



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**WEDNESDAY, AUGUST 15, 2018**  
**7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ROLL CALL**

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on July 24, 2018

B. Minutes of the Closed City Council Meeting on July 24, 2018

**3. APPROVAL OF THE AGENDA**

**4. VISITORS AND PRESENTATIONS**

Nothing scheduled

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

A. Non-Consent

Nothing scheduled

B. Consent

1. Consideration of a Planning Commission recommendation regarding a request by Greg & Mary Pariseau for a setback Variance (Case No. 18-8-V).

2. Consideration of a Planning Commission recommendation regarding a request by Tracey Montgomery for a Conditional Use Permit for a Home Accessory Apartment and a Variance (Case No. 18-3-CUP & 18-11-V).

**7. UNFINISHED BUSINESS**

A. Resolution authorizing the addition of four full-time Paramedic/Firefighter positions

**8. ORDINANCES**

A. Ordinance adopting the 2018 International Property Maintenance Code and deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements

**9. NEW BUSINESS**

- A. Resolution accepting work and authorizing final payment to Park Construction for completion of the 2018 Mill and Overlay Project (City Project No. 18-13)
- B. Resolution approving change order No. 1 to the Centerville Road Project for additional work added to the scope of the project (City Project No. 18-16)

**10. CONSENT**

- A. Resolution approving temporary liquor license for St. Mary of the Lake's Fall Festival
- B. Resolution approving an application to conduct off-site gambling at the White Bear Sports Center for the White Bear Lake Hockey Association
- C. Resolution approving 3.2 on-sale liquor license for The Waters of White Bear Lake
- D. Resolution approving massage therapist licenses
- E. Acceptance of minutes from May Park Advisory Commission, June White Bear Lake Conservation District; July Planning Commission

**11. DISCUSSION**

- A. Solar energy presentation – Connie Taillon

**12. COMMUNICATIONS FROM THE CITY MANAGER**

**13. ADJOURNMENT**



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JULY 24, 2018  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Jo Emerson called the meeting to order at 7:04 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh in attendance. Staff members present were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, City Engineer Mark Burch, Assistant City Engineer Jesse Farrell, Finance Director Don Rambow, Assistant Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on July 10, 2018.

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

Councilmember **Engstran** motioned to amend the agenda by tabling 9A for more information at another work session. Councilmember **Jones** seconded the motion for purposes of discussion.

Councilmember Engstran stated that this item affects 60 employees and he only got the packet of information on Saturday. He believed the item should not be taken lightly and should be discussed further in a work session before bringing it to vote.

In response to Councilmember Jones who questioned the urgency of this item, City Manager Hiniker explained that this conversation has been going on for the past year. She said it is not urgent, however, it should be addressed sooner rather than later in order to provide the staff support that she believes is necessary.

Councilmember Walsh explained that he felt like he had enough information to act on this item tonight and did not want another work session, but he wanted to be supportive of his colleague's request for more time. To clarify, he would oppose this motion, but he would be sympathetic to tabling this action later in the agenda.

Councilmember Biehn was interested in getting the information tonight. He was okay with delaying the vote until the next meeting, but he wanted to discuss this item tonight and address this in a timely manner.

Councilmember Jones was open to tabling the item to the next meeting, but did not feel a work session was needed.

Councilmember Edberg was okay with deferring action, but thought it would be wise for Council to have a policy conversation tonight to start illuminating the issues and to allow time for additional conversation. He felt it could take 6-8 weeks to get another work session scheduled. He wanted to hear Councilmember Engstran's ideas and direction.

Councilmember Engstran noted there is already a work session scheduled for August 21<sup>st</sup>.

City Manager Hiniker stated that meeting was scheduled to talk about the budget, although some time will be dedicated to discuss the fire department and ambulance service as it relates to the 2019 budget.

In response to Councilmember Jones, Councilmember Engstran clarified the issue is related to changes with personnel rather than the budget. He stated that Chief Peterson has said a couple of times in the past that the City does not need full-time firefighters, but now he is asking to hire 12 full-time members.

City Attorney Pratt proposed moving the item to discussion to allow for policy discussion without action.

Councilmember **Walsh** amended Councilmember Engstran's motion to move item 9A to 11B under discussion, seconded by Councilmember **Biehn**. Councilmember Engstran was agreeable to the amendment.

Motion carried unanimously.

Mayor Emerson called for a vote on approving the amended agenda. Motion carried unanimously.

#### **4. VISITORS AND PRESENTATIONS**

Nothing scheduled

#### **5. PUBLIC HEARINGS**

Nothing scheduled

#### **6. LAND USE**

Nothing scheduled

#### **7. UNFINISHED BUSINESS**

Nothing scheduled

#### **8. ORDINANCES**

Nothing scheduled

#### **9. NEW BUSINESS**

Moved to 11D, discussion.

## 10. CONSENT

- A. Resolution approving temporary liquor license for St. Mary of the Lake's Outdoor Concert. **Resolution No. 11266**
- B. Resolution approving a single event liquor extension for Carbone's Second Annual Tent Party. **Resolution No. 11267**
- C. Resolution authorizing Ladies of the Lake use of Railroad Park for a commercial sales event. **Resolution No. 11268**
- D. Resolution approving lease amendment No. 4 with AT&T for placement of communications equipment on the monopole at 3495 Century Avenue. **Resolution No. 11269**

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve the consent agenda as presented.

Motion carried unanimously.

## 11. DISCUSSION

- A. Solar panels on municipal buildings

City Manager Hiniker reported staff has been meeting with local solar companies over the past few years to examine options for on-site photovoltaic (PV) generation, otherwise known as solar energy systems. These would be placed on city-owned buildings to reduce energy costs and work toward meeting renewable energy goals identified in the draft 2040 Comprehensive Plan.

Ms. Hiniker reported that three (3) of five (5) of these energy companies offer third party financing of solar energy through a power purchase agreement (PPA) or solar lease. Under both arrangements (PPA or solar lease), there are no upfront costs to the City. The company would install a PV system and provide for its operation and maintenance over the length of the contract.

Ms. Hiniker explained that the arrangement offered by all of these third party contractors is feasible because private solar investors can take advantage of solar tax credits (roughly 30% this year), some state incentives and utility grants offered by Xcel Energy. At the end of a PPA or lease term, the building owner (City) has the option to extend the term of the lease, or purchase the system.

Ms. Hiniker explained that several communities have implemented solar contracts including the City of Shoreview who awarded a contract to Ideal Energies last month. Some cities have selected contractors through solar energy RFP while others have gone through a more informal process of inviting and interviewing reputable firms to decide which model fits best for their community.

Ms. Hiniker reported that staff was compelled by the model that was presented by Ideal Energies. They have over 250 commercial for profit and non-profit solar arrays in operation, and have recently been awarded solar contracts for several surrounding municipalities, including Richfield, Shoreview, Rogers and Elko New Market. Staff was

comfortable forgoing the RFP process now that Ideal Energies has been awarded a State of Minnesota Preferred Solar Vendor Contract.

Ms. Hiniker suggested inviting representatives from Ideal Energies to the next City Council meeting to discuss their model and provide the Council an opportunity to dig deeper.

Councilmember Jones inquired as to staff's goal for cost savings. Ms. Hiniker responded that the energy purchased through these lease agreements would be at a rate lower than that of Xcel Energy and based on the size of the system, the contractor would be able to extrapolate those cost savings. She confirmed that at this time, staff did not know exactly the percentage of savings. Councilmember Jones would like to know early in the conversation what percentage of energy savings the City would have.

Councilmember Edberg mentioned there needs to be an analytical conversation proceeding discussions on who can provide solar energy to the City. He stated it would be awkward to have a vendor making a proposal for services when the Council still needs to ascertain whether solar energy makes sense, in what ways, how much, what level of risk over what period of time, etc.

Mayor Emerson mentioned that she gets calls from citizens who ask what the City is doing about solar. She thought it would be good to get the information.

Ms. Hiniker suggested inviting a member from one of the non-profits, such as Clean Energy Resource Teams (CERTs) to provide a presentation and generate Council conversation. Ms. Hiniker was reluctant to wait for a work session discussion as some of the energy credits may not be available for much longer. It will become increasingly more difficult for cities to get involved in solar.

In response to Councilmember Edberg, Ms. Hiniker explained that Ms. Taillon, the City's Environmental Specialist, and others have been gathering data and also have savings estimates from all five companies, which can be provided to Council.

Councilmember Walsh stated he would like to have a larger conversation about solar, although he is not sold. He stated this technology requires a 30% federal government subsidy and requires the state legislature to tell the Public Utilities Commission (PUC) to mandate a certain percentage of their portfolio come from renewable energy. He pointed out this technology is not yet surviving in the marketplace. He cautioned against the City taking the lead on solar, which could result in technology on rooftops that is quickly outdated and requires disposal.

At the request of the majority of the Council, Ms. Hiniker agreed to pull together additional information and invite a member from CERTs or similar non-profit agency to provide a presentation on solar energy technology.

#### B. Addition of four full-time Firefighter/Paramedic positions

City Manager Hiniker summarized staff's recommendation to hire four additional full-time firefighter/paramedic positions. These full-time positions would spend approximately 80% of the time responding to paramedic calls and approximately 20% of the time responding to fire calls.

Ms. Hiniker clarified that this is not a request to have a department of all full-time responders. In 2014, the City added four (4) full-time firefighters upon establishing a combination model (FT and PT staff) to address a 45% increase in call volume over a 14-year period. In just the past four (4) years, call volume has increased another 30%. She explained that the additional positions would add capacity and relieve the burden on paid on-call staff who continue to experience increasing demands on their time. Ms. Hiniker added that since establishing duty crews in May requiring shift sign-ups, the gaps in coverage have become even more apparent. Ms. Hiniker described the goal is ultimately to reach capacity with 12 full-time responders, enough to provide a crew at both stations 24/7. This combination staffing model would continue to rely on part-time firefighters to meet call demands.

Ms. Hiniker described budget savings, increased revenues and realized efficiencies as mechanisms to finance these positions for the remainder of 2018. For 2019, she indicated the positions would be supported by both ambulance and fire budgets, with 80% charged to the ambulance fund (an enterprise fund) and 20% charged to the fire department fund. The savings of \$80,000 in the 2019 ambulance fund that resulted from the recent transition to Ramsey County dispatch would be used to help offset the cost of these added positions; an ambulance rate increase of 10-12% would also be needed in 2019. Ms. Hiniker further explained that the City's cost to the fire department fund for these added positions would be approximately \$95,000 after taking into account the cost-share of contract cities.

Chief Peterson stated his focus is to provide the best service possible. He reported that turnover continues to be an issue. Providing advanced life support (ALS) coverage is an expectation by state agencies, the Emergency Medical Services Regulatory Board and Medical Direction. These positions would help the City meet state requirements and community expectations.

Chief Peterson described inefficient operations under current limitations of M-F, holidays off, full-time staff who are either paramedic or firefighter, but not both. He mentioned the high cost of turnover in addition to the department's reputation as a place that people come for training and then leave. He stated these full-time positions are attractive, and offer an opportunity for a career in the department. Additionally, response times will improve and complicated tasks will be completed more efficiently.

Councilmember Biehn believes it is important to provide ambulance service for its reimbursement component. He asked if the hours staff is required to work currently will be reduced, which was confirmed. Chief Peterson explained that half of the department is not meeting their percentage of required runs for their Relief Association benefits because call volumes are so high.

Councilmember Biehn asked whether the 80/20 formula split of personnel costs into ambulance/fire respectively would apply to current full-timers. City Manager Hiniker explained that while the cost of full-time administrative staff is currently between both departments, the full-time responders are currently EMS only employees and charged 100% to the ambulance fund. As described, all positions would be reposted as firefighter/paramedic with positions funded by both ambulance and fire departments, 80/20 split, respectively.

Councilmember Biehn asked whether the City is paying market rate and meeting current market standards, both of which Chief Peterson responded no. In response to both Councilmember Biehn and Jones who inquired as to whether this new model will fix the

issue, Chief Peterson responded that this will stabilize the department's response. He noted the department is on the low end of pay compared to other similar departments.

Councilmember Jones made a distinction that these positions are primarily paramedics, rather than full-time fire service responders. He stated the math supports the hiring eight (8) and even 12 in the future.

Chief Peterson added that full-time staff in the fire department is handling only 24% of the call volume currently, while part-time responders are handling 76% of the call volume. Councilmember Jones asked if staffing eight (8) full-time responders will get that closer to 50%. Chief Peterson stated that with eight (8) full-timers, the department will go to 57% full-time coverage, relying on part-time to cover 43%. A complement of 12 full-time responders would result in 90-100% ambulance coverage, with most fire and only occasional medical calls covered by part-time responders.

Councilmember Walsh inquired as to why current staff are not able to act in multiple capacities. Chief Peterson explained that is due to their job descriptions when they were hired. City Manager Hiniker explained that this request will change these classifications and require all jobs to be reposted and rehired.

In response to Councilmember Walsh's inquiry as to how calls are handled, Chief Peterson explained that when there is no crew scheduled, a station is paged. In absence of a response in five (5) minutes, the call is then routed to a mutual aid agency to respond. Councilmember Walsh commented on the poor practice of allowing ambulance calls to be diverted to other agencies for non-response. He added that he does not fear the perception of a full-time fire department, as he believes there are training, reports and other duties being completed by these employees.

Councilmember Biehn asked if we reciprocate mutual aid to other cities. Chief Peterson confirmed this, stating the department often responds to Mahtomedi and sometimes to Vadnais Heights and Lino Lakes. Councilmember Biehn asked whether Region's has offered any suggestions or opinions regarding staff levels. Chief Peterson reminded Council that Region's expressed serious concerns over the City's current staffing situation and were supportive of these proposed changes.

Councilmember Engstran clarified that nobody ever knows who is below and who is meeting his or her percentages. He said the full-time staff are doing smoke detectors and creating case numbers assigned to a station, which ends up counting as a call and consequently docking people on percentages. Councilmember Engstran stated he did not think that was ever cleared up, which may be why half the department did not make their percentages. He asked why not EMTs only positions, as Oakdale and Maplewood seem to be working just fine with that model.

Chief Peterson stated that related to the percentages, he had given those to the officers and was told they would relay them to the employees. He was not aware that employees did not get that information and said he could fix that going forward. Chief Peterson stated there is not a current practice of assigning smoke detectors to a station and that did not happen. Councilmember Engstran said that is not what he was told.

Councilmember Engstran stated that the two people who tendered their resignation this week were told they were fired anyway. He said they were told they could reapply for their jobs, but they could not get them back because they were not paramedics.



Chief Peterson stated that those employees were never told they were fired. He said that all employees were told they would need to reapply. Councilmember Engstran stated again, that is not the information out in the department right now. He said the call response numbers are way down while some people are sitting in their offices and not responding to ambulance calls.

City Manager Hiniker explained that different communities have different models for responding to medical calls. She stated it will never be her recommendation that the department rely on administrative staff to respond to calls. There are other responsibilities involved with those positions and she believed it would be problematic to begin using administration to cover the calls.

Mayor Emerson stated we cannot discuss employment matters in an open meeting.

Councilmember Engstran asked for an answer as to why the City cannot hire EMT / Firefighters. Chief Peterson stated that we can hire EMT / Firefighters, but that is not the efficient choice. The City is operating an Advanced Life Support service. By hiring Paramedic/Firefighters, the department can create a base crew in order to cover this service. He stated that the department could consider hiring part-time EMTs to complement base crews.

Councilmember Biehn inquired as to whether Alina has EMTs. Chief Peterson explained that they usually have Paramedic/EMT teams, which is a cost efficiency for an organization of 320 employees. Chief Peterson reported that Hennepin County has a mandate for paramedic teams.

In response to Mayor Emerson, Councilmembers Walsh and Biehn stated they felt fully informed and ready to vote, and added it should be done soon.

Councilmember Edberg agreed that Council should not be involved in the area of personnel. He postulated an intermediate space between policy discussion and personnel that is deserving of Council conversation. Councilmember Edberg noted there is an interplay between administration and strategy/policy that is deserving of Council discussion.

Councilmember Jones appreciated the fact that eight (8) means twelve, for which he is comfortable. He is also comfortable with raising the ambulance rates accordingly to address the financial and budgetary impacts required for the service.

Councilmember Biehn stated the department is able to charge for ambulance calls, which helps recover costs and also supports the fire piece. He does not want to delay the addition of staff and would even support 12 today because the City needs to staff paramedics for ambulance on a full-time basis. He does not want to rely on people coming in from home, or delayed response from another department. The sooner staffing levels are addressed, the quicker the department can assist with mutual aid calls and receive payment for those services.

Mayor Emerson stated the department has a good reputation and she wants them to have the resources needed to serve the residents and have pride in the department. She stated the paid on-call staff need some room to breathe as they are carrying the burden of call response currently. Mayor Emerson understands this is a change in the department and that change is difficult. A poll of the Council indicated the majority desired to revisit this item at the next Council meeting on August 15<sup>th</sup>.

## 12. COMMUNICATIONS FROM THE CITY MANAGER

### ➤ Emerald Ash Borer management update

City Manager Hiniker reported the City's intent to move forward with Rainbow Tree Care Service to treat select ash trees in its parks and other city-owned properties. Staff would begin a strategy to treat City's boulevard trees starting next year in which each year a third of the trees would be treated such that each tree would get treatment every third year. Ms. Hiniker stated that the City would not be divided into three quadrants; rather, dense populations of ash would be treated throughout the City.

City Engineer Burch reported that Rainbow Tree Care has provided good service to the City and its residents. Mr. Burch added that staff will be returning to Council once boulevard tree evaluations and recommendations are pulled together for next year. City Manager Hiniker added the plan for next year will be more comprehensive for urban tree management, rather than simply focusing on Emerald Ash Borer. There will be more policy discussion with Council to determine tree replacement ratios and its impact on the budget.

Ms. Hiniker clarified that residents concerned about boulevard trees can treat those trees this year, however, the City will not be doing so until next year.

Councilmember Edberg inquired as to the number of residents who have taken advantage of Rainbow Tree Care's services. Ms. Hiniker relayed that Rainbow Tree Care reported a healthy response from residents, especially after the initial Council presentation and resulting Press Publication article. Mr. Burch added that Rainbow has been tracking that response and can provide that information.

### ➤ Supplemental heating and cooling system at the Armory

Ms. Hiniker reported that with Council's approval, the Historical Society submitted an application for historical designation of the Armory building. Upon an official recommendation to be placed on the historical designation list, the Historical Society successfully applied for a grant to have architectural renderings for a HVAC system to help preserve its archives. This grant would pay about 50% of the cost of a system. Ms. Hiniker mentioned the City had budgeted for this in 2019, however, the Historical Society grant must be expensed in 2018. Ms. Hiniker mentioned bringing this before the Council at its next meeting for approval.

### ➤ Matoska boat launch

Ms. Hiniker stated that the lake level is up and so are its visitors. Parking at the Matoska boat launch has been impacted this year due to street reconstruction in the area. If Council gets any phone calls, this will likely occur again next year as a result of street reconstruction.

### ➤ Upcoming Events

- August 7 – National Night Out
- August 15<sup>th</sup> Wednesday – next City Council meeting
- August 21<sup>st</sup>, 6:00 p.m. – Budget Work Session
- September 25<sup>th</sup> - Drop in retirement reception for Mark Burch

- October 15<sup>th</sup>, 6:00 p.m.– Work Session
- Engineering Updates – Mark Burch
  - Road construction is progressing well
  - Utility work has been completed and curb is scheduled on Birch Lake Blvd S.
  - A large 16 inch water main broke and is being repaired under the freeway near the American Inn.
  - The flagpole project is progressing well. The fossil of a leg of an animal was found in the rock and will be incorporated back into the monument.
  - Vandals at Matoska Park busted the urinal and spray painted the walls at Podvin Park’s restrooms.
  - Sports Center project is progressing well. A family friendly skate party is being planned to celebrate its reopening.

### 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Jones** to adjourn the regular meeting at **8:35 p.m.**

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk



**MINUTES  
CLOSED MEETING OF THE CITY COUNCIL OF  
THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JULY 24, 2018  
IN CITY HALL**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson announced, "Pursuant to Minnesota Statutes, Section 13D.05, Subdivision 3(c)(3), the City Council may move into closed session to develop or consider offers for the purchase or sale of real property. The real property at issue is located at 3996 Hoffman Road and the property at 2<sup>nd</sup> and Cook. The closed session will be tape recorded and will be preserved for eight years after the date of the closed session. Any actual purchase or sale of real property must be approved by the City Council at an open meeting. It is now appropriate to receive a motion and a second to go into closed session."

Councilmember **Edberg** moved, seconded by Councilmember **Biehn** to convene a closed meeting of the White Bear Lake City Council at 8:36 p.m.

Motion carried unanimously.

Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh in attendance. Staff members present were City Manager Ellen Richter, City Engineer Mark Burch, Assistant City Manager Rick Juba and City Attorney Andy Pratt.

2. Discussion centered on whether the City should consider purchasing the property at 3996 Hoffman Road
3. Discussion centered on whether the City should consider purchasing the property at the corner of 2<sup>nd</sup> and Cook.
4. Adjournment

There being no further business to come before the Council, it was moved by Councilmember **Engstran**, seconded by Councilmember **Biehn**, to adjourn the meeting at 9:10 p.m.

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Jo Emerson, Mayor

ATTEST:

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Kara Coustry, City Clerk



**City of White Bear Lake**  
Community Development Department

***MEMORANDUM***

**To:** Ellen Richter, City Manager

**From:** The Planning Commission

**Through:** Samantha Crosby, Planning & Zoning Coordinator

**Date:** August 1, 2018 for the August 15, 2018 City Council Meeting

**Subject:** **Greg & Mary Pariseau – Variance**  
**4895 Morehead Avenue - Case No. 18-8-V**

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**REQUEST**

A 15-foot variance from the 30-foot setback for the side yard abutting a public right-of-way in order to tear down the existing home and build a new single family home.

**SUMMARY**

One resident spoke and pointed out that the setback of the existing home is more non-conforming than the proposed home and signaled approval of the project.

**RECOMMENDED COUNCIL ACTION**

On a 6-0 vote, the Planning Commission recommended approval of the request as presented.

**ATTACHMENTS**

Resolution of Approval

**RESOLUTION NO.**

**RESOLUTION GRANTING A SETBACK VARIANCE  
FOR 4895 MOREHEAD AVENUE  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (18-8-V) has been submitted by Greg & Mary Pariseau, to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

**LOCATION:** 4895 Morehead Avenue

**LEGAL DESCRIPTION:** Lot 1, Block 30 of Auerbachs Rearrangement of Part of White Bear (PID: 133022230023)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A 15-foot variance from the 30-foot setback required along a side abutting a public right of way, per Code Section 1303.230, Subd.5.a.4, in order to demo the existing home and build a new single-family residence; and

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on July 30, 2018; and

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variance will not:
  - a. Impair an adequate supply of light and air to adjacent property.
  - b. Unreasonably increase the congestion in the public street.
  - c. Increase the danger of fire or endanger the public safety.
  - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code.
4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

**FURTHER, BE IT RESOLVED**, that the City Council of the City of White Bear Lake hereby approves the requested variance, subject to the following conditions:

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
- 3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 4. The house shall be guttered to direct run-off away from the adjacent property to the south.
- 5. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit, the applicant shall:

- 6. Submit tree preservation calculations and a replacement plan, subject to staff approval.
- 7. Provide a stormwater infiltration system plan for the excess impervious area per Section 1303.230, Subd. 5. Design to be reviewed and approved by the City Engineer.

The foregoing resolution, offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

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Gregory M. Pariseau

Date

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Mary M. Pariseau

Date





**City of White Bear Lake**  
Community Development Department

**MEMORANDUM**

**To:** Ellen Richter, City Manager  
**From:** The Planning Commission  
**Through:** Samantha Crosby, Planning & Zoning Coordinator  
**Date:** August 1, 2018 for the August 15, 2018 City Council Meeting  
**Subject:** Tracey Montgomery – Conditional Use Permit & Variance  
22XX 11<sup>th</sup> Street - Case No. 18-3-CUP & 18-11-V

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**REQUEST**

A Conditional Use Permit (CUP) for a home accessory apartment and a variance to allow the habitable area of the accessory unit be 51% of the habitable area of the principal unit, versus the 40% allowed by code.

**SUMMARY**

One resident inquired about the ability for the accessory unit to be used as an Airbnb rental.

**RECOMMENDED COUNCIL ACTION**

On a 6-0 vote, the Planning Commission recommended approval of the request as presented.

**ATTACHMENTS**

Resolution of Approval

**RESOLUTION NO.**

**RESOLUTION GRANTING  
A CONDITIONAL USE PERMIT AND VARIANCE  
FOR 22XX 11<sup>th</sup> STREET  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (18-3-CUP & 18-11-V) has been submitted by Tracey Montgomery to the City Council requesting approval of a Conditional Use Permit and a Variance of the City of White Bear Lake for the following location:

**LOCATION:** 22XX 11<sup>th</sup> Street

**LEGAL DESCRIPTION:** Lot 14, Block 2, ELLA J COBBS ADDITION,  
Ramsey County, MN (PID # 143022110078)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT:** A Conditional Use Permit for a Home Accessory Apartment, per Code Section 1302.125; in order to construct an accessory dwelling unit in the basement; and

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING VARIANCE:** a Variance to allow the habitable area of the accessory unit to be 51% of the habitable area of the principal unit, per Code Section 1302.123; and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on July 30, 2018; and

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed requests upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake that, in relation to the Conditional Use Permit, the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.

6. Traffic generation will be within the capabilities of the streets serving the site.

**FUTHER, BE IT RESOLVED**, by the City Council of the City of White Bear Lake that, in relation to the Variance, the City Council adopts the following findings of the Planning Commission:

1. The requested variance will not:
  - a. Impair an adequate supply of light and air to adjacent property.
  - b. Unreasonably increase the congestion in the public street.
  - c. Increase the danger of fire or endanger the public safety.
  - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. The special conditions or circumstances are not the result of actions of the applicant.
5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

**FUTHER, BE IT RESOLVED**, that the City Council of the City of White Bear Lake hereby approves the request, subject to the following conditions.

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This conditional use permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions. Proof of such shall be provided prior to the issuance of a rental license.
4. The right to rent the accessory apartment ceases upon transfer of title unless reissued by the City Council.

5. Per Section 1302.125, Subd.4.a, the owner of the single family structure shall reside in the principal structure. The permit becomes null and void if the owner ceases to reside in the residence. The accessory apartment shall remain an accessory rental apartment, owned by the occupant of the principal structure. There shall be no separate ownership of the accessory rental apartment.
6. The number of vehicles associated with the principal residence and accessory unit together shall not exceed that which can fit in the garage and on the driveway.
7. The number of occupants of the accessory apartment shall not exceed one (1) tenant.
8. The owner shall obtain a rental license prior to renting out the unit to anyone who is not related.
9. The applicant shall verify lot lines and have the property pins exposed at the time of inspection.
10. A building permit shall be obtained before any work begins.

The foregoing resolution, offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
 Nays:  
 Passed:

\_\_\_\_\_  
 Jo Emerson, Mayor

**ATTEST:**

\_\_\_\_\_  
 Kara Coustry, City Clerk

\*\*\*\*\*

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

\_\_\_\_\_  
 Tracey Montgomery

\_\_\_\_\_  
 Date



City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Mayor and Councilmembers

**From:** Ellen Hiniker, City Manager

**Date:** August 7, 2018

**Subject:** Request for the addition of four fulltime Paramedic/Firefighters

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### BACKGROUND / SUMMARY

On April 3, 2018, the City Council held a work session to discuss the City's Fire and Ambulance Service. Fire Chief Peterson presented information on its history, current challenges and upcoming operational changes. At the July 10, 2018 Council meeting, he provided an update on the recent dispatch conversion and duty crew staffing model. Chief Peterson explained that duty crews only respond to medical calls, as 80% of all calls are medical related. There are not enough emergency medical providers, particularly paramedics, on staff to provide the coverage needed. When a shift is not filled, the call is dispatched to all members. There are occasions in the absence of available medical responders that a call must go to a neighboring department. This can add to response time, as well as loss in revenue.

At the July 24, 2018 City Council meeting, staff presented a proposal to add four additional full-time personnel. The duties of these and the existing full-time response personnel would include both fire and paramedic duties to provide greater efficiencies. After considerable discussion, the Council asked that this item be included on the August 15<sup>th</sup> agenda for further consideration.

It remains staff's recommendation to modify the full-time responder descriptions to include both fire and paramedic duties, and to add four (4) additional positions this fall. Increased ambulance revenues over 2018 projections, along with savings from the dispatch conversion, will balance these changes in the revised 2018 budget. Impact on the 2019 budget for these changes will require a 10-12% ambulance rate increase and approximately \$95,000 of the general fund levy.

Staff is prepared to discuss its goal to achieve a combination model that ultimately would include twelve (12) full-time Paramedic/Firefighter positions working in combination with part-time staff to provide service for current call demand. While this will be outlined at the Council's meeting on August 15<sup>th</sup>, it will be further addressed as Council considers its 2019 budget.



City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Mayor and City Council

**From:** Ellen Hiniker, City Manager  
Greg Peterson, Fire Chief  
Kerri Kindsvater, Assistant Finance Director

**Date:** July 19, 2018

**Subject:** **Resolution authorizing the appropriation of funds to hire four (4) additional full-time emergency responders, Firefighter/Paramedics**

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### BACKGROUND

The White Bear Lake Fire Department is responsible for providing ambulance service to a population of approximately 39,000. The department provides service to the City of White Bear Lake, White Bear Township, Dellwood, Birchwood, and a small portion of Lino Lakes. The department had provided this service using mainly paid-on-call or part-time employees for almost 40 years, until 2014, when it became a combination department with the hire of four (4) full-time emergency responders; at that time, annual calls for service had reached 2,841, or nearly eight (8) calls per day.

Demand for service continues to increase significantly, placing a significant burden and stress on department members. In 2000, the department responded to less than five (5) calls per day. Today, the department is on pace to respond to an average of 11 calls per day, or approximately 4,000 annually. Since 2014, when full-time staff were first introduced to the response model, calls have increased nearly 30%.

This increase in demand is due to a number of factors, including an aging population, the addition of senior facilities in the area, and an increasing number of mental health related calls. While the need for service has increased, there are increasingly competing demands on time due to family obligations and/or outside careers and commitments.

### COMBINATION MODEL (FULL-TIME/PART-TIME STAFFING MIX)

In June of 2014, Council approved the addition of four (4) full-time staff members to help ease this burden. This resulted in the placement of a full-time Emergency Medical Technician (EMT) and Paramedic team at each station, creating what is known as a "combination department" which utilizes both full-time and part-time personnel for emergency responses.

The four (4) new full-time positions were scheduled to help support daytime service demands Monday through Friday, relieving some of the gaps left by those on the department who have outside jobs; the full-time EMS staff has not been required to work holidays or weekends. While this has helped to relieve some of the burden during the weekday, it has become increasingly difficult to secure coverage on evenings, weekends and holidays as calls for service continue to increase.

**RETENTION ISSUES**

From 2015 through 2017, the department lost more people than were hired, with 60 employees leaving service during a three-year period. This trend is rooted in several factors, including increased service delivery demands, work-life balance issues, competition from other departments that offer full-time positions, and burdensome call-back requirements. To help reduce the burden on staff, call-back requirements were lowered last year and the duty crew program was initiated in May of this year.

While the duty crew program has helped, it is apparent that there are not enough part-time members to fill all shifts. Due to this shortage, paramedics are required to sign-up for 96 duty crew hours per quarter, and EMTs for 48 hours. There are considerably more EMT members than paramedics, which causes this imbalance; most of those who earn their paramedic certification are now seeking full-time employment, and are less willing and/or available to take on additional part-time hours. Despite these steep requirements, many duty shifts remain without coverage. When a shift is left without coverage, medical calls become call-backs. The last efforts to hire additional part-time staff did not produce significant results, and many of those hired in recent years found outside employment after completing their training. Staff believes that strengthening the combination model with additional full-time staff will provide for a consistent workforce able meet the expectations of those the department serves.

**INCREASING FULL-TIME RESPONSE CAPACITY**

The Fire Department continues to experience service delivery issues whereby on occasion, it relies on mutual aid partners to respond to its medical calls. Due to the combination of increasing demands for service and a shrinking pool of applicants, the department no longer has the staffing capacity to continue to provide consistent, expedient and high-quality service that customers expect. Additionally, loss of a medical call to mutual aid translates into lost revenue that supports the department's services.

The staffing model has necessarily evolved over the years in response to changing needs. However, the department has reached a point at which it now requires a more significant change in its overall service delivery model to meet the current needs of the community. The current staffing model for the fire and ambulance service includes five (5) different classifications of employees. There are part-time firefighters who respond to both fire and EMS calls, part-time EMS-only personnel who respond to EMS calls, full-time EMS-only personnel, part-time fire-only employees who do not respond to EMS calls, and part-time fire apparatus driver-only personnel whose duty is to drive the fire apparatus. Additionally, the full-time EMS personnel may not perform firefighter duties during their regular schedules due to their job classifications.

In an effort to provide better service, create great efficiency and reduce the burden on the part-time members, staff proposes a change to the staffing model. It is recommended that the existing four (4) full-time employee positions be converted from EMS-only positions to include firefighter responsibilities, thus maximizing use of these positions. Work schedules for these positions would also be adjusted to require shifts on holidays and weekends, not just Monday through Friday. Work hours would increase from 40 hours a week to 48 hours per week to provide better overall coverage.

It is further recommended that additional full-time staff be added to provide consistent service. It is recommended that four (4) full-time Firefighter/Paramedics be hired this fall, with an additional four (4) hired over the next year or two, as determined through the budgeting process, to reach the full-complement of a combination department comprised of twelve (12) full-time Firefighter/Paramedics, one 24/7 duty crew, and continued, albeit significantly reduced, reliance on part-time responders. The

addition of four full-time positions this fall will reduce the number of part-time staff hours needed to cover EMS calls by 40%. Once the department has reached a 12 full-time Firefighter/Paramedic complement, the full-time schedules will change to 56 hours per week. This will allow for 24/7 coverage of two crews consisting of two people in each station, which will provide a good base to facilitate consistent coverage.

Part-time employees will continue to work duty shifts and respond to callbacks; however, the burden on part-time staff will be significantly reduced. With the combination of part-time and full-time employees working together, staff anticipates the ability to respond to all fire and medical calls in an efficient manner. Additionally, the number of call-backs (part-time employees called from home) will be less than 10% of the current call volume, which is a significant reduction from what it is currently.

### **FINANCIAL IMPACT**

The cost of adding four (4) Firefighter/Paramedic this fall (beginning September 1) to the revised 2018 ambulance budget will be approximately \$125,500. However, revenues from service billings are trending 6% over 2018 projections. This, together with savings realized through the transition to Ramsey County for dispatch services, is expected to balance the 2018 year-end ambulance budget without an increase. The projected impact on the 2019 budget will add \$176,500 in costs assigned to the ambulance budget and \$140,952 to the fire department budget. This estimation is based on an 80/20 split between ambulance and fire for all costs associated with emergency response personnel; this cost split is based on the ratio of medical calls to fire calls.

It is anticipated that the 2019 ambulance service cost increases can be covered through the savings realized from the dispatch conversion and a 10-12% ambulance rate increase. There will also be efficiencies gained through a 40% decrease in call-backs. The increased costs assigned to the fire department would be partially mitigated by the reduction in call-backs, but otherwise shared by the City and its contract communities. The net impact on the City of White Bear Lake, which assumes 70% of the fire department budget, is estimated to be \$98,500 in 2019. These costs do not account for consideration of adding more staff in 2019 to reach the desired 12 FTE staffing model. Staff also intends to recommend an increase in the hourly rate for part-time fire-fighter/EMS responders; this will be discussed in further detail at the budget workshop in August.

### **SUMMARY**

The City first adopted a combination model for emergency response services in 2014 with the hire of four (4) full-time responders. Since then, there has been a 30% increase in calls for service, which has placed considerable stress on the department. Staff is recommending that the City hire an additional four (4) full-time personnel to help fill the scheduling gaps. It is staff's belief that the department will need to eventually have 12 full-time Firefighter/Paramedics on staff to provide 24/7 coverage at each station, supported by one part-time crew on duty 24/7. It is estimated that this model will reduce call-backs by nearly 90%, thus reducing the stress on part-time staff, creating significant efficiencies, and consistently providing high-quality service.

In moving toward this goal, staff recommends hiring four (4) additional personnel at this time, whose positions would include both paramedic and firefighter responsibilities. After taking into consideration projected revenues and savings from dispatch, staff does not anticipate a net impact on the 2018 revised ambulance budget. The impact on the 2019 ambulance budget would be mitigated by a projected \$80,000 savings in dispatching services, with the remaining funds to be raised through a 10-12% ambulance rate increase. Revenues to offset the \$98,500 increase in the 2019 fire budget would be included in the general fund levy.



**ATTACHMENTS**

Attached is a resolution authorizing staff to increase personnel in the Fire Department by adding four (4) full-time Firefighter/Paramedics and directing the City Manager to prepare revisions to the City's 2018 budget to provide sufficient appropriations for this increase.

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING AN INCREASE IN PERSONNEL IN  
THE WHITE BEAR LAKE FIRE DEPARTMENT**

**WHEREAS**, the White Bear Lake Fire Department is responsible for providing ambulance service to a population of approximately 39,000. The department provides service to the City of White Bear Lake, White Bear Township, Dellwood, Birchwood, and a small portion of Lino Lakes; and

**WHEREAS**, the White Bear Lake service area continues to experience increasing call levels, with a 30% increase in calls for combined fire and ambulance service since 2013; and

**WHEREAS**, upon reports and recommendations by staff, it has been determined by the City Council that continued delivery of high quality, emergency medical service requires the addition of four full-time Paramedics/Firefighter; and

**WHEREAS**, the City Council has been provided with financial estimates including the costs of this additional staffing and estimated ambulance rates necessary to off-set the cost increase of; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, that it hereby authorizes the addition of four full-time Paramedic/Firefighter positions to the approved staffing level of the Fire Department; and

**FURTHER, BE IT RESOLVED**, by the City Council of the City of White Bear Lake that the City Manager is directed to prepare revisions to the City's 2018 budget to provide sufficient appropriations for this increase.

The foregoing resolution, offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Abstained:  
Nays:  
Passed:

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk



City of White Bear Lake  
Community Development Department

## MEMORANDUM

**To:** Ellen Richter, City Manager

**From:** Ben Eggan, Building Official

**Date:** April 2, 2018

**Subject:** **Adopting the 2018 International Property Maintenance Code and the deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements**

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### BACKGROUND

Staff previously came before the City Council to discuss the concept of replacing the existing White Bear Lake Housing Ordinance with the 2018 International Property Maintenance Code (IPMC). Based on comments and discussion with the City Council, staff has reviewed the IPMC and prepared amendments to the document in preparation for its adoption.

As the City Council may recall, the White Bear Lake Housing Ordinance, Chapter 502 is our current minimum housing standard for residential dwelling units only. It applies to owner-occupied dwellings and rental units within the jurisdiction. Chapter 502 does not address property maintenance of commercial buildings. When introduced to the Council last year, there was consensus to consider a comprehensive property maintenance ordinance that will apply to all buildings in the City of White Bear Lake.

### SUMMARY

Staff reviewed the 2018 International Property Maintenance Code (IPMC). The IPMC is a model code written by the International Code Conference (ICC). The document applies to residential dwellings, multi-family, hotels, motels, office, warehouse, retail, industrial buildings etc. The IPMC establishes minimum requirements for the maintenance of existing buildings. The intent of the IPMC is to establish provisions that adequately protect public health, safety and welfare. The IPMC is a property maintenance code that establishes minimum standards for the structural components, building egress systems, and weather resistance of the building envelope. The IPMC establishes minimum criteria for basic equipment, light, ventilation, plumbing facilities, HVAC mechanical systems, electrical wiring, sanitation, and fire safety. Staff has researched the property maintenance codes adopted by our surrounding communities and has found over 30 other cities in the metropolitan area have adopted the IPMC.

When comparing the White Bear Lake Minimum Housing Standard to the 2018 International Property Maintenance Code it is apparent that both documents cover the same basic concepts with respect to property maintenance and life safety. Therefore, by adopting the 2018 IPMC we will

not be losing any of the basic housing standards that we currently have. The major differences between the two documents is that the IPMC provides minimum requirements for maintenance of both residential and commercial buildings in our jurisdiction. The administrative chapter of the IMPC provides excellent guidance with regard to administration of the code and enforcement procedure. The IMPC has independent chapters that address each building system such as light and ventilation, plumbing, heating, electrical, fire etc. The IMPC provides a comprehensive chapter that establishes minimum standards for fire life safety, means of egress, fire resistance, fire protection systems, smoke and carbon monoxide detection.

Staff also reviewed White Bear Lake City Code Chapter 804 related to smoke detector requirements, which revealed a number of requirements that are in conflict with the smoke detector provisions found in the Minnesota State Building Code. This often becomes a burden to property owners and contractors as our requirements do not align with the State Code. To standardize the Code and make the requirements clear and easy to convey to the public, staff is recommending that we delete White Bear Lake Chapter 804 in its entirety. The Minnesota State Code has smoke detector requirements that we currently enforce that are reasonable and adequate.

### **RECOMMENDATION**

The International Property Maintenance Code is a model code commonly used in communities throughout the State of Minnesota. The IPMC contains strong legal language and establishes good administrative procedure. The IPMC regulates all the basic life safety requirements needed to ensure safe residential and commercial buildings. Staff has reviewed the IPMC and has drafted proposed amendments to the base document. Staff recommends repealing the language currently in Chapter 502 of the City Code and replacing it with the 2018 International Property Maintenance Code (IPMC).

To further standardize our Code and make the requirements clear and easy to convey to the public, staff is recommending that we delete White Bear Lake Chapter 804 in its entirety.

### **ATTACHMENT**

Resolution

## 502. Minimum Property Maintenance Standards

§502.010 TITLE, SCOPE, INTENT AND SERVABILITY.

Subd. 1. Title. These regulations shall be known as the *International Property Maintenance Code* of White Bear Lake hereinafter referred to as "this code."

Subd. 2. Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises* structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner's authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

Subd. 3. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Existing non-conforming conditions that do not pose a threat to public health and safety may be allowed to remain as determined by the Code Official.

Subd. 4. Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

§502.020 APPLICABILITY.

Subd. 1. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

Subd. 2. Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner's authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

Subd. 3. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and the Minnesota State Fire Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the White Bear Lake Zoning Ordinance.

Subd. 4. Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

Subd. 5. Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

Subd. 6. Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

Subd. 7. Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed the Minnesota State Building Code and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the current addition of the Minnesota State Building Code, the provisions of the current addition of the Minnesota State Building Code shall apply.

Subd. 8. Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

Subd. 9. Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

Subd. 10. Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

#### §502.030 ADMINISTRATION AND ENFORCEMENT.

Subd. 1. General. The City Manager, as the appointing authority, shall designate the code compliance official, or designee, who shall administer and enforce the provisions of this ordinance and is hereby authorized to cause inspections on a scheduled basis, or otherwise when reason exists to believe that a violation of this ordinance has been or is being committed.

Subd. 2. Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

Subd. 3. Legal Defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Subd. 4. Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code shall be adopted in the annual fee schedule approved by the City Council.

#### §502.040 DUTIES AND POWERS OF THE CODE OFFICIAL.

Subd. 1. General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Subd. 2. Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections

shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

Subd. 3. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

Subd. 4. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Subd. 5. Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

Subd. 6. Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

#### §502.050 APPROVAL.

Subd. 1. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

Subd. 2. Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Subd. 3. Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance without expense to the jurisdiction.

Subd. 4. Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

Subd. 5. Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

Subd. 6. Used material and equipment. Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the code official.

Subd. 7. Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

Subd. 8. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

#### §502.060 VIOLATIONS.

Subd. 1. Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

Subd. 2. Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 502.070.

Subd. 3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 502.070 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Subd. 4. Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Subd. 5. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

#### §502.070 NOTICES AND ORDERS.

Subd. 1. Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall comply with Section 502.080.

Subd. 2. Form. Such notice prescribed in Subd.1 of this Section shall be in accordance with all of the following:

- a) Be in writing.
- b) Include a description of the real estate sufficient for identification.
- c) Include a statement of the violation or violations and why the notice is being issued.



- d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- e) Inform the property owner or owner's authorized agent of the right to appeal.
- f) Include a statement of the right to file a lien in accordance with Section 502.060.

Subd. 3. Method of service. Such notice shall be deemed to be properly served if a copy thereof is: delivered personally, or sent by certified or first class mail addressed to the last known address. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Subd. 4. Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

Subd. 5. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 502.060, Subd. 4.

Subd. 6. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

#### §502.080 UNSAFE STRUCTURES AND EQUIPMENT.

Subd. 1. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

Subd. 2. Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Subd. 3. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Subd. 4. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Subd. 5. Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

Subd. 6. Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire resistance rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Subd. 7. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

Subd. 8. Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 502.020, in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

Subd. 9. Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 502.070 Subd. 3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 502.070 Subd. 2.

Subd. 10. Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Subd. 11. Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

Subd. 12. Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Subd. 13. Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Subd. 14. Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

#### §502.090 EMERGENCY MEASURES.

Subd. 1. Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of

any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Subd. 2. Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

Subd. 3. Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Subd. 4. Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Subd. 5. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

Subd. 6. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

#### §502.100 DEMOLITION.

Subd. 1. General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

Subd. 2. Notices and orders. Notices and orders shall comply with Section 502.070.

Subd. 3. Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Subd. 4. Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement

aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

#### §502.110 MEANS OF APPEAL.

Subd. 1. General. When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this ordinance, such person may appeal the compliance order to the City Manager within five (5) days after service of the compliance order. Such appeals must be in writing specifying the grounds of appeal. The City Manager shall review said request and either approve or deny the appeal.

If the appeal is denied by the City Manager, the applicant may appeal the decision to the City Council sitting as a Board of Appeals. Such appeals must be in writing, must specify the grounds for appeal, must be accompanied by a filing fee in the amount as prescribed by resolution, in cash or cashier's check, and must be filed with the Community Development Department within five (5) days after service of the City Manager's ruling. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

#### §502.120 STOP WORK ORDER.

Subd. 1. Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

Subd. 2. Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized 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 is authorized to resume.

Subd. 3. Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Subd. 4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the amount set forth in the fee schedule as adopted by resolution.

#### §502.130 GENERAL DEFINITIONS.

Subd. 1. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Residential Code, White Bear Lake Municipal Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

§502.140 DEFINITIONS.

ANCHORED. Secured in a manner that provides positive connection.

APPEALS BOARD. The White Bear Lake City Council shall be deemed the appeals board.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

FAMILY. A family shall be defined as follows:

1. A person or persons related by blood, marriage, or adoption maintaining a common household in a dwelling unit
2. A group or foster care of not more than ten (10) wards or clients all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency
3. A group of not more than five (5) persons not related by blood, marriage or adoption maintaining a common household in a dwelling unit.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the

estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

#### §502.150 MINIMUM CONDITIONS.

Subd. 1. Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Subd. 2. Grading and drainage. All properties shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. No land shall be developed and no use shall be permitted that results in additional water runoff, causing flooding or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facility.



All open disturbed areas of any site shall be stabilized as an erosion control measure in accordance with the provisions of the City's Engineering Design Standards. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one (1) year following the date of building occupancy.

Exception: Approved retention areas and reservoirs.

Subd. 3. Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Commercial property owners and owners of a multiple family dwellings shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises. Individual snowfalls of three (3) inches or more, or successive snowfalls accumulating to a depth of three (3) inches or more, shall be removed from parking lots and driveways within twenty-four (24) hours after cessation of the snowfall. Individual snowfalls of one (1) inch or more, or successive snowfalls accumulating to a depth of one (1) inch or more, shall be removed from steps and walkways within eight (8) hours after cessation of the snowfall.

Subd. 4. Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Subd. 5. Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

Subd. 6. Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Subd. 7. Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Subd. 8. Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

#### §502.160 EXTERIOR STRUCTURE.

Subd. 1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Subd. 2. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota State Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

Subd. 3. Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt

from this requirement.

Subd. 4. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Subd. 5. Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Subd. 6. Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Subd. 7. Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Subd. 8. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Subd. 9. Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Subd. 10. Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

Subd. 11. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Subd. 12. Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

Subd. 13. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Subd. 14. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Subd. 15. Glazing. Glazing materials shall be maintained free from cracks and holes.

Subd. 16. Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Subd. 17. Insect screens. During the period from May 1<sup>st</sup> to September 30<sup>th</sup> every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

Subd. 18. Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

Subd. 19. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Subd. 20. Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Subd. 21. Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

Subd. 22. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

Subd. 23. Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

Subd. 24. Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Subd. 25. Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

#### §502.170 INTERIOR STRUCTURE.

Subd. 1. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Subd. 2. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota State Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.

4. Structural members are incapable of supporting nominal loads and load effects.
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

Subd. 3. Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

Subd. 4. Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Subd. 5. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Subd. 6. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Subd. 7. Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

§502.180 COMPONENT SERVICEABILITY.

Subd. 1. General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

Subd. 2. Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota State Building Code as required for existing buildings:

Subd. 3. Soils that have been subjected to any of the following conditions:

1. Collapse of footing or foundation system.
2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
4. Inadequate soil as determined by a geotechnical investigation.
5. Where the allowable bearing capacity of the soil is in doubt.
6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

Subd. 4. Concrete that has been subjected to any of the following conditions:

1. Deterioration.
2. Ultimate deformation.
3. Fractures.
4. Fissures.
5. Spalling.

6. Exposed reinforcement.
7. Detached, dislodged or failing connections.

Subd. 5. Aluminum that has been subjected to any of the following conditions:

1. Deterioration.
2. Corrosion.
3. Elastic deformation.
4. Ultimate deformation.
5. Stress or strain cracks.
6. Joint fatigue.
7. Detached, dislodged or failing connections.

Subd. 6. Masonry that has been subjected to any of the following conditions:

1. Deterioration.
2. Ultimate deformation.
3. Fractures in masonry or mortar joints.
4. Fissures in masonry or mortar joints.
5. Spalling.
6. Exposed reinforcement.
7. Detached, dislodged or failing connections.

Subd. 7. Steel that has been subjected to any of the following conditions:

1. Deterioration.
2. Elastic deformation.
3. Ultimate deformation.
4. Metal fatigue.
5. Detached, dislodged or failing connections.

Subd. 8. Wood that has been subjected to any of the following conditions:

1. Ultimate deformation.
2. Deterioration.
3. Damage from insects, rodents and other vermin.
4. Fire damage beyond charring.
5. Significant splits and checks.
6. Horizontal shear cracks.
7. Vertical shear cracks.
8. Inadequate support.
9. Detached, dislodged or failing connections.
10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

#### §502.190 RUBBISH AND GARBAGE.

Subd. 1. Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Subd. 2. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

Subd. 3. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Subd. 4. Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded abandoned or stored on premises without first removing the doors.

Subd. 5. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Subd. 6. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

#### §502.200 PEST ELIMINATION.

Subd. 1. Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

Subd. 2. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

Subd. 3. Single occupant. The occupant of a one family dwelling or of a single tenant nonresidential structure shall be responsible for pest elimination on the premises.

Subd. 4. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

Subd. 5. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

#### §502.210 GENERAL LIGHT, VENTILATION AND SPACE.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

Subd. 2. Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

Subd. 3. Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Minnesota State Building Code shall be permitted.

#### §502.220 LIGHT.

Subd. 1. Habitable spaces. Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less

than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m<sup>2</sup>), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

Subd. 2. Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 foot candle (11 lux) at floors, landings and treads.

Subd. 3. Other spaces. Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

#### §502.220 VENTILATION.

Subd. 1. Habitable spaces. Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 502.220, Subd. 1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

Subd. 2. Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

Subd. 3. Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

Subd. 4. Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Subd. 5. Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

#### §502.230 OCCUPANCY LIMITATIONS.

Subd. 1. Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.



Subd. 2. Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

Subd. 3. Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one and two family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

Subd. 4. Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Section 502.230, Subd. 5 - 9.

Subd. 5. Room area. Every living room shall contain not less than 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain not less than 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

Subd. 6. Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

Subd. 7. Water closet accessibility. Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Subd. 8. Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

Subd. 9. Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

Subd. 10. Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 502.240.

§502.240 TABLE.

#### MINIMUM AREA REQUIREMENTS

#### MINIMUM AREA IN SQUARE FEET

Space	1-2 occupants	3-5 occupants	6 or more occupants
Living room (a, b)	120	120	150
Dining room (a, b)	No requirement	80	100
Bedrooms	(Shall comply with Section 502.230 Subd. 5)		

For SI: 1 square foot = 0.0929 m<sup>2</sup>.

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

Subd. 1. Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 502.230 Subd. 4.

Subd. 2. Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 502.240 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Subd. 3. Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

Subd. 4. Food preparation. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. Kitchen facilities within every dwelling unit shall contain the following:

1. An approved kitchen sink in good working condition and properly connected to an approved water supply and waste system which provides, at all times, an adequate amount of heated and unheated running water with a pressure of not less than eight (8) P.S.I. at the point of discharge, and which is connected to an approved sewer system.
2. Cabinets and/or shelves, for the storage of eating, drinking and cooking equipment and utensils and/or food which does not require refrigeration, providing a minimum of forty-five (45) cubic feet of storage plus an additional fifteen (15) cubic feet per occupant in excess of one (1). Cabinets, shelves, countertops and tables used for the storage and preparation of foods shall have a hard non-absorbent surface which is

easily cleanable and that will not impart toxic or deleterious effects to foods. Cabinet and shelves shall be properly secured to walls and kept in good condition.

3. A cook stove and oven for the preparation of food, and a refrigerator for the safe storage of food, at or below forty (40) degrees Fahrenheit, properly installed with all necessary connections. Such items need not be installed when a dwelling or dwelling unit is not occupied and when the occupant is expected to provide these items at occupancy, in which case, space and connections for their installation and operation shall be provided.

#### §502.250 GENERAL PLUMBING.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

Subd. 2. Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

#### §502.260 REQUIRED FACILITIES.

Subd. 1. Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Subd. 2. Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

Subd. 3. Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

Subd. 4. Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

Subd. 5. Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

Subd. 6. Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Minnesota State Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

#### §502.270 TOILET ROOMS.

Subd. 1. Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

Subd. 2. Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

Subd. 3. Location of employee toilet facilities. Toilet facilities shall have access from

within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

Subd.4. Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

#### §502.280 PLUMBING SYSTEMS AND FIXTURES.

Subd. 1. General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Subd. 2. Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

Subd. 3. Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### §502.280 WATER SYSTEM.

Subd. 1. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota State Plumbing Code.

Subd. 2. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

Subd. 3. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Subd. 4. Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

#### §502.290 SANITARY DRAINAGE SYSTEM.

Subd. 1. General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Subd. 2. Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Subd. 3. Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

#### §502.300 STORM DRAINAGE.

Subd. 1. General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

#### §502.310 GENERAL MECHANICAL AND ELECTRICAL.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

Subd. 2. Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

#### §502.320 HEATING FACILITIES.

Subd. 1. Facilities required. Heating facilities shall be provided in structures as required by this section.

Subd. 2. Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Subd. 3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~(Date)~~ to ~~(Date)~~ September 1 to May 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Subd. 4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 31 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Subd. 5. Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

## §502.330 MECHANICAL EQUIPMENT.

Subd. 1. Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Subd. 2. Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Subd. 3. Clearances. Required clearances to combustible materials shall be maintained.

Subd. 4. Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

Subd. 5. Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Subd. 6. Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

## §502.340 ELECTRICAL FACILITIES.

Subd. 1. Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

Subd. 2. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a minimum rating of 60 amperes.

Subd. 3. Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Subd. 4. Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

Subd. 5. Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the Minnesota State Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panel boards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.

7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low and medium voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

Subd. 6. Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

Subd. 7. Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Minnesota State Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

#### §502.345 ELECTRICAL EQUIPMENT.

Subd. 1. Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Subd. 2. Receptacles. Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

Subd. 3. Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

Subd. 4. Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

#### §502.350 ELEVATORS, ESCALATORS AND DUMBWAITERS.

Subd. 1. General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

Subd. 2. Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

#### §502.360 DUCT SYSTEMS.

Subd. 1. General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

#### §502.370 GENERAL FIRE SAFETY.

Subd. 1. Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Subd. 2. Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

#### §502.380 MEANS OF EGRESS.

Subd. 1. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Minnesota State Building Code.

Subd. 2. Aisles. The required width of aisles in accordance with the Minnesota State Building Code shall be unobstructed.

Subd. 3. Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Minnesota State Building Code.

Subd. 4. Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

#### §502.390 FIRE-RESISTANCE RATINGS.

Subd. 1. Fire resistance rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire resistance rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

Subd. 2. Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an



imminent danger to the occupants of the building, structure or portion thereof, the code official shall act in accordance with the Minnesota State Building Code.

Subd. 3. Maintenance. The required fire-resistance rating of fire resistance rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire resistance rated assemblies shall be protected by self or automatic closing doors of approved construction meeting the fire protection requirements for the assembly.

Subd. 4. Fire blocking and draft stopping. Required fire blocking and draft stopping in combustibile concealed spaces shall be maintained to provide continuity and integrity of the construction.

Subd. 5. Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with the Minnesota State Building Code.

Subd. 6. Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA-80 the Minnesota State Building Code.

Subd. 7. Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with the Minnesota State Building Code. The application of field applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

Subd. 8. Signs. Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR - DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR - KEEP CLOSED.

Subd. 9. Hold-open devices and closers. Hold open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

Subd. 10. Door operation. Swinging fire doors shall close from the full open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

Subd. 11. Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire resistance rated horizontal assembly shall be prohibited.

Subd. 12. Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

Subd. 13. Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required by the Minnesota State Building Code. New floor openings in existing buildings shall comply with the Minnesota State Building Code.

Subd. 14. Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

§502.400 FIRE PROTECTION SYSTEMS.

Subd. 1. Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the Code Minnesota State Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.

Subd. 2. Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.

Subd. 3. Required fire protection systems. Fire protection systems required by Minnesota Rule Chapter-part 1306 Subp.3., as adopted by the City of White Bear Lake shall be installed, repaired, operated, tested and maintained in accordance with the Minnesota State Fire Code.

Subd. 4. Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the Code Minnesota State Fire Code requirements.

1. Automatic sprinkler systems
2. Automatic fire-extinguishing systems protecting commercial cooking systems
3. Automatic water mist extinguishing systems
4. Carbon dioxide extinguishing systems
5. Carbon monoxide alarms and carbon monoxide detection systems
6. Clean-agent extinguishing systems
7. Dry-chemical extinguishing systems
8. Fire alarm and fire detection systems
9. Fire department connections
10. Fire pumps
11. Foam extinguishing systems
12. Halon extinguishing systems
13. Single and multiple-station smoke alarms
14. Smoke and heat vents and mechanical smoke removal systems
15. Smoke control systems
16. Wet-chemical extinguishing systems

Subd. 5. Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the Minnesota State Fire Code.

Subd. 6. Table.

FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM STANDARD

Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A

Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

Subd. 7. Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

Subd. 8. Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

Subd. 9. Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with the Minnesota State Fire Code to bring the systems back in service.

Subd. 10. Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in the Minnesota State Fire Code.

Subd. 11. Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

Subd. 12. Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

Subd. 13. Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the Minnesota State Fire Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

Subd. 14. Termination of monitoring service. For fire alarm systems required to be monitored by the Minnesota State Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

Subd. 15. Fire Department Connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm)

high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

Subd. 16. Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of the Minnesota State Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

Subd. 17. Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall mounted fire department connections and around the circumference of free standing fire department connections.

Subd. 18. Single and multiple station smoke alarms. Single and multiple station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Section 502.400, Subd. 19 - Subd. 25.

Subd. 19. Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Section 502.400, Subd. 19 - Subd. 23. Interconnection and power sources shall be in accordance with Section 502.400, Subd. 24 and Subd. 25.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

Subd. 20. Group R-1. Single or multiple station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Subd. 21. Groups R-2, R-3, R-4 and I-1. Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed

on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Subd. 22. Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 502.400, Subd. 20 or Subd. 21:

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

Subd. 23. Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required the Section 502.400, Subd. 20 or Subd. 21.

Subd. 24. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

Subd. 25. Power source. Single station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

Subd. 26. Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single and multiple station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in the Minnesota State Fire Code.

2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with the Minnesota State Fire Code
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with the Minnesota State Fire Code.

Subd. 27. Single and multiple-station smoke alarms. Single and multiple station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one and two family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

#### §502.410 CARBON MONOXIDE ALARMS AND DETECTION.

Subd. 1. General. Carbon monoxide alarms shall be installed in dwellings in accordance with the Minnesota State Building Code.

Subd. 2. Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with the Minnesota State Building Code. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

Subd. 3. Fire Prevention Requirements for Licensed Rental Dwellings. City ordinances and laws and regulations of the State of Minnesota, including the Minnesota State Fire Code, are applicable to all dwelling and dwelling units covered by this ordinance. All rental properties shall also meet the following life safety criteria:

- a) Every bedroom located in a basement of a rental property shall have an egress window which complies with the current Minnesota State Building Code.
- b) Rental dwelling units shall have smoke detectors installed in every bedroom and in areas that provide access to bedrooms. Smoke detectors used to comply with this provision shall be hardwired or long life battery operated detectors (10years).
- c) Every rental dwelling unit shall have carbon monoxide detectors installed as required by Minnesota State Building Code. Carbon Monoxide detectors shall be either hardwired into the electrical wiring, directly plugged into an electrical outlet, or battery powered.
- d) Every rental dwelling unit shall be provided with at least one, 1A 10BC fire extinguisher. The fire extinguisher shall be located in the kitchen or otherwise readily accessible to the occupant at all times. In multi-unit apartment buildings fire extinguishers may be located in hallways or corridors providing access to dwelling units in accordance with the Minnesota State Fire Code.



**City of White Bear Lake**  
Engineering Department

# *MEMORANDUM*

**To:** Ellen Richter, City Manager

**From:** Mark Burch, P.E., Public Works Director/City Engineer

**Date:** August 8, 2018

**Subject:** **Final Payment to Park Construction Company for the 2018 Mill and Overlay Project (City Project No. 18-13)**

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## **BACKGROUND / SUMMARY**

Park Construction Company has completed all work specified in their contract for the 2018 Mill and Overlay Project. The 2018 Mill and Overlay Project included 11<sup>th</sup> Street (from Division Avenue to East Cul-De-Sac), Sumac Circle (from Sumac Ridge to Sumac Ridge), Sumac Ridge (from Bellaire Avenue to 1000' East of Bellaire Avenue), Manitou Drive (from County Road D to Sumac Ridge), Manitou Lane (from Manitou Drive to Sumac Ridge) and Trail Reconstruction (from County Road 96 to Birch Lake Boulevard North). Trail Reconstruction (from White Bear Parkway to Birch Lake Boulevard) was omitted from the project

The original contract amount was \$345,357.30. The value of the work completed is \$330,168.92. This contract is based upon unit prices for milling and paving, and the final contract amount is based on actual work performed. The Engineering Department recommends that the City Council accept the work and authorize the final payment to Park Construction Company in the amount of \$50,001.60.

## **RECOMMENDED COUNCIL ACTION**

Staff recommends Council adopt the resolution finalizing payment for completion of the 2018 Mill and Overlay Project.

## **ATTACHMENTS**

Resolution

**RESOLUTION NO.:**

**RESOLUTION ACCEPTING WORK AND AUTHORIZING  
FINAL PAYMENT TO PARK CONSTRUCTION COMPANY FOR THE  
COMPLETION OF THE 2018 MILL AND OVERLAY PROJECT  
CITY PROJECT NO.: 18-13**

WHEREAS, pursuant to a written contract signed with the City of White Bear Lake, Park Construction Company, has satisfactorily completed the work included in the 2018 Mill and Overlay Project, in accordance with such contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the work completed under said contract in the amount of \$330,168.92 is hereby accepted and approved; and

BE IT FURTHER RESOLVED that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment in the amount of \$50,001.60 on such contract, taking the contractor's receipt in full.

The foregoing resolution offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk





City of White Bear Lake  
Engineering Department

# MEMORANDUM

**To:** Ellen Richter, City Manager

**From:** Mark Burch, P.E., Public Works Director/City Engineer

**Date:** August 8, 2018

**Subject:** **Change Order No. 1 to the Centerville Road Reconstruction Project  
City Project No. 18-16**

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## **BACKGROUND / SUMMARY**

Ramsey County has requested a revision to the Centerville Road Reconstruction Project. The revision requested that the curb alignment on the west side of Centerville Road be revised to improve maintenance operations. The City administers the contract and it is necessary for us to approve the additional work. The additional work for Change Order #1 is \$39,348.00 and is 100% county funded.

The City has an existing contract with Forest Lake Contracting, Inc. for the Centerville Road Reconstruction in the amount of \$894,359.47. The addition of Change Order #1 brings the total contract amount to \$933,707.47.

## **RECOMMENDED COUNCIL ACTION**

Staff recommends Council adopt the resolution approving Change Order No. 1 to the Centerville Road Reconstruction Project in the amount of \$39,348.00.

## **ATTACHMENTS**

Resolution

**RESOLUTION NO.:**

**RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE  
CENTERVILLE ROAD RECONSTRUCTION PROJECT TO  
REVISE THE SCOPE OF THE PROJECT**

**CITY PROJECT NO.: 18-16**

WHEREAS, the City desires to revise the contract with Forest Lake Contracting, Inc. for the Centerville Road Reconstruction Project; and

WHEREAS, the City Council, on May 8, 2018, awarded the contract for the Centerville Road Reconstruction Project in the amount of \$894,359.47 to Forest Lake Contracting, Inc., and

WHEREAS, it has now become desirable to modify the original contract to incorporate a realignment of the curb on the west side of the Centerville Road.

**Description of Change Order No. 1:**

**ADDITION:**

Curb realignment on Centerville Road

\$ 39,348.00

**TOTAL ADDITIONS:**

\$ **39,348.00**

**DEDUCTION:**

None

\$ 0

**TOTAL DEDUCTIONS:**

\$ 0

**TOTAL CHANGE ORDER**

\$ **39,348.00**

Amount of original contract

\$ 894,359.47

Additions approved to date (No. \_\_\_\_)

\$ 0.00

Deductions approved to date (No. \_\_\_\_)

\$ 0.00

Contract amount to date

\$ 894,359.47

Amount of this change order (addition) No. 1

\$ 39,348.00

**Revised Contract Amount**

\$ **933,707.47**

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota that:

1. Change Order No. 1 in the amount of \$39,348.00 for the Centerville Road Reconstruction is hereby approved.

The foregoing resolution offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk



City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Ellen Hiniker, City Manager  
**From:** Kara Coustry, City Clerk  
**Date:** August 1, 2018  
**Subject:** Temporary on-sale liquor license for St Mary of the Lake – Fall Festival

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### BACKGROUND

Minnesota Statute section 340A.404, Subd. 10 states that municipalities may issue temporary on-sale liquor licenses to nonprofit organizations in existence for at least three (3) years. The license may not exceed more than four consecutive days. City Code requires proof of liquor liability insurance.

### SUMMARY

The City received an application from St. Mary of the Lake for a temporary liquor license. St. Mary of the Lake is a non-profit organization that plans to sell beer and wine during their annual Fall Festival to be held at St. Mary of the Lake Parish Life Center on Sunday, September 16, between the hours of noon and 3:00 p.m.

The applicant meets state regulations for temporary liquor licenses and has secured the liquor liability insurance required by city code.

### RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the attached resolution approving a temporary liquor license for St. Mary of the Lake's Fall Festival.

### ATTACHMENTS

Resolution

**RESOLUTION NO.**

**A RESOLUTION APPROVING A TEMPORARY ON-SALE LIQUOR LICENSE  
FOR SAINT MARY OF THE LAKE FALL FESTIVAL**

WHEREAS an application for a Temporary On-Sale Liquor License has been made by St. Mary of the Lake; and

WHEREAS St. Mary of the Lake is a nonprofit organization that is sponsoring their event on the premises of St. Mary of the Lake Parish Life Center; and

WHEREAS the organization has provided the required liquor liability insurance as required by City Code; and

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council under authority of Minnesota Statute section 340A.404 Subd. 10, approves the Temporary On-Sale Liquor License for the following organization for the date and location indicated

St. Mary of the Lake  
Sunday, September 16, 2018  
on the premises of  
St. Mary of the Lake Parish Life Center  
4690 Bald Eagle Avenue  
White Bear Lake, MN 55110

The foregoing resolution offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk



City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Ellen Hiniker, City Manager

**From:** Kara Coustry, City Clerk

**Date:** August 1, 2018

**Subject:** **Temporary one day, off-site gambling permit for White Bear Lake Hockey Association**

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### **BACKGROUND**

Minnesota Statute section 349.165, Subd. 5 states that a licensed organization may conduct lawful gambling on a premises other than the organization's permitted premises if it has obtained local authorization to do so.

### **SUMMARY**

The City received an application from the White Bear Lake Hockey Association for a temporary, one day, off-site gambling premises license. The White Bear Lake Hockey Association is planning a grand opening celebration of the newly renovated White Bear Lake Sports Center on September 29, 2018 and wishes to provide bingo, raffles and tip-board sales.

This application requires City Council authorization.

### **RECOMMENDED COUNCIL ACTION**

Staff recommends the City Council adopt the attached resolution approving a temporary, one day, off-site gambling permit for the White Bear Lake Hockey Association.

### **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION APPROVING THE APPLICATION TO CONDUCT TEMPORARY OFF-SITE GAMBLING FOR THE WHITE BEAR LAKE AREA HOCKEY ASSOCIATION**

**WHEREAS**, the White Bear Lake Area Hockey Association submitted an application to conduct off-site gambling at White Bear Lake Sports Center located at 1328 Highway 96, White Bear Lake, Minnesota, on July 24, 2018; and

**WHEREAS**, the White Bear Area Hockey Association is currently licensed to operate gambling at three premises within the City White Bear Lake; and

**WHEREAS**, pursuant Minnesota Statute 349.165, subdivision 5, a licensed organization may conduct lawful gambling on a premises other than the organization's permitted premises if it has obtained local authorization to do so; and

**NOW, THEREFORE, BE IT RESOLVED** that the White Bear Lake City Council hereby approves the following temporary one day, off-site gambling premises permit:

Saturday, September 29, 2018  
White Bear Lake Sports Center  
1328 Highway 96  
White Bear Lake, MN 55110

The foregoing resolution, offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk



**City of White Bear Lake**  
City Manager's Office

# *MEMORANDUM*

**To:** Ellen Richter, City Manager  
**From:** Kara Coustry, City Clerk  
**Date:** August 1, 2018  
**Subject:** **3.2 on-sale license at the Waters of White Bear Lake**

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## **SUMMARY**

The City received an application from Morrison Management Specialists, Inc. d/b/a The Waters of White Bear Lake for 3.2 on-sale and liquor extension licenses on the premises located at 3820 Hoffman Road., White Bear Lake, MN. The Waters of White Bear Lake currently has its wine and Sunday licenses. The combination of wine with 3.2 on-sale will permit the sale of strong beer at the location.

The Police Department completed a financial and criminal background check related to the application and found nothing that precludes approval of the requested liquor licenses. The required liquor liability insurance certificate has been submitted and the full application is on file for review.

## **RECOMMENDED COUNCIL ACTION**

Staff recommends approval of the attached resolution for 3.2 on-sale and extension liquor licenses as no concerns were identified through the application process and all license requirements have been met.



**RESOLUTION NO.**

**RESOLUTION AUTHORIZING AN ON-SALE 3.2 LIQUOR LICENSE AT  
THE WATERS OF WHITE BEAR LAKE**

WHEREAS, The Waters of White Bear Lake successfully renewed its Wine and Sunday liquor licenses effective April 1, 2018; and

WHEREAS, the City of White Bear Lake City received an application for an On-Sale 3.2 and extension liquor license at The Waters of White Bear Lake; and

WHEREAS, The Waters of White Bear Lake submitted the required insurance and satisfied the financial and criminal background investigation for which the Police Department found nothing adverse that would preclude approval of these licenses; and

WHEREAS, the approval of any liquor licenses would be valid through the normal business cycle end of the business cycle on March 31, 2019.

NOW, THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the issuance of On-Sale 3.2 and extension liquor licenses to The Waters of White Bear Lake on the premises of:

3820 Hoffman Road  
White Bear Lake, MN 55110

The foregoing resolution offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk



City of White Bear Lake  
City Manager's Office

## *MEMORANDUM*

**To:** Ellen Richter, City Manager  
**From:** Kara Coustry, City Clerk  
**Date:** August 1, 2018  
**Subject:** **Massage Therapist License**

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### **BACKGROUND**

On January 1, 2016, City Ordinance 1127 went into effect which requires all persons performing massage therapy and related businesses to be licensed. The licensee is required to submit documentation which demonstrates they have received the appropriate training and insurance. A criminal history check and financial review are also conducted and approval from the Council is required for all massage related licenses.

### **SUMMARY**

The city received a complete application for a massage therapist license from Julie Kittleson to work at Family First Chiropractic and Wellness Center, a licensed massage therapy establishment located at 1247 Gun Club Road, White Bear Lake, MN 55110.

The White Bear Lake Police Department verified the new applicants' training credentials, insurance coverage, finances and criminal history reports, and found nothing to preclude issuance of the above referenced massage therapist licenses.

### **RECOMMENDED COUNCIL ACTION**

Staff recommends Council adopt the attached resolution approving a massage therapist license.

### **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION APPROVING A MASSAGE THERAPIST LICENSE  
FOR THE BUSINESS CYCLE ENDING MARCH 31, 2019**

**BE IT RESOLVED** by the City Council of the City of White Bear Lake that the following massage related licenses be approved for the business cycle ending March 31, 2019.

**Massage Therapist License**

Julie Kittleson	First Chiropractic and Wellness Center 1247 Gun Club Road White Bear Lake, MN 55110
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The foregoing resolution offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:

Nays:

Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kara Coustry, City Clerk

# Park Advisory Commission Meeting Minutes

MAY 17, 2018

6:30 P.M.

CITY HALL

MEMBERS PRESENT	Bryan Belisle, Anastacia Davis, Dan Louismet, Mike Shepard, Joann Toth
MEMBERS ABSENT	Bill Ganzlin, Don Torgerson
STAFF PRESENT	Mark Burch, Jesse Farrell and Mark Meyer
VISITORS	
NOTE TAKER	Mark Burch

## AGENDA

### 1. CALL TO ORDER

The meeting was called to order at 6:30 pm.

### 2. APPROVAL OF MINUTES

Approval of the minutes from April 19, 2018 was moved by Dan Louismet and seconded by Mike Shepard. Motion carried.

### 3. APPROVAL OF AGENDA

Approval of the May 17, 2018 agenda was moved by Bryan Belisle and seconded by Anastacia Davis. Motion carried.

### 4. COMMITTEE REPORTS

None.

### 5. UNFINISHED BUSINESS

None.

### 6. NEW BUSINESS

#### a) Summer Park Tours – Spruce Park

Spruce Park was very busy. Lots of kids on the play equipment, basketball court was being used and two baseball games were being play on the baseball fields. Lots of spectators watching both games. Restrooms were in nice condition.

Park maintenance items noted:

- Repair floor coating in men's restroom
- Add another picnic table on existing concrete pad
- Tree trimming

- Need to replace one of the basketball goal nets

Park enhancements ideas include sun screening for the play area. Trees could be planted on south side of trail or add structural screening. Also, basketball court lights could be changed to LED.

Spruce Park is in very good condition.

## **7. OTHER STAFF REPORTS**

### **a) Arbor Day Update**

The Arbor Day Project at Rotary Park involved planting 130 trees and picking up a lot of trash. Rotary Club was present with 25 members.

### **b) Sports Center Update**

Project is progressing on schedule.

### **c) EAB Update**

EAB informational mailing were sent to all residents this week.

## **8. COMMISSION REPORTS**

None.

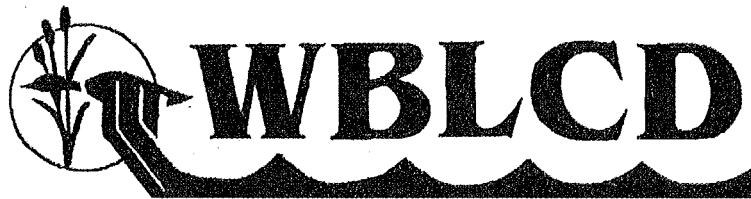
## **9. OTHER BUSINESS**

None.

## **10. ADJOURNMENT**

The next meeting will be held on June 21, 2018 at 6:30 p.m. at Lakewood Hills Park.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Dan Louismet and seconded by Bryan Belisle.



White Bear Lake Conservation District, 4701 Highway 61, White Bear Lake, MN 55110  
Telephone: (651) 429-8520 Email: wblcd@msn.com Web: www.wblcd.org

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT  
7:00 pm White Bear Lake City Hall  
Minutes of June 19, 2018

APPROVAL DATE: ~~Not approved~~ *Approved 7/17/18*

1. **CALL TO ORDER** the June 19, 2018 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm in the White Bear Lake City Hall Council Chambers.
2. **ROLL CALL** Present were: Chair Bryan DeSmet, Secretary/Treasurer Diane Longville, Directors: Mike Parenteau, Brady Ramsay, Scott Costello, Geoff Ratte, Barton Winter, absent were Vice Chair Mark Ganz, Directors Marty Rathmanner, Susie Mahoney. A quorum was present.
3. **AGENDA** - Chair DeSmet asked for any changes to tonight's agenda  
Would like to add Presentation from H2O for Life under Executive Committee  
Add under Lake Education New website review.
4. **APPROVAL OF MINUTES OF** – May 15, 2018 board meeting Motion (Ramsay/Second) Moved to approve all aye passed.
5. **PUBLIC COMMENT TIME** - None
6. **NEW BUSINESS** - None
7. **UNFINISHED BUSINESS** - None
8. **REPORTS/ACTION ITEMS**  
**Executive Committee** – The executive committee did not meet this month.
  - H2O for Life presentation, requesting a \$10,000 one-time grant to assist in the continued progress of their Race to Reduce Project. Judy Onufer Education Project Manager from H2O for Life presented the Race to Reduce Project and how it is used in the curriculum of our White Bear Lake students. Currently being used K-5. Has impacted approximately 3,000 students. Is also being used by White Bear Lake Catholic Schools and Mahtomedi Schools are using it in the 3<sup>rd</sup> and 4<sup>th</sup> grades with hope to expand into more grades. They have won both State and National awards for this project. How they are different is that they have incorporated their project into the standards curriculum using water resource education as part of the standards learning. In the past they have been funded by legislative dollars and other donations, but the legislature has told them they will not be able to fund this project for the 2018-19 year but H2O has been told it will be funded again by the legislature after this year. Therefore, they are asking for this one-time grant to continue their work through this year to continue implementation of their program and completion through grade 8.  
After Board discussion it was felt that this was a good fit for our Lake Education. Motion (Longville/Costello) to fund this project through our education budget in the amount of

\$10,000. Money will have to be used from our reserve fund. All in favor 6 aye 1 Geoff Ratte abstained, vote passed.  
Requested an invoice to be sent to us from H2O and then the invoice will be paid at next month's meeting.

**9. Lake Level Resolution Committee – Barton Winter**

Currently reviewing court documents and obtaining copies of all court documents. Having some difficulties obtaining all the copies without paying a fee of \$10 a page and there are 25-50 pages. Asked what is the goal of retrieving all of these documents? Suggested that Director Winter start by reading the judges decision as all pertinent information is there regarding the court case. Board suggests that Director Winter go back to his committee and have a meeting to determine what they feel their goal is at this current time and how they would like to proceed. Once they have done this bring that to the board for further discussion.

**10. Lake Quality Committee – Mike Parenteau**

- **Lake Level** – as of today 923.68 which is 4 inches higher than last month and 4.5 inches higher than last year
- **Lake water temperature** – 72 degrees same as last year
- **EWM** – Received a map that the dots indicate where milfoil was found over the years. The red dots are the areas being treated this year. Also received DNR permit so will do the treatment weather permitting as soon as tomorrow or Thursday if this does not work then next week. We are way ahead of schedule. The cost has come in within our budget. Kim has posted the treatment dates on the website and made the lake communities aware.

**11. Lake Utilization Committee**

**Multiple Docks License (all reviewed and approved)**

- **Gene Altstatt**
- **Wildwood Condos – Variance** approved with the possibility if the current water levels remain they may be asked to return to their original configuration.
- **Shadow gate development** – has put up a roped off area for swimming which is in violation of our ordinance. We will have the LUC send a letter to them having it removed immediately.

**12. Lake Education – Scott Costello**

Presentation of new website for review and discussion of its many new options. Asked that each member take some time and review the website tab by tab for corrections and changes etc. send all by email to Scott & Kim.

**13. Treasurer's Report – Motion (Longville/Second) approval of July 2018 Treasurer's report and payment of check numbers 4495-4501 All Aye passed. FYI check 4501 was payment of reimbursement to White Bear Township for swimmer's itch.**

**2019 Budget** – We have provided two versions of the budget one with a deficit spending of \$1,477 and one adding this deficit into the assessment amounts billed to the lake communities thus giving us a balanced budget. Which version does the board prefer, all agreed the increase is a small amount and they did not have to pay anything for 2018 that they would like the

documents

document

Correct name  
Chateaugust  
Condo Assoc

approval of the balanced version. Motion (Longville/second) to approve the balanced version of the 2019 budget all aye passed.

Assessments will be calculated by Kim and Diane after obtaining the necessary information needed from the 5 communities. Once all has been calculated the chart along with a cover letter will be sent out to each community by the required date of July 1<sup>st</sup>. A copy will also be emailed to each board member.

**14. Board Counsel**

Court Case Update -The enforcement order has been put on hold for a year of water restrictions and regulations. The lake is busy but so far, no issues have hit the courts.

**15. Consent Agenda** – Motion (Longville/Second) Move to accept the consent agenda. All Aye Passed.

**16. Announcements** - None

**17. Adjournment** – Motion (DeSmet/Second) Move to adjourn. All aye Passed.

**Meeting adjourned at 7:50 pm**

ATTEST:

Kim Johnson  
Executive Administrative Secretary

Date: 7/17/18

Bryan DeSmet  
Board Chair

Date: 7-17-18



**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
July 30, 2018**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, July 30, 2018, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Jim Berry.

**1. CALL TO ORDER/ROLL CALL:**

MEMBERS PRESENT: Jim Berry, Ken Baltzer, Mary Alice Divine, Mark Lynch, Erich Reinhardt, and Peter Reis

MEMBERS EXCUSED: Marvin Reed.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, and Ashton Miller, Planning Technician

OTHERS PRESENT: Bob Adamson, Ron Christy, Pat Christy, Paul Corcoran, Tammy Corcoran, Tracey Montgomery, Jim Froehle, Barb Froehle, Tim Boucher, Nicole Boucher, Tom Fredericks, Emily Fredericks, Paula Miller, Sister Mary Xavier, Sister Mana Rosaria, Greg Pariseau, Mary Pariseau, Paul Husnik, Peggy Specker, Christopher Hughes and Tim Sullivan.

**2. APPROVAL OF THE MONTH JULY 30, 2018 AGENDA:**

Member Reis moved for approval of the agenda. Member Lynch seconded the motion, and the agenda was approved (6-0).

**3. APPROVAL OF THE MONTH JUNE 25, 2018 PLANNING COMMISSION MEETING MINUTES:**

Member Baltzer moved for approval of the minutes. Member Reinhardt seconded the motion, and the minutes were approved (6-0).

**4. CASE ITEMS:**

A. **Case No. 18-5-V:** A request by **Leah Nicholson** for an 8 foot variance from the 30 foot rear yard setback requirement, per Code Section 1303.060, Subd.5.c.3; a 5 foot 3 inch variance from the 30 foot setback requirement required along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4; and a 1 foot variance from the 2 foot maximum encroachment for an eave, per Code Section 1302.040, Subd.4.a.1; all in order

to construct a 733 square foot attached garage with a second floor addition above for the property located at 2309 10th Street. Withdrawn at the request of the applicant.

- B. **Case No. 18-3-CUP & 18-11-V:** A request by **Tracey Montgomery** for a Conditional Use Permit for a Home Accessory Apartment, and a variance to allow the habitable area of the accessory unit be 51% of the habitable area of the principal unit, both per Code Section 1302.125, in order to construct an accessory dwelling unit in the basement of the property located at 22XX 11th Street.

Crosby discussed the case. Staff recommended approval subject to conditions laid out in the staff report.

Member Divine asked for further explanation as to why the number of occupants allowed in the accessory unit would be capped at one, despite the square footage of the unit allowing for more. Crosby explained that the driveway was small and parking would be tight with an increased number of tenants. This condition would not apply to guests.

Berry opened the public hearing.

Christopher Hughes, 4984 Stewart Ave. He asked if an Airbnb is considered rental property and noted that this unit appears to be tailor made for such a situation.

As no one else came forward, Berry closed the public hearing.

Member Reinhardt asked if rentals are inspected by the City. Crosby acknowledged that they are licensed and inspected bi-annually.

Member Reis moved to recommend approval of Case No. 18-3-CUP and 18-11-V. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 18-9-V:** A request by **BCD Homes** for a 7 foot variance from the 25 foot setback required along a side abutting a public right-of-way, per Code Section 1303.060, Subd.5.c.2, and a 10 foot variance from the 30 setback required from the rear property line for an attached garage, per Code Section 1302.030, Subd.4.e, allowing the applicant to un-unify the two underlying lots of record the for the purpose of constructing two new single-family residences on the former Lakeshore Players property (4820 Stewart Avenue). (Continued at the request of the applicant.)

Crosby discussed the case.

Berry opened the public hearing.

Jim and Barb Froehle, 2277 5<sup>th</sup> Street. The pair thanked City staff for not allowing an oversized house on the lot. Jim asked if the City had been in contact with the White Bear Lake historical society. The Froehles expressed sorrow over the loss of an old building and felt it important to preserve in some way.

Jim Froehle also questioned how two houses on such small lots would affect the neighborhood.

As no one else came forward, Berry closed the public hearing.

Crosby noted that the Historical Society had been working with Lakeshore Players prior to the sale of the property. Crosby requested the Commission continue this item to the August Planning Commission meeting at the request of the applicant.

The Planning Commission agreed to continue the item to the August 27, 2018 Planning Commission meeting.

- D. **Case No. 18-8-V:** A request by **Greg & Mary Pariseau** for a 15-foot variance from the 30-foot setback required along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4, in order to demo the existing single family residence and build a new single family residence at 4895 Morehead Avenue.

Crosby discussed the case. Staff recommended approval of the variance subject to conditions in the staff report.

Member Lynch asked if the City had a policy addressing teardown and rebuilds. He wondered if this is becoming more common and if there is a way to both retain and improve the City's housing stock. Crosby noted that this is something City staff may want to address in next year's zoning code overhaul.

Berry opened the public hearing.

Christopher Hughes, 4984 Stewart Avenue. He asked if the current house on the property was also non-conforming. Crosby responded that it was, and that the proposed house is an improvement over the existing conditions.

As no one else came forward, Berry closed the public hearing.

Member Reinhardt wondered if any of the existing corner lot homes meet current zoning regulations. Kane stated that there are probably not many in this neighborhood and that this is an area the City would like to study further.

Member Reis moved to recommend approval of Case No. 18-8-V. Member Baltzer seconded the motion. The motion passed by a vote of 6-0.

- E. **Case No. 18-4-CUP & 18-10-V:** A request by **St. Ann's Chapel Inc.** for a Conditional Use Permit to establish a Convent in an R-3 Single Family Residential zoning district, per Code Section 1303.030, Subd.4.a, in order to expand the existing residence to accommodate 10 nuns and a variance to reduce the side yard setbacks from 20 feet to 10 feet at 2436 Spruce Place.

Kane discussed the case. Staff recommended approval of the request.

Member Divine asked for clarification on the 20 foot setback. Kane stated that because the applicants were requesting a permit for a convent in the R-3 zoning district, the required side yard setbacks double.

Berry opened the public hearing.

Ron Christy, 2422 Spruce Place. He offered a history of the house.

Sister Mary Xavier, 2436 Spruce Place. She thanked staff and the planning commission for working with the Sisters on the project.

Peggy Specker, 2416 Spruce Place. She expressed several concerns with the expansion. She stated that drainage may be an issue and asked how it would be addressed. She was also worried about the increase in noise and light pollution as the congregation expands. Lastly, she wondered how the convent would affect property values in the surrounding neighborhood.

Kane responded that she would ask the engineering department to look into the drainage of the area and how flooding can be mitigated. She noted that noise levels are regulated by the state, that the lighting can be reviewed, and that she was unsure of the effect on property values.

Member Lynch asked about impervious surface and whether rear yard coverage was an issue. Kane responded that due to the great depth of the lot, impervious surface coverage was not a factor.

Paul Corcoran, 2444 Spruce Place. He reiterated that drainage is an issue in this area. Ron Christy concurred and proclaimed this neighborhood to be the lowest spot in White Bear Lake.

As no one else came forward, Berry closed the public hearing.

Member Reinhardt asked if the abutting hill would need to be cut into in order to build the addition.

Tim Sullivan, Architect. He stated that a study would need to be done to determine where the water should go.

Tom Fredericks, 3354 Bellaire Avenue. He commented that work has been done to address the drainage issues in the neighborhood, including the installation of a drain tile and a curb and gutter around the church parking lot.

Member Reis moved to recommend approval of Case No. 18-4-CUP and 18-10-V with the additional condition that engineering staff work with neighbors to resolve drainage concerns. Member Baltzer seconded the motion.

The motion passed by a vote of 6-0.

## **5. DISCUSSION ITEMS:**

### **A. City Council Meeting Minutes of July 10, 2018.**

No discussion.

**B.** Park Advisory Commission Meeting Minutes of July 19, 2018 – not available.

**6. ADJOURNMENT:**

Member Baltzer moved to adjourn, seconded by Member Reis. The motion passed unanimously (6-0), and the July 30, 2018 Planning Commission meeting was adjourned at 8:09 p.m.

DRAFT



FYI

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SINCE 1913

## Memorandum

To: Mayor Jo Emerson, City of White Bear Lake

From: Gary Carlson, Director, Intergovernmental Relations, League of Minnesota Cities

Date: July 30, 2018

Re: League of Minnesota Cities Legislators of Distinction for 2018

**Representative Peter Fischer**, who represents your city at the state legislature, has been selected as a League of Minnesota Cities Legislator of Distinction for 2018. The League's Board of Directors recognized a total of 25 legislators this year, including 14 House members and 11 Senate members, for their actions and leadership on a wide variety of legislative issues of importance to cities across our state. **The enclosed letter describes the specific reasons your legislator was chosen for this recognition.** A copy of this letter and a printed certificate was sent to your legislator.

Please share this recognition with your city council and the public at your next council meeting. We also encourage you to share this information with your local newspaper. Publicly acknowledging legislators for their support of city-friendly legislation helps to continue strengthening the partnership between state and local government officials in Minnesota.

If you have any questions, please feel free to contact Gary Carlson, Director of IGR at the League of Minnesota Cities at [gcarlson@lmc.org](mailto:gcarlson@lmc.org), (651) 281-1255, or toll-free at 800-925-1122. To read the complete list of all 25 legislators who received this designation, see the *Cities Bulletin* article online at [www.lmc.org/lod](http://www.lmc.org/lod).

Thank you, in advance, for your consideration and your support of the League's Legislators of Distinction recognition program.

Enclosure



CONNECTING & INNOVATING  
SINCE 1913

July 23, 2018

The Honorable Peter Fischer  
201 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

Dear Representative Fischer,

On behalf of our 833 member cities, I want to thank you for your efforts this past legislative session and to recognize you as a League of Minnesota Cities Legislator of Distinction for 2018.

League staff and member city officials appreciate your accessibility and your consultation with us on legislation affecting cities. Specifically, our members appreciate you co-authoring legislation to address impacts on city groundwater permits for drinking water. The League also recognizes your consistent work with the League to understand city concerns and perspectives on issues before committees on which you serve and for your leadership on the Legislative Water Commission.

Our members know that in order to be successful in serving our common constituents, state and city officials must work together as partners to reach solutions that meet the unique needs of rural, suburban, and urban communities all across Minnesota. City leaders also understand that without the support of legislative leaders like you, this state-local partnership would not be possible.

To acknowledge your contributions last session, mayors of each city in your legislative district will receive notification of your recognition. A press release will also be issued to media in your area. City officials and League staff look forward to continuing to work with you in the future.

Sincerely,

Heidi Omerza  
Councilmember, City of Ely  
President, League of Minnesota Cities

Enclosure