

## COMMUNITY DEVELOPMENT COMMITTEE

### MINUTES

The Community Development Committee of the Willmar City Council met on Thursday, February 12, 2015, in Conference Room No. 1 at the City Office Building.

Present:	Rick Fagerlie	.....	Chair
	Andrew Plowman	.....	Vice Chair
	Audrey Nelsen	.....	Member
	Tim Johnson	.....	Member

Others present: Bruce Peterson, Director of Planning and Development Services; Randy Kardell, Building Official; Jim Dokken, Council Member; Steve Salzer, Minn West Technology Campus; Brian Bollig, Bollig Engineering.

#### Item No. 1      Call to Order

The meeting was called to order by Chair Fagerlie at 4:45 p.m.

#### Item No. 2      Public Comments

There were no public comments.

#### Item No. 3      Business Development Infrastructure Grant – Minn West (Motion)

Staff presented a proposal by Minn West Technology Campus that the City serve as the applicant for a DEED Business Development Infrastructure Grant to improve access to, and parking for, five buildings on the campus. Steve Salzer and Brian Bollig provided the details of the project. The campus is looking to construct a wider access road in front of five of the cottages/buildings. 210 parking spaces would be constructed along with the new street. There is a significant amount of infrastructure to work around, including old tunnels. The Business Development Infrastructure Grant program is available only for projects on public property. The CIC plat for the campus has been revised to show the new boundaries for the right-of-way and parking. It is being proposed that the City take ownership to the property and be the applicant for the grant. Similar to the MCROC project, the City would incur no cost as the grant match will be paid by Minn West. Agreements would be put in place to deal with maintenance and liability. Staff was recommending approval of the project and that the Council adopt a resolution naming the City as the grant applicant.

Following discussion, a motion was made by Council Member Johnson, seconded by Council Member Nelsen and passed, that the Council adopt a resolution naming the City as the grant applicant and authorizing the Mayor and Administrator to execute grant documents on behalf of the City.

#### Item No. 4      Unsafe Building Declaration for 3209 1<sup>st</sup> Avenue Northwest (Motion)

Staff presented a request to declare the fire damaged house at 3209 1<sup>st</sup> Avenue Northwest as unsafe. Building Official Kardell explained the level of damage to the Committee and stated that the structure was unsound and should be demolished. The unsafe building declaration by the City is a necessary step to receive funds from the insurance company to place in escrow to pay the costs of demolition and site remediation, should the owners not perform.

A motion was made by Council Member Nelsen, seconded by Council Member Johnson and passed, to declare the house as unsafe as recommended by staff.

Item No. 5      Adoption of 2015 Building Code (Motion)

Staff presented information about changes to the State Building Code, and stated which portions of the Code that are mandatory for the City to adopt. The last building code adopted by the State was in 2007. Significant changes have been made to the Code since that time. Some of the major changes include sprinkler systems in twin homes and single family homes over 4,500 square feet and changes to energy requirements, including blower-door testing for new construction. It was noted that changes to the Fire Code would follow at a later date. That process would be driven by Fire Chief Hendrickson. The Committee questioned the position of the State mandating certain Code sections and whether or not there is any procedure available for the City to opt out. Staff responded by stating that the mandatory sections are just that, and that anything designated by the State as mandatory is required to be adopted by any jurisdiction that chooses to enforce the Code.

Following discussion, a motion was made by Council Member Johnson, seconded by Council Member Nelsen, and passed that the Council set a public hearing on the ordinance to adopt the 2015 Building Code for March 16, 2015.

Item No. 6      Old Business

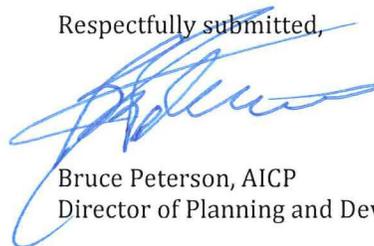
There was no old business to come before the Committee.

Item No. 7      New Business

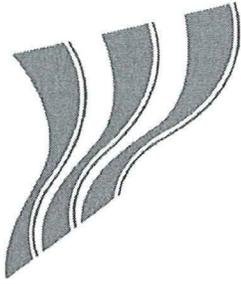
Staff provided brief updates on pending projects including industrial park prospects, housing, and the redevelopment of the former Erickson Building. A brief discussion about vacant buildings and delayed maintenance was also held.

There being no further business to come before the Committee, the meeting was adjourned at 5:30 p.m. by Chair Fagerlie.

Respectfully submitted,



Bruce Peterson, AICP  
Director of Planning and Development Services



CITY OF WILLMAR, MINNESOTA  
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: \_\_\_\_\_

Meeting Date: February 12, 2015

Attachments:  Yes  No

CITY COUNCIL ACTION

Date: \_\_\_\_\_

- Approved       Denied
- Amended       Tabled
- Other

\_\_\_\_\_  
\_\_\_\_\_

**Originating Department:** Planning and Development Services

**Agenda Item:** Business Development Infrastructure Grant – Minn West

**Recommended Action:** Recommend adoption of resolution naming the City as grant applicant.

**Background/Summary:** Minn West Technology Campus wishes to apply for a State Business Development Infrastructure Grant. The proposed project is an access road and parking lot for at least five buildings at the campus. Grant funding is only available to public entities for public facilities. The City is being asked to participate as it did on the MCROC grant. Agreements will be drafted to relieve the City of all legal and financial obligations. Campus representatives will be in attendance.

**Alternatives:** Not to participate

**Financial Considerations:** Minor City cost; some staff time

**Preparer:** Bruce D. Peterson, AICP  
Director of Planning and Development Services

**Signature:**

**Comments:**



# MinnWest Technology Campus West Campus Parking Project

## Introduction:

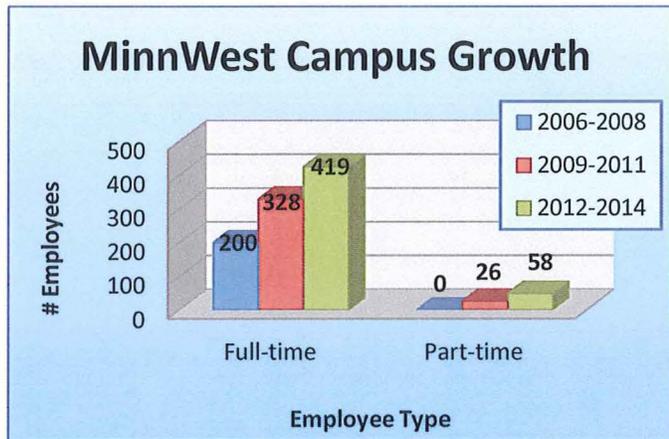
The MinnWest Technology Campus wishes to team with the City of Willmar to pursue a Minnesota Department of Employment and Economic Development (DEED) Innovative Business Development Public Infrastructure (BDPI) grant to construct a new 210-space parking lot on the Campus.

**MinnWest Technology Campus...**  
**MinnWest Description:**  
 Collaborative business community for innovators in bioscience, agribusiness, technology, and bioenergy.  
**Inception Year:**  
 2006  
**Campus Size:**  
 100-acre property with 30 buildings and 500,000+ ft<sup>2</sup> space available.  
**Current Counts (Jan 2015):**  
 30 tenants: 419 Full-time/58 Part-time Employees

The MinnWest Technology Campus has shown *significant success and growth since its inception* in 2006. Currently 419 full-time and 58 part-time employees are housed on Campus. MinnWest wishes to continue this growth but is currently being restricted due to limited Campus parking. Several current campus tenants have pledged to expand employee numbers if additional parking access is provided. This new

parking lot will allow these companies to grow and also create opportunity for new tenants being recruited to Campus.

By partnering on this project, both the City and MinnWest will benefit from internal tenant growth as well as economic growth as new businesses join the Campus community.



**PUBLIC PROJECT NECESSARY:** BDPI grant awards are only available for publicly-owned projects. Currently MinnWest owns the land where the parking lot will be constructed, but would like to donate the land to the City to meet this DEED grant requirement. MinnWest has committed to privately fund the nonfundable cost of the project including any costs the City may incur as a result of the grant and construction processes.

**PREVIOUS CITY-CAMPUS PARTNERSHIP:** In 2012, the City and MinnWest similarly partnered to successfully secure a DEED grant to complete the Mid-Central Research and Outreach Center (MCROC) on the MinnWest Campus. As done with the MCROC Project, MinnWest staff and Board would be responsible for completing the tasks associated with the construction of this project with limited City involvement. Once complete, MinnWest will then take over responsibility for ongoing and future maintenance through a long-term lease with the City. This scenario has worked well with the MCROC partnership.





# MinnWest Technology Campus

## West Campus Parking Project

### Campus Background:

In 2006, the 100-acre property on Willmar's north side was purchased and repurposed from an abandoned Minnesota state-owned healthcare facility into a high-tech, high-functioning, and innovative hub for advancing Minnesota's bioscience and technology communities. It is currently home to 30 companies.

Since the MinnWest Technology Campus was formed, it has been **successful in the conversion of the historic buildings to science- and technology-based office and research uses** while still maintaining the historic value of the campus. In its former life as a state-owned treatment center, the amount of parking was not an issue since a



large share of users lived on campus.

### Proposed Parking Lot:

The proposed parking lot will be located on the northwest side of the Campus serving the buildings directly facing Willmar Lake. The lot will improve and expand the current privately owned 16th Street NE by adding approximately **210 parking spaces** that are perpendicular to the drive aisle. The proposed improvements will also improve drainage for the adjacent buildings and add sidewalks and additional handicapped accessible parking spaces to the

existing buildings.

Due to the location over an existing street, multiple utilities will need to be improved or relocated during the construction. The Campus has **already prepared construction plans and received local and state approvals** of these plans. The project has an estimated cost of \$940,000. Through the DEED grant program the MinnWest Campus is seeking approximately \$470,000. All remaining project costs will be funded privately by the Campus. The project needs to be constructed in 2015 to support business expansion.

### DEED Grant Specifics:

The BDPI Program funds up to 50 percent of the capital costs of the public infrastructure necessary to expand or retain jobs. The Campus is specifically pursuing an **INNOVATIVE** BDPI grant due to the parallel in the INNOVATIVE program requirements and the campus' goals for the following:

- Commitment to **innovative business practices** and organizations
- **Job creation** and retention
- Attracting top-notch **bioscience, agribusiness, technology, and bioengineering** companies.

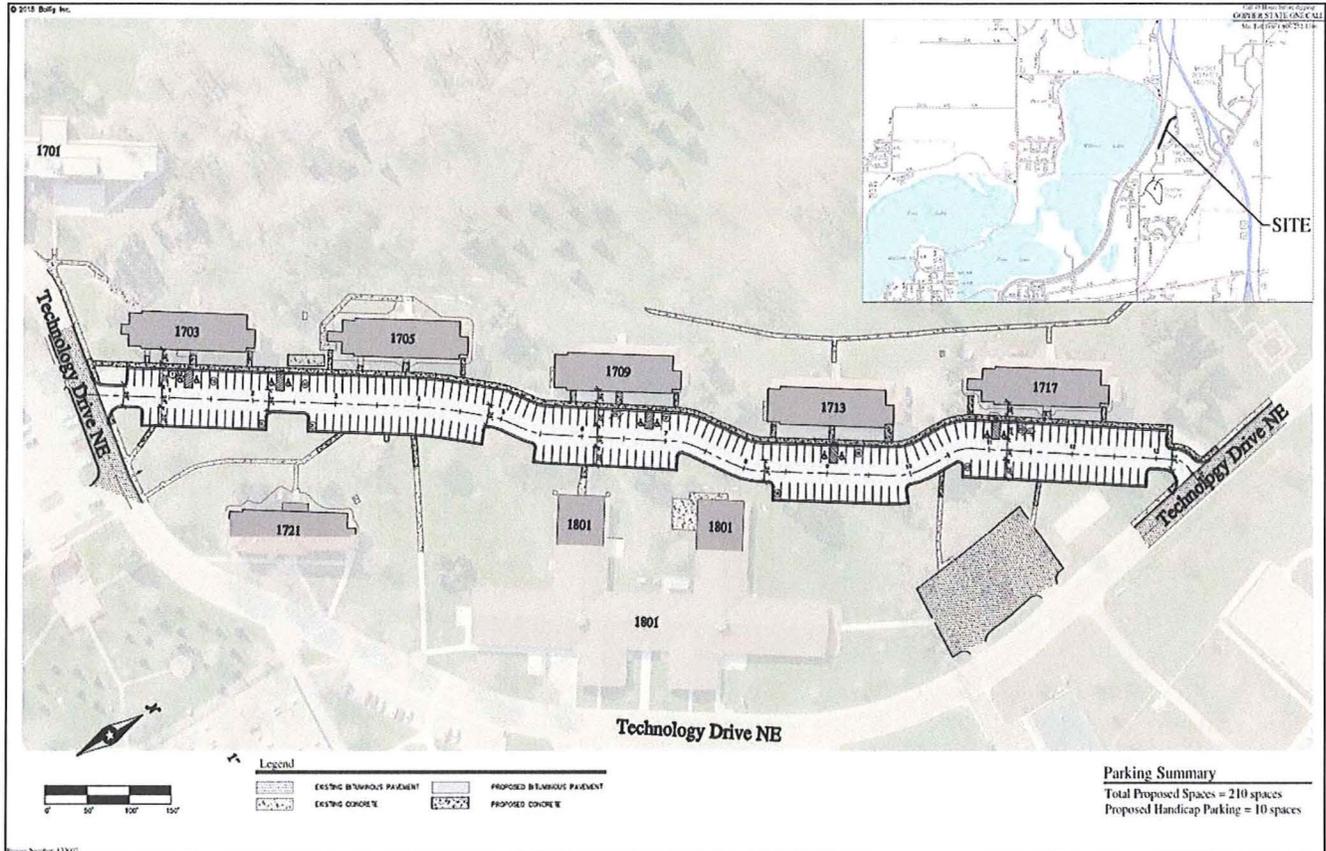
Because the BDPI program requires the project to be publicly owned, a partnership between MinnWest and the City is necessary. MinnWest staff is committed to limiting the City's staff and monetary involvement as evidenced by the MCROC partnership in 2012.



# MinnWest Technology Campus

## West Campus Parking Project

### Proposed Project Map



RESOLUTION NO. \_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, as follows:

1. That the City of Willmar serve as the applicant for a Business Development Infrastructure Grant on behalf of Minn West Technology Campus, and to serve as a conduit for, and administrator of, grant funds.
2. That the Mayor and Administrator be authorized to execute grant documents on behalf of the City.

Dated this 17<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK-TREASURER

**LOCAL GOVERNMENT RESOLUTION**  
**BUSINESS DEVELOPMENT INFRASTRUCTURE APPLICATION**

Applicants must adopt and submit the following resolution. This resolution must be adopted prior to submission of the forms package.

BE IT RESOLVED that City of Willmar (Applicant) act as the legal sponsor for project(s) contained in the Business Development Infrastructure Application to be submitted prior to April 1, 2015 and that Mayor (Title of First Authorized Official) and City Administrator (Title of Second Authorized Official) are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of City of Willmar (Applicant).

BE IT FURTHER RESOLVED that City of Willmar (Applicant) has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds, adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that City of Willmar (Applicant) has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, City of Willmar, (Applicant) may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that it will comply with all applicable laws and regulations as stated in all contract agreements.

BE IT FURTHER RESOLVED that upon approval of its application by the state, City of Willmar, (Applicant) will commit \$ \$470,000 towards the local match requirement.

BE IT FURTHER RESOLVED that City of Willmar (Applicant) will the repay the grant if milestones are not realized by the completion date identified in the Application.

City of Willmar (Applicant) certifies that it will comply with all applicable laws, regulations, and rules of the Business Development Infrastructure Application.

NOW, THEREFORE BE IT RESOLVED that Mayor (Title of First Authorized Official) and City Administrator (Second Authorized Official), or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of City of Willmar (Applicant) on \_\_\_\_\_ (Date).

SIGNED: First Authorized Official

\_\_\_\_\_ Date \_\_\_\_\_

Mayor, Marv Calvin

WITNESSED BY:

\_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

SIGNED: Second Authorized Official

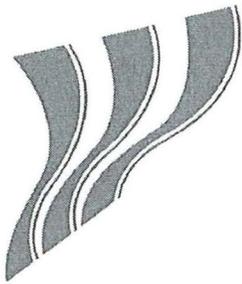
\_\_\_\_\_ Date \_\_\_\_\_

City Administrator, Charlene Stevens

WITNESSED BY:

\_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_



CITY OF WILLMAR, MINNESOTA  
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: \_\_\_\_\_

Meeting Date: February 12, 2015

Attachments:  Yes  No

CITY COUNCIL ACTION

Date: \_\_\_\_\_

- Approved  Denied  
 Amended  Tabled  
 Other

Originating Department: Planning and Development Services

Agenda Item: Unsafe Building Declaration for 3209 1<sup>st</sup> Avenue Northwest

Recommended Action: Declare the house at 3209 1<sup>st</sup> Avenue Northwest as unsafe

Background/Summary: The Building Official has requested that the Council issue an unsafe building declaration for the house which was severely damaged by fire (see attached).

Alternatives: To not declare the house as unsafe

Financial Considerations: N/A

Preparer: Bruce D. Peterson, AICP  
Director of Planning and Development Services

Signature: 

Comments:



**WILLMAR**



**PLANNING AND DEVELOPMENT SERVICES**

City Office Building  
333 SW 6th Street, Box 755  
Willmar, MN 56201

<b>GENERAL DEPARTMENT &amp; INFORMATION</b>	320-235-8311
<b>DIRECTOR</b>	320-214-5184
<b>PLANNER</b>	320-214-5195
<b>BUILDING OFFICIAL</b>	320-214-5185
<b>BUILDING INSPECTION TECH</b>	320-214-5187

FAX: 320-235-4917

**MEMO**

**TO:** Bruce D. Peterson, Director of Planning and Development

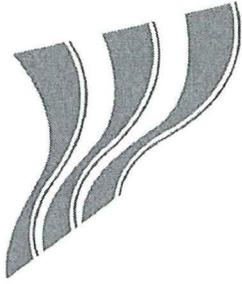
**FROM:** Randy Kardell, Building Official *RKC*

**Date:** January 28, 2015

**RE:** **3209 1<sup>st</sup> Avenue Northwest**

An inspection was done on the fire damaged residential structure on January 4, 2015. This inspection was on the exterior only. The roof and supporting walls have been burned to the extent that repairs cannot be made. This structure has several issues that would warrant an "unsafe building" declaration. Currently, the structure is vacant and several openings are not secure. The building has major structure damage. The structure has been damaged to the extent that a removal permit should be issued and completely removed within 30 days. If you have any questions, feel free to contact me.





**CITY OF WILLMAR, MINNESOTA  
REQUEST FOR COMMITTEE ACTION**

**Agenda Item Number:** \_\_\_\_\_

**Meeting Date:** February 12, 2015

**Attachments:**  Yes  No

**CITY COUNCIL ACTION**

**Date:** \_\_\_\_\_

- Approved  Denied  
 Amended  Tabled  
 Other

\_\_\_\_\_  
\_\_\_\_\_

**Originating Department:** Planning and Development Services

**Agenda Item:** Adoption of 2015 Building Code

**Recommended Action:** Recommend that the Ordinance for adoption of the Code be introduced.

**Background/Summary:** Building Official Randy Kardell will discuss the 2015 Code and major changes to the previous code. There are mandatory and discretionary sections to the Code. It is proposed that only the mandatory sections be adopted.

**Alternatives:** To delay adoption

**Financial Considerations:** No fee changes are proposed

**Preparer:** Bruce D. Peterson, AICP  
Director of Planning and Development Services

**Signature:**

**Comments:**



# WILLMAR

## PLANNING AND DEVELOPMENT SERVICES

City Office Building  
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FAX: 320-235-4917

### MEMO

**TO:** Bruce Peterson, Director of Planning and Development Services

**FROM:** Randy Kardell, Building Official *RLK*

**DATE:** January 16, 2015

**RE:** **2015 Minnesota State Building Code Adoption**

On January 24, 2015 the State of Minnesota – 2015 Building Code becomes effective. The 2015 State Building Code will be adopted in a segmented process throughout early 2015. Below I have listed the makeup of the 2015 code. These Minnesota rules are mandatory for adoption:

- Minnesota Rule 1300 – Administration of the Minnesota State Building Code**
- Minnesota Rule 1301 – Building Official Certification**
- Minnesota Rule 1302 – State Building Code Construction Approvals**
- Minnesota Rule 1303 – Code Provisions**
- Minnesota Rule 1305 – Adoption of the 2012 International Building Code**
- Minnesota Rule 1307 – Elevators and related devices**
- Minnesota Rule 1309 – Adoption of the 2012 International Residential Code**
- Minnesota Rule 1311 – Minnesota Construction Code for casting building**
- Minnesota Rule 1315 – Adoption of the 2012 National Electrical Code**
- Minnesota Rule 1325 – Solar Energy Systems**
- Minnesota Rule 1330 – Fallout shelters**
- Minnesota Rule 1335 – Flood proofing regulations**
- Minnesota Rule 1341 – Minnesota Accessibility Code**
- Minnesota Rule 1346 – Minnesota State Mechanical and Fuel Gas Code**
- Minnesota Rule 1350 – Manufactured Homes**
- Minnesota Rule 1360 – Prefabricated structures**
- Minnesota Rule 1361 – Industrial/Modular Buildings**
- Minnesota Rule 1370 – Storm Shelter’s (Manufactured Home Parks)**
- Minnesota Rule 4714 – 2015 State Plumbing Code with amendments**
- Minnesota Rule 1322 – 2015 Minnesota Residential Energy Code**
- Minnesota Rule 1323 – 2015 Minnesota Commercial Energy Code**



Seven of the above rules are required to be enforced throughout the State of Minnesota regardless of municipal adoption. The Minnesota rules are 1341, 4714, 1307, 1315, 1350, 1360, and 1361.

With the segmented adoption process, the best and easiest code adoption process would be the same self-perpetuating ordinance that was used when the 2007 Minnesota State Building Code was adopted by the City Council on August 6, 2007.

I have also provided a copy of Minnesota Statutes 326 B.121 State Building Code; Application, and Enforcement. The question of whether we (City of Willmar) have to adopt the new code, is explained in Subdivision 2.

If you have any questions or require additional information feel free to contact me. I have also included a questionnaire that was done by the Department of Labor and Industry in regards to Building Code Administration. The results are ~~is~~ quite interesting.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE**

This Ordinance: provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the Municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all Ordinances and parts of Ordinances that conflict therewith. This Ordinance shall perpetually include the most current edition of the Minnesota State Building Code with the exception of the optional appendix chapters. Optional appendix chapters shall not apply unless specifically adopted.

The City Council of the City of Willmar does ordain as follows:

Section 1. Codes Adopted by Reference. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance.

Section 2. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

This code enforcement agency of this municipality is called the Department of Planning and Development Services. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16.B.70) subdivision 1.

Section 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in Appendix A. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

Section 4. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statutes 16B.69).

Section 5. Building Code Optional Chapters. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

Section 6. Repeals. Ordinance No. 1265 adopted August 6, 2007 is hereby repealed in its entirety.

Section 7. Effective Date. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance was introduced by Councilmember: \_\_\_\_\_

This Ordinance was introduced on: \_\_\_\_\_

This Ordinance was published on: \_\_\_\_\_

This Ordinance was given a hearing on: \_\_\_\_\_

This Ordinance was adopted on: \_\_\_\_\_

This Ordinance was published on: \_\_\_\_\_

Extracted from 1997 Uniform Building Code

Total Valuation	Fee
\$1.00 to \$500.00	\$ 21.00
\$501.00 to \$2,000.00	\$21.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$62.25 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$349.75 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$574.75 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$887.25 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,887.25 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,012.25 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00, or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours .....	\$42.00 per hour *
2. Reinspection fees assessed under provisions of Section 305.8 .....	\$42.00 per hour *
3. Inspections for which no fee is specifically indicated ..... (minimum charge – one-half hour)	\$42.00 per hour *
4. Additional plan review required by changes, additions or revisions to plans .....	\$ 42.00 per hour *
5. For use of outside consultants for plan checking and inspections, or both .....	Actual cost *

\* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wage and fringe benefits of the employees involved.

\*\* Actual costs include administrative and overhead costs.

Plan Review Fees:

65% of permit for Commercial

40% of permit for Residential

## 2014 Minnesota Statutes

Authenticate

### **326B.121 STATE BUILDING CODE; APPLICATION AND ENFORCEMENT.**

Subdivision 1. **Application.** (a) The State Building Code is the standard that applies statewide for the construction, reconstruction, alteration, repair, and use of buildings and other structures of the type governed by the code.

(b) The State Building Code supersedes the building code of any municipality.

(c) The State Building Code does not apply to agricultural buildings except:

(1) with respect to state inspections required or rulemaking authorized by sections 103F.141; 216C.19, subdivision 9; and 326B.36; and

(2) translucent panels or other skylights without raised curbs shall be supported to have equivalent load-bearing capacity as the surrounding roof.

Subd. 1a. **Municipal ordinance; completion of exterior work.** A municipality may by ordinance adopt an official control that requires exterior work authorized by a building permit issued in accordance with the State Building Code, to be completed within a specified number of days following issuance of the building permit. The local regulation may not require completion of exterior work earlier than 180 days following the issuance of the permit.

Subd. 2. **Municipal enforcement.** (a) If, as of January 1, 2008, a municipality has in effect an ordinance adopting the State Building Code, that municipality must continue to administer and enforce the State Building Code within its jurisdiction. The municipality is prohibited from repealing its ordinance adopting the State Building Code. This paragraph does not apply to municipalities with a population of less than 2,500 according to the last federal census that are located outside of a metropolitan county, as defined in section 473.121, subdivision 4.

(b) If a municipality is not required by paragraph (a) to administer and enforce the State Building Code, the municipality may choose to administer and enforce the State Building Code within its jurisdiction by adopting the code by ordinance.

(c) A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code. This subdivision does not prohibit a municipality from enacting or enforcing an ordinance requiring existing components or systems of any structure to be maintained in a safe and sanitary condition or in good repair, but not exceeding the standards under which the structure was built, reconstructed, or altered, or the component or system was installed, unless specific retroactive provisions for existing buildings have been adopted as part of the State Building Code. A municipality may, with the approval of the state building official, adopt an ordinance that is more restrictive than the State Building Code where geological conditions warrant a more restrictive ordinance. A municipality may appeal the disapproval of a more restrictive ordinance to the commissioner. An appeal under this subdivision is subject to the schedule, fee, procedures, cost provisions, and appeal rights set out in section 326B.139.

(d) A city may by ordinance and with permission of the township board extend the administration and enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction if the code is not already administered and enforced in the territory. Where two or more noncontiguous cities, which have elected to administer and enforce the code, have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the

authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. After the extension, the city may enforce the code in the designated area to the same extent as if the property were situated within its corporate limits. Enforcement of the code in an extended area outside a city's corporate limits includes all rules, laws, and ordinances associated with administration of the code.

(e) A city cannot commence administration and enforcement of the code outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to administer and enforce the code. A public hearing on the proposed administration and enforcement must be held not less than 30 days after the notice has been provided. Administration and enforcement of the code by the city outside of its jurisdiction commences on a date determined by the city that is no less than 90 days nor more than one year after the public hearing.

(f) A municipality may enforce the State Building Code by any means that are convenient and lawful, including entering into contracts with other municipalities under section [471.59](#) and with qualified individuals. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. If a municipality has no qualified employees of the municipality or other municipalities or qualified individuals available to carry out inspection and enforcement, the commissioner shall train and designate individuals available to carry out inspection and enforcement. The commissioner may be reimbursed for the inspection by retention or remission of some or all of the building permit fee collected or by other means.

(g) Nothing in this subdivision prohibits a municipality from adopting ordinances relating to zoning, subdivision, or planning unless the ordinance conflicts with a provision of the State Building Code that regulates components or systems of any structure.

**Subd. 3. Enforcement by state building official.** If the commissioner determines that a municipality that has adopted the State Building Code is not properly administering and enforcing the code, or if the commissioner determines that any municipality that is required by subdivision 2 to enforce any provision of the State Building Code is not properly enforcing that provision, the commissioner may have the administration and enforcement in the involved municipality undertaken by the state building official or by another building official certified by the state. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the Administrative Procedure Act. In carrying out administration and enforcement under this subdivision, the commissioner shall apply any optional provision of the State Building Code adopted by the municipality. A municipality adopting any optional code provision shall notify the state building official within 30 days of its adoption. The commissioner shall determine appropriate fees to be charged for the administration and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the State Building Code shall be borne by the subject municipality where a fee has been collected by the municipality.

**History:** [1984 c 544 s 67](#); [1987 c 312 art 1 s 10 subd 1](#); [1990 c 391 art 8 s 2](#); [1994 c 634 art 2 s 5,10](#); [1999 c 135 s 3](#); [2001 c 207 s 3](#); [1Sp2003 c 8 art 1 s 6](#); [2007 c 140 art 4 s 61](#); [art 5 s 32](#); [art 13 s 4](#); [2008 c 322 s 3](#); [2009 c 86 art 1 s 59](#); [2010 c 183 s 3](#); [2010 c 308 s 1](#); [2011 c 20 s 2](#); [2013 c 85 art 2 s 9](#)

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