

*The City of Howard Lake strives to build upon its good neighbor traditions –
A welcoming community for all, supported by vibrant and engaged businesses and community organizations, involved
citizens, and diverse amenities that provide a well-rounded quality of life.*

TENTATIVE AGENDA
MARCH 17, 2020 – 7:00 pm

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
Any additions, deletions, modifications to the agenda will be done at this time.
- D. CONSIDER APPROVAL OF MINUTES
 - a. [Minutes for Council Meeting February 18, 2020.](#)
 - b. [Minutes for Council Meeting February 27, 2020.](#)
- E. CITIZEN INPUT
 - a. Mr. Brian Morien
- F. COUNCIL/COMMITTEE REPORT
- G. DEPARTMENT REPORTS
 - a. Liquor Store Financials
- H. CONSENT AGENDA
 - a. [Consider Accepting all Reports & Payment of Claims.](#)
 - b. [Consider Approving One Way Designation for Alley.](#)
 - c. [Consider Approving Easement Vacation for Lot Combination in Lake Golf Estates.](#)
- I. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS
 - a. Set LBAE for April 14, 2020 | 6:30pm
- J. NEW BUSINESS
 - a. [Consider Approving Quotes for Various Ditch Maintenance Projects.](#)
 - b. [Consider Approving Assessment Services for 2020.](#)
 - c. [Consider Various Approvals Related to Community Code Enforcement.](#)
 - Ordinance 6.03 Administrative Enforcement of Code Regulations.
 - Resolution 20- Authorizing Summary Publication of Ordinance 6.03.
 - Ordinance 20-02 Amending Chapter 17.06 Property Maintenance Code.
 - Code Enforcement Policy.
- K. OLD BUSINESS
- L. ADMINISTRATOR'S REPORT
- M. ADJOURN



CITY OF HOWARD LAKE

625 8TH Avenue - PO Box 736 - Howard Lake, MN 55349
Phone: 320-543-3670 | cityadmin@howard-lake.mn.us | www.howard-lake.mn.us

HOWARD LAKE CITY COUNCIL
HOWARD LAKE CITY HALL- 625 8th AVENUE
February 18, 2020

MEETING MINUTES

COUNCIL PRESENT

Mayor Zimmerman
Jason Deiter
Gene Gilbert
Tom Kutz

COUNCIL ABSENT

Allan Munson

STAFF PRESENT

Nick Haggemiller, City Administrator
Meagan Donahue, Assistant City Administrator

ALSO PRESENT

Herald Journal

A. CALL TO ORDER

Mayor Zimmerman called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

C. APPROVAL OF AGENDA

The Agenda was approved on a motion by Deiter, seconded by Kutz, and passed unanimously.

D. APPROVAL OF MINUTES

Gilbert moved to approve the January 21, City Council Minutes.. Deiter seconded the motion and it passed unanimously.

E. CITIZEN INPUT

No one came forward to address the Council.

F. COUNCIL/COMMITTEE REPORT

Deiter mentioned that the Wastewater Committee met with Sonstegard to discuss getting them into compliance. They also met with a representative from Forsman Farms and they have come to an agreement that Forsman Farms will pay their SAC fees over 5 years with 5% interest.

Gilbert mentioned that the Parks & Planning Commission met last week. The main topic of discussion was on the phases of the Central Park construction, if a splash pad can be worked into phase 1 and completing other projects.

G. DEPARTMENT REPORTS

- a. Howard Lake Municipal Liquor Financials.

H. CONSENT AGENDA

- a. **Consider Accepting All Reports and Payment of Claims**

GENERAL FUND	55846-55974	\$401,678.35
PAYROLL	26519-26543, 500692-500728	\$43,748.62
ELECTRONIC	627-636	\$33,063.10
TOTAL		\$478,490.07
AMBULANCE CLAIMS	5611-5617	\$5,222.89
ELECTRONIC		
TOTAL		\$5,222.89

- b. **Consider Approving Revitalization Grant for Swanson Peterson Funeral Home.**

Deiter moved to approve the consent agenda. Gilbert seconded the motion and it passed unanimously.

I. NEW BUSINESS

- a. **Consider Approving Various Personnel Appointments.**

Haggenmiller presented the staff report and informed the Council that the Fire Department By-Laws will be reviewed over the next month and updated.

Kutz moved to approve the Howard Lake Fire Department appointments as presented. Deiter seconded the motion and it passed unanimously.

- b. **Consider Approving Architectural Services for a Library Study**

Haggenmiller presented the staff report.

Sara Koivisto – Area Branch Librarian – Shared current library needs such as: additional room to add an express checkout, they have limited space to hold gatherings (such as story time), an elevator and that computer space is limited.

Mayor Zimmerman agreed with Koivisto on the need for more space and can see the need for changes to prepare for the future of the library.

Gilbert moved to approve moving forward with the Library Study as presented. Kutz seconded the motion and it passed unanimously.

- c. **Discuss Central Park Project Phase 1 Plan Revisions**

Haggenmiller presented the staff report.

Council discussed other park needs throughout the City and implementing a splash pad into phase 1.

Gilbert moved to approve the Parks and Planning Commissions revised scope for phase 1 of the Central Park project. Deiter seconded the motion and it passed unanimously.

d. Consider Approving Contract Modification for Design Services for Central Park Project.

Deiter moved to approve the Design Services Contract modifications with BMI. Gilbert seconded the motion and it passed unanimously.

e. Consider Closed Session Pursuant to MS13.D05 to Conduct Annual Performance Review for the Administrator.

Council went into closed session at 7:39 pm.
Council returned from closed session at 8:12 pm.

Mayor Zimmerman summarized the closed session review of Haggenmiller's job performance over the past year and expressed he is doing a good job.

J. ADMINISTRATORS REPORT

No Report.

K. ADJOURN

The Council meeting adjourned at 8:13 p.m. on a motion by Kutz, seconded by Deiter, and passed unanimously.

Attest – City Administrator/Clerk

Mayor



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HOWARD LAKE CITY COUNCIL
HOWARD LAKE CITY HALL- 625 8th AVENUE
February 27, 2020

SPECIAL MEETING MINUTES

COUNCIL PRESENT

Mayor Zimmerman
Jason Deiter
Gene Gilbert

COUNCIL ABSENT

Allan Munson
Tom Kutz

STAFF PRESENT

Nick Haggenmiller, City Administrator
Meagan Donahue, Assistant City Administrator

A. CALL TO ORDER

Mayor Zimmerman called the meeting to order at 5:30 p.m.

B. CONSIDER UPDATING AND EXECUTING A LOAN SUBORDINATION AGREEMENT WITH FORSMAN FARMS INC.

Haggenmiller presented the staff report.

Gilbert moved to approve updating and executing a loan subordination agreement with Forsman Farms Inc. Seconded by Deiter, and passed unanimously.

C. ADJOURN

The Council meeting adjourned at 5:33 p.m. on a motion by Deiter, seconded by Gilbert, and passed unanimously.

Attest – City Administrator/Clerk

Mayor

CITY OF HOWARD LAKE
CLAIMS & DONATIONS APPROVED
DATE - March 17, 2020

GENERAL FUND	CHECKS:	55975 – 56110	\$277,406.74
PAYROLL		26544-26568, 500729 – 500773	47,336.38
ELECTRONIC		637-661	<u>43,248.24</u>
TOTAL			367,991.36
AMBULANCE CLMS	CHECKS:	5618-5625	\$12,396.86
ELECTRONIC			
TOTAL			\$12,396.86



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Cks 2/19/2020 - 3/17/2020

Name	Check Date	Check Amt	
1010 CITIZEN ALLIANCE			
Paid Chk# 000637E WORLDPAY	2/20/2020	\$940.81	CREDIT CARD CHARGES-LS
Paid Chk# 000638E TRANSFIRST	2/20/2020	\$24.45	CREDIT CARD CHARGES
Paid Chk# 000639E RADIANT SYSTEMS	2/20/2020	\$85.95	CREDIT CARD CHARGES
Paid Chk# 000640E EPS	2/20/2020	\$49.00	
Paid Chk# 000641E MBF LEASING	2/20/2020	\$220.71	
Paid Chk# 000642E LS WEEKEND CASH	2/20/2020	\$2,500.00	
Paid Chk# 000643E INTERNAL REVENUE SERVICE	2/27/2020	\$6,207.37	
Paid Chk# 000644E MN DEPT OF REVENUE	2/27/2020	\$1,230.06	
Paid Chk# 000645E PERA	2/27/2020	\$5,460.18	
Paid Chk# 000646E FURTHER	2/27/2020	\$665.04	
Paid Chk# 000647E MN DEPT OF REVENUE	3/3/2020	\$6,105.00	LS SLS TX FEBRUARY 2020
Paid Chk# 000648E MN DEPT OF REVENUE	3/3/2020	\$1,297.00	UB SLS TX FEBRUARY 2020
Paid Chk# 000649E PSN	3/4/2020	\$709.48	
Paid Chk# 000650E CITIZENS ALLIANCE BANK	3/4/2020	\$133.66	DEPOSIT SLIP ORDER
Paid Chk# 000651E CONSUMERS	3/4/2020	\$110.00	TOBACCO COMPLIANCE
Paid Chk# 000652E LS WEEKEND CASH	3/12/2020	\$2,000.00	
Paid Chk# 000653E RADIANT SYSTEMS	3/12/2020	\$90.95	
Paid Chk# 000654E EPS	3/12/2020	\$49.00	
Paid Chk# 000655E TRANSFIRST	3/12/2020	\$53.33	
Paid Chk# 000656E WORLDPAY	3/12/2020	\$851.75	
Paid Chk# 000657E MBF LEASING	3/12/2020	\$220.71	
Paid Chk# 000658E INTERNAL REVENUE SERVICE	3/12/2020	\$6,918.22	
Paid Chk# 000659E MN DEPT OF REVENUE	3/12/2020	\$1,269.03	
Paid Chk# 000660E PERA	3/12/2020	\$5,391.50	
Paid Chk# 000661E FURTHER	3/12/2020	\$665.04	
Paid Chk# 026544 ROLLINS, KENNETH	2/28/2020	\$220.29	
Paid Chk# 026545 BONNICK, STEVEN	2/28/2020	\$1,007.51	
Paid Chk# 026546 CHRISTENSEN, CODY	2/28/2020	\$223.05	
Paid Chk# 026547 ALLERSON, NICHOLAS	2/28/2020	\$200.13	
Paid Chk# 026548 DOLL, SARAH	2/28/2020	\$171.38	
Paid Chk# 026549 FERRELL, JUSTINA LYNN	2/28/2020	\$392.03	
Paid Chk# 026550 ZEBRO, ALISON	2/28/2020	\$65.86	
Paid Chk# 026551 BOBROWSKE, KURT	3/13/2020	\$230.87	
Paid Chk# 026552 CLEASBY, ERIK	3/13/2020	\$46.17	
Paid Chk# 026553 DIERS, CHRISTOPHER	3/13/2020	\$253.44	
Paid Chk# 026554 DRUSCH, JACOB D	3/13/2020	\$482.95	
Paid Chk# 026555 DRUSCH, JOEY	3/13/2020	\$46.17	
Paid Chk# 026556 MAGES, ALEX	3/13/2020	\$195.69	
Paid Chk# 026557 OLSON, DAMIEN	3/13/2020	\$160.07	
Paid Chk# 026558 PETERSON, JEREMY	3/13/2020	\$92.35	
Paid Chk# 026559 SHEROD, JOSEPH L.	3/13/2020	\$69.26	
Paid Chk# 026560 STOLL, ERIC	3/13/2020	\$184.70	
Paid Chk# 026561 WIECH, KYLE	3/13/2020	\$137.93	
Paid Chk# 026562 BONNICK, STEVEN	3/13/2020	\$652.02	
Paid Chk# 026563 CHRISTENSEN, CODY	3/13/2020	\$223.05	
Paid Chk# 026564 ALLERSON, NICHOLAS	3/13/2020	\$193.07	
Paid Chk# 026565 DOLL, SARAH	3/13/2020	\$167.82	
Paid Chk# 026566 FERRELL, JUSTINA LYNN	3/13/2020	\$151.59	
Paid Chk# 026567 MILLER, EDWARD M	3/13/2020	\$130.69	
Paid Chk# 026568 ZEBRO, ALISON	3/13/2020	\$116.51	
Paid Chk# 055975 ARCTIC GLACIER ICE, INC	2/21/2020	\$42.77	
Paid Chk# 055976 BELLBOY CORPORATION	2/21/2020	\$263.50	
Paid Chk# 055977 CAPITOL BEVERAGE SALES	2/21/2020	\$7,873.75	
Paid Chk# 055978 DAHLHEIMER BEVERAGE LLC	2/21/2020	\$4,692.60	
Paid Chk# 055979 JOHNSON BROTHERS LIQUOR C	2/21/2020	\$5,695.95	



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Cks 2/19/2020 - 3/17/2020

Name	Check Date	Check Amt
Paid Chk# 055980 LOCHER BROS, INC	2/21/2020	\$796.40
Paid Chk# 055981 PAUSTIS WINE COMPANY	2/21/2020	\$728.75
Paid Chk# 055982 PHILLIPS WINE & SPIRITS	2/21/2020	\$2,747.37
Paid Chk# 055983 SOUTHERN GLAZERS OF MN	2/21/2020	\$626.58
Paid Chk# 055984 VINOCOPIA, INC	2/21/2020	\$798.00
Paid Chk# 055985 HOWARD LAKE POSTMASTER	2/24/2020	\$266.00 UB Billing February
Paid Chk# 055986 AV DESIGN	2/25/2020	\$712.50
Paid Chk# 055987 BANYON DATA SYSTEMS INC	2/25/2020	\$2,775.00 ANNUAL SUPPORT 2020
Paid Chk# 055988 BERITEC LTD	2/25/2020	\$365.48
Paid Chk# 055989 BOLTON & MENK, INC	2/25/2020	\$350.00
Paid Chk# 055990 BUILDERS FIRST SOURCE	2/25/2020	\$37.57
Paid Chk# 055991 C & C EMBROIDERY	2/25/2020	\$291.00
Paid Chk# 055992 CENTERPOINT ENERGY	2/25/2020	\$2,432.86
Paid Chk# 055993 COKATO LICENSING	2/25/2020	\$96.25
Paid Chk# 055994 DUTCH LAKE DAIRY	2/25/2020	\$1,200.00
Paid Chk# 055995 EMERGENCY AUTOMOTIVE	2/25/2020	\$2,252.88 INV# DL020620-24
Paid Chk# 055996 GRAFIX SHOPPE	2/25/2020	\$820.00
Paid Chk# 055997 GRANITE ELECTRONICS	2/25/2020	\$1,165.50
Paid Chk# 055998 NICK HAGGENMILLER	2/25/2020	\$154.80 REIMBURSEMENT
Paid Chk# 055999 HERALD JOURNAL PUBLISHING	2/25/2020	\$48.00 ANNUAL SUBSCRIPTION
Paid Chk# 056000 IACP	2/25/2020	\$210.00
Paid Chk# 056001 INITIATIVE FOUNDATION	2/25/2020	\$500.00 PLEDGE/ENDOWED
Paid Chk# 056002 JOE'S SPORT SHOP	2/25/2020	\$877.21
Paid Chk# 056003 MYRA LAWAY	2/25/2020	\$78.36 REIMBURSEMENT - CHAMBER LUNCHE
Paid Chk# 056004 MEDIACOM LLC	2/25/2020	\$11.27
Paid Chk# 056005 MINN DEPARTMENT OF HEALTH	2/25/2020	\$1,793.00
Paid Chk# 056006 MINN POLLUTION CONTROL AG	2/25/2020	\$875.00
Paid Chk# 056007 MN CHIEFS OF POLICE ASSN_	2/25/2020	\$278.00
Paid Chk# 056008 MN VALLEY TESTING LAB	2/25/2020	\$25.00
Paid Chk# 056009 MULLIN TRUCKING, INC	2/25/2020	\$432.00 TICKET 120300
Paid Chk# 056010 MUMFORD SANITATION	2/25/2020	\$10,037.20 RECYCLING - FEBRUARY
Paid Chk# 056011 MUNSON LAKES NUTRITION	2/25/2020	\$43.95
Paid Chk# 056012 536600-NCBERS GROUP LIFE IN	2/25/2020	\$64.00 3/1/2020 - 3/31/2020
Paid Chk# 056013 PAUMEN COMPUTER SERVICES	2/25/2020	\$20,388.78 NEW SERVER
Paid Chk# 056014 SPRINT	2/25/2020	\$310.26
Paid Chk# 056015 STREICHER'S	2/25/2020	\$665.34 AMMO
Paid Chk# 056016 TRITECH SOFTWARE SYSTEMS,	2/25/2020	\$1,953.00 ANNUAL MAINTENCE (FORMERLY ZUE
Paid Chk# 056017 VISA	2/25/2020	\$1,474.28
Paid Chk# 056018 WASTEWATER COMMISSION	2/25/2020	\$732.93 OCTOBER CORRECTION
Paid Chk# 056019 WRIGHT COUNTY HIGHWAY DE	2/25/2020	\$4,488.37
Paid Chk# 056020 WRIGHT HENNEPIN ELECTRIC	2/25/2020	\$727.00
Paid Chk# 056021 ZITZLOFF SNOW PLOWING	2/25/2020	\$400.00
Paid Chk# 056022 A.H. HERMEL COMPANY	2/28/2020	\$465.25
Paid Chk# 056023 BREAKTHRU BEVERAGE	2/28/2020	\$2,905.46
Paid Chk# 056024 CAPITOL BEVERAGE SALES	2/28/2020	\$8,160.20
Paid Chk# 056025 CARLOS CREEK WINERY	2/28/2020	\$630.00
Paid Chk# 056026 DAHLHEIMER BEVERAGE LLC	2/28/2020	\$1,931.70
Paid Chk# 056027 JOHNSON BROTHERS LIQUOR C	2/28/2020	\$1,941.59
Paid Chk# 056028 LOCHER BROS, INC	2/28/2020	\$2,959.55
Paid Chk# 056029 PHILLIPS WINE & SPIRITS	2/28/2020	\$388.77
Paid Chk# 056030 SOUTHERN GLAZERS OF MN	2/28/2020	\$1,264.45
Paid Chk# 056031 DRIVER & VEHICLE SERVICES D	3/2/2020	\$16.00 Tabs
Paid Chk# 056032 GLASS DOCTOR	3/3/2020	\$150.00
Paid Chk# 056033 AVS	3/5/2020	\$25.00 Background check
Paid Chk# 056034 AXON ENTERPRISE INC	3/5/2020	\$74.79
Paid Chk# 056035 CENTERPOINT ENERGY	3/5/2020	\$251.20



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Name	Check Date	Check Amt	
Paid Chk# 056036 CENTURYLINK	3/5/2020	\$606.85	
Paid Chk# 056037 CINTAS	3/5/2020	\$599.41	
Paid Chk# 056038 CITY OF BUFFALO	3/5/2020	\$75.00	ACCT# 26-022950-00
Paid Chk# 056039 CUSTER, MARK	3/5/2020	\$4,500.00	1ST QTR 2020 PAYMENT
Paid Chk# 056040 DONGOSKI, MARY	3/5/2020	\$66.00	PNP ELECTION 2020
Paid Chk# 056041 DRAKE, TRACI	3/5/2020	\$99.20	PNP ELECTION 2020
Paid Chk# 056042 EARTHLINK INC	3/5/2020	\$11.95	
Paid Chk# 056043 EMERGENCY RESPONSE SOLU	3/5/2020	\$128.50	
Paid Chk# 056044 FURTHER	3/5/2020	\$5.70	
Paid Chk# 056045 GOPHER STATE ONE-CALL, INC	3/5/2020	\$14.85	
Paid Chk# 056046 GUENIGSMAN, BARBARA	3/5/2020	\$94.98	PNP ELECTION 2020`
Paid Chk# 056047 HAWKING	3/5/2020	\$0.00	
Paid Chk# 056048 HERALD JOURNAL PUBLISHING	3/5/2020	\$33.12	
Paid Chk# 056049 HYDRO-KLEAN, LLC	3/5/2020	\$2,480.00	
Paid Chk# 056050 JOES SPORT SHOP	3/5/2020	\$787.01	
Paid Chk# 056051 LAWAY, MYRA	3/5/2020	\$78.20	Travel
Paid Chk# 056052 MARCO TECHNOLOGIES LLC-PH	3/5/2020	\$397.40	
Paid Chk# 056053 MEDIACOM LLC	3/5/2020	\$156.90	
Paid Chk# 056054 MENARDS-BUFFALO	3/5/2020	\$39.59	
Paid Chk# 056055 MID AMERICAN RESEARCH CHE	3/5/2020	\$1,358.38	
Paid Chk# 056056 NAPA AUTO PARTS COKATO	3/5/2020	\$10.69	
Paid Chk# 056057 NELSON ELECTRIC MOTOR REP	3/5/2020	\$187.50	
Paid Chk# 056058 OFFICE DEPOT	3/5/2020	\$21.97	
Paid Chk# 056059 SCHMIDT, JEAN	3/5/2020	\$66.00	PNP ELECTION 2020
Paid Chk# 056060 T & T SERVICES	3/5/2020	\$581.50	
Paid Chk# 056061 WASTEWATER COMMISSION	3/5/2020	\$112,106.29	JANAURY 2020
Paid Chk# 056062 WAVERLY LOCK CO	3/5/2020	\$411.00	
Paid Chk# 056063 WERNER, WANDA	3/5/2020	\$66.00	PNP ELECTION 2020
Paid Chk# 056064 XCEL ENERGY	3/5/2020	\$1,793.45	
Paid Chk# 056065 ZANDER, SHARI	3/5/2020	\$69.72	PNP Election 2020-Meals
Paid Chk# 056066 HAWKING	3/12/2020	\$20.00	
Paid Chk# 056067 A.H. HERMEL COMPANY	3/12/2020	\$566.09	
Paid Chk# 056068 BELLBOY CORPORATION	3/12/2020	\$4,632.09	
Paid Chk# 056069 BENT BREWSTILLERY	3/12/2020	\$84.36	
Paid Chk# 056070 BERG, TIM	3/12/2020	\$400.00	Fire School 2020 Reimbursement
Paid Chk# 056071 BOLTON & MENK, INC	3/12/2020	\$248.00	
Paid Chk# 056072 BREAKTHRU BEVERAGE	3/12/2020	\$1,064.83	
Paid Chk# 056073 C & C EMBROIDERY	3/12/2020	\$125.00	
Paid Chk# 056074 CAPITOL BEVERAGE SALES	3/12/2020	\$798.10	
Paid Chk# 056075 CR ELECTRIC	3/12/2020	\$1,934.48	
Paid Chk# 056076 CUB FOODS	3/12/2020	\$235.48	
Paid Chk# 056077 DAHLHEIMER BEVERAGE LLC	3/12/2020	\$4,539.51	
Paid Chk# 056078 EMERGENCY AUTOMOTIVE TEC	3/12/2020	\$128.50	
Paid Chk# 056079 EMERGENCY RESPONSE SOLU	3/12/2020	\$69.66	
Paid Chk# 056080 FERRELL, JUSTINA	3/12/2020	\$200.78	Tire Repair
Paid Chk# 056081 FINKEN WATER SOLUTIONS	3/12/2020	\$5.00	
Paid Chk# 056082 HEBER, STEVEN	3/12/2020	\$96.00	2019 UMPIRE 8 GAMES
Paid Chk# 056083 HOWARD LAKE FOODS	3/12/2020	\$35.63	
Paid Chk# 056084 JOHNSON BROTHERS LIQUOR C	3/12/2020	\$712.64	
Paid Chk# 056085 KITTOCK, BRIAN	3/12/2020	\$400.00	Fire School 2020 Reimbursement
Paid Chk# 056086 LOCHER BROS, INC	3/12/2020	\$2,101.65	
Paid Chk# 056087 LOEBERTMANN, CRAIG	3/12/2020	\$400.00	Fire School 2020 Reimbursement
Paid Chk# 056088 MAGES, ALEX	3/12/2020	\$400.00	Fire School 2020 Reimbursement
Paid Chk# 056089 MARCO TECHNOLOGIES LLC-PH	3/12/2020	\$35.00	
Paid Chk# 056090 MENARDS-BUFFALO	3/12/2020	\$19.94	
Paid Chk# 056091 METRO WEST INSPECTION SER	3/12/2020	\$2,676.42	



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Name		Check Date	Check Amt	
Paid Chk#	056092	MIDWEST MACHINERY CO	3/12/2020	\$255.00
Paid Chk#	056093	MN CITY/CITY MANAGEMENT AS	3/12/2020	\$124.14 ANNUAL MEMBERSHIP - NICK HAGGE
Paid Chk#	056094	MN PEIP	3/12/2020	\$12,585.06
Paid Chk#	056095	MN VALLEY TESTING LAB	3/12/2020	\$47.00
Paid Chk#	056096	NORTH STAR AWARDS & TROP	3/12/2020	\$7.50
Paid Chk#	056097	NORTHWEST ASSOC CONSULT	3/12/2020	\$434.65
Paid Chk#	056098	OFFICE DEPOT	3/12/2020	\$5.59
Paid Chk#	056099	PERA	3/12/2020	\$925.84 ALLERSON, NICK - OMITTED DEDUC
Paid Chk#	056100	PETERSON, JEREMY	3/12/2020	\$400.00 Fire School 2020 Reimbursement
Paid Chk#	056101	PHILLIPS WINE & SPIRITS	3/12/2020	\$2,591.66
Paid Chk#	056102	PLUNKETT S PEST CONTROL	3/12/2020	\$111.28
Paid Chk#	056103	PRIME ADVERTISING & DESIGN	3/12/2020	\$1,773.27
Paid Chk#	056104	SHEROD, JOE	3/12/2020	\$400.00 Fire School 2020 Reimbursement
Paid Chk#	056105	SOUTHERN GLAZERS OF MN	3/12/2020	\$3,173.52
Paid Chk#	056106	THE MARKETPLACE	3/12/2020	\$67.99 ACCT# 000000000175
Paid Chk#	056107	VINOCOPIA, INC	3/12/2020	\$300.50
Paid Chk#	056108	WINSTED AREA CHAMBER OF C	3/12/2020	\$65.00
Paid Chk#	056109	WRIGHT COUNTY ASSESSOR	3/12/2020	\$200.00 VILLAS
Paid Chk#	056110	YOKIEL, ANDREW	3/12/2020	\$400.00 Fire School 2020 Reimbursement
Paid Chk#	500729E	BOVERHUIS, ANTHONY	2/28/2020	\$128.34
Paid Chk#	500730E	HAGGENMILLER, NICHOLAS A	2/28/2020	\$3,625.49
Paid Chk#	500731E	KOSEK, TIMOTHY M	2/28/2020	\$1,716.65
Paid Chk#	500732E	KUTZ, KENNETH	2/28/2020	\$183.09
Paid Chk#	500733E	LAWAY, MYRA	2/28/2020	\$1,887.56
Paid Chk#	500734E	SZCZEPANIK, DARIUSZ J	2/28/2020	\$1,666.12
Paid Chk#	500735E	THOMPSON, DAVID G	2/28/2020	\$1,870.09
Paid Chk#	500736E	THOMPSON, KYLE	2/28/2020	\$179.09
Paid Chk#	500737E	ZANDER, SHARI	2/28/2020	\$1,075.78
Paid Chk#	500738E	ANDERSON, ERIC J.	2/28/2020	\$1,801.63
Paid Chk#	500739E	CASSIDY, JOSHUA J	2/28/2020	\$99.83
Paid Chk#	500740E	DONAHUE, MEAGAN	2/28/2020	\$1,740.92
Paid Chk#	500741E	YUNKER, JEAN	2/28/2020	\$497.91
Paid Chk#	500742E	PRESTIDGE, CLAYTON P	2/28/2020	\$1,286.03
Paid Chk#	500743E	ZWILLING, TROY	2/28/2020	\$1,662.52
Paid Chk#	500744E	FIE, KYLEE	2/28/2020	\$98.89
Paid Chk#	500745E	MCALPINE, DEBRA-ANN	2/28/2020	\$302.69
Paid Chk#	500746E	BOBROWSKE, KEITH	3/13/2020	\$92.35
Paid Chk#	500747E	BOVERHUIS, ANTHONY	3/13/2020	\$315.74
Paid Chk#	500748E	HAGGENMILLER, NICHOLAS A	3/13/2020	\$2,919.06
Paid Chk#	500749E	HETRICK, MICHAEL	3/13/2020	\$69.26
Paid Chk#	500750E	KITTOCK, BRIAN	3/13/2020	\$214.93
Paid Chk#	500751E	KOSEK, TIMOTHY M	3/13/2020	\$1,701.16
Paid Chk#	500752E	KUTZ, KENNETH	3/13/2020	\$183.09
Paid Chk#	500753E	LAWAY, MYRA	3/13/2020	\$2,170.59
Paid Chk#	500754E	LOEBERTMANN, CRAIG	3/13/2020	\$23.09
Paid Chk#	500755E	MCDONALD, MEGAN S	3/13/2020	\$183.09
Paid Chk#	500756E	PETERSON, DAVID T	3/13/2020	\$392.49
Paid Chk#	500757E	SPYRA, MICHAL	3/13/2020	\$92.35
Paid Chk#	500758E	STUEVEN, MARK J	3/13/2020	\$184.70
Paid Chk#	500759E	SZCZEPANIK, DARIUSZ J	3/13/2020	\$1,666.12
Paid Chk#	500760E	THOMPSON, DAVID G	3/13/2020	\$1,870.09
Paid Chk#	500761E	YOKIEL, ANDREW J	3/13/2020	\$557.95
Paid Chk#	500762E	ZANDER, SHARI	3/13/2020	\$1,356.21
Paid Chk#	500763E	ANDERSON, ERIC J.	3/13/2020	\$1,801.63
Paid Chk#	500764E	CASSIDY, JOSHUA J	3/13/2020	\$76.06
Paid Chk#	500765E	DONAHUE, MEAGAN	3/13/2020	\$1,740.92



CITY OF HOWARD LAKE

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*Check Summary Register©

Cks 2/19/2020 - 3/17/2020

Name	Check Date	Check Amt
Paid Chk# 500766E YUNKER, JEAN	3/13/2020	\$480.05
Paid Chk# 500767E PRESTIDGE, CLAYTON P	3/13/2020	\$1,190.44
Paid Chk# 500768E ZWILLING, TROY	3/13/2020	\$1,749.63
Paid Chk# 500769E BERG, TIMOTHY W	3/13/2020	\$23.09
Paid Chk# 500770E BRAVINDER, SETH Z	3/13/2020	\$69.26
Paid Chk# 500771E FIE, KYLEE	3/13/2020	\$82.41
Paid Chk# 500772E MCALPINE, DEBRA-ANN	3/13/2020	\$331.78
Paid Chk# 500773E SIMPSON, MATTHEW L	3/13/2020	\$161.61
Total Checks		\$367,991.36



CITY OF HOWARD LAKE

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Page 1

*Check Summary Register©

Cks 2/19/2020 - 3/17/2020

Name		Check Date	Check Amt	
1012 CAB - AMBULANCE				
Paid Chk# 005618	ANDREW YOKIEL	2/21/2020	\$68.77	Reimbursement
Paid Chk# 005619	SPYRA, MICHAL	2/21/2020	\$309.85	
Paid Chk# 005620	CENTRAL MCGOWAN, INC	3/11/2020	\$190.85	
Paid Chk# 005621	CITY OF HOWARD LAKE	3/11/2020	\$9,919.81	Wages
Paid Chk# 005622	JOES SPORT SHOP	3/11/2020	\$329.41	
Paid Chk# 005623	NATIONAL GOVERNMENT SERVI	3/11/2020	\$492.20	
Paid Chk# 005624	RIDGEVIEW MEDICAL CENTER	3/11/2020	\$1,000.00	
Paid Chk# 005625	SHEROD, JOE	3/11/2020	\$85.97	Reimbursement
Total Checks			\$12,396.86	



HOWARD LAKE CITY COUNCIL MEETING

March 17, 2020

AGENDA ITEM: Consider Approving One Way Designation for Alley

SECTION: Consent

FROM: Meagan Donahue, Assistant City Administrator

BACKGROUND: Jeff Schoess, owner of Eden Medical – 824 6th Street, requested to make the alley between his building and Howard Lake Foods a one way. Large tractor-trailer trucks use this as a main entrance from the East making sharp right turns. As a result, his building has been hit once causing damage. Tire tracks in the snow verify repeated near misses. This has proved to be more of an issue during the winter when there is snow on the ground and covering the curb.



ALTERNATIVE OPTIONS: The issue is further exacerbated by the dumpsters being located in their present location. Previously, council considered a parking lot redesign that would relocate the dumpsters to a more central location. Most of this was scrapped for being too cost prohibitive. However, the idea of public trash enclosures could/should be revisited as part of a solution for this problem.

FINANCIAL: A new sign and post has minimal expense - \$200 +/-

STAFF RECOMMENDATION: Motion to make the alley between Howard Lake Foods and Eden Medical a one way exit onto Highway 12.

ATTACHMENTS: N/A



HOWARD LAKE CITY COUNCIL MEETING

MARCH 17, 2020

AGENDA ITEM: Consider Resolution Approving Easement Vacation Related to Lot Combination in Lake Golf Estates

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator

BACKGROUND: The property owner for Lots 2 & 3, Block 1 of Lake Golf Estates have petitioned for and received approval for a minor subdivision to combine two parcels for the construction of one single family home. Title work revealed a pre-existing, but no longer necessary, utility access easement that borders their property line. The proposed resolution formally vacates this easement.

ALTERNATIVE OPTIONS: None.

FINANCIAL: Open.

STAFF RECOMMENDATION: Approve Resolution for the Vacation of Easement.

ATTACHMENTS:

1. Resolution Approving Easement Vacation

**CITY OF HOWARD LAKE
RESOLUTION 20-XX**

**RESOLUTION APPROVING AN EASEMENT VACATION RELATED TO THE
COMBINATION OF LOTS 2 & 3, BLOCK 1 OF LAKE GOLF ESTATES**

WHEREAS, there has been submitted to the City Council of the City of Howard Lake a petition to vacate a drainage and utility easement related to a lot combination regarding Lots 2 and 3, Block 1 of the Lake Golf Estates; and

WHEREAS, the legal description of the easements to be vacated are:

That part of Lot 2, Block 1, LAKE GOLF ESTATES, according to the recorded plat thereof, Wright County, Minnesota, being described as follows:

The southeasterly 5 feet with exception of the southwesterly 10 feet and the northeasterly 5 feet.

That part of Lot 3, Block 1, LAKE GOLF ESTATES, according to the recorded plat thereof, Wright County, Minnesota, being described as follows:

The northwesterly 5 feet with exception of the northeasterly 5 feet and the southwesterly 10 feet.

WHEREAS, the Howard Lake City Council conducted a duly noticed public hearing on March 17, 2020; and

WHEREAS, the City Council proceeded to hear all persons interested in said petition and persons interested were afforded the opportunity to present their views and objections to the granting of said petition; and

WHEREAS, the City Council determined that there is no current and/or anticipated future public need to retain the easements and the requested vacation would be in the public interest; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Howard Lake that pursuant to Minnesota Statutes 412.851, the above described portion of the drainage and utility easement situated in the City of Howard Lake, Wright County, Minnesota is hereby vacated on condition that the two subject parcels are combined.

PASSED AND ADOPTED this 17th day of March, 2020.

Peter Zimmerman, Mayor

ATTEST:

Nicholas Haggenmiller, City Clerk-Administrator

Attached: Easement Exhibit



HOWARD LAKE CITY COUNCIL MEETING

JULY 16, 2019

AGENDA ITEM: Consider Ditch Cleaning and Tree Removal

SECTION: New Business

FROM: Megan Donahue, Assistant City Administrator

BACKGROUND: The City has requested quotes for tree removal and ditch cleaning in various locations in town, including Imhoff, Commerce and Haywood. It is suggested to complete this work as soon as possible before the ground thaws out.

The bids include:

Removal of trees in wetland along Imhoff Road

All trees to be cut down and cut into 8' to 10' lengths

All stumps to be ground down to ground level

All brush and logs to be hauled to city compost facility

Clean Ditch

Remove stumps and clean ditch at Commerce and Haywood.

DECISION MAKING METRICS:

FINANCIAL: The total cost of the tree removal and ditch cleaning would be paid for out of the CIP fund for Storm Pond Maintenance.

LEGAL: N/A

STRATEGIC PLAN: N/A

COUNCIL ACTION REQUESTED: Motion to approve quote from Carlson Construction in the amount of \$8,700.

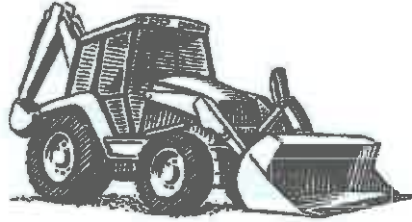
ATTACHMENTS:

1. Quote from Carlson Construction
2. Quotes from Jakes Excavating Inc.

Carlson Construction

Ward Carlson

527 8th St SW
Buffalo, MN 55313
Phone 612-363-1166



DATE: March 11, 2020

FOR: ditch
cleaning/tree
removal

Attn: Tim
City of Howard Lake

DESCRIPTION	AMOUNT
*** BID *** BID *** BID *** BID *** BID *** BID *** BID *** BID *** BID *** BID ***	
Removal of tree's in wetland along Imhoff Road All tree's to be cut down, cut into 8' to 10' lengths All stumps to be ground downr to ground level All brush and logs to be hauled to city compost facility Clean ditch	\$6,000
***** ADDITIONAL PROJECTS ADDED *****	
Stump removal and ditch cleaning at 3 different locations	\$2,700.00
*** BID *** BID *** BID *** BID *** BID *** BID *** BID *** BID *** BID *** BID ***	
TOTAL	\$8,700.00

THANK YOU FOR YOUR BUSINESS!

Jake's Excavating, Inc.
545 Elder Ave SW
Buffalo, MN 55313 US
(320) 963-5663
jake@jakesexcavating.com



Estimate

ADDRESS

City of Howard Lake
Tree Removal Project
Imhoff Ave SW.

ESTIMATE # 1719

DATE 03/03/2020

DATE	ACTIVITY	QTY	RATE	AMOUNT
03/03/2020	-Remove dead trees and some trees that are in the way for ditch clean out -Clean ditch, dirt to stay on-site --Prices above do not include small loads for road postings	1	9,440.00	9,440.00
03/03/2020	Exclusions:	1	0.00	0.00

Jake's Excavating Inc. carries industry standard insurance. Any special requirements will be added to above price. Also the above prices do not include any permits, bonds, de-watering, or any special provisions the city/county may require.

TOTAL

\$9,440.00

Accepted By

Accepted Date

THANK YOU FOR YOUR BUSINESS!

Jake's Excavating, Inc.
545 Elder Ave SW
Buffalo, MN 55313 US
(320) 963-5663
jake@jakesexcavating.com



Estimate

ADDRESS

City of Howard Lake
625 8th Avenue
PO Box 736
Howard Lake, MN 55349

ESTIMATE # 1724

DATE 03/13/2020

DATE	ACTIVITY	QTY	RATE	AMOUNT
03/13/2020	Estimate to remove 2 stumps and clean ditch by 900 Haywood Drive -Fill from east side to be hauled to cities compost site -Fill from west side to be spread into low spot of lot to the north.	1	2,750.00	2,750.00
03/13/2020	Estimate to widen ditch on the east side of Commerce Blvd -Fill to stay on-site	1	450.00	450.00
03/13/2020	Will haul small loads, but will need to get medium size backhoe to pull stumps. The city to waive road postings to get to project on Haywood Drive	1	0.00	0.00

Jake's Excavating Inc. carries industry standard insurance. Any special requirements will be added to above price. Also the above prices do not include any permits, bonds, de-watering, or any special provisions the city/county may require.

TOTAL

\$3,200.00

Accepted By

Accepted Date

THANK YOU FOR YOUR BUSINESS!



HOWARD LAKE CITY COUNCIL MEETING

MARCH 17, 2020

AGENDA ITEM: Consider Approving Assessment Services Contract

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator

BACKGROUND: Ken Yager, current city assessor has opted to not renew his contract for services effective June 2020. To prepare for a transition, we have sought contract language from Wright County Assessor's Office.

General Terms:

- 1.5 years through 2021
 - o Wright County renews all contracts on a two year cycle.
- \$13.00/parcel
 - o Current contract is for \$12.50/parcel
- \$50/each new residential build
 - o This is a new charge, but not uncommon. It would be added to the building permit fee.
- \$150/each commercial/industrial plan review.
 - o As a general practice, the City already pays the county to complete valuations on commercial/industrial projects.

ALTERNATIVE OPTIONS: The City could seek request for proposals or solicit the position for hire similar to a part time employee. The City has no obligation to seek proposals. Very likely, interest in such a limited position as a City employee would be limited as assessors are considered an in-demand profession. Additionally, over the last few years, Wright County has been requiring our local assessor to verify and work together on larger projects and special circumstances. Simply transitioning to Wright County is believed to be more efficient.

FINANCIAL: The City budgets \$16,000 annually for assessment services. This should be adequate for the new service agreement and will be corrected/verified with the 2021 Budget Process.

STAFF RECOMMENDATION: Approve the Contract for Assessment Services with Wright County.

ATTACHMENTS:

1. Assessment Services Contract

ASSESSMENT SERVICES AGREEMENT

THIS AGREEMENT, made and entered into by and between the County of Wright, a political subdivision of the State of Minnesota, hereinafter referred to as the “County” and the «citytwn» a political subdivision of the State of Minnesota, hereinafter referred to as “City/Township”;

WHEREAS, said City/Township lies either wholly or partially within the County and constitutes a separate assessment district; and

WHEREAS, under such circumstances the provision of the Minnesota Statutes, Sections 273.072 and 471.59 permit the County Assessor to provide for the assessment of property; and

WHEREAS, said City/Township desires the County to perform certain assessments on behalf of said City/Township; and

WHEREAS, the County is willing to cooperate with said City/Township by completing the assessment in a proper manner;

NOW, THEREFORE, in consideration of the mutual covenants contained herein it is agreed as follows:

1. The County shall perform the 2020 and 2021 property assessment for the City/Township in accordance with the property assessment procedures and practices established and observed by the County, the validity and reasonableness of which are hereby acknowledged and approved by the City/Township. The property assessment by the County shall be composed of those assessment services which are set forth in Exhibit A, attached hereto and made a part hereof by reference.

2. All information, records, data, reports, and the like that are necessary to allow the County to carry out its responsibilities under this Agreement shall be furnished to the County without charge by the City/Township and the City/Township agrees to cooperate in good faith with the County in carrying out the work under this Agreement.

3. The City/Township agrees to furnish, without charge, work space, if needed, for an appraiser to perform such tasks as document review, with such tasks to be performed during normal business hours for the City/Township.

4. The County agrees to indemnify and hold harmless the City/Township and all of its agents and employees against any and all claims, demands, actions or causes of action arising out of or by reason of the performance of work provided for herein to be performed by the County. It is further agreed that any and all full time employees of the County engaged in the performance of any work or services required or provided for herein shall be considered employees of the County only and not of the City/Township and that any and all claims that may arise under the Workman's Compensation Act of the State of Minnesota and any and all claims made by any third parties as a consequence of any act or omission on the part of said County employees shall be the sole obligation and responsibility of the County.

5. This Agreement shall commence on January 2, 2019 and shall terminate on June 30, 2021. Either party may initiate an extension of this Agreement for a term of two years by giving the other party written notice of its intent to extend no less than 120 days prior to the termination of this Agreement. If the party who receives said notice of intent to extend gives written notice

to the other party of its desire not to extend the Agreement at least 60 days prior to the termination of this Agreement, this Agreement shall terminate on June 30, 2021.

6. In consideration of said assessment services, the City/Township agrees to pay the County a fee of \$13.00 per parcel for the 2020 and \$14.00 per parcel for the 2021 assessment. In addition, there will be an additional fee of \$50.00 for each new construction residential or commercial/industrial building permit with an estimated construction cost of \$499,999.00 or less. There will also be an additional fee of \$150.00 per parcel for each new construction residential or commercial/industrial building permit with an estimated construction cost of \$500,000.00 or more. These additional fees shall be only applicable in those cities or townships which issue their own building permits.

7. Any notice which may be given or made by a party hereto under the terms of this Agreement shall be in writing and shall be sent by United States Mail or personally delivered to the other party addressed as follows:

To «citytn2» «citytn»
 «add»
 «city», «state» «zip»

To County: Anthony P. Rasmuson, Wright County Assessor
 Wright County Government Center
 10 2nd Street NW, Room 100
 Buffalo, MN 55313

8. The Agreement may be amended or modified only by written agreement signed by authorized representatives of the parties hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by its
duly authorized officers and delivered on its behalf, this ____ day of _____, 2018.

WRIGHT COUNTY

Dated: _____

By _____

Anthony P. Rasmuson
Wright County Assessor

«citytn»

Dated: _____

By _____

Dated: _____

By _____

EXHIBIT A

During the term of this Agreement, the County shall:

1. Physically inspect and revalue real property, as required by law.
2. Physically inspect and value all new construction, additions and renovation
3. Conduct valuation reviews prior to Board of Review or Open Book Meeting.
4. Attend Board of Review or Open Book Meeting. Per Board request, make all necessary review appraisals.
5. Keep updated field card file - current values, homestead and classification data.
6. Print, mail and post valuation notices.
7. Respond to taxpayers regarding assessment or appraisal problems or inquiries periodically.
8. Make divisions and combinations periodically.
9. Administer the abatement process pursuant to Minn.Stat. § 375.192.
10. Make appraisals for, testify or negotiate all District Court or Tax Court filings.
11. Post values from appraisal cards to assessment rolls.
12. Adjust estimated market values on those properties not physically inspected as needed and per sales analysis.



HOWARD LAKE CITY COUNCIL MEETING

MARCH 17, 2020

AGENDA ITEM: Consider Various Approvals related to Community Code Enforcement

SECTION: New Business

FROM: Nick Haggemiller, City Administrator

BACKGROUND: Through the Nuisance Ordinance Chapter 6.01 and Property Maintenance Code Chapter 17.06, the City has a code enforcement program targeted at preserving and enhancing health, safety and general welfare of the community. Additionally, these ordinance dictate requirements for property maintenance and parking regulations.

Difficulty Enforcing

Enforcing the existing ordinances is sometimes difficult if property owners fail to comply with initial enforcement efforts, typically verbal or written letters. The current ordinances commonly dictate that failure to comply is subject to a “misdemeanor offence.” Often this is not accurate. There is not an applicable Minnesota State Statute suitable to use for citing a misdemeanor offence. In other cases, if the property owner is notified of issues repeatedly and fails to comply, the City is left with the choice to do essentially nothing or seek remedy through district court. Doing so is difficult and cost prohibitive.

Administrative Fine Ordinance

The proposed ordinance modification seeks to establish an administrative citation system. The administrative citation would be issued after initial enforcement methods failed and done so in a graduated manner:

Administrative Enforcement Penalties:

1st Offense: \$50

2nd Offense: \$100

3rd Offense and beyond: \$250

Administrative Hearing Fee: \$50

Many communities that use administrative citations use higher penalties with the idea of compliance and in the instance of failure to comply, the revenue required to pay a third-party administrative hearing officer. The fees proposed currently do NOT seek to cover these expenses but do seek to obtain compliance. As a general practice, the City works with property owners on compliance measures; citations would NOT be the immediate go-to option for enforcement.

Property Maintenance Code

The current property maintenance code largely applies to rental occupied units. The City does not have a rental registration program, therefore identifying rental occupied vs owner occupied properties is difficult in terms of code enforcement. Additionally, classifying properties for different levels of enforcement is not typically appropriate. The City’s general goal in the enforcement of any ordinance is to enforce fairly and equitably across the entire community. ***The proposed changes make it explicitly clear that the maintenance standards apply to ALL residential properties.***

Code Enforcement Policy

The City has previously adopted a policy in regards to a process for code enforcement. The proposed revisions to the policy reflect the addition of an administrative fine system.

What will be enforced?

The existing ordinances address specific items; they are not set to change with the current round of revisions.

Examples include:

- Long grass/excess snow & ice.

- Vehicles, trailers, recreation vehicles parked in front yard or NOT on the driveway.
- Peeling paint, plywood or house wrap exposed.
- Trash, debris, refuse in yard.
- Exterior envelope or general condition of the building substandard.

It is repeated that these items are found in our EXISTING ordinances. The primary change is the manner in which we enforce the infractions.

ALTERNATIVE OPTIONS: Council may modify particular sections such as associated fees proposed, procedural manner of enforcement or the actual language of the ordinances.

FINANCIAL: Open

2020 WORKPLAN: Develop a Livable Community for All

STAFF RECOMMENDATION:

1. Approve Ordinance Adopting Section 6.03 of the City Code Regarding the Administrative Enforcement of Code Regulations.
2. Approve Resolution Authorizing Summary Publication of Ordinance Section 6.03.
3. Approve Ordinance 20-02 Amending Chapter 17.06 of the City Code Regarding Property Maintenance.
4. Approve Revisions to the Code Enforcement Policy.

ATTACHMENTS:

1. Memo from City Planner Sparks
2. Administrative Fine Ordinance
3. Administrative Fine Resolution for Summary Publication
4. Property Maintenance Ordinance Amendment
5. Code Enforcement Policy



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

To: Howard Lake City Council
Nicholas Haggenmiller, City Administrator

From: Nate Sparks, City Planner

Date: March 13, 2020

Re: Administrative Fines Ordinance

BACKGROUND

The City currently has an administrative fine ordinance that was mostly intended for traffic and parking violations. A new ordinance has been prepared to use for general code enforcement. This new section has more due process and appeal procedures, which is a necessary component.

CODE AMENDMENTS

The amendments primarily involve an addition of Chapter 6.03 which has the procedures for administrative fines. This includes a process for issuing a ticket and then the procedures for appealing a fine. The procedure is fairly standard and in use in many area communities. An appeal of a fine would go to a hearing officer that is appointed. Another amendment is to the City's property maintenance code, which would clarify its applicability to these situations.

CODE ENFORCEMENT USE

The typical situations the City faces involve parking, yard maintenance, junk, and house maintenance.

For maintenance of a house, issues often include peeling paint, failing shingles, and broken windows and doors. Chapter 17.06, Section 11 covers most of these issues. Subdivision 1 discusses the exterior finish (painting) and roof of the house. Subdivision 2 discusses windows and doors. Subdivision 5 discusses fence maintenance. Subdivision 6 discusses accessory buildings.

Parking issues are covered in the City's Zoning Ordinance Chapter 19. The ordinance states in Section 19-03-H-5 that "in the case of single family, two family, townhouse and quadraminium dwellings, parking shall be prohibited in any portion of the front, side, or rear yard, except on designated driveways leading directly into a garage or one open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced with paver bricks, concrete or bituminous material." It also restricts the parking of oversized (22') vehicles and trailers and commercial vehicles in Section 19-03-E.

Junk, waste, refuse, and debris are covered in the Nuisance Code Chapter 6.01.

Yard maintenance is covered in 17.06, Chapter 20 of the Zoning Ordinance, and in the Nuisance Code Section 6.01.

With these issues and the administrative fine ordinance, the City can issue a warning letter and then, if no resolution, give the property owner a ticket. The first ticket would be for \$50, the second for \$100, and the third for \$250. If no resolution, then the City can proceed to court or abatement.

RECOMMENDED ACTION

Staff recommends the City Council adopt Ordinance No. 20-01 regarding the fines with Resolution 20-03 authorizing summary publication, Ordinance No. 20-02 regarding property maintenance, and then modifying the code enforcement policy to allow for the use of administrative fines.

ORDINANCE 20-01

AN ORDINANCE ADOPTING SECTION 6.03 OF THE CITY CODE REGARDING THE ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS

THE CITY OF HOWARD LAKE ORDAINS:

Section 1. Code Added. That Section 6.03 of the City Code entitled “Administrative Enforcement of Code Regulation” shall hereby be added to read as follows:

6.03 Administrative Enforcement of Code Regulations.

Section 1. Purpose and Intent. The administrative enforcement procedures established within this Chapter are intended to provide the City of with an informal, cost-effective and more efficient supplement or alternative to criminal prosecution or civil litigation for certain violations of the adopted City Code. The City retains the right, at its sole discretion, to enforce provisions of this Code by bringing criminal charges or commencing civil litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that that such a process is a legitimate and necessary alternative method of enforcing Code violations.

Section 2. General Provisions.

Subsection 1. Administrative Offenses. Any violation of any section or chapter of the City Code, and any violation of the terms and/or conditions of any license, permit, or other approval issued pursuant to the City Code, is an administrative offense that may be subject to an administrative citation and administrative fines.

Subsection 2. Continuing Violations. Each day a violation exists constitutes a separate and distinct offense for which a separate penalty can be imposed. The City Administrator can exercise discretion in imposing an administrative fine for more than one day of a continuing offense.

Subsection 3. Schedule of Fines. The city council shall adopt by ordinance, as part of the fee schedule, a schedule of administrative fines for offenses for which an administrative citation is issued. A current fee schedule shall be kept on file at City Hall.

Subsection 4. No Limitation on Remedies. Nothing herein is intended or shall require the city to utilize the administrative citation process or otherwise pursue the remedies outlined in this section. The city retains the right to pursue any and all other remedies authorized by law to enforce the City Code or penalize violations of city ordinances, including, but not limited to, issuance of a stop work order, abatement, criminal prosecution, and/or application for civil penalties or injunctive relief.

Subsection 5. Code Compliance Officer. The Code Compliance Officer shall be any person so appointed to carry out such duties so assigned by the City Administrator.

Section 3. Procedure.

Subsection 1. Administrative Notice. A Code Compliance Officer may issue, either in person or by United States first class mail, an Administrative Notice to a person suspected, alleged or known to have committed a Code Offense and/or to be the owner of property upon which a Code Offense is being committed. The Administrative Notice shall identify the Code Offense, the location upon which the Code

Offense is alleged to have occurred or is occurring, and the corrective action for the Code Offense. The Administrative Notice may also state that the alleged violator has, at the discretion of the Code Compliance Officer, no more than thirty (30) days to correct or abate the Code Offense. Immediate compliance may be required upon the existence of a public health or safety condition. If the alleged violator and/or owner of property upon which a Code Offense is being committed is unable to correct or abate the Code Offense within the prescribed time, that person may request in writing an extension of no more than thirty (30) additional days from the Code Compliance Officer. Any extension granted by the Code Compliance Officer shall be in writing and shall specifically state the date of expiration, which shall be determined at the discretion of the Code Compliance Officer. No additional extensions beyond the 30 days may be granted, except by the City Administrator for good cause. If the Code Offense is not corrected or abated, as outlined in the Administrative Notice, within the prescribed time or any extension thereto, the Code Compliance Officer may issue a citation, as provided in Section 3, Subsection 3.

Subsection 2. Exceptions to Administrative Notice. For violations of any of the following sections, the City shall not be required to issues an Administrative Notice or compliance letter and may proceed directly to an administrative citation as provided for in Section 3, Subsection 3:

1. Repeat Offenders. If the same owner or person commits a subsequent violation within 12 months after an administrative notice or citation has been issued for the same or similar offense, no compliance letter or administrative notice shall be required for the new violation.
2. License Violations. For any license violations, including not having a license, no compliance letter or administrative notice shall be required.

Subsection 3. Citation. Upon receiving no response or continued noncompliance following issuance of the Administrative Notice or Code Compliance letter as stated in Section 3, Subsection 1, the Code Compliance Officer may issue a citation. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the alleged violation has occurred, either by personal service or by United States first class mail. Said citation shall state the nature of the Code Offense, the time and date said alleged Code Offense occurred, the civil penalty applicable to that Code Offense as set forth in a schedule of civil penalties which shall be adopted in the City's Fee Schedule or in Chapter 12.11, Section 7, and the manner for paying the civil penalty or requesting a hearing before a Hearing Officer to contest the citation.

Subsection 4. Responding to a Citation. Once a citation is issued, the alleged violator and/or the owner of the property upon which the alleged violation has occurred shall, within ten (10) days of the time of issuance of the citation, either pay the civil penalty set forth in the citation or request a hearing in writing according to the procedure set forth in Section 4. The civil penalty may be paid either in person at City Hall, or by United States first class mail, postage prepaid and postmarked within said prescribed ten (10) days. Payment of the civil penalty shall be deemed to be an admission of the Code Offense.

Subsection 5. Payment of Penalty.

1. Payment of a Penalty and Correction of Violation. If the owner pays the administrative civil penalty and corrects the City Code violation, no further action will be taken against the owner or the owner's real property for that same violation.
2. Payment of Penalty without Correction of Violation. If the owner pays the administrative civil penalty but fails to correct the City Code violation, the City may issue subsequent

administrative citations, initiate criminal proceedings, or initiate any other proceeding or remedies available in order to enforce correction of the City Code violation.

3. No Payment of Penalty and No Correction of Violation. If the owner fails to pay the administrative civil penalty but fails to correct the City Code violation, the City may do any of the following, or any combination thereof:
 - a. Assess the administrative civil penalty against the property pursuant to Minnesota Statutes Chapter 429.
 - b. Issue a subsequent administrative citation, thereby commencing a new administrative penalties process.
 - c. Initiate criminal proceedings.
 - d. Initiate any other enforcement action authorized by law.

Section 4. Appeal & Hearing.

Subsection 1. Requesting a Hearing. Any person receiving an administrative citation may contest the alleged violation and the amount of the administrative civil penalty. In order to contest any part of the administrative citation, the owner or individual contesting the citation must notify the City Clerk in writing within ten (10) calendar days after the citation is mailed or otherwise delivered. The written request shall state the name of the individual, indicate whether they are contesting the alleged violation, the amount of the penalty, or both and must also specify the reason and facts upon which the individual is contesting the citation.

Subsection 2. Hearing Officer. The hearing officer shall be a neutral third party appointed by the City Council and shall preside over the hearing and make any judgment as authorized by Subsection 4.

Subsection 3. Conduct at Hearing. A hearing officer shall conduct an informal hearing to determine if a violation has occurred. The hearing officer shall consider the record and any additional evidence presented at the hearing and accepted into the record by the hearing officer before making a determination. The officer shall receive and give weight to evidence, including hearsay evidence that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs. The City will have the burden of proving the existence of a violation and the reasonableness of any required corrective action by a preponderance of the evidence. The determination of the enforcement officer will be given substantial weight by the hearing officer in determining the reasonableness of any required corrective action.

Subsection 4. Authority of Hearing Officer. The independent hearing officer has the authority to do any of the following, or a combination thereof:

1. Make a finding that a violation has occurred;
2. Reduce, stay, or waive a scheduled administrative civil penalty either unconditionally or upon compliance with reasonable conditions;
3. Require compliance with the City Code within a specified timeframe;
4. Make a finding that no violation has occurred and dismiss the administrative citation.

Subsection 5. Owner/Individual Found in Violation. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed plus an additional Administrative Hearing Fee as prescribed by the City's Fee Schedule to cover the cost of the hearing within ten (10) days of the date of the decision.

Subsection 6. Failure to Appear. Failure to appear at the hearing shall result in a default judgment against the party who fails to appear. If the owner fails to appear, the administrative citation shall be sustained. If the City fails to appear, the administrative citation shall be dismissed.

Section 5. Judicial Review. The Hearing Officer's decision is final without any further right of administrative appeal. Further appeal shall be to the Minnesota Court of Appeals under the Minnesota Rules of Civil Procedure.

Section 6. Violation a Misdemeanor. The following are misdemeanors, punishable in accordance with state law:

Subsection 1. Failure to pay an administrative fine imposed by administrative citation within ten (10) days after it has been imposed unless the matter is appealed to the City as provided herein.

Subsection 2. Failure to pay an administrative fine within ten (10) days after it has been imposed by the hearing officer, or such other time as may be established by the hearing officer, unless the matter is appealed to district court as provided herein. If the final determination in the administrative penalty process is a finding that no violation occurred, then the City may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the City from pursuing a criminal prosecution for a violation for the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

Section 2. Code Amended. That the City's Fee Schedule shall hereby be amended to include the following fees:

Administrative Enforcement Penalties:

1st Offense: \$50

2nd Offense: \$100

3rd Offense and beyond: \$250

Administrative Hearing Fee: \$50

Section 3. Code Amended. That Chapter 12.11 of the City Code hereby be renamed Administrative Offenses Related Traffic, Parking, Public Ways and Property, and Animals and delete under Section 7 of said Chapter the fine listed for "Weeds and Blight".

Section 4. Code Amended. That Chapter 12.11, Sections 1 and 2 are hereby amended to read as follows:

Section 1. Purpose and Intent. Administrative offense procedures established pursuant to this Chapter are intended to provide the public and the City of Howard Lake with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain City Code provisions related to traffic, parking, impacts on public ways and property, and animals, as authorized by Minnesota State Statutes 169.999. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty, as is provided hereafter, the individual may withdraw from participation and the procedures, in which event, the City of Howard Lake may bring criminal charges in accordance to law. Likewise, the City of Howard

Lake in its discretion may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty, which may be imposed, the City of Howard Lake will seek to collect the cost of administrative offense procedures as part of a subsequent criminal sentence, in the event the party's charged and is adjudicated guilty of the criminal violation.

Section 2. Administrative Offense Defined. An administrative offense under this Chapter is a violation of a provision of the Municipal Code of the City of Howard Lake and is subject to the administrative penalties set forth by City's Fee Schedule as adopted by the City Council from time to time.

Section 5. Effective Date. This Ordinance shall take effect upon passage and publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HOWARD LAKE THIS 17TH DAY OF MARCH, 2020.

APPROVED:

Peter Zimmerman
Mayor of Howard Lake

ATTEST:

Nicholas Haggemiller
City Administrator-Clerk

(seal)

**CITY OF HOWARD LAKE
RESOLUTION 20-03**

**A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 20-01 REGARDING THE
ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS**

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance No. 20-01 will clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, a printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance No. 20-01 is approved for publication:

**CITY OF HOWARD LAKE
ORDINANCE NO. 20-01**

Section 1. The Howard Lake City Code is hereby amended to include the following ordinance summarized below:

The City of Howard Lake added Chapter 6.03 of the City Code regarding the Administrative Enforcement of Code Regulations providing the City an informal, cost-effective, and more efficient supplement or alternative to criminal prosecution or civil litigation for certain violations. The administrative process will allow for the City to issue penalties to offenders of the City Code in order to gain compliance with code provisions and the establishes the process the City must follow in order to do so. The ordinance includes an appeal hearing process. Fines are adopted as part of the City's fee schedule.

Section 2. The full ordinance will be in effect upon this summary publication.

Section 3. The full ordinance is available for review during regular office hours in the office of the City Clerk.

PASSED AND ADOPTED this 17th day of March, 2020.

Peter Zimmerman, Mayor

ATTEST:

Nicholas Haggenmiller, City Clerk-Administrator

ORDINANCE 20-02

AN ORDINANCE AMENDING CHAPTER 17.06 OF THE CITY CODE
REGARDING PROPERTY MAINTENANCE

THE CITY OF HOWARD LAKE ORDAINS:

Section 1. Code Added. That Chapter 17.06, Section 2 of the City Code shall be amended to read as follows:

Section 2. Applicability of Ordinance. This ordinance establishes minimum standards for maintaining dwelling units, accessory structures and related premises. This ordinance is intended to provide standards for rental housing, provide standards to allow resolution of complaints regarding owner-occupied housing, and to establish minimum standards for exterior maintenance of all residential properties.

Section 2. Effective Date. This Ordinance shall take effect upon passage and publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HOWARD LAKE THIS 17TH
DAY OF MARCH, 2020.

APPROVED:

Peter Zimmerman
Mayor of Howard Lake

ATTEST:

Nicholas Haggenmiller
City Administrator-Clerk

(seal)

**CITY OF HOWARD LAKE
CODE ENFORCEMENT POLICY**

Adopted November 21, 2017

Revised March 17, 2020

1.0 INTRODUCTION & PURPOSE

- 1.1 The purpose of this Code Enforcement Policy is to establish and maintain uniform procedures concerning code enforcement for the City of Howard Lake.
- 1.2 The City fully intends to meet the guidelines established in this policy; however, there may be times when this is not feasible. Issues including, but not limited to, budget constraints, personnel availability, or weather and other emergencies may prevent the City from meeting the guidelines established herein.
- 1.3 The City Administrator or designee may override provisions established within this policy.
- 1.4 The City Administrator or designee will be responsible for scheduling of personnel for tasks related to this policy.

2.0 COMPLAINT PROCESS

- 2.1 City Staff shall respond to official, formally filed complaints.
- 2.2 Staff will record the complaint on an official complaint form. Staff will use a complaint form to log all actions taken to address the alleged problem.
- 2.3 The City Administrator may also initiate violation sweeps in certain areas of the City or the entire City with any complaints found being handled in a manner similar to that as a received complaint.

3.0 FOLLOW-UP TO COMPLAINTS

- 3.1 If an official complaint is received, staff will perform a site inspection (within a reasonable amount of time given other duties) to determine if there is a violation.
- 3.2 Generally, an inspection will be completed within five business days of receiving the complaint.
- 3.3 If there is an imminent risk to the public health or safety, City Staff shall conduct an immediate inspection and require an immediate remedy to the situation.
- 3.4 Staff will determine if a code violation is found, then proceed to step 4.0 or 5.0, depending on the outcome.

4.0 NO CODE VIOLATION IS FOUND

- 4.1 If no code violation is found, the following steps shall take place:
 - a. Photographs will be taken for documentation;
 - b. Staff will indicate on the complaint log that the property is in compliance; and

- c. Staff will contact the complainant to explain that no further action will be taken.

5.0 CODE VIOLATION IS FOUND

5.1 If a code violation is found, the following steps shall take place:

- a. Photographs will be taken for documentation.
- b. Staff will prepare a Correction Notice based on the specific situation, including the following:
 - i. The nature of the violation and appropriate ordinance citation.
 - ii. The necessary action needed to correct the violation.
 - iii. The appropriate amount of time in Section 5.2 to correct the problem/bring the property into compliance.
 - iv. A description of the penalties if the violation is not corrected.
 - v. A statement, if necessary, that all costs incurred by the City in abating the nuisance shall be assessed to the property.

5.2 The appropriate timeline for correction of violations are:

- a. 7 days for grass, weeds, noxious weeds, and other similar vegetation removal.
- b. 7 days for snow removal.
- c. 10 days for accumulations of refuse or other debris.
- d. 20 days for abandoned, inoperable, or unlicensed vehicles.
- e. 20 days for vehicles, trailers on unapproved surfaces.
- f. 30 days for items constructed or placed within the right-of-way.
- g. 30 days for housing maintenance regulations.

5.3 Extension: Staff may grant an extension for good cause and/or progress for up to an additional 30 days if there is no imminent danger to the public health or safety.

5.4 If the property owner has not contacted staff to report that the violation has been corrected or to discuss a timeline to bring the property into compliance during the appropriate period of time in Section 5.2, staff will perform a second inspection to determine if the code violation still exists and proceed to step 5.5 or 5.6, depending on the outcome.

5.5 No violation remaining: If no violation remains, the following steps shall take place:

- a. Photographs will be taken for documentation;
- b. Staff will record that the property owner has corrected the violation on the complaint log; and
- c. No further action will be taken.

5.6 Violation is found: If a violation remains, the following steps shall take place:

- a. Photographs will be taken for documentation;

- b. Staff will take one (or a combination) of the following steps at the discretion of the City Administrator or designee with the consultation of the City Attorney:
 - i. Abatement (Section 6.0)
 - ii. Forward the case to the City Attorney or Police Chief (Section 7.0)
 - iii. Initiation of Administrative Penalty (Section 8.0)

6.0 ABATEMENT PROCEDURE

- 6.1 Procedure. If the correction notice is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance. The Council may also direct to the compliance procedures in Section 7.
- 6.2 Notice. Written notice of the violation and notice of the City Council order and/or notice of motion for summary enforcement hearing shall be served by staff on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.
- 6.3 Emergency procedure. In cases of emergency, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, staff shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. City Staff shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.
- 6.4 Cost Recovery. The City shall document all costs involved including administrative, legal, clean up, storage, and/or disposal of any property abated. The City shall submit a bill to the violator for the total amount of costs. The amount shall be immediately due and payable in full 30 days after the bill is mailed to the violator. The bill shall be payable at the office of the City Clerk/Treasurer. If the bill is not paid by the due date then the amount shall be a lien against the subject property and the amount shall be collected via a special assessment in the manner provided by Minnesota Statutes 429.

- 6.5 Grass & Noxious Weeds Procedures. If, after the period of time noted in Section 5.2 of this policy, a violation related to grass, noxious weeds, or other such vegetation has not been corrected, the City Administrator or designee may cause to have such nuisance abated. Cost may be recovered as stated in Section 6.4. If a property has previously had an abatement, the City may immediately abate all such nuisances for the remainder of the year. A property owner may appeal a grass and noxious weeds correction notice within 5 calendar days of issuance of the notice. Such appeal shall be heard by the City Council with notice of hearing to the property owner 10 days prior. If the Council finds that the nuisance is present, the City may immediately abate the nuisance.

7.0 CIVIL OR CRIMINAL PROCEEDINGS

- 7.1 The City Administrator or designee may direct certain cases to the Police Chief or City Attorney for either civil or criminal proceedings.
- 7.2 If directed to the Police Chief, the Chief shall assign an officer to the case and direct the officer to engage with the violator to correct the violation or issue criminal charges.
- 7.3 If directed to the City Attorney, the City Attorney shall engage the violator to correct the violation or initiate civil proceedings.

8.0 ADMINISTRATIVE PENALTIES

- 8.1 In cases where the City will be seeking compliance through the administrative penalty provisions the procedure outlined in Chapter 6.03 of the City Code.
- 8.2 After issuing three citations, the City Administrator shall re-evaluate the process and consider other steps as identified in 5.6 (b).

9.0 DOCUMENTATION; REVIEW AND MODIFICATION OF POLICY

- 9.1 The City will document any citizen comments or complaints regarding this policy.
- 9.2 The Council may also designate areas for inspection of potential violations that, if found, shall be considered in the same manner as complaints by City Staff for the purpose of this policy.
- 9.3 The City Council shall review this policy periodically, including the documented complaints, code enforcement actions, and citizen comments and complaints. It shall also review any factors/circumstances affecting this policy or its implementation and determine goals for the future.
- 9.4 The City Council may modify or clarify this policy at any time. Where the City Council has delegated responsibility or authority to any city employee or official for development or implementation of any portion of this policy, that employee or official shall have full authority to modify that portion of the policy at any time.