

**CITY OF PARK RAPIDS  
CITY COUNCIL WORKSHOP  
MAY 14, 2019, 5:00 PM  
Park Rapids City Hall Council Chambers  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** Mayor Ryan Leckner called the Park Rapids City Council Workshop for May 14<sup>th</sup>, 2019, to order at 5:00 p.m.

**2. ROLL CALL:** Present: Mayor Ryan Leckner, Councilmembers Erika Randall, Liz Stone, and Robert Wills. Absent: Councilmember Tom Conway. Staff Present: Administrator John McKinney, Planner Andrew Mack, Building Inspector Brad Bail, and Clerk Margie Vik. Others Present: Nancy Newman and Robin Fish from the Enterprise.

**3. PRESENTATION:**

**A. Rental Housing Code Inspection Program:** Brad Bail stated this is something that you might want to do to strengthen your current system. We have a building code to meet basic performance standards and everyone has to follow the same rules to construct a building. Health, safety, and the welfare of the citizens is the main reason for having a building code. The State of Minnesota adopted the very first code in 1971. They allowed cities and counties to choose to adopt it or not. Around the metro area in general, all the counties there have adopted building codes. The rest of the state in the rural areas chose not to. Many individual cities have adopted the building codes. In 2008 they passed rules that said all buildings built in the state must meet the building code standards, even if you live in the middle of nowhere you are supposed to build your building to meet the minimum standards that are in the building code.

Bail stated there are seven major areas of codes, for commercial property, residential, the plumbing code, mechanical and gas code, accessibility code, conservation code, and the energy code. There is nothing in the codes to do much with a building once it's completed. Unless that building falls into complete disarray, becomes structurally unsound, the building code doesn't give us a lot of things to go after and do. There is a book out there called the International Property Management Code. It's not adopted by the state building code. Communities have adopted it for their own use. And we are now promoting it for Park Rapids.

Bail stated you have a rental inspection program that the city maintains and operates. All rental properties have to be inspected at least once every three years. If the property is really bad it might get inspected more frequently. There are about 1,000 rental units/properties in the city. We have 350 rental inspections this year. We did eight today. We are promoting that we adopt the International Property Management Code for doing the rental inspections. It ties the entire building code system into this book. This book will reference the building code for items like lighting, ventilation. Right now, we have a checklist that we go through to do our inspections. There's not a lot of what does that mean. It doesn't answer what is required and what can we do about it. By having this in place we can actually say these things we're asking for are part of the code. It also brings

in the fire code and its rules and regulations. It gives us some teeth for our inspections. You have something behind you to help support the inspection process if you have issues. If someone wants to argue an inspection, we have a basis for what we did and why we did it. It's all based on code. We'll use the same standard for every inspection and everyone will be treated the same way.

Bail stated when I first stepped in as building official here, I had an issue trying to get a contract put together for doing rental inspections. This is one of the reasons why the insurance company had an issue. We're basing the contract on a checklist from the city, but there's no legalities to it. Adopting this would help with that situation. It also helps the city with any liabilities you may have by following through with a code that has been established.

Bail stated it also gives us a chance to look at some issues the building code would not normally allow us to look at if there are problems going on with the building. An example is the occupancy levels. How many people are living in a dwelling? You show up and ask how many people are living here and they say four and there are twenty-seven beds in the house. There's not a lot you can do about that because all your relatives can move in for the weekend. The problem is if that continues on for a long period of time it becomes a safety and parking hazard. Rubbish and garbage in a yard is another issue. If you can see it, you can address it because it's defined in the code that you can't have garbage inside or outside. You can also address pest and bug infestation. When just the building code kicks in is when the building becomes hazardous for people to live in there. We don't want it to get to that extreme. We want to nip things in the bud earlier than that so that people don't have to live in those tough situations.

Bail stated if you're looking at the outside of a property and there are outbuildings, garages, or sheds, the building code doesn't have a lot to do with that because they are not living spaces. No one is supposed to be living in them, they are not habitable. Underneath the Property Management Code, they have to be maintained and taken care of just like the house. Lastly, correctly boarding up a building is addressed in the book. It isn't just a piece of plywood over a window. It has to be secured from people getting in there.

Bail stated there is a rental property in town that the house itself is not perfect but it's not in horrible shape either. But on the outside garage you have doors that are not closing all the way. There are animals in there we don't want. The roof is collapsing, which will make the building rot out and fail and become a bigger issue for you. You can drive by it and see it. Because it's a rental property we have the ability to say it needs to be taken care of because the garage is not serviceable at this time. Mack stated as opposed to having to go through a formal condemnation process, which we would have to do for a hazardous building.

McKinney questioned are you talking about this being adopted by the city as part of the rental code only, or would it apply to all housing? Bail stated I'm suggesting you do it just for the rental code. You can do it as a whole across this community but it becomes a bigger issue. I don't want to be the one judging everybody as I drive through town saying this is bad, that is good. You'd need a group to judge. Other communities that have adopted this for general use it has become a problem for them. If the south side of the street has the sun all the time, and the other side has the north side facing the street, on the south side you'll see the shingles are worse, the paint is peeling more. The same things are happening on the houses on the other side of the street but it's in the back so you don't see it. When you start trying to apply these things, and unless you go around the

whole house it becomes a full-time job for somebody. It can get to be an ugly process. Because you're doing the rental inspections to make sure you get rental properties in better shape, that is a good place for something like this to go on because you can make adjustments to it.

Mack stated given our percentage of rental occupancy units in this community as compared to owner occupied units, it's a high percentage, this is going to end up covering quite a bit of the community. To be able to address buildings/garages with holes in them is beneficial because we can address them through the standard inspection process that we already have set up without having to take on additional duties. We will monitor over time if there is increased enforcement to determine just how much time we have to put into the rental program. It will give Bail the tools he needs to do the work. I'm strongly recommending that the city adopt this for the rental inspection program.

McKinney questioned what challenges do you see for the city in enforcing it? Bail stated I don't see any additional challenges from what you already have in place. By having this with a stronger backbone, by doing the inspections, it will be based on what the code says. They can argue with me, but having photos and addressing issues with a group, will result in uniform enforcement of issues, and not just randomly picking on somebody, so everybody is treated the same.

McKinney questioned can you walk through a process when you make an inspection and something doesn't pass, what happens then? Bail stated we went into a six-unit apartment building. They needed fourteen smoke detectors. There were none in the hallways, and each apartment needed two under the code. There were only two that were working in the entire building. Owners are notified ahead of time for what we will be looking for.

McKinney questioned what do you do if there is a violation. Randall stated you provide that to them in writing, how long do you give them to make the repairs? Bail stated this building did not pass. They now have thirty days to rectify the situation and call for a reinspection. We will be going back there this Monday for the reinspection. They will pay a price for the reinspection, which is actually more than the first inspection.

McKinney questioned what happens if they don't comply? Bail stated at some point you will say that they can't have anybody in the building, and you'd kick people out of the building. They would lose all of their renters until they rectify the situation by making it a habitable building. They lose their certificate of occupancy. I would bring the sheriff with me and say everyone must exist the building until things are taken care of. Mack stated which we can't do administratively, it's still a Council action under the code. Bail stated it would take a little work to get to that point. Ideally, I've never had to do that before. I've issued one in my career. You post a notice that says it's condemned and that you can't be in the building. Anyone caught going in the building, has to go through the court system, or they are subject to be arrested. It serves both people. A landlord that has horrible renters or a renter having to live in a bad place. This gives us the ability to say you can't ignore these problems. It can help both sides as long as they work together.

Randall stated you mentioned an apartment building with a long hallway. Does this code help you with the common areas? I believe our rental code was lacking in that a little bit. It seemed that when the rental inspections were occurring in the past that the hallways and the common areas were completely overlooked when they were being inspected. That's my concern about apartment buildings. Can you touch on the differences between apartment buildings and single-family residences?

Bail stated in this case there is a stairway going up and all of the apartments are on the second floor and there's businesses below. The stairways go along the length of the building with two exits to get down to the first floor. In the whole hallway there was not a single smoke alarm in there. My suggestion was that they need two. If a fire would break out in the stairway then the renters would be getting some kind of notification. You're shooting for a safety net. The other thing we look for in hallways is you can't have things piled up in them. We understand from time to time everyone may be moving things around but if a four-foot-wide hallway is only two feet wide, then we have a problem. That is a checklist item.

Randall stated can you talk about the fire code for apartment buildings? Bail stated depending on the age of the building, new ones have to have fire protection with the installation of fire sprinklers. Summerfield Place is a 60-unit building. They have smoke detectors in every room. The smoke alarms are there but that's really nothing. They are more of a convenience for the homeowners if something is burning in the toaster rather than actual protection for them because this building is a fully sprinkled building with an alarm system. If a fire breaks out all of the residents are going to know something is going on and its time to get out of the building. Having smoke detectors and checking them is all good. For the six-unit building your only warning is from the smoke detector. So, they are judged a little differently. The school building just added a sprinkler system back in to meet the code. Fire walls are never a bad idea so if a fire does break out its harder for the fire to get into the next section, but they don't relieve the issue that you could have a fire. Having both is the ideal situation, a sprinkling system with separation between them. For the buildings that have them I would be against saying get rid of the sprinkler system. If it's there, maintain it and keep it if you can.

Bail stated in our next code cycle Minnesota will be adopting the 2018 code. We're probably going to have sprinkler systems in all buildings. The last code cycle they had it in for building over 4,500 square feet. If you built a house at that size you'd have to put in a sprinkling system, but it got thrown out by the courts because they put a limit on the size and that was not considered to be fair by the courts. I think there will be a push to say "all" buildings will need a sprinkler system.

Leckner questioned using an old building for an apartment where they have one type of fire protection in part of it and then the rest of the building isn't finished, so would you inspect the whole building and the basement and if there are rodents in there, with this book can you do that? Bail stated I don't know if they actually looked at the rest of the building. I wasn't involved then. Now, I would look at the entire building. It's a safety issue. The outside envelope of the building would be inspected too. Mack stated that's the way the state fire marshal looked at that particular building. Bail stated it is all part of the building so you're going to look at it as a whole. If there is a fire, it's one building that will go up in flames, not twelve separate buildings. Each separate apartment, the building as a whole, and the outside would all be looked at.

Randall stated we want all the buildings to be looked at the way the state fire marshal would look at the building. That building was a huge eyeopener for all of us. It was frustrating to learn that somebody had gone there one time and came up with 47 things to do. I want to make sure that we are taking that kind of look at all of our buildings every time. Bail stated we are trying to do the best we can on all of those things as we go. Different properties have different issues. A new one is different than one built in 1929. You have to look at it from that point too. You're trying to make sure it's a safe and sound structure for the people that are living in it.

McKinney questioned could you comment on the fact that they've been doing this for a number of years with no problems and then we come in with new requirements, how do you handle that? Bail stated it's no different than any other code or rules that change. We're not changing the code that you're in. What you have is a pretty good system. But this is giving you more teeth. You have backing if someone wants to argue with you. Minnesota changes their building code every six years.

McKinney questioned if we adopt this and make it part of our inspection process, aren't there new things that you will be checking that we haven't checked in the past? Bail stated this won't change what you have in there and what we are tracking for. This may change some of the requirements as we go forward with it. If they change the amount of daylight that you have to have in the building as they go forward, you're going to have to start meeting that, if that's what the code says. Usually, in the code you get grandfathered in up to a point. The classic example is egress windows based on bedrooms. If you have a house that was built in 1957 and there has been a bedroom there since 1957 that doesn't have an egress window that is a legal bedroom. You can have it; you can sell it as a bedroom. If you have an open basement and you decide to put a bedroom in down there the new code says we have to have an egress window put in, as well as people with a newly built house they have to have an egress window in all bedrooms.

Mack stated potentially there could be some things that come up that would help to address concerns from the owner-occupied residents who say the rental occupied units are dragging down the property values in my neighborhood. What might those conditions be? It might be things we'll start looking at having adopted this. With this addressing not only interior life safety things, it would also include exterior appearance requirements. Yes, they may be written up for something that they were never written up for before so that we can maintain property values in the community. There could be an additional level of requirement and if that's not imminent to life safety we may give them time to implement that depending on the cost of exterior maintenance type things.

Mack questioned where the Council was at this time. Is this something that you see a benefit with. If you'd like to move this forward, we need to take it through the normal process. It would be an ordinance amendment, adopted after two readings.

**The Council all agreed to move the adoption of the International Property Management Code forward.** Randall stated I know some will think of this as a burden on them but really, we are maintaining property for the safety of renters first, and secondly to keep up our property values.

McKinney questioned do you have any other ordinance amendments we'd have to review in addition to this? Mack stated no. McKinney questioned what about the fees? Mack stated we won't need to adjust the fees. We're good there. There might be an additional checklist for exterior items.

**3. ADJOURNMENT: The meeting was adjourned at 5:40 p.m.**

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Mayor Ryan Leckner

ATTEST:

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City Clerk Margie M. Vik

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