



City of
BRAHAM

"Building A Better Tomorrow"

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**Planning Commission Meeting
May 17, 2023, 4:00 pm
Braham City Hall Council Chambers**

AGENDA

1. Call to Order and Pledge of Allegiance
2. Approval of Agenda
3. Approve Planning Commission meeting minutes from April 24, 2023
4. Consider Ordinance 304: Amending Title XV Land Usage, Chapter 150: Building Regulations; Construction
 - A. Public Hearing
 - B. Recommend Approval to the City Council of Ordinance 304: Amending Title XV Land Usage, Chapter 150: Building Regulations; Construction
5. Adjournment

Braham Planning Commission Minutes
April 24, 2023

Members present: Loren Davis, Cheryl Fike, and Jay Mankie

Members absent: Melinda LaQuier and Sam Stigen

Staff present: Rachel Kytonen, City Administrator

Chair Davis called the meeting to order at 4:30 pm and led the Commission in the Pledge of Allegiance.

Approval of Agenda

A motion was made by Fike, seconded by Mankie, to approve the agenda as presented. The motion carried unanimously.

Approval of Minutes

A motion was made by Davis, seconded by Fike, to approve the January 23, 2023 and March 16, 2023 Planning Commission minutes as presented. The motion carried unanimously.

Conditional Use Permit Request from Braham Hardware and Rental

Kytonen explained the city received a request from Anthony Cuda with Cuda Holdings LLC, owner of Braham Hardware and Rental, to be able to sell and service motorcycles, and possibly sell and service ATVs and snowmobiles. Under the city's zoning code, due to the zoning district of the hardware store located at 104 Central Drive West, which is the Central Business District, this type of business activity requires a conditional use permit.

The hours of operation for this business activity will be Monday through Saturday from 8 a.m. to 6 p.m. and Sunday from 9 a.m. to 4 p.m.

Davis opened the public hearing at 4:35 p.m. Robert Knowles, councilmember and resident, asked where the motorcycles are going to be stored that need to be repaired and asked how long scrap metal or used parts will be laying around.

Tony Cuda explained his business is one of only two businesses in the state of Minnesota that work on the TM brand motorcycles. He explained the only motorcycles he will be working on are the ones that he will be selling, the TM brand motorcycles. He said he will not have a lot of scrap metal, but if he has some scrap, he will scrap it out in a timely manner, or he will send it back with the customer. He said he will not have scrap metal laying around. Davis mentioned Cuda does have a regular 2-yard dumpster on his property as well for scrap.

With no further comment from the public, Davis closed the public hearing at 4:37 p.m.

Kytonen said the resolution the City Council will consider at its meeting later in the evening is before the Planning Commission for recommendation to the City Council. The resolution has the following conditions listed:

1. Cuda Holdings LLC maintains a valid Minnesota Vehicle Dealer License through the Minnesota Department of Public Safety.
2. Follows all Minnesota State Statutes and the City of Braham's Zoning Code as it relates to this conditional use.
3. All sides must be enclosed if there is any outdoor storage so as not to be visible to any adjacent properties.
4. Secure a change of occupancy permit (if needed) or any other building permits as required.

Kytonen said under the current ordinance, due to the zoning district the hardware store is in, a conditional use permit is required for Cuda to sell and service motorcycles.

A motion was made by Davis, seconded by Mankie, to recommend approval of the conditional use permit to the City Council for final consideration as presented. The motion carried unanimously.

Adjournment

Mankie moved, seconded by Fike, to adjourn the meeting at 4:40 pm. The motion carried unanimously.

Loren Davis, Chair

Attest:

Rachel Kytonen, City Administrator



Prepared by: Rachel Kytonen, City Administrator and Rum River Consultants
Planning Commission Meeting, May 17, 2023

Background

The State of Minnesota Department of Labor and Industry (DOLI) conducts plumbing plan reviews for permits in Braham, as stipulated in Minnesota Rules 1300.0215, Subpart 6.

Minnesota Statutes 326B.43, Subdivision 2 permits the delegation of authority for plumbing plan review for public and commercial projects to municipalities. This statute enables the DOLI Commissioner to establish an agreement with a municipality, in which the municipality agrees to carry out plan reviews typically performed by the commissioner or their designee.

To obtain this special delegation, the City of Braham must undertake several key steps to formalize the delegation, including the approval of an ordinance to offer local plumbing plan review services, the endorsement of an application and submission of an agreement with the State of Minnesota, the establishment of local fees, and ensuring the designated representative of the municipality is eligible to perform the local plumbing plan reviews.

The City of Braham currently has a contract with Rum River Consultants (RRC) which was originally adopted in 2021. Since the date of the original contract, Braham staff have been utilizing RRC staff for planning and zoning related purposes. The current contract does not include language which addresses this service and the contract needs to be updated to reflect this change along with minor adjustments.

This delegation agreement will benefit the City of Braham by generating additional revenue that the State of Minnesota usually retains by conducting these reviews. More importantly, the customer service benefits for permit applicants and residents are significant. The state is typically eight to twelve weeks behind on plan review, causing considerable delays in construction. RRC has indicated its capacity to review plumbing plans in half the time. If Braham receives this delegation, it will enable projects to begin and conclude more swiftly in Minnesota's demanding climate.

Fiscal Note

By conducting local plumbing plan reviews, The City of Braham will generate additional fee revenue. Although the exact amount remains uncertain due to unknown future remodel and new construction

commercial development, sizable public and commercial projects hold the potential to have a significant impact.

Alternatives and Discussion of Alternatives

If the city council chooses not to adopt the proposed ordinances or the plumbing plan review agreement with DOLI, the state will continue to review the plumbing plans for commercial and public buildings which could have a negative impact on construction timelines for all commercial and public buildings, including the new East Central Energy's Operations 2 Building.

Rum River Consultants is requesting the City Council approve the revised contract regardless of the decision for plumbing plan review services.

Staff Recommendation – Planning Commission

City staff recommends that the City of Braham Planning Commission hold a public hearing for Ordinance 304 Amending Title XV Land Usage, Chapter 150: Building Regulations; Construction.

Following comments from the public hearing, staff requests that the Planning Commission recommend to the City Council to approve Ordinance 304 Amending Title XV Land Usage, Chapter 150: Building Regulations; Construction.

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE CITY OF BRAHAM, MINNESOTA WILL HOLD A PUBLIC HEARING ON WEDNESDAY, MAY 17, 2023, AT 4:00 PM.

The public hearing will be held at Braham City Hall in the Council Chambers located at 201 Broadway Ave. S., Braham, Minnesota. The purpose of this public hearing is to consider amending Title XV Land Usage, Chapter 150 Building Regulations; Construction to create local statutes for plumbing permit administration, plan review, and inspections.

Rachel Kytonen
City Administrator
City of Braham
201 Broadway Ave S
Braham MN 55006
(320) 496-8709

**CITY OF BRAHAM
ORDINANCE 304**

*An ordinance amending Title XV Land Usage, Chapter 150 Building Regulations;
Construction*

The City Council of Braham hereby adopts the following language to create local statutes for plumbing permit administration, plan review, and inspections:

§150.07 PLUMBING PERMIT ADMINISTRATION, PLAN REVIEW, AND INSPECTIONS

- A. All plumbing on private property within the city must comply with the provisions of the state building and plumbing code and this article.
- B. Plans and specifications. Prior to the installation of a system of plumbing other than for a single-family dwelling, complete plans and specifications, together with any additional information that the building official may require, must be submitted and reviewed by the building official or their designee prior to permits and installation. Construction cannot proceed except in accordance with approved plans and specifications. Any alteration, extension, or repair of an existing system is subject to these same requirements, unless waived by the building official in accordance with Minn. Rules, part 1300.0215.
- C. Exceptions. Pursuant to Minn. Stat. § 326B.43, subd. 2(n), plumbing plans and specifications for the following projects must be submitted to the Minnesota Department of Labor and Industry for a full plan review:
1. State-licensed facilities as defined in Minn. Stat. § 326B.103, subd. 13;
 2. Public buildings as defined in Minn. Stat. § 326B.103, subd. 11; and
 3. Projects of a special nature for which department review is requested by either the municipality or the state.
- D. Inspections. New plumbing systems or parts of existing plumbing systems that have been altered, extended, or repaired shall be inspected, tested, and approved by the building official or their designee in accordance with Minn. Rules, part 1300.0215 before the plumbing system is put into use. The building official shall perform the final inspection and witness the test. The building official shall approve the plumbing system if the system complies with the requirements of this Code, any permit requirements, and the requirements of any approved plans and specification. Plumbing system tests shall comply with Minn. Rules, Chapter 4714.
- E. Covering of work. No building drainage or plumbing system or part thereof shall be covered until it has been inspected, tested, and approved as herein prescribed.

This ordinance shall be in full effect upon its date of publication and a summary publication is hereby approved as printed below.

Adopted by the Braham City Council on May 17, 2023.

Nathaniel W. George, Mayor

ATTEST:

Rachel Kytonen, City Administrator

SUMMARY PUBLICATION

The Braham City Council adopted Ordinance 304 which creates legislation that governs plumbing permit administration, plan review, and inspections in the City of Braham. A full copy of the ordinance is available for public inspection at Braham City Hall, 201 S. Broadway Ave. in the office of the City Administrator.

ATTEST:

Rachel Kytonen, City Administrator

Date of Publication: May 25, 2023