories, that provides sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use and occupancy.

Subp. 7. **City.** "City" means a home rule charter or statutory city.

Subp. 8. **Code.** "Code" means the Minnesota State Building Code adopted under Minnesota Statutes, section 16B.61, subdivision 1, and includes the chapters identified in part 1300.0020.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 10. **Designate.** "Designate" means the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration.

Subp. 10a. **Family adult day services.** "Family adult day services" means a program providing services for up to eight functionally impaired adults for less than 24 hours per day in the license holder's primary residence according to Minnesota Statutes, section 245A.143. This includes programs located in residences licensed by the Department of Human Services for adult foster care, provided that not more than eight adults, excluding staff, are present in the residence at any time.

Subp. 11. **Family day care home.** "Family day care home" means a residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than ten children at one time of which no more than six are under school age, and must meet Group R, Division 3 occupancy requirements.

Subp. 12. **Group day care home.** "Group day care home" means any residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than 14 children at any one time, and must meet Group R, Division 3 occupancy requirements.

Subp. 12a. **International residential code (IRC) occupancy classifications.** International residential code (IRC) occupancy classifications are as follows:

IRC 1 single family dwellings;

- IRC 2 two family dwellings;
- IRC 3 townhouses; and
- IRC 4 accessory structures:
 - A. garages;
 - B. storage sheds; and
 - C. similar structures.

Subp. 13. **Mandatory terms.** "Mandatory terms" include "must" and "shall," which have the same meaning.

Subp. 14. **Manufactured home.** "Manufactured home" has the meaning given in Minnesota Statutes, section 327.31, subdivision 3, and for the purpose of determining occupancy separations, is considered a Group IRC 1 occupancy.

Subp. 15. **Master plan.** "Master plan" is a plan that has been reviewed for code compliance by the building official and stamped "Reviewed for Code Compliance."

Subp. 16. **Mayor and city council.** "Mayor" and "city council" mean governing body whenever they appear in the code.

Subp. 17. **Municipality.** "Municipality" means a city, county, or town; the University of Minnesota; or the state of Minnesota for public buildings and state licensed facilities.

Subp. 18. **Outpatient clinic.** "Outpatient clinic" means a building or part of a building used to provide, on an outpatient basis, surgical treatment requiring general anesthesia, kidney dialysis, or other treatment that would render patients incapable of unassisted self-preservation under emergency conditions. "Outpatient clinic" includes outpatient surgical centers, but does not include doctors' and dentists' offices or clinics for the practice of medicine or the delivery of primary care. Outpatient clinics must meet Group B occupancy requirements.

Subp. 19. **Performance-based design.** An engineering approach to design elements of a building based on agreed upon performance goals and objectives, engineering analysis, and quantitative

assessment of alternatives against the design goals and objectives, using accepted engineering tools, methodologies, and performance criteria.

Subp. 20. **Recyclable materials.** "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastic, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subp. 21. **Recycling.** "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subp. 22. **Residential hospice facility.** "Residential hospice facility" means a facility located in a residential area that directly provides 24 hour residential and support services in a home like setting for one to 12 persons who have been diagnosed as terminally ill with a probable life expectancy of under one year. A residential hospice facility must meet IBC Group R 4 occupancy requirements.

Subp. 23. **Supervised living facility.** "Supervised living facility" means a facility in which there is provided supervision, lodging, meals, and according to the rules of the Minnesota Department of Human Services and the Minnesota Department of Health, counseling and developmental habilitative or rehabilitative services to persons who are mentally retarded, chemically dependent, adult mentally ill, or physically disabled.

A. "Class A-1 supervised living facility" means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions

for six or fewer persons, and must meet Group R, Division 3 occupancy requirements.

B. "Class A-2 supervised living facility" means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for seven to 16 persons, and must meet Group R, Division 4 occupancy requirements. Facilities with more than 16 persons must meet Group I-1 occupancy requirements.

C. "Class B-1 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for six or fewer persons, and must meet Group R, Division 3 occupancy requirements.

D. "Class B-2 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for seven to 16 persons, and must meet Group R, Division 4 occupancy requirements.

E. "Class B-3 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for over 16 persons, and must meet Group I, Division 2 occupancy requirements.

Subp. 24. **State building official.** "State building official" means the person who,

under the direction and supervision of the commissioner, administers the code.

Subp. 25. **State licensed facilities.** "State licensed facilities" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

Subp. 26. **State-owned buildings.** "State-owned buildings" means buildings and structures financed in whole or in part by state funds that are under the exclusive jurisdiction and custodial control of one or more state department or agency.

1300.0080 CODE ADOPTION AND AMENDMENTS.

Under Minnesota Statutes, section 16B.61, the code is adopted and periodically updated to include current editions of national model codes in general use and existing statewide specialty codes and their amendments.

Under Minnesota Statutes, section 16B.64, subdivisions 5 and 6, amendments to the code may be proposed and initiated by any interested person. Proposed amendments must be submitted in writing on a form provided by the commissioner.

1300.0090 DEPARTMENT OF BUILDING SAFETY.

Subpart 1. **Creation of enforcement agency.** There is hereby established in the municipality a code enforcement agency and the official in charge is the designated building official. The agency is referred to in the code as the "Department of Building Safety."

Subp. 2. **Appointment.** The building official shall be designated by the municipality according to Minnesota Statutes, section 16B.65.

1300.0100 [Repealed, 19 SR 1340]

1300.0110 DUTIES AND POWERS OF BUILDING OFFICIAL.

Subpart 1. **General.** The building official shall enforce the code. The building official may render interpretations of the code and adopt policies and procedures in order to clarify its application. The interpretations, policies, and procedures shall be in conformance with the intent and purpose of the code. The policies and procedures shall not have the effect of waiving requirements specifically provided for in the code.

Subp. 2. **Deputies.** According to the prescribed procedures of the municipality and with the concurrence of the appointing authority, the building official may designate a deputy building official and related technical officers, inspectors, plan examiners, and other employees. The employees have the powers delegated by the building official.

Subp. 3. **Applications and permits.** The building official shall receive applications, review construction documents, and issue permits for the erection, alteration, demolition, moving, and repair of buildings and structures, including all other equipment and systems regulated by the code. The building official shall inspect the premises for which the permits have been issued and enforce compliance with the code.

Subp. 4. **Notices and orders.** The building official shall issue all necessary notices and orders to ensure compliance with the code. Notices and orders shall be in writing unless waived by the permit applicant, contractor, owner, or owner's agent. Notices and orders shall be based on the edition of the code under which the permit has been issued.

Subp. 5. **Inspections.** The building official shall make all of the required inspections or accept reports of inspection by approved agencies or individuals. Results of inspections shall be documented on the job site inspection card and in the official records of the municipality, including type of

inspection, date of inspection, identification of the responsible individual making the inspection, and comments regarding approval or disapproval of the inspection. The building official may engage expert opinion necessary to report upon unusual technical issues that arise.

Subp. 6. **Identification.** The building official and deputies shall carry proper identification when inspecting structures or premises in the performance of duties under the code.

Subp. 7. **Right of entry.** If it is necessary to make an inspection to enforce the code or if the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition contrary to or in violation of the code that makes the structure or premises unsafe, dangerous, or hazardous, the building official or designee may enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the code, provided that if the structure or premises is occupied, credentials must be presented to the occupant and entry requested. If the structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Subp. 8. **Department records.** The building official shall be responsible for official records of applications received, plans, specifications, surveys, plot plans, plan reviews, permits and certificates issued, reports of inspections, and notices and orders issued. The records shall be retained for the period required for the retention of public records under Minnesota Statutes, section 138.17. Department records shall be maintained by the municipality and readily available for review according to Minnesota Statutes, section 13.37.

Subp. 9. **Liability.** The building official, member of the Board of Appeals, or employee charged with the enforcement of the code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by the code or other pertinent laws or ordinances, is not rendered personally liable and is relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate is not liable for cost in any action, suit, or proceeding that is instituted in pursuance of the code.

Subp. 10. **Approved materials and equipment.** Materials, equipment, and devices approved by the building official shall be constructed and installed in the approved manner.

Subp. 11. **Used material and equipment.** The use of used materials that meet the requirements of the code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Subp. 12. **Modifications.** If there are practical difficulties involved in carrying out the provisions of the code, the building official may grant modifications for individual cases, upon application by the owner or owner's representative, provided the building official finds that special individual reason makes the strict letter of the code impractical, the modification is in compliance with the intent and purpose of the code, and the modification does not lessen health, life, and fire safety or structural requirements. The details of action granting modifications

shall be recorded and entered in the files of the Department of Building Safety.

Subp. 13. **Alternative materials, design, and methods of construction and equipment.** The code is not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, provided that any alternative has been approved. An alternative material, design, or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability, and safety. The details of any action granting approval of an alternate shall be recorded and entered in the files of the Department of Building Safety.

Subp. 14. **Performance-based fire and life safety design.** The code official may approve performance-based fire and life safety designs if the code official finds that the proposed design has been conducted by an approved method. Approved performance-based designs are evidence of compliance with the intent of the code. Approvals under this subpart are subject to the approval of the building code official whenever the design involves matters regulated by the building code.

A. Design goals, objectives, and performance criteria shall be approved by the code official before submission of a performance-based design report, calculations, or analysis results. As a minimum, an approved performance-based design shall address the following objectives:

- (1) life safety of occupants;
- (2) firefighter safety;
- (3) property protection;

- (4) continuity of operations; and
- (5) safeguarding of the environment.

B. To determine the acceptability of a performance-based design, the code official may require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The code official may require the technical opinion and report to be prepared by, and bear the stamp of, a licensed design professional.

C. Performance-based designs shall be prepared by, and bear the stamp of, a licensed design professional competent in the area of work. The design professional shall provide written confirmation to the code official before a certificate of occupancy is issued that the performance-based design has been properly implemented, the operation or use of the building is within the limitations of the design, and adequate controls are in place to maintain compliance with the conditions of the design throughout the life of the building.

Subp. 15. **Tests.** If there is insufficient evidence of compliance with the code, or evidence that a material or method does not conform to the requirements of the code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the municipality. Test methods shall be as specified in the code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of the tests shall be retained by the building official.

1300.0120 PERMITS.

Subpart 1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas,

mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

Subp. 2. **Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit upon application for the permit to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

Subp. 3. **Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.

Subp. 4. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. Building:

(1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 mm²);

(2) fences not over six feet (1,829 mm) high;

(3) oil derricks;

(4) retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;

(5) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;

(6) sidewalks and driveways that are not part of an accessible route;

(7) decks and platforms not more than 30 inches (762 mm) above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route;

(8) painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;

(9) temporary motion picture, television, and theater stage sets and scenery;

(10) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R 3 occupancies constructed to the provisions of the International Building Code, which do not exceed both 5,000 gallons in capacity (18,925 L) and a 24 inch (610 mm) depth;

(11) window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R 3 and Group U occupancies constructed to the provisions of the International Building Code;

(12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height;

(13) agricultural buildings as defined in Minnesota Statutes, section 16B.60, subdivision 5; and

(14) swings and other playground equipment.

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (14).

B. Gas:

(1) portable heating, cooking, or clothes drying appliances;

(2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe; and

(3) portable fuel cell appliances that are not connected to a fixed piping system and are interconnected to a power grid.

C. Mechanical:

(1) portable heating appliances;

(2) portable ventilation appliances and equipment;

(3) portable cooling units;

(4) steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code;

(5) replacement of any part that does not alter approval of equipment or make the equipment unsafe;

(6) portable evaporative coolers;

(7) self contained refrigeration systems containing ten pounds (4.5 kg) or less of refrigerant or that are actuated by motors of one horsepower (0.75 kW) or less; and

(8) portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

D. Plumbing: See chapter 4715 for plumbing work that is exempt from a permit.

E. Electrical: an electrical permit is not required if work is inspected by the State Board of Electricity or is exempt from inspection under Minnesota Statutes, section 326.244. Obtaining a permit from the Board of Electricity does not exempt the work from other Minnesota State Building Code requirements relating to electrical equipment, its location, or its performance.

Subp. 5. **Emergency repairs.** If equipment replacements and repairs must be

performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

Subp. 6. **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the cutting away of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

Subp. 7. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

A. identify and describe the work to be covered by the permit for which application is made;

B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. indicate the use and occupancy for which the proposed work is intended;

D. indicate the type of construction;

E. be accompanied by construction documents and other information as required by the code;

F. state the valuation of the proposed work;

G. be signed by the applicant, or the applicant's authorized agent; and

H. give other data and information required by the building official.

Subp. 8. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. The building official shall document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

Subp. 9. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 10. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official may also prevent occupancy

or use of a structure that violates the code or any other ordinance of this jurisdiction.

Subp. 11. **Expiration.** Every permit issued shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official may grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 12. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

Subp. 13. **Placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project.

Subp. 14. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code.

1300.0130 CONSTRUCTION DOCUMENTS.

Subpart 1. **Submittal documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit.

Exception: The building official may waive the submission of construction documents and other data if the nature of the work applied for is such that reviewing of construction documents is

not necessary to obtain compliance with the code.

The building official may require plans or other data be prepared according to the rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, chapter 1800, and Minnesota Statutes, sections 326.02 to 326.15, and other state laws relating to plan and specification preparation by occupational licenses. If special conditions exist, the building official may require additional construction documents to be prepared by a licensed design professional.

Subp. 2. **Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the code and relevant laws, ordinances, rules, and regulations, as determined by the building official.

Subp. 3. **Manufacturer's installation instructions.** When required by the building official, manufacturer's installation instructions for construction equipment and components regulated by the code, shall be available on the job site at the time of inspection.

Subp. 4. **Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan drawn to scale, showing the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades, and it shall be drawn according to an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site

or plot. The building official may waive or modify the requirement for a site plan if the application for permit is for alteration or repair or when otherwise warranted.

Subp. 5. Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents to ascertain whether the construction indicated and described complies with the requirements of the code and other pertinent laws and ordinances.

Subp. 6. Approval of construction documents. If the building official issues a permit, the construction documents shall be approved in writing or by a stamp, stating "Reviewed for Code Compliance," dated, and signed by the building official or an authorized representative. One set of the construction documents that were reviewed shall be retained by the building official. The other set shall be returned to the applicant, kept at the site of the work, and open to inspection by the building official or an authorized representative.

Subp. 7. Previous approvals. The code in effect at the time of application shall be applicable.

Subp. 8. Phased approval. The building official may issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the code. The holder of the permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Subp. 9. Design professional in responsible charge.

A. The building official may require the owner to engage and designate on the building permit application a licensed design professional who shall act as the licensed design professional in responsible charge. If the circumstances require, the owner shall designate a substitute licensed design professional in responsible charge who shall perform the duties required of the original licensed design professional in responsible charge. The building official shall be notified in writing by the owner if the licensed design professional in responsible charge is changed or is unable to continue to perform the duties.

The licensed design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

When structural observation is required by the code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

B. For the purposes of this part, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The licensed design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the licensed design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance

with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

C. Work regulated by the code shall be installed according to the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

1300.0140 VIOLATIONS.

It is unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by the code, or cause any of those actions, in conflict with or in violation of the code. The building official may serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the code, or in violation of a permit or certificate issued under the code. The order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

1300.0150 VIOLATIONS, PENALTY.

A violation of the code is a misdemeanor under Minnesota Statutes, section 16B.69.

1300.0160 FEES.

Subpart 1. **Schedule of permit fees.** The applicant for a permit for a building; structure; or electrical, gas, mechanical, or plumbing system or alterations requiring a permit shall pay the fee set forth by a fee schedule adopted by the municipality.

When submittal documents are required to be submitted by this chapter, a plan review fee shall be required. The plan review fee shall be established by the fee schedule adopted by the municipality.

Exception: The fee schedule adopted by the municipality may exempt minor work from plan review fees.

Subp. 2. **Fees commensurate with service.** Fees established by the municipality must be by legal means and must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.

Subp. 3. **Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Building permit valuation shall be set by the building official.

Exceptions: Building permit valuations for the following structures shall be based on the valuation of on-site work only:

- A. manufactured homes containing a Housing and Urban Development (HUD) certification label;
- B. prefabricated buildings with a Minnesota Building Codes and Standards Division prefabrication label; and
- C. industrialized/modular buildings with an Industrialized Building Commission (IBC) label.

Subp. 4. **Building permit fees.** Building permit fees shall be based on valuation.

Exceptions:

- A. one- and two-family dwelling maintenance permits for roofing, siding, windows, doors, or other minor projects may be charged a fixed fee;
- B. permits for plumbing, mechanical, electrical, or other building service equipment systems may be based on valuation or charged a fixed fee; and

C. replacement of a residential fixture or appliance cannot exceed the permit fee limitation established by Minnesota Statutes, section 16B.665.

Subp. 5. Plan review fees for similar plans. When submittal documents for similar plans are approved under subpart 6, plan review fees shall not exceed 25 percent of the normal building permit fee established and charged by the jurisdiction for the same structure.

Subp. 6. Plan review of similar plans.

A. Any number of similar buildings may be built from a master plan if:

(1) plan review fees have been paid for the master plan;

(2) a code change has not occurred that impacts the design of a master plan;

(3) the similar building has the same physical dimensions and structural design as the master plan;

Exception: The following modifications to the master plan are not considered to be significant modifications, according to Minnesota Statutes, section 16B.61, subdivision 1, and are permitted for dwelling units and their accessory structures built to the International Residential Code, and residential occupancies built to the International Building Code that are three stories or less in height and their accessory structures:

(a) foundation types to include walkout, lookout, and full basement;

(b) foundation materials to include poured concrete, masonry units, and wood;

(c) garage dimensions;

(d) roof design changed by a revised truss plan approved by the building official;

(e) bays or cantilevered floor areas;

(f) decks and porches; and

(g) other modifications approved by the building official;

(4) occupancy groups other than those identified in the exceptions listed in part 1300.0160, subpart 6, item A, subitem (3), must be the same type of construction and occupancy classification and must have the same exit system;

Exception: Minor changes to the exit access; and

(5) the similar plan is based on a master plan for which the municipality has issued a permit within the last 12 months.

B. Plan review fees for similar building plans must be based on the costs commensurate with the direct and indirect cost of the service, but must not exceed 25 percent of the normal building permit fee established and charged by the municipality for the same structure.

C. The plan review fee charged for similar building plans applies to all buildings regulated by the code regardless of occupancy classification including industrialized/modular buildings constructed under a program specified in Minnesota Statutes, section 16B.75.

D. The applicant must submit a new plan set and other information as required by the building official for each building reviewed as a similar building.

Subp. 7. Payment of fees. A permit shall not be issued until the fees prescribed by the municipality have been paid.

Subp. 8. Work commencing before permit issuance. If work for which a permit is required by the code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. An investigation fee established by the municipality shall be collected and is in addition to the required permit fees, but it may not exceed the permit fee.

Subp. 9. **Fee refunds.** The municipality shall establish a permit and plan review fee refund policy.

Subp. 10. **State surcharge fees.** All municipal permits issued for work under the code are subject to a surcharge fee. The fees are established by Minnesota Statutes, section 16B.70. Reports and remittances by municipalities must be filed with the commissioner, directed to the attention of the state building official.

Surcharge fees imposed by the state are in addition to municipal permit fees. Surcharge report forms and information may be obtained by writing the commissioner, to the attention of the state building official.

1300.0170 STOP WORK ORDER.

If the building official finds any work regulated by the code being performed in a manner contrary to the provisions of the code or in a dangerous or unsafe manner, the building official may issue a stop work order.

The stop work order shall be in writing and issued to the owner of the property involved, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

1300.0180 UNSAFE BUILDINGS OR STRUCTURES.

A building or structure regulated by the code is unsafe, for purposes of this part, if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life.

Building service equipment that is regulated by the code is unsafe, for purposes of this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise dangerous to human life. Use of a building, structure, or building service equipment

constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in the code are unsafe building appendages.

The building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action.

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26.

1300.0190 TEMPORARY STRUCTURES AND USES.

Subpart 1. **General.** The building official may issue a permit for temporary structures and temporary uses. The permit shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official may grant extensions for demonstrated cause.

Subp. 2. **Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of the code as necessary to ensure the public health, safety, and general welfare.

Subp. 3. **Termination of approval.** The building official may terminate the permit for a temporary structure or use and order the temporary structure or use to be discontinued if the conditions required in this part have not been complied with.

1300.0200 [Repealed, 19 SR 1340]

1300.0210 INSPECTIONS.

Subpart 1. **General.** Construction or work for which a permit is required is subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection is not approval of a violation of the code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the code or of other ordinances of the jurisdiction are not valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction is liable for expense entailed in the removal or replacement of any material required to allow inspection.

Subp. 2. **Preliminary inspection.** Before issuing a permit, the building official may examine, or cause to be examined, buildings, structures, and sites for which an application has been filed.

Subp. 3. **Inspection record card.** The building official shall identify which inspections are required for the work requiring a permit. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card that allows the building official to conveniently make all required entries regarding inspection of the work. This card shall be maintained and made available by the permit holder until final approval has been granted by the building official.

Subp. 4. **Inspection requests.** The building official shall provide the applicant with policies, procedures, and a timeline for requesting inspections. The person doing the work authorized by a permit shall notify the building official that the work is ready for inspection. The person requesting an

inspection required by the code shall provide access to and means for inspection of the work.

Subp. 5. **Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or notify the permit holder or an agent of the permit holder of any failures to comply with the code. Any portion that does not comply shall be corrected and the portion shall not be covered or concealed until authorized by the building official.

Subp. 6. **Required inspections.** The building official, upon notification, shall make the inspections in this part. In addition to the inspections identified in this subpart, see applicable rule chapters in part 1300.0050 for specific inspection and testing requirements.

A. Footing inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. Materials for the foundation shall be on the job, except that concrete need not be on the job if the concrete is ready mixed according to approved nationally recognized standards.

B. Foundations:

(1) Foundation inspections for poured walls shall be made after all forms are in place with any required reinforcing steel and bracing is in place, and prior to pouring concrete.

(2) All foundation walls shall be inspected prior to backfill for specific code requirements.

(3) The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment.

C. Concrete slab and under floor inspections shall be made after in slab or under floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

D. Rough in inspection of plumbing, mechanical, gas, and electrical systems shall be made before covering or concealment, before fixtures or appliances are set or installed, and before framing inspection.

E. Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping, and bracing are in place and after the plumbing, mechanical, and electrical rough inspections are approved.

F. Energy efficiency inspections shall be made to determine compliance with Minnesota Energy Code requirements.

G. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire resistive assembly or a shear assembly.

H. Protection of joints and penetrations in fire resistance rated assemblies shall not be concealed from view until inspected and approved.

I. Installation of manufactured homes (mobile homes) shall be made after the installation of the support systems and all utility service connections are in place, but before any covering material or skirting is in place. Evaluation of an approved anchoring system is part of the installation inspection.

J. Fireplaces must be inspected for compliance with applicable requirements of

the code and the manufacturer's installation instructions.

K. A final inspection shall be made for all work for which a permit is issued.

L. Special inspections shall be as required by the code.

M. In addition to the inspections in items A to K, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the code and other laws that are enforced by the Department of Building Safety.

Subp. 7. **Inspection agencies.** The building official is authorized to accept inspection reports by approved agencies.

1300.0220 CERTIFICATE OF OCCUPANCY.

Subpart 1. **Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building, structure, or portion of a building or structure shall be made until the building official has issued a certificate of occupancy for the building or structure under this part. Issuance of a certificate of occupancy is not approval of a violation of the code or other ordinances of the municipality. Certificates presuming to give authority to violate or cancel the code or other ordinances of the municipality are not valid.

Exception: A municipality has the option of requiring certificates of occupancy for:

- A. "U" occupancies constructed under the International Building Code;
- B. accessory structures constructed under the International Residential Code; or
- C. used manufactured homes moved into or within a jurisdiction.

Subp. 2. **Existing structures.** The legal occupancy of any structure existing on the date of adoption of the code shall be

permitted to continue without change except as specifically required in chapter 1311.

Subp. 3. **Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in chapter 1311.

Subp. 4. **Moved buildings.** Buildings or structures moved into or within a jurisdiction shall comply with the provisions of the code for new buildings or structures.

Exception: A residential building relocated within or into a municipality need not comply with the Minnesota Energy Code or Minnesota Statutes, section 326.371.

Subp. 5. **Certificate issued.** After the building official inspects a building or structure and finds no violations of the code or other laws that are enforced by the Department of Building Safety, the building official shall issue a certificate of occupancy containing the following:

- A. the building permit number;
- B. the address of the structure;
- C. the name and address of the owner;
- D. a statement that the described portion of the structure has been inspected for compliance with the requirements of the code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;
- E. the name of the building official;
- F. the edition of the code under which the permit was issued;
- G. the use and occupancy classification;
- H. the type of construction;
- I. if an automatic sprinkler system is provided; and
- J. any special stipulations and conditions of the building permit.

Subp. 6. **Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

Subp. 7. **Revocation.** The building official may issue a written suspension or revocation of a certificate of occupancy issued under the code if the certificate is issued in error or on the basis of incorrect information supplied, or if the building or use of the building, structure, or portion of the building or structure is in violation of any ordinance or regulation or a provision of the code.

1300.0230 BOARD OF APPEALS.

Subpart 1. **Local board of appeals.** In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be designated by the governing body. Appeals hearings must occur within ten working days from the date the municipality receives a properly completed application for appeal. If an appeals hearing is not held within this time, the applicant may appeal directly to the State Building Code Appeals Board.

The board shall adopt rules of procedures for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official and to the state building official within five working days of the decision. For jurisdictions without a board of appeals, the appellant may appeal to an appeals board assembled by the state of Minnesota,

Department of Labor and Industry's Construction Codes and Licensing Division.

Subp. 2. **Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the affected jurisdiction.

Subp. 3. **Limitations on authority.** 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 an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

Subp. 4. **Final interpretive authority.** The state building official has final interpretive authority for all codes adopted as part of the code except for the plumbing code when enforced by the Commissioner of Health and the electrical code when enforced by the State Board of Electricity. A request for final interpretation must come from a local or state level building code board of appeals. The procedures for final interpretations by the state building official are as established in Minnesota Statutes, section 16B.63.

1300.0240 DISCLAIMER CLAUSE.

The inclusion of specific requirements relative to the manner of installation of any building or portion of any building or building equipment in one or more parts of the code does not limit this procedure to any particular type of installer or provide a basis upon which determination of the right to perform a procedure shall be made. The authority for this determination is in the various licensing statutes or ordinances for each type of installer who performs the work.

1300.0250 SEVERABILITY.

The invalidity of any provision of the Minnesota State Building Code does not

affect any other provisions of the code that can be given effect without the invalid provision and, to this end, the provisions of the code are declared to be severable.

Minn. Rules repealed, etc. in chapter 1300

- 1300.0100 [Repealed, 19 SR 1340]
- 1300.0200 [Repealed, 19 SR 1340]
- 1300.0300 [Repealed, 19 SR 1340]
- 1300.0400 [Repealed, 19 SR 1340]
- 1300.0500 [Repealed, 19 SR 1340]
- 1300.0600 [Repealed, 19 SR 1340]
- 1300.0700 [Repealed, 19 SR 1340]
- 1300.0800 [Repealed, 19 SR 1340]
- 1300.0900 [Repealed, 19 SR 1340]
- 1300.0940 [Repealed, 19 SR 1340]
- 1300.0942 [Repealed, 19 SR 1340]
- 1300.0944 [Repealed, 19 SR 1340]
- 1300.0946 [Repealed, 19 SR 1340]
- 1300.0948 [Repealed, 19 SR 1340]
- 1300.1000 [Repealed, 19 SR 1340]
- 1300.1100 [Repealed, 19 SR 1340]
- 1300.1150 [Repealed, 11 SR 1405]
- 1300.1200 [Repealed, 19 SR 1340]
- 1300.1300 [Repealed, 19 SR 1340]
- 1300.1400 [Repealed, 19 SR 1340]
- 1300.1500 [Repealed, 19 SR 1340]
- 1300.1600 [Repealed, 19 SR 1340]
- 1300.1700 [Repealed, 19 SR 1340]
- 1300.1800 [Repealed, 19 SR 1340]
- 1300.1900 [Repealed, 19 SR 1340]
- 1300.2000 [Repealed, 19 SR 1340]
- 1300.2050 [Repealed, 27 SR 1471]
- 1300.2100 [Repealed, 27 SR 1471]
- 1300.2300 [Repealed, 27 SR 1471]
- 1300.2400 [Repealed, 27 SR 1471]
- 1300.2500 [Repealed, 27 SR 1471]
- 1300.2600 [Repealed, 27 SR 1471]
- 1300.2700 [Repealed, 27 SR 1471]
- 1300.2800 [Repealed, 27 SR 1471]
- 1300.2900 [Repealed, 27 SR 1471]
- 1300.3000 [Repealed, 27 SR 1471]
- 1300.3100 [Repealed, 27 SR 1471]
- 1300.3900 [Repealed, 27 SR 1471]
- 1300.4100 [Repealed, 27 SR 1471]
- 1300.4300 [Repealed, 27 SR 1471]
- 1300.4500 [Repealed, 27 SR 1471]
- 1300.4700 [Repealed, 27 SR 1471]

1300.4900 [Repealed, 27 SR 1471]
1300.5100 [Repealed, 27 SR 1471]
1300.5300 [Repealed, 27 SR 1471]
1300.5500 [Repealed, 27 SR 1471]
1300.5700 [Repealed, 27 SR 1471]
1300.5900 [Repealed, 27 SR 1471]
1300.6100 [Repealed, 27 SR 1471]
1300.6300 [Repealed, 27 SR 1471]

CC Work Session

2.3.

Meeting Date: 07/10/2012

Submitted For: Patrick Brama

By: Jo Thieling, Administrative Services

Title:

City Owned Land Inventory Update: Peltzer Park, Windsorwood, Dedicated Lands

Background:

Staff would like to brief the City Council on the status of three items regarding the City Owned Lands Project (1) Peltzer Park, (2) Windsorwood and (3) Dedicated properties.

Notification:

NA

Observations:

(1) Peltzer Park: Due to a significant level of public input and Staff findings, Staff would like to confirm that the sale of Peltzer Park will no longer be pursued as part of this City Owned Inventory process.

(2) Windsorwood: The property known as "Windsorwood," located off 176th and Vicuna Street NW, is being brought forward by Staff to begin the process of disposition, consistent with the recently adopted City Owned Land Disposition Policy.

(3) Dedicated properties: As indicated in the City Owned Lands inventory, a majority of properties identified by Staff as potentially developable and unneeded for current or future City use, are legally dedicated. The City attorney will provide an update on the status of preliminary discussions with previous property owners and developers.

Recommendation:

NA

Funding Source:

NA

Council Action:

NA

Attachments

Peltzer Park Profile

Windsorwood Profile

Form Review

Inbox	Reviewed By	Date
Bill Goodrich	Bill Goodrich	07/02/2012 04:12 PM
Kurt Ulrich	Kurt Ulrich	07/03/2012 05:18 PM
Form Started By: Jo Thieling		Started On: 07/02/2012 08:46 AM

Final Approval Date: 07/03/2012

PROPERTY PROFILE: CITY OF RAMSEY

NUMBER: 10
ADDRESS: NA
PID: 223225330028
LEGAL: NA
ACRES: 1.05
VALUATION: \$40,300
ZONING: Public/Quasi-Public
MUSA: No
GIS IMAGE:



DESCRIPTION: This property is located on north side of 149th Lane and on the east side of Kamacite Street. The subject property is currently a neighborhood park. This property is zoned Public/Quasi-Public and is surrounded by residential. This property borders a wetland/pond. The subject property was acquired for \$2,500 in 1974.

WETLAND: This property is adjacent to a wetland. It could be converted to wetland if there is a desire. However, it is questionable what the value would be.

MAINTENANCE: 18 mow intervals at \$41 each = \$738. 26 trash/litter pickups and playground inspections at \$10 each = \$260. Total estimated cost per year = \$1,098.

OWNER & ENCUMBRANCE: Pending (after initial review—it is clear)

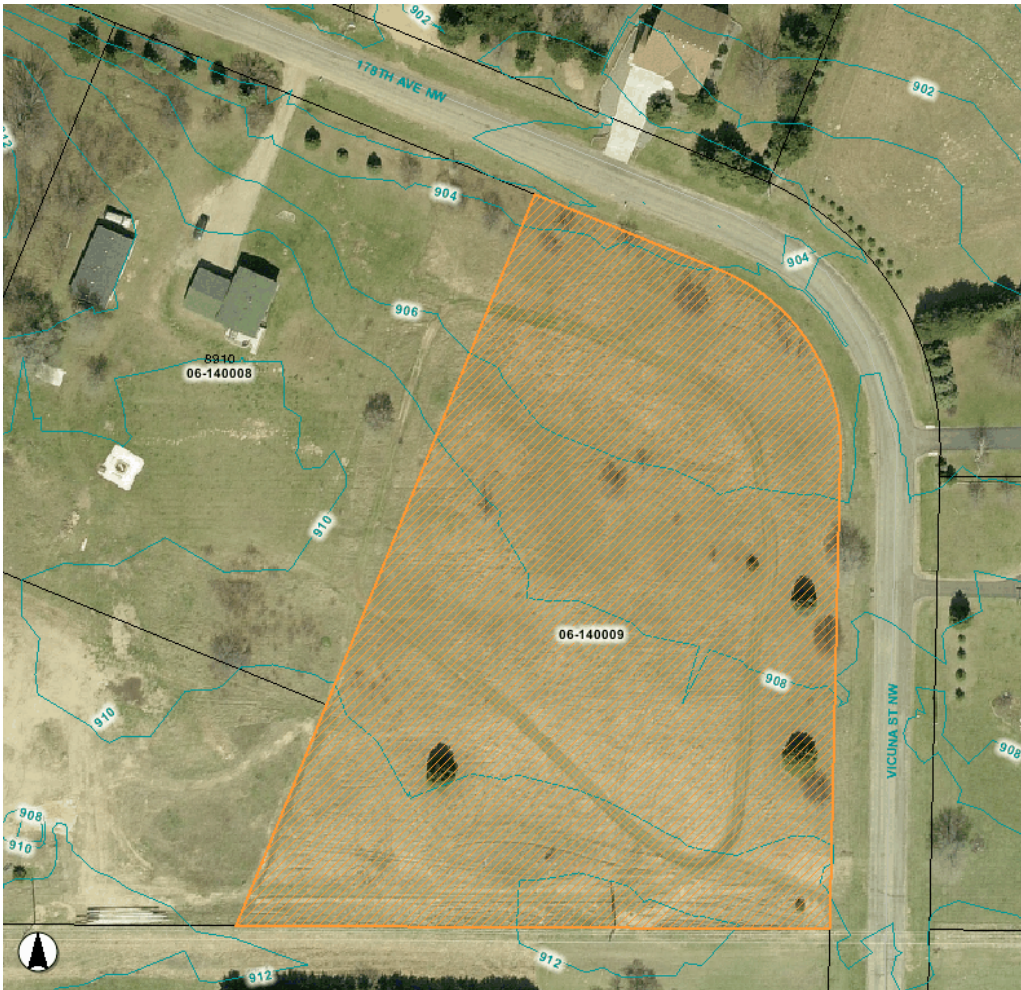
DISPOSITION:

PROPERTY IMAGES:



PROPERTY PROFILE: CITY OF RAMSEY

NUMBER: 34
ADDRESS: NA
PID: 063225140009
LEGAL: NA
ACRES: 3.10
VALUATION: 51,300
ZONING: Public/Quasi-Public
MUSA: No
GIS IMAGE:



- DESCRIPTION:** The subject property is located on the south side of 176th Avenue and the west side of Vicuna Street. The property is zoned public/quasi-public and is surrounded by residential. This property is dry, high and buildable. Based on the GIS image above, it looks as though this parcel is being used by neighboring property owners.
- WETLAND:** This property is not adjacent to wetlands so banking is not a feasible use. It does not collect storm water from the neighborhood.
- MAINTENANCE:** There are no maintenance costs.
- OWNER & ENCUMBRANCE:** This property is unrestricted and can be sold.
- DISPOSITION:** The subject property was acquired in October of 1989. This is not a dedicated park. This property has free and clear title and is ready to be sold. If the council desires to dispose of this parcel, staff should rezone and list the property.

PROPERTY IMAGES:



CC Work Session

2. 4.

Meeting Date: 07/10/2012

Submitted For: Bill Goodrich

By: Jo Thieling, Administrative Services

Title:

Attorney/Client Privileged Discussion relating to the Isanti County District Court Litigation titled Isanti County vs Keith Kiefer vs City of Ramsey - **Portions of this case will be closed to the public.**

Background:

The City Attorney has requested an attorney/client privileged meeting to discuss the pending litigation of Isanti County vs. Keith Kiefer vs. City of Ramsey. The discussion will be closed pursuant to the authority of the attorney/client privilege.

Funding Source:

N/A

Council Action:

Based upon discussion.

Form Review

Inbox

Kurt Ulrich

Reviewed By

Kurt Ulrich

Date

07/05/2012 09:34 AM

Form Started By: Jo Thieling

Started On: 07/03/2012 05:52 PM

Final Approval Date: 07/05/2012

CC Work Session

2. 5.

Meeting Date: 07/10/2012**Submitted For:** Shane Nelson**By:** Shane Nelson, Engineering/Public Works

Title:

Lower Rum River Water Management Organization (LRRWMO) - Implementation of Third Generation Plan; New Development Requirements

Background:

City staff is requesting City Council's input regarding the LRRWMO's proposed implementation of the Third Generation Plan.

One of the proposed new requirements is the establishment of minimum performance sureties for activities requiring a LRRWMO Permit (see attached), and whether or not the amount would be consistent for all member cities. The minimum surety amount is proposed to be:

For Stormwater Management Facilities:

\$6 per square foot for Infiltration Basins or Rain Gardens

125% of the construction and maintenance costs of all other facilities

For Erosion and Sediment Control:

\$2,500 per acre disturbed plus \$2.50 per linear foot of erosion control

For Shoreline or Streambank Improvement:

The greater of \$5000 or \$100 per linear foot of affected shoreline or streambank

In addition, the surety is proposed to include 10% for contingency and 30% for administrative costs. The minimum surety required is proposed to be \$5,000.

The LRRWMO is considering some flexibility on whether the sureties would be collected at a WMO level or City level.

Observations:

Section 117-615 (Construction of Improvements) Subd. (g) of the City Code currently requires a surety equal to 125% of the total costs of the improvements for new subdivisions.

Section 117-54 (Site Plan Review) Subd. (d) of the City Code currently requires a surety equal to 150% of the total costs of the improvements exclusive of the cost of the actual building for Development Permits.

The surety amounts proposed by the LRRWMO would result in slightly higher development costs than are currently required.

Funding Source:

Developers will pay for as a pass-through cost as part of the Development Agreement or Development Permit with the City.

Council Action:

No action is required by the City Council at this time. The LRRWMO will continue to discuss the proposed new requirements at their July 19th meeting.

Attachments

Draft LRRWMO Standards

Draft LRRWMO 6-21-12 Minutes

Form Review

Inbox	Reviewed By	Date
Hakanson Anderson Engineering (Originator)	Shane Nelson	07/06/2012 03:47 PM
Kurt Ulrich	Kurt Ulrich	07/06/2012 04:01 PM
Form Started By: Shane Nelson		Started On: 07/06/2012
Final Approval Date: 07/06/2012		

REQUIRED SUBMITTALS AND EXHIBITS FOR LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION PERMIT APPLICATIONS

The LRRWMO requires submittals for all projects within the LRRWMO that require a LRRWMO permit. The submittals must accompany the permit application and must show how the project conforms to the requirements in the LRRWMO Watershed Management Plan.

The following submittals and exhibits must be submitted for all projects within the LRRWMO that require a LRRWMO permit:

1. A completed and signed permit application form.
2. The required permit application fee (see Permit Application).
3. Grading Plan/Mapping Exhibits:

One 11-inch by 17-inch copy and two full-sized copies if larger than 11 inches by 17 inches of the plans shall be submitted. The plans shall be prepared by a registered professional engineer and shall include the following:

- A. Property lines and delineation of lands under ownership of the applicant.
- B. Delineation of the subwatersheds contributing runoff from off-site, proposed and existing on-site subwatersheds, and flow directions/patterns.
- C. Location, alignment and elevation of proposed and existing stormwater facilities.
- D. Delineation of existing on-site wetlands, shoreland and/or floodplain areas (including any buffers).
- E. Existing and proposed normal water elevations and the critical (the highest) water level produced from the 100-year 24-hour storms, the 100-year 10-day snowmelt event.
- F. Ordinary High Water (OHW) elevations and datum, as determined by the DNR (if applicable).
- G. Existing and proposed site contour elevations related to NAVD 1988 datum (preferred) or NGVD, 1929. Datum must be noted on exhibits.
- H. Drainage easements covering land adjacent to ponding areas, wetlands and waterways up to their 100-year flood levels and covering all ditches and storm sewers. Access easements to these drainage easements and to other stormwater management facilities shall also be shown.
- I. Minimum building elevation for each lot.
- J. Identification of downstream water body.

5. Hydrologic/Hydraulic Design Exhibits:

One copy of the following shall be submitted. The calculations shall be prepared by a registered professional engineer.

- A. All hydrologic and hydraulic computations completed to design the proposed stormwater management facilities shall be submitted. Model summaries must be submitted. The summaries shall include a map that corresponds to the drainage areas in the model and all other information used to develop the model.
- B. A table (or tables) must be submitted showing the following:
 - i. A listing of all points where runoff leaves the site and the existing and proposed stormwater runoff rates and volumes.
 - ii. A listing of the normal water levels under existing and proposed conditions and the water levels produced from the storm and runoff events listed above for all on-site wetlands, ponds, depressions, lakes, streams, and creeks.
- C. A completed LRRWMO stormwater volume reduction checklist (attached).

6. Erosion Control and Sedimentation Prevention Exhibits:

- A. One 11-inch by 17-inch copy and two full-sized plans if larger than 11 inch by 17 inch, which show how waterborne sediment will be prevented from leaving the site during and after construction to prevent sedimentation of downstream water bodies. The plans shall include a construction sequencing schedule.
- B. A copy of the Stormwater Pollution Prevention Plan (SWPPP), prepared by a qualified individual, which conforms to the MPCA's NPDES Construction Stormwater Permit requirements. The NPDES permit requirements cover both temporary and permanent erosion prevention and sediment control measures, and apply to all construction projects that disturb one or more acres of land. The SWPPP must conform to the special requirements for "Special Waters" (the Rum River classified as a Wild and Scenic River), when applicable. The SWPPP shall also show how erosion will be prevented during construction on individual building sites. Any applicable local standards shall be incorporated into the plan.

7. Construction plans for all proposed stormwater management facilities. Construction specifications must be provided upon request.

8. A maintenance agreement, as described in the LRRWMO policies.

9. Four copies of the Wetland Delineation Report, which also must include a summary of the MnRAM evaluation (*Minnesota Routine Assessment Method for Evaluating Wetland Functions, Version 3.0* or updated versions).

10. Five copies of Part 1 of the Combined Wetland Permit Application (CWPA) for all projects proposing to alter wetlands, which may not require wetland replacement (see Rule 4).

11. Five copies of the Wetland Replacement Plan, including Parts 1 and 2 of the CWPA, for all projects requiring wetland replacement.
12. Draft Declaration of Covenants that lists the LRRWMO-required minimum floor elevations.
13. Other exhibits required by or to show conformance to these Rules and Regulations.

Infiltration Basins

Infiltration Basins	Yes	No	If No, Why Not?
Are Infiltration Basins proposed for project?			
Was the infiltration rate of the soils at the proposed infiltration basin measured/tested?			
Was a soil boring conducted at all proposed infiltration basins?			
Using the Unified Soil Classification System, what is the classification of the least permeable soil layer at the proposed infiltration basin? <i>(please fill in)</i>			
What is the hydrologic group classification of the soil at the proposed infiltration basin? <i>(please fill in)</i>			
Is the base of the infiltration basin at least at 3 feet above bedrock and the water table, or an impermeable layer?			
What is the depth to bedrock from the bottom of the proposed infiltration basin? <i>(please fill in)</i>			
Is the basin proposed to be planted with deep-rooted vegetation?			
Is the basin designed to treat the LRRWMO-required runoff volume and to infiltrate the stormwater within 48 hours?			
Is the basin set back at least 10 feet from all property lines?			
Is the basin set back at least 10 feet from building foundations?			
Is the basin set back at least 50 feet from private wells/public water wells?			
Is the basin set back at least 35 feet from septic systems?			
What is the drainage area to the infiltration basin? <i>(please fill in)</i>			
For infiltration basins with drainage areas less than 2 acres, will at least 50% of the inflow volume to the infiltration basin be pre-treated?			
For infiltration basins with drainage areas greater than 2 acres, will all of the inflow volume to the infiltration basin be pre-treated?			
Will the proposed infiltration basin be staked off and marked during construction to prevent compaction?			
Who will maintain the infiltration basin? <i>(please write the name and attach contact)</i>			

SURETY RATES FOR ACTIVITIES ASSOCIATED WITH LRRWMO PERMITS

Performance Surety

The surety required by the LRRWMO will be used to ensure the performance and completion of work in accordance with a permit.

Permit Activity	Performance Surety Amount
Wetlands Management	See Attachment C of Appendix B of the <i>LRRWMO Watershed Management Plan</i>
Stormwater Management Facilities	<ul style="list-style-type: none">• Infiltration basins: \$6/sq ft.• Rain gardens: \$6/sq ft.• All other facilities: 125% of construction and maintenance costs
Erosion and Sediment Control	\$2,500/acre disturbed Plus \$2.50/linear foot of erosion control required
Shoreline or Streambank Improvements	\$5,000 or the total number of feet of shoreline of streambank affected times \$100

SURETY MUST INCLUDE 10 PERCENT CONTINGENCY AND 30 PERCENT ADMINISTRATIVE COSTS IN ADDITION TO AMOUNTS CALCULATED ACCORDING TO SCHEDULE ABOVE

MINIMUM SURETY AMOUNT (WHEN REQUIRED): \$5,000

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

JUNE 21, 2012

CALL TO ORDER

Chairman Todd Haas called the meeting to order at 8:30 a.m. in the Committee Room of Anoka City Hall.

ROLL CALL

Voting members present were: Doug Vierzba, Coon Rapids; Carl Anderson, Anoka, and Todd Haas, Andover.

Voting member absent was: Sarah Strommen, Ramsey.

Also present were: Deputy Treasurer Lori Yager, Ramsey City Engineer Tim Himmer, Anoka City Engineer Greg Lee, Bob Obermeyer of Barr Engineering, and Andover Alternate Bruce Perry.

APPROVE AGENDA

Motion was made by Anderson, seconded by Vierzba, to approve the June 21, 2012 agenda as presented. Vote: 3 ayes, 0 nays. Motion carried.

RESIDENT'S FORUM

None.

APPROVE MINUTES

May 17, 2012 Regular Meeting

Motion was made by Anderson, seconded by Vierzba, to approve the May 17, 2012 Regular Meeting minutes, as presented. Vote: 3 ayes, 0 nays. Motion carried.

FINANCE MATTERS

Treasurer's Report

Yager presented the Treasurer's Report for the period ending May 31, 2012. Account balances for the period were: Checking, \$71,269.35; less permit account balance of (\$27,071.74), for a total balance of \$44,197.61. She also provided an estimate of the 2013 contributions from the

City and noted that the Finance Director for each City can review the information, which will be assessed in 2013.

Motion was made by Anderson, seconded by Vierzba, to accept the Treasurer's Report for the period ending May 31, 2012. Vote: 3 ayes, 0 nays. Motion carried.

Payment of Bills

Yager presented the payment of bills for TimeSaver in the amount of \$757.55 (services rendered in May of 2012), Barr Engineering in the amount of \$2,705.00 (services rendered in Feb-April of 2012), and Barr Engineering in the amount of \$3,576.98 (services rendered in April-May of 2012).

Motion was made by Anderson, seconded by Vierzba, to authorize payment as presented and indicated above. Vote: 3 ayes, 0 nays. Motion carried.

NEW BUSINESS

LRRWMO Permit #2012-01 ~ Oakwood Wetland Bank ~ Ramsey

Himmer stated that it appears that some information is still necessary. He stated that Oakwood is proposing to create a wetland bank on Highway 47, west of Rum River Hills Golf Course. He stated that because the 60-day comment period from the initial application submittal has expired, the review period has been extended an additional 60 days, via an email sent to the TEP on June 11, 2012. He noted that the comments are requested to be submitted by July 12th with the objective for the TEP to provide a recommendation to the LRRWMO in time for the July 19th Board meeting.

Motion was made by Anderson, seconded by Vierzba, to continue consideration of Permit #2012-01 and approve an additional 60-day extension. Vote: 3 ayes, 0 nays. Motion carried.

LRRWMO Permit #2012-04 ~ RiverWay Clinic Anoka ~ Anoka

Lee provided information on the proposed Riverway Clinic, which will be located near Green Haven Golf Course on the existing Castle Field site. He explained the permit and proposed project plans.

Motion was made by Vierzba, seconded by Anderson, to approve Permit #2012-04, Riverway Clinic Anoka, Anoka, subject to four (4) conditions as detailed in the Barr Engineering memorandum dated May 31, 2012. Vote: 3 ayes, 0 nays. Motion carried.

LRRWMO Permit #2012-08 ~ The COR Sequencing Analysis ~ City of Ramsey

Himmer noted that this item had been continued from the previous meeting and explained the permit and proposed project plans. He noted that the required delineation has been submitted and expected the TEP to meet to approve the delineation.

Motion was made by Anderson, seconded by Vierzba, to approve Permit #2012-08, The COR Sequencing Analysis, City of Ramsey, contingent upon receipt of an approved delineation. Vote: 3 ayes, 0 nays. Motion carried.

CONSIDER COMMUNICATIONS

Coon Rapids Dam Project – Licensing Process
Coon Rapids Dam Project – Overdue Progress Report

Haas reviewed the above correspondence and the notices included in the Chair's Folder, noting they do not require action.

Informational ~ no action required.

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None.

OLD BUSINESS

Discuss Implementation of Third Generation Plan

- A. Permit Review Checklist ~ Barr Engineering
- B. Surety Amount ~ Barr Engineering
- C. Stormwater Impact Fund ~ Barr Engineering
- D. Volume Banking ~ Barr Engineering
- E. Stormwater Maintenance Template ~ City of Ramsey
- F. Reconstruction/Development of a Control Plan for the Rum River Dam ~ City of Anoka

Obermeyer noted he developed a permit review checklist, which had been previously sent to the Board for review. He also reviewed the calculations he used to develop the surety amount information. He noted that additional information was also provided that had been reviewed by LeFevere in regard to maintenance. He confirmed that this information would be used to evaluate the permits and determine the surety amount required for permits. The LRRWMO would need to determine whether the WMO would collect the surety or whether the municipality would collect the surety.

Yager believed that most companies would buy a letter of credit or performance bond, rather than providing that amount of cash for that period of time.

Obermeyer explained that surety is necessary to ensure that if a project is not completed correctly, those funds could be used to complete the project rather than having to use public dollars to complete a private project.

Haas confirmed that the cities could require a line item in the development contract that would function as surety.

Obermeyer agrees that the municipalities could collect that amount in the development contract, rather than having the LRRWMO collect and hold those funds.

Himmer agreed that surety should remain at the city level. He preferred that letters of credit be used rather than performance bonds, as it would be easier to collect on a letter of credit.

Obermeyer agreed that the cities could adjust the idea to fit with their process but believed that the WMO funds should remain separate in the case that the funds need to be drawn upon.

The Board discussed whether all the cities should have the same calculations, or whether each City could continue with their existing amounts.

Obermeyer noted that the information was simply given to review at this point and for each member city to determine the best method for moving forward. He suggested that each city review the information and continue the discussion at the next meeting. He referenced the stormwater impact fund item and briefly reviewed some ideas, noting he would provide the Board with additional information on that item and the volume banking item in the next few days.

Haas moved on to the stormwater maintenance template that had been drafted.

Himmer explained the process that is followed in the City of Ramsey.

Obermeyer noted a statement could be included that would specify the maintenance responsibility.

Haas confirmed that the maintenance statement could be added as a condition from Barr Engineering when the review of a permit is done. He stated he would ask LeFevere to draft the document into a template that could be reviewed at the next meeting.

Lee reviewed the item regarding the Reconstruction/Development of a Control Plan for the Rum River Dam. He stated that there is a plan developed for the Coon Rapids Dam to act as an invasive species barrier but believed that the Anoka Dam should also be modified to act in the same manner in the case that the Asian Carp do move past the Coon Rapids Dam. He stated that staff is working with Stanley Group, which completed the study on the Coon Rapids Dam, to review the Anoka Dam in the same manner. He noted that the Stanley Group is in the study process at this time, and staff has also spoken with the State representatives to the possibility of

including the costs in a bonding bill in 2013. He estimated a rough cost of about \$4,000,000 for the improvement to the Anoka Dam.

Haas confirmed that the Dam is still structurally sound at this point.

Lee noted that if the Dam is identified as an invasive species barrier, the funding level would be elevated to the State, rather than local.

Haas questioned how this information would be included in the plan.

Obermeyer explained that a minor plan amendment would be needed but advised that the WMO should determine if there is anything else that needs to be included in the amendment.

Himmer commented that the WMO could simply contact BWSR to advise that the required information has been completed and question whether an amendment would be needed.

OTHER BUSINESS

Himmer questioned if there was an update on the monitoring sensors that were discussed at the previous meeting.

Haas noted changes are being made to the MS4 process and advised of a meeting taking place the following week in Elk River addressing the Upper Mississippi Shakedown.

ADJOURNMENT

A motion was made by Anderson, seconded by Vierzba, to adjourn the meeting. Vote: 3 ayes, 0 nays. Motion carried.

Time of adjournment: 9:45 a.m.

Respectfully submitted,

Amanda Staple
Administrative Secretary

CC Work Session

3. 1.

Meeting Date: 07/10/2012

By: Jo Thieling, Administrative Services

Title:

Review Future Work Session Topics and Calendar

Background:

Attached is the list of future topics for the month of July and August. You will note the format is a bit different. All the Committees and Commissions have been included to incorporate listing the upcoming topics for each that are part of the approved Strategic Action Plan. This is still a draft - working copy for planning purposes and all items are subject to change.

Funding Source:

N/A

Council Action:

Information only, no formal action necessary.

Attachments

Future Topics/Calendar

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	07/05/2012 09:43 AM
Form Started By: Jo Thieling		Started On: 07/03/2012 06:21 PM
		Final Approval Date: 07/05/2012

Please Note: This document is a Draft Working Document. Any and/or all items are subject to change. The Schedule listed is Tentative

**Future Topics – Tentative Calendar
2012**

Month	Date	<u>CC Work Session</u> Topics for Discussion
July	24	<ul style="list-style-type: none"> Review Draft Resolution Requesting Review of Minnesota statutes related to permitted residential uses (TG) Review draft Zoning Code Amendments (TG)
August		<ul style="list-style-type: none"> 2013 Budget Discussion (DL) Discuss Format of Weekly update (KU/JT) Discuss Alcohol Policy at the Municipal Plaza (KU/JW) Review Findings of Permit Review (siding/windows/roofing) and State Building Code Requirements (TG/LG) Update on Trail Priority Categories and Rank Major/Significant Trail Gaps and projects and Review Funding Sources (MR) Update on Process/Progress of pedestrian Overpass over US 10 (funding/easements, etc.) (MR/Eng) Review Animal Control (e.g. Cat License) (JW) Discuss Facility Use Policy (PB)
		•
Month	Date	<u>HRA</u> Cases for Discussion
July		<ul style="list-style-type: none"> Review COR Dashboard
August		<ul style="list-style-type: none"> Discuss Format and Request authorization for Resident Roundtable Discussions re Concerns of Mature Neighborhoods (maintenance/concerns) (TG) Discuss House Assistance Policy (TG) Review Center Street Project Schedule Review COR Dashboard
Month	Date	<u>FINANCE</u> Cases for Discussion
Month	Date	<u>PERSONNEL</u> Cases for Discussion
Month	Date	<u>PUBLIC WORKS</u> Cases for Discussion
July	17	<ul style="list-style-type: none"> Consider Traffic Control Change for Sunwood Drive/Sapphire Street Intersection Consider Purchase of AVL System for PW Fleet Review 2011 Overlay Project on 157th lane NW Tree Removal at 16490 Uranium Street
August – <i>meeting may be canceled in August due to Business Apprec Day</i>		<ul style="list-style-type: none"> Review Project Management issues (e.g. 151st & 167th Projects) Review Different Forms of Correspondence to Residents from Project Development through Project Completion (Public Improvements) (Eng) Discuss/Update Highway #47 Alignment through Anoka Study – discuss participation

Month	Date	<u>PARK & REC</u> Cases for Discussion
July		<ul style="list-style-type: none"> • Discuss Trail Priority Categories (MR) • Recommend 2012 Parks' Capital Improvements (MR)
Month	Date	<u>PLANNING</u> Cases for Discussion
July	12	<ul style="list-style-type: none"> • Public Hearing: request for an Interim Use Permit for Grading and Mining Activities on Outlots A & B Elmcrest Sanctuary; Case of Oakwood Land Development (TG)
Month	Date	<u>EDA</u> Cases for Discussion
July	12	<ul style="list-style-type: none"> • Selection of Business of the Year • Business Retention Program Discussion and Presentation by Anoka County • Adoption of Business Spotlight Policy • Selection of September/October Business Spotlight • EDA Website Update • Golf Tournament Update • Business networking Breakfast Spotlight • Prospect Update • Discuss Community Promotion Plan Across all Media (KU) • Discuss Promotion of – or Update on Pro-Business Efforts via Various Media