

**Zimbra****councilhouse@bevcomm.net**

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**2/12/20 Meeting**

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**From :** Derrick Greiner <derrick@krasha.com>

Wed, Feb 12, 2020 02:31 PM

**Subject :** 2/12/20 Meeting 9 attachments**To :** Granada City of (councilhouse@bevcomm.net) <councilhouse@bevcomm.net>

Kathy-

It sounds and appears like the weather is quickly deteriorating so I am unsure if I will be able to make the meeting tonight if it is still held.

Accordingly, I wanted to provide you with my materials and a brief synopsis of my thoughts and issues to discuss:

1. The first attachment is a word document draft of a revised Ordinance 36 incorporating the changes requested at the last meeting including:
  - a. \$50 Fee for changes to "footprint"
  - b. 1-year time limit to complete
  - c. I will also note the change in potential penalty from 90 days and \$100 to 90 days and \$1000.... This new \$1000 figure is the new maximum amount under current statutes and I suspect that the previous amount of \$100 was perhaps the limit when the original ordinance was enacted in 1956.
2. I would request that the Council review and consider these changes and approve the draft to be posted publicly so that it may be voted on at the March 3, 2020, meeting. The second attachment is a Notice form that can be posted with the ordinance. Notice should be posted with a copy of the proposed ordinance at least 10 days in advance of the next meeting on which it will be voted on. Thereafter it would be published once in the City's legal newspaper and become effective after publication and be added to the official ordinance book within 20 days.
3. The third attachment is a template order to be used for "raze and remove" of hazardous buildings that I drafted. If there are any questions on this, please let me know. The related statutes are found at Minnesota Statute §§ 463.15 through 463.261.
4. There was discussion at the last meeting over whether nuisances should be Petty Misdemeanors or Misdemeanors. The Council is free to do as it wishes but for reference I was able to review several city codes and noted that Sherburn,

Welcome, Truman, and Ceylon (as examples) all have their nuisance violations as Misdemeanors (max punishment by statute of 90 days and a fine of up to \$1000) (the Judge is unlikely to impose jail time or a fine that large for a nuisance violation, but that would be the max penalty available to ensure compliance with cleaning up the nuisance issue).

5. A question was raised at the last meeting regarding enforcement of the building/zoning code for an ongoing neighbor dispute. As I mentioned at the time, I was familiar with the issue because we represent one of the neighbors involved. Given that potential conflict of interest between our other client's interests and the City's, I believe it would be appropriate for the City to receive an independent third-party opinion. My recommendation would be to inquire if Jim Wilson is able to provide his thoughts on the matter so that I remain uninvolved directly with the issue since we represent another client that would be directly affected by how the City chooses to pursue the matter. As an example, with respect to our other client if the City chose not to enforce the matter, my client may elect to involve the City with the ongoing legal action, and the City having an independent attorney to advise on that issue would be appropriate.
6. Finally, attached to this e-mail is our invoice for services for the month of January. If you need any additional paperwork in order to get this paid, please let me know.

If you have any questions on any of the above, please let me know. If I am unable to make the meeting, I can be available by cell phone to answer any questions. My cell phone is 507-236-6221. Please feel free to call if necessary to address any of the issues above or any other issues.

Thank you,

**Derrick Greiner**

Attorney

Krahmer, Shaffer & Edmundson, Ltd.

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