

**CITY OF CROSSLAKE
PLANNING AND ZONING COMMISSION/CITY COUNCIL
SPECIAL JOINT MEETING
9:00 A.M., TUESDAY, OCTOBER 15, 2007
CITY COUNCIL CHAMBERS, CITY HALL
MINUTES**

COUNCIL MEMBERS PRESENT: Mayor Jay Andolshek; Rusty Taubert, Dean Swanson, Steve Roe, Irene Schultz.

PLANNING COMMISSION MEMBERS PRESENT: Chairman Peter Ablert, Mike Winkels, Nancy Addington, Andy Holm, Dale Melberg.

OTHERS PRESENT: Tom Swenson, City Administrator; Ken Anderson, Community Development Director; Bryan Hargrave, Planner/GIS Coordinator; Kevin Mealhouse, RuthAnn Hanson, Betty Ryan, Renee Richardson, Sandy and Alan Eliason.

REGULAR MEETING/CALL TO ORDER: Mayor Jay Andolshek called the regular meeting to order at 9:00 A.M. The Mayor went over the agenda for the meeting.

1. Review procedural guidelines for adoption of the Minnesota State Building Code and questions and answers with Kevin Mealhouse, Building Codes and Standards Unit, Minnesota Department of Labor and Industry.

Community Development Director Ken Anderson presented Kevin Mealhouse, who is with the Building Codes and Standards Unit of the Minnesota Department of Labor and Industry. Mealhouse gave a presentation on the Minnesota building codes, the direct and indirect benefits to the City adopting the Code and the ways in which the City could adopt the Code if the City Council chooses to do so. Mealhouse stated that the City could hire their own inspector, contract with a building inspection service or enter into a joint powers agreement with an adjacent municipality. He said that the building permit fees would go up because permits would be required for both outside and inside construction and the construction would be inspected to make sure that it complies with the State Building Code. Mealhouse said that all building inspection departments in the State were self-sufficient – the permits fees cover the cost of the inspector.

Mealhouse went on to explain the process the City would be required to go through if they adopt a building code. The City would write a new City ordinance covering the code requirements and costs, which would then be subject to a public hearing. If passed, the City would need to hire an inspector and enforce the code.

Mealhouse talked about the State surcharge fees. For every \$1,000 of valuation, 0.50 cents goes for the State surcharge fee. The State puts out guidelines for valuation every year. Dean Swanson asked how the City determines building valuation. Ken Anderson answered that the City changed the fee schedule and the way it determines valuation over two years ago. Anderson went on to elaborate on the valuation system the City uses. Mealhouse stated that the State uses one

percent of the cost of improvements for building valuation. Discussion followed on the State valuation and fee schedule systems.

Tom Swenson asked how the City would budget from year-to-year if dependent on fees? Ken Anderson said that Planning and Zoning staff would still issue permits for land alterations, but would not be doing footings inspections. Dean Swanson asked if all building contractors are required to be licensed? Kevin Mealhouse answered in the affirmative for the most part – they have to be licensed unless they are exempt from the requirements. If they do two or more of the specialty items, such as roofing and framing, they have to be licensed. Contractors who make less than \$15,000 per year don't need to be licensed. Mealhouse said that this is a requirement whether a City enforces a building code or not. Irene Schultz asked about variances to the building code. Mealhouse said that there are no variances allowed to the building code. This would not affect the zoning variances and conditional use permits that the Planning and Zoning Department handle.

Ken Anderson asked Mr. Mealhouse to go over the building permit process. Mealhouse described the typical way the permit process would work. The owner or contractor would pull the permit. There would be footings, rough-in, framing, insulation, electrical and plumbing inspections. There would be final inspections on the heating and air conditioning and building. The electrical inspection would be a separate process.

Tom Swenson asked about City liability for inspection mistakes? Kevin Mealhouse answered that, unless blatant, there would be no City liability for inspection mistakes. The City and building inspector would be liable for blatant mistakes. Irene Schultz asked about the number of problems the City has had with poor buildings and builders. Ken Anderson enumerated some examples of known problems, including one house with drainage problems. Kevin Mealhouse stated that the building code does regulate drainage around buildings. Anderson said that certain provisions of the building code have to be adhered to whether the City adopts the full code or not. The one example he gave was the Handicap Accessibility code that the City is required to enforce. Tom Swenson asked if all existing buildings would be grandfathered in? Kevin Mealhouse said yes, all existing buildings would be grandfathered. The building code would kick in when people go to remodel or put additions on existing buildings. Mealhouse added that at least twenty percent of remodeling or addition costs on commercial buildings have to go to upgrading accessibility issues.

Mike Winkels stated that the building code was not the answer to all of the issues. There would be lots of bookkeeping because of State requirements. Winkels said that insurance rates are based more on fire protection. He cited mold issues that were common in the Twin Cities. Kevin Mealhouse stated that the reports to the State are not tough – he estimated that it would take 20 minutes to fill out the required reports every three months.

Dean Swanson said that the whole program is dependant on the quality of the building inspector. Swanson stated that there is an enforcement problem in the City. Furthermore, Swanson said that he was concerned about the cost of the building permits.

Dean Spencer, 33094 Pineview Lane, stated that he was in favor of the adoption of the building code. He said that his house was not vented correctly and that he saw the building code as consumer protection.

Larry Smith, 36306 County Road 3, said that he was a retired builder that has built 500 to 600 homes in the area. He stated that adoption of the building code would not guarantee the construction of a good quality house. He said that it was dependant on the inspector and he went on to say that good inspectors are rare. Smith said that the fee costs would go through the roof, citing the City of Baxter fee costs as an example. He said that there were good licensed building contractors in this area. Smith went on to talk about the liability issue and the fact that delays would be a sure thing.

Jay Andolshek asked if it would be a fairly smooth transition or pretty rough if and when the City adopts the building code? Kevin Mealhouse answered that it is typically a fairly smooth transition if a good building inspector is hired. Ken Anderson asked how much volume could one inspector take care of? Mealhouse said that one inspector could handle the required inspections for a City the size of Crosslake. Rusty Taubert asked what would happen to the City if the County adopted the building code? Mealhouse said that it would not affect the City.

Dean Swanson said that the City Council had a lot to consider. Nancy Addington asked how long the inspector would take to review the building plans before issuing the building permit? Kevin Mealhouse said that three to five days would be about average. Bryan Hargrave stated that City ordinance allows the City up to ten days now to review building plans.

Ken Anderson stated that he was an advocate for the City adopting the building code. He said that he knows there are issues with the building code and that mistakes will be made. He referred to an example of a house that was built in the City by an unlicensed builder that did not follow the building code. Anderson said that the purpose of the building code was to improve public safety and maximize consumer protection. Anderson said that the City Council should take this into account. Discussion followed on this and other aspects of the building code. Anderson said that one tool that the building inspector has is the issuance of the certificate of occupancy. The certificate has to be issued and it can also be revoked. This aids in the enforcement of the building code.

Dean Swanson thanked Kevin Mealhouse for coming and talking to the City Council. Mealhouse said that he would be happy to put together some information on a fee schedule and the adoption process to share with the City.

2. Proposed Water zoning district uses and performance standards, Peter Abler, Chairman, Planning and Zoning Commission

Peter Abler stated that the Planning and Zoning Commission has been tasked by the City Council to develop proposed uses and performance standards for the proposed Water zoning district. Abler said that there are many issues that could and should be addressed in the Water zoning district, along with an enforcement mechanism. He said that the Commission wanted some guidance on the priorities of the performance standards and how detailed they should be. Abler emphasized that there has to be citizen participation at the outset of the process and that the way the new draft sign ordinance was developed was a good model to follow.

Irene Schultz asked if the County has developed any rules for a Water zoning district? Ken Anderson answered that the County has a surface use management ordinance that deals with dock placement. It doesn't limit the amount of watercraft and it also allows lakeshore owners to lease dock space. Dean Swanson said that it would be a good first step to put together a sub-committee to develop the performance standards for the Water zoning district.

Peter Abler discussed some of the issues – docks, watercraft and so on. He felt that the Commission should start with putting together a group of citizens that represent as many interests as possible in the community to develop the scope and performance standards.

Steve Roe suggested backing off from the issue until the State and County decide what they are going to do. After some discussion, it was decided to go ahead with the development of a sub-committee to work on the issue. Steve Roe asked that another Council person be assigned to work with the sub-committee due to time restraints on him. Peter Abler said that the City Council Liason doesn't have to be a member of the sub-committee. He said that the Planning and Zoning Commission would work to put a sub-committee together.

3. Review application for Fireworks display, November 3, 2007

Tom Swenson went over the application. The City is named on the insurance document. The fireworks are to be shot over the golf course.

MOTION 10S1-01-07 WAS MADE BY DEAN SWANSON, SECOND BY IRENE SCHULTZ TO APPROVE THE APPLICATION CONTINGENT ON APPROVAL BY THE FIRE DEPARTMENT.

Discussion followed on the application.

MOTION CARRIED WITH FOUR "AYES" (ANDOLSHEK, SWANSON, SCHULTZ AND TAUBERT) AND ONE "NAY" (ROE).

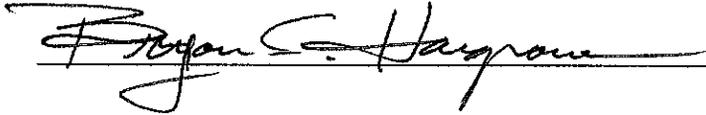
4. Approve Bills

Ted Strand explained the bill for the shelving in the cold storage building.

MOTION 10S1-02-07 WAS MADE BY DEAN SWANSON, SECOND BY STEVE ROE TO APPROVE BILLS AS SUBMITTED, MOTION CARRIED WITH ALL "AYES."

MOTION 10S1-03-07 WAS MADE BY DEAN SWANSON, SECOND BY IRENE SCHULTZ TO ADJOURN THE SPECIAL MEETING AT 11:18 A.M, MOTION CARRIED WITH ALL "AYES."

Minutes Respectfully Prepared by Bryan Hargrave

A handwritten signature in cursive script that reads "Bryan S. Hargrave". The signature is written in black ink and is positioned above a horizontal line.

BILLS FOR APPROVAL
15-Oct-07

VENDORS	DEPT	AMOUNT
Blue Lakes Disposal, trash removal	ALL	272.48
California Contractors, barrier tape	PW/Sewer	105.00
Crosslake Portable Welding, shelving for pw facility	PW	2,713.47
Crow Wing Power, electric service	ALL	4,200.21
Demco, video case, tape, easel	Library	209.91
Ehlers & Associates, but for analysis tif 1-9	Gov't	630.00
Holiday Station, propane	PW	36.19
Johnson, Killen & Seler, labor attorney fees	Gov't	3,275.60
Marco, staples	P&Z/Admin	7.74
Martin Communications, replace pager	Fire	121.67
Menards, arrowhead	P&R	36.59
Office Max, digital recorder, paper, clock	P&R	173.62
Paul Haddix Locksmithing, drill open file cabinet	P&Z	100.00
Planning and Zoning Commissioners, 3rd quarter meetings	P&Z	375.00
Simonson Lumber, halloween props	P&R	130.79
Simonson Lumber, halloween props	P&R	10.09
Simonson Lumber, plywood	PW	388.78
Sioux Valley Environmental, phosphorus meter	Sewer	148.84
Streichers, uniform	Police	49.88
USA Bluebook, filters, bailers	Sewer	519.84
Viking Electric, bulbs	PW/Sewer	164.66
Widseth Smith Nolting, engineering fees	ALL	9,234.13
TOTAL		22,904.49