

City Council Workshop Agenda

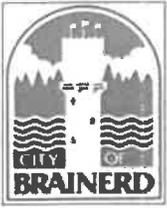
**Brainerd, Minnesota
January 24th, 2022
6:00 P.M.**

City Hall Council Chambers

- 1. Call to Order**
- 2. Roll Call**
- 3. Discussion on Codifying the City Code**
- 4. Discussion on Code Enforcement**
- 5. Adjourn**

D. Pritschet
 T. Stenglein
 T. Erickson
 M. O'Day
 K. Stunek
 G. Johnson
 K. Bevans
 D. Badeaux

Any individual needing special accommodations, please call 828-2307



Brainerd City Council Agenda Request

Requested Meeting Date: January 24, 2022

Title of Item: Discussion on Codifying the City Code

<input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> P&F COMMITTEE <input type="checkbox"/> SPW COMMITTEE <input checked="" type="checkbox"/> MAIN AGENDA	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) *provide copy of published hearing notice <input type="checkbox"/> Direction Requested <input checked="" type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <input type="checkbox"/> Ordinance 1 st Reading
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): Jennifer Bergman, City Administrator	Estimated Time Needed: 15 minutes
Summary of Issue: A large portion of the City Code is either currently being revised or will be revised in the coming months while other sections should be revised/update but just aren't on the top of the list. These portions include the Zoning Code, Property Maintenance Code, Rental Code, sections regarding stormwater, and sections affected by recent Charter amendments. In light of this, staff would like to have discussion with the City Council about conducting a codification of the entire City Code in 2023.	
Alternatives, Options, Effects on Others/Comments: The primary purposes of codifying the City Code is to ensure that the entire code is compliant with State and Federal law, that the Code is consistent throughout, that outdated information is updated (e.g. duties are assigned to the right person(s)/department(s), correct job titles are used, etc.), and that references within one section of the Code to another section of the Code are also accurate.	
Recommended Action/Motion: Provide staff direction whether to further pursuing codifying the City Code in 2023.	
Financial Impact: Is there a cost associated with this request: <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping \$ _____ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Please Explain:</u>	



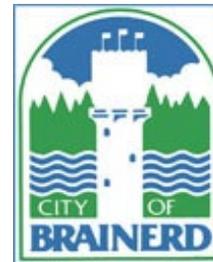
Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

<input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> P&F COMMITTEE <input type="checkbox"/> SPW COMMITTEE <input type="checkbox"/> MAIN AGENDA	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> <input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <input type="checkbox"/> Ordinance 1 st Reading
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping \$ _____ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Please Explain:</u>	

MEMO



TO: Mayor and City Council
FROM: David Chanski, Community Development Director
DATE: January 21, 2022
RE: Discussion on Code Enforcement

Since I began with the City in 2018, code enforcement has been a semi-regular topic of discussion. Specifically, how code enforcement is done and what issues are enforced. With the pending adoption of the new Zoning Code, Property Maintenance Code, and Rental Code, now is a perfect time to discuss the future of code enforcement.

Code Enforcement Today

Currently, Community Development Department staff (primarily the Building Inspector and the Assistant Planner) conduct code enforcement on primarily a complaint driven basis. If a glaring code violation is seen while staff is out and about, it is usually addressed, but staff does not proactively enforce the code outside of the summer months when a temporary employee is hired to assist with code enforcement.

The primary sections of the City Code that the Community Development Department enforces are:

- [Section 450: Property Maintenance](#)
- [Section 825: Sidewalks](#)
- [Section 1400: Tree Disease](#)
- [Section 1407: Grass and Weeds](#)
- [Section 2010: Nuisances/Blight/Junk](#)
- [Section 2011: Disposition of Motor Vehicles](#)

Additionally, sections of the Zoning Code relating to off-street parking, fences, and accessory structures are enforced due to regular violations.

In the summer months, the temporary code enforcement employee usually spends 2/3 of the day systematically driving the city, documenting code violations and conducting violation inspections. The other 1/3 of the day is spent issuing violation notices and citations. On average, over 1,200 violation notices are issued each year.

Code Enforcement Process

The code enforcement process is outlined in [Section 320](#) of the City Code. In short, the process is as follows:

- A violation is observed (received either by complaint or seen by staff) and recorded through date stamped photo (staff never step foot on private property unless invited by the property owner).
- A violation notice is mailed to the taxpayer address as listed by Crow Wing County.
 - o The violation notice:
 - Identifies the violations and cites the applicable section of the City Code.
 - Gives the property owner a specific number of days to correct the violation before a reinspection is conducted (timeframes range from 7 days to 30 days depending on the type of violation).
 - Informs the property owner that noncompliance shall result in \$100 administrative citations until the violation is corrected.
- On the listed reinspection date, staff conducts a drive by to see whether the violation has been corrected.
- If the violation has not been corrected, staff will issue a \$100 administrative citation for the violation and will continue to conduct reinspections and issue administrative citations until the violation is corrected.

Code Enforcement Issues

Code enforcement is often a no-win operation. In 2020, per staff's recommendation, code enforcement was conducted solely by complaint. As a result, staff received regular calls from upset residents because nuisances (primarily junk/debris/garbage and grass/weeds) were rampant and the City wasn't being proactive in addressing them.

Additionally, solely complaint driven enforcement often results in recipients of violation notices being upset because they received a violation notice but someone a block away also has the same violation. The only difference being that the City hasn't received a complaint about the neighbor down the block. This inevitably results in neighbor vs. neighbor interactions with the City stuck in the middle.

On the other hand, proactive enforcement has the negative effect in that more residents receive violation notices. That being said, proactive enforcement is more consistent and results in a generally cleaner City.

Direction from Council

Staff is seeking direction from Council as to how code enforcement should be conducted moving forward in light of the updated Zoning Code, Property Maintenance Code, and Rental Code going into effect in coming months.

January 21, 2022

CITY OF BRAINERD
501 LAUREL ST
BRAINERD, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 501 LAUREL ST
Real Estate Code: 41241431

Violation: Junk/Debris/Blight
Ordinance: 2010

Description: Ord 2010 - 2010.09 Junk. No person, firm, or corporation of any kind shall permit the accumulation of junk that includes but is not limited to any of the following: waste material, trash, rubbish, refuse, or litter of any kind upon any land or inside or under any building or structure which may provide harborage or breeding places for mosquitoes, vermin, or rats.

No person, firm, or corporation of any kind shall permit on a property the accumulation of: batteries; paper; lumber or salvaged wood; boxes or containers; bottles; cans; discarded chemicals; bricks; stones; old or scrap copper, brass, iron, steel, or other metals; old and/or inoperable appliances; tanks; barrels; cages; clothing; pallets; wire/cable; dismantled, abandoned or inoperable vehicles, farm equipment, construction equipment, campers, recreation vehicles, boats, or parts thereof; rope; rags; glass; rubber; construction debris; plumbing fixtures; furniture; brush piles; cut down trees and branches; pulled stumps; leaf piles not in a composting container; or other similar objects and materials which may provide harborage or breeding places for mosquitoes, vermin, or rats. Useful items such as firewood and building materials may be stored in compliance with Section 24 of the Zoning Ordinance provided they are stored in a manner that will not create any danger or threat to public health.

Corrective action is required; 14 days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 02/04/2022

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in a \$100 citation(s), up to a maximum of and not to exceed \$2,000 for each administrative offense.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD