

*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
December 9, 2024 – 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. COUNCIL MEETING MINUTES
 - a. Consider approving Council Minutes from the November 18, 2024 Meeting.
- E. CITIZEN INPUT
- F. COUNCIL/COMMITTEE REPORT
- G. DEPARTMENT REPORTS
- H. CONSENT AGENDA
 - a. Consider Approving All Reports and Payment of Claims.
 - b. Consider Approving to Not Waive Our Statutory Tort Limits.
 - c. Consider 2025 City Council and Parks & Planning Meeting Dates.
 - d. Consider Various Personnel Appointments.
- I. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS
- J. NEW BUSINESS
 - a. Consider Various 2025 Levy & General Fund Budget Approvals.
 - Resolution 24-15 Approving the 2025 General Fund & Debt Service Levies
 - Consider Adopting 2025 General Fund Budget.
 - b. Consider Resolution 24-16 Increasing the Howard Lake Fireman's Relief Association Benefit.
 - c. Consider Ordinance 24-01 Adopting Regulations Related to Cannabis Businesses.
 - d. Consider Various Approvals Related to the Sale of Goldendale Apartments.
 - Resolution 24-17 Authorizing Execution of Assignments.
 - Assignment and Assumption of Regulatory Agreement.
 - First Amendment to Regulatory Agreement
 - e. Consider Resolution 24-18 Designating Library at 817 8th Avenue as Polling Location.
 - f. Consider Resolution 24-19 Approving Plans & Specifications and Order Advertisement of Bids
- K. OLD BUSINESS
- L. ADMINISTRATOR'S REPORT
- M. ADJOURN

NOTE: The City Council will adjourn to a study session immediately following the regular meeting.



CITY OF HOWARD LAKE

Nicholas A. Haggemiller, City Administrator

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 -

November 18, 2024

MEETING MINUTES

COUNCIL PRESENT

Mayor Zimmerman
Jason Deiter
Allan Munson
Gene Gilbert
Tom Kutz

COUNCIL ABSENT

STAFF PRESENT

Nick Haggemiller, City Administrator
Meagan Theisen, Assistant City Administrator

ALSO PRESENT

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Council Member Kutz moved to approve the Agenda. The motion was seconded by Council Member Gilbert and passed unanimously.

APPROVAL OF MINUTES

Council Member Dieter moved to approve the Council minutes from the Council Meetings on September 16, 2024, October 21, 2024 and the Special meeting on November 7, 2024. The motion was seconded by Council Member Munson and passed unanimously.

PUBLIC HEARING/PRESENTATION

None.

CITIZEN INPUT

None.

COUNCIL/COMMITTEE REPORT

Mayor Zimmerman and Council Member Dieter shared notes from the most recent Waste Water meeting, including discussion about rates & projected flows to expect in the future with Waverly and Montrose coming online. A quote was approved to line the sewer pipe. The Waste Water Commission is also looking to switch banks.

DEPARTMENT REPORTS

None.

CONSENT AGENDA

- a. Consider Accepting all Reports & Payment of Claims
- b. Consider Various Personnel Appointments
- c. Consider Approving Resolution 24-14 Certifying Delinquent Fees and Charges to Property Taxes
- d. Consider Approving Use of City Property and Providing Police for Turkey Tag Along
- e. Consider Approving Business Licenses for 2025

Councilmember Gilbert moved to approve the items in the Consent Agenda. The motion was seconded by Councilmember Kutz and passed unanimously.

NEW BUSINESS

- a. Consider Approving Resolution 24-15 Approving Plans and Cost Share Agreement for 2025 MNDOT US12 Project.

Haggenmiller presented the staff report. Council reviewed the plans for the new street lights that will be installed during the HWY 12 project in 2025, the project timeline and plans for informational meetings for the public to attend.

Council Member Dieter moved to approve Resolution 24-15 Approving the Plans and Cost Share Agreement for 2025 MNDOT US12 Project. The motion was seconded by Council Member Kutz and passed unanimously.

OLD BUSINESS

None.

ADMINISTRATORS REPORT

Council set a budget work session for December 2nd at 6 pm.

Public Safety is interviewing for the Fire Department on December 3rd at 6 pm

ADJOURN

Council Member Kutz moved to adjourn the meeting at 7:55 pm. The motion was seconded by Council Member Gilbert and passed unanimously.

Attest – City Administrator/Clerk

Mayor



HOWARD LAKE CITY COUNCIL MEETING

December 9, 2024

AGENDA ITEM: Consider Tort Liability Waiver for League of Minnesota Cities Insurance Trust Policy

SECTION: Consent

FROM: Nick Haggenmiller, City Administrator
Meagan Theisen, Assistant City Administrator

BACKGROUND: Annually, the council must decide if it wishes to not waive the city's salutatory tort limits for liability coverages.

COMMENTS: By not waiving our statutory tort limits, we are telling LMCIT that any claims where limits of liability apply will be governed by those limits. \$500,000 per person | \$1.5 Million of liability coverage.

FINANCIAL IMPACT: Open

LEGAL: This action is recommended by both legal counsel and insurance representation.

STAFF RECOMMENDATION: As in previous years, it is recommended that the city continues the practice of NOT waiving our statutory tort limits. Exercise

ATTACHMENTS:

1. LMC Form



CITY OF HOWARD LAKE

625 8TH Avenue - PO Box 736 - Howard Lake, MN 55349
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City Council 2025 Regular Meeting Schedule

3rd Monday of Every Month at 7 pm
**Except January, February and December

*January 21, 2025
*February 18, 2025
March 18, 2025
April 21, 2025
May 19, 2025
June 16, 2025
July 21, 2025
August 18, 2025
September 15, 2025
October 20, 2025
November 17, 2025
*December 8, 2025

Parks & Planning Commission 2025 Regular Meeting Schedule

2nd Wednesday of Month at 6 pm
**Meetings are scheduled as needed

January 8, 2025
February 12, 2025
March 12, 2025
April 9, 2025
May 14, 2025
June 11, 2025
July 9, 2025
August 13, 2025
September 10, 2025
October 8, 2025
November 12, 2025



HOWARD LAKE CITY COUNCIL MEETING

December 9, 2024

AGENDA ITEM: Consider Various Personnel Appointments

SECTION: New Business

FROM: City Administrator, Nick Haggemiller

BACKGROUND: Through the promotion of Eric Stoll to First Chief following the retirement of Keith Bobrowske, the second chief position was vacated. The position was posted internally and two applications were received. Following the HLF D Bylaws and City's Personnel Policy, the membership completed peer reviews of the candidates were completed. Following, the Public Safety Committee interviewed the two candidates.

There was concurrence between the peer reviews and the public safety committee to bring forward Alex Mages to the position of 2nd Chief. Mages is a 13 year veteran of the HLF D.

DECISION MAKING METRICS:

LEGAL: The bylaws and the city's personnel policy were updated in to accommodate a merit-based appointment system for officers of the department.

FINANCIAL: These positions are budgeted and anticipated to be filled.

COUNCIL ACTION REQUESTED: Confirm the appointment of Mages to 2nd Chief.

ATTACHMENTS: N/A



HOWARD LAKE CITY COUNCIL

WORKSHOP

DECEMBER 9, 2024

WORKSHOP ITEM: Discuss 2025 General Fund Budget & Levy

FROM: Amanda Watson, Finance Director Consultant
Nick Haggemiller, City Administrator

BACKGROUND:

Preliminary Levy 19% Increase

- Includes step increases for eligible staff.
- Assumes 4% COLA for non union and 2.5% increase for union employees, per contract.
- Assumes a 20% health insurance premium increase.
- Funds a part time janitor position that is currently a hybrid position with the assistant liquor manager.
- Reduces accountant position in lieu of the consultant contract, but does include a small allocation for limited third person in admin.
- Includes scheduled increases in public safety (police and fire).
- Includes new debt service payment for the library.

Major Levy Updates Since Preliminary

- Final library debt service payment \$8,500 less than budgeted.
- Final 2025 Health insurance resulted in 8% increase resulting in \$36,767 savings.

TOTAL REDUCTIONS SINCE PRELIMINARY: \$45,079 or 3% | Overall 16% levy increase

Proposed Final Budget Summary:

- Overall Changes
 - o The 2025 tax levy is proposed to increase \$239,963 or 16% for 2025.
 - o The 2025 budget includes a COLA to wages of 4% for non-union employees and 2.5% for union workers.
 - o A significant effort has been made to bring the budget in line with actual expenditures.
- General Fund
 - o A balanced General Fund budget is presented.
 - o The General Fund Levy increased by \$97,547 or 7.34% from the prior year (excluding debt service levy).
 - o The debt levy was budgeted in the general fund in the prior year, this is now removed and will be budgeted directly to the debt service funds.
 - o Moved liquor store manager wages to fully be funded by liquor store fund.
 - o Added contract for Abdo but allocated partially to enterprise funds.
 - o Removed budget for one-time public safety aid of \$93,000 that was budgeted in 2024.
 - o Capital Allocation was reduced by \$100,000 for a budget of \$600,000.
- Debt Service
 - o Levy increase for debt service of \$142,416. This is due to the addition of a levy for the library project of \$167,000 offset by the removal of the 2018A debt levy.

General Fund Revenue Key Changes:

- Property Taxes – The general fund tax levy has increased by \$97,547 (excluding debt service levy). As explained above the debt levy was budgeted in the general fund in the prior year, this is now removed and will be budgeted directly to the debt service funds.
- Licenses and permits – Increase due to a \$5,000 increase to building permits and a \$1,000 increase to liquor license to align with actual trends.
- Intergovernmental - Decrease due to 2024 budget included one-time allocation of public safety aid of \$93,000. The remaining difference is an increase in fire contracts. The budget also includes \$44,618 one-time small city street aid.

- Interest Earnings – The budget was increased to represent current market trends.
- Miscellaneous – Decrease due to ambulance wages to represent calculated ambulance wages.

General Fund Expenditures Key Changes:

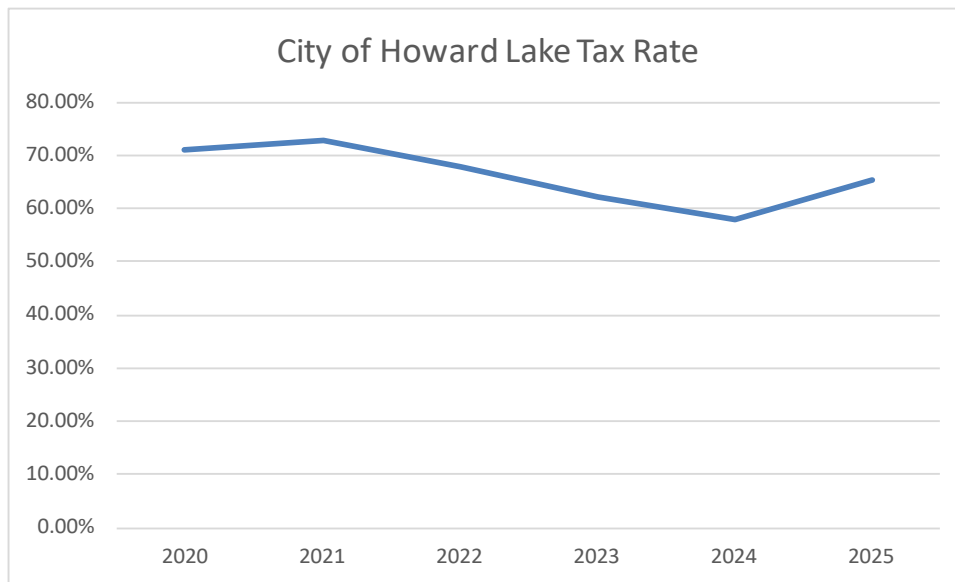
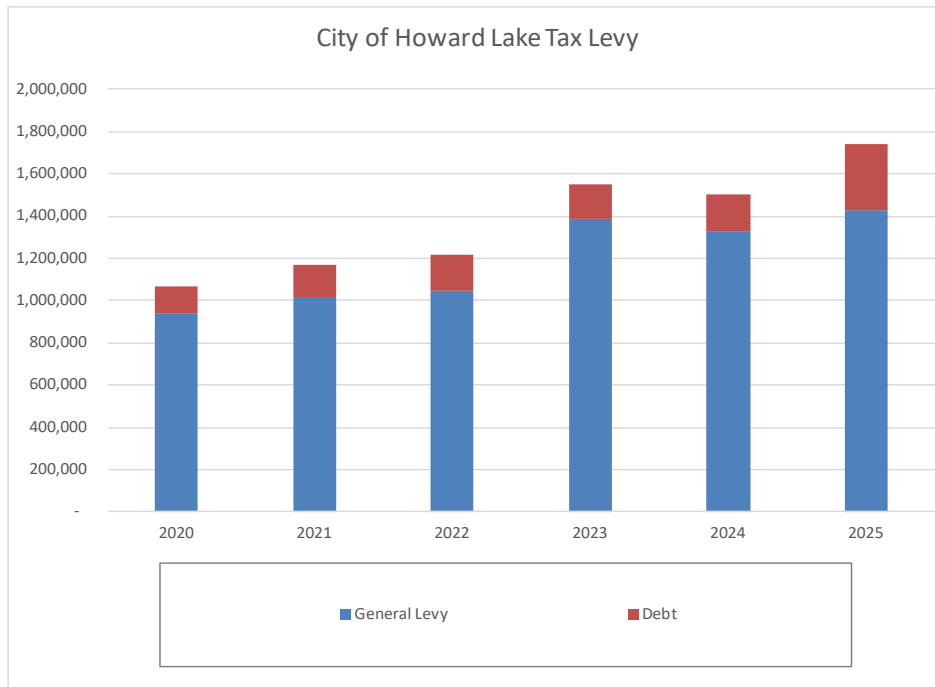
- Personal:
 - o Removal accountant position offset with Abdo consultant contract
 - o Funding new PT janitor position
 - o Provides 4% COLA (non union) and 2.5% COLA (union)
- Expenditures – Public Safety
 - o Police: Decrease due to the removal of \$95,000 radio/pager budget that was included in the 2024 budget. Also, there was a decrease to reclass duplicating supplies, computer supplies, and telephone expenditures to Information Technology.
- Expenditures – Other
 - o General Govt. Buildings: Increase of \$1,500 to general supplies, \$5,000 increase to utilities, and \$5,000 increase to building repair and maintenance.
 - o Professional Services: Increase due to adding Abdo contract.
 - o Planning and Building Inspection: Increase due to inspections expense raised by \$30,000 to align with actual trends.
 - o Other Unallocated: Increase due to workers compensation insurance increase to represent actual billed in 2024 and the budget being transferred from Information Technology for duplicating supplies, computer supplies/technology, and telephone.
 - o Information Technology: Decrease due to moving budget for duplicating supplies, computer supplies/technology, and telephone to other unallocated.
- Capital Improvement Plan
 - o Decreased annual contribution by \$100,000 from \$700,000 to \$600,000.
- Debt Service
 - o Levy increase for debt service of \$142,416. This is due to the addition of a levy for the library project of \$167,000 offset by the removal of the 2018A debt levy.

PRELIMINARY			
YEAR	TAX CAPACITY	LEVY	TAX RATE
2016	\$ 1,076,784	\$ 771,511	71.6%
2017	1,256,636	830,000	66.0%
2018	1,290,000	884,000	68.5%
2019	1,373,846	969,000	70.5%
2020	1,505,006	1,065,459	70.8%
2021	1,615,335	1,167,257	72.3%
2022	1,807,625	1,220,000	67.5%
2023	2,496,215	1,547,653	62.0%
2024	2,589,496	1,500,000	57.9%
2025	\$ 2,657,924	\$ 1,785,042	67.2%

PROPOSED FINAL			
YEAR	TAX CAPACITY	LEVY	TAX RATE
2016	\$ 1,076,784	\$ 771,511	71.6%
2017	1,256,636	830,000	66.0%
2018	1,290,000	884,000	68.5%
2019	1,373,846	969,000	70.5%
2020	1,505,006	1,065,459	70.8%
2021	1,615,335	1,167,257	72.3%
2022	1,807,625	1,220,000	67.5%
2023	2,496,215	1,547,653	62.0%
2024	2,589,496	1,500,000	57.9%
2025	\$ 2,657,924	\$ 1,739,963	65.5%

PRELIMINARY LEVY SEPTEMBER	
CERTIFIED LEVY	
2024 GF LEVY	\$ 1,328,387
2024 DEBT SERVICE LEVY	171,613
2024 TOTAL	\$ 1,500,000
2025 GF LEVY	\$ 1,462,500
2025 DEBT SERVICE LEVY	\$ 322,542
2025 TOTAL	\$ 1,785,042
PERCENTAGE CHANGE	19.00%

PROPOSED FINAL LEVY DECEMBER	
CERTIFIED LEVY	
2024 GF LEVY	\$ 1,328,387
2024 DEBT SERVICE LEVY	171,613
2024 TOTAL	\$ 1,500,000
2025 GF LEVY	\$ 1,425,934
2025 DEBT SERVICE LEVY	314,029
2025 TOTAL	\$ 1,739,963
PERCENTAGE CHANGE	16.00%

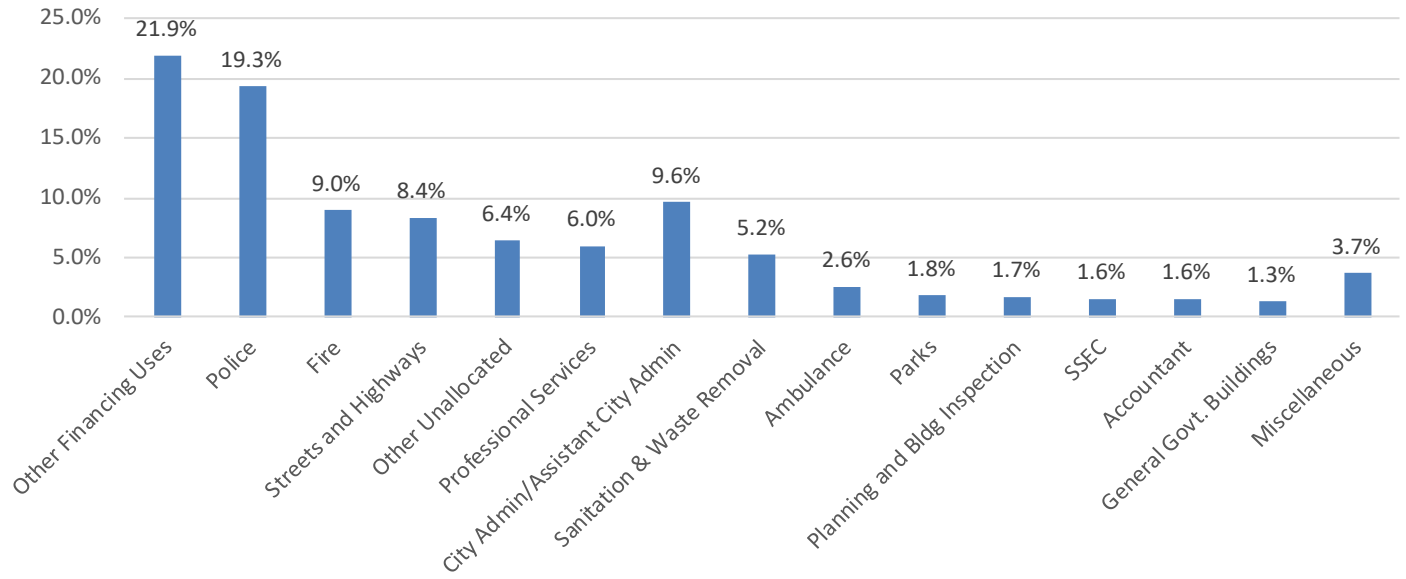


Property Type	Market Value	2024 Taxable Market Value	2025 Taxable Market Value	2024 Taxes Payable	2025 Taxes Payable	Increase (Decrease) in Property Taxes
Residential	\$ 100,000	\$ 71,800	\$ 62,500	\$ 416	\$ 409	\$ (7)
Residential	200,000	180,800	171,500.00	1,047	1,123	75
Residential	300,000	289,800	280,500.00	1,679	1,836	158
Residential	400,000	398,800	389,500.00	2,310	2,550	240
Commercial	500,000	500,000	500,000.00	5,358	6,055	697
<i>Note: no change in market value has been assumed</i>						
<i>For taxes payable in 2025, the maximum exclusion amount was increased to \$38,000 for properties valued at \$95,000, with no exclusion for properties valued over \$517,200.</i>						

General Fund Revenues and Expenditures Budget:

	Actual 2022	Actual 2023	YTD 9/30/2024	Budget 2024	Budget 2025	Amount Change	Percent Change
Revenues							
Property taxes	\$ 1,066,096	\$ 1,214,816	\$ 801,525	\$ 1,500,000	\$ 1,425,934	\$ (74,066)	-5%
Other taxes	-	-	-	-	-	-	0%
Licenses and permits	95,927	96,020	101,543	89,500	95,500	6,000	7%
Intergovernmental	779,906	919,456	492,103	1,034,040	959,329	(74,711)	-7%
Charges for services	207,680	242,653	166,285	285,200	283,000	(2,200)	-1%
Fines and forfeitures	7,448	100	84	1,350	1,400	50	4%
Interest earnings	8,263	(126,043)	88,640	5,000	25,000	20,000	400%
Insurance	17,464	3,174	7,540	-	-	-	0%
Special Assessments	4,440	4,735	3,049	2,500	5,000	2,500	100%
Miscellaneous	154,979	136,955	42,192	209,500	189,069	(20,431)	-10%
Other financing sources	-	7,186	-	30,000	30,000	-	0%
Total Revenues	\$ 2,342,204	\$ 2,499,051	\$ 1,702,960	\$ 3,157,090	\$ 3,014,232	\$(142,858)	-5%
Expenditures							
Mayor and Council	\$ 31,991	\$ 30,614	\$ 26,369	\$ 33,795	\$ 30,816	\$ (2,979)	-9%
Accountant	44,886	79,700	44,076	81,609	49,215	(32,394)	-40%
General Govt. Buildings	82,828	61,670	46,359	59,752	63,658	3,906	7%
Assistant City Administrator	104,943	115,294	78,447	109,918	118,136	8,218	7%
City Administrator	163,692	177,697	115,499	161,070	174,390	13,320	8%
Professional Services	100,286	128,486	86,378	87,000	128,800	41,800	48%
Planning and Bldg Inspection	44,214	52,556	48,041	23,650	54,600	30,950	131%
Other Unallocated	502,996	280,519	171,242	138,000	204,722	66,722	48%
Police	461,519	511,685	372,273	628,875	608,600	(20,275)	-3%
Fire	308,126	277,296	59,399	254,700	286,386	31,686	12%
TZD	-	-	-	-	-	-	0%
Civil Defense	538	850	1,400	2,750	2,750	-	0%
Ambulance	84,376	77,145	28,874	90,000	83,507	(6,493)	-7%
Other	222	568	-	-	-	-	0%
Streets and Highways	367,322	426,144	232,721	240,150	257,447	17,297	7%
Sanitation & Waste Removal	173,300	183,251	146,948	167,000	167,000	-	0%
Parks	75,910	55,904	33,955	41,550	58,594	17,044	41%
Community Center	20,089	17,749	10,270	30,500	30,500	-	0%
Summer Recreation	7,375	3,811	3,528	8,000	-	(8,000)	-100%
Skating Rink	544	501	310	-	-	-	0%
Tennis Court	-	-	-	-	-	-	0%
SSEC	48,606	57,036	31,933	43,135	47,111	3,976	9%
Construction/Develop	-	453,690	-	-	-	-	0%
Royalty	-	-	-	-	-	-	0%
Community Events	6,137	6,020	2,490	8,500	8,500	-	0%
Cable	6,857	8,102	6,276	6,200	7,000	800	13%
Cemetery	10,000	10,850	10,000	10,000	10,000	-	0%
Information Technology	4,460	4,600	4,218	38,500	9,000	(29,500)	-77%
Other Financing Uses	-	-	-	700,000	600,000	(100,000)	-14%
General Public Works	14,389	-	8,700	13,500	13,500	-	0%
Wellness Program	-	-	-	-	-	-	0%
Design Program	-	-	-	-	-	-	0%
Store Front Grants	-	-	-	-	-	-	0%
Total Expenditures	\$ 2,665,606	\$ 3,021,738	\$ 1,569,707	\$ 2,978,154	\$ 3,014,232	\$ 36,078	1%
Excess Revenues (Expenditures)	\$ (323,402)	\$ (522,687)	\$ 133,252	\$ 178,936	\$ -	\$(178,936)	

Expenditures as Percentage of Budget



Summary Budgets for All Other Budgeted Funds

	Actual 2022	Actual 2023	YTD 9/30/2024	Budget 2024	Budget 2025
202 - AMBULANCE FUND					
Revenues	\$ 193,352	\$ 182,891	\$ 124,550	\$ -	\$ 165,500
Expenses	150,933	147,912	46,497	-	48,350
Net Revenue Over					
(Under) Expenses	\$ 42,418	\$ 34,979	\$ 78,053	\$ -	\$ 117,150
602 - WATER ENTERPRISE FUND					
Revenues	\$ 1,032,964	\$ 895,270	\$ 647,673	\$ -	\$ 875,250
Expenses	585,287	507,248	403,081	-	573,304
Net Revenue Over					
(Under) Expenses	\$ 447,676	\$ 388,022	\$ 244,592	\$ -	\$ 301,946
603 - SEWER ENTERPRISE FUND					
Revenues	\$ 1,735,068	\$ 1,760,333	\$ 1,282,696	\$ -	\$ 1,730,000
Expenses	668,205	1,176,723	810,824	-	1,011,099
Net Revenue Over					
(Under) Expenses	\$ 1,066,863	\$ 583,610	\$ 471,872	\$ -	\$ 718,901
610 - MUNICIPAL LIQUOR					
Revenues	\$ 1,105,917	\$ 1,124,953	\$ 955,372	\$ -	\$ 1,269,750
Expenses	1,089,784	1,084,148	869,077	-	1,217,585
Net Revenue Over					
(Under) Expenses	\$ 16,133	\$ 40,805	\$ 86,294	\$ -	\$ 52,165

DECISION MAKING METRICS:**FINANCIAL:**

General Fund Expenditures	
General Operational Budget	\$ 3,014,232
Total	\$ 3,014,232
General Fund Debt Service	
2024A Library Construction	\$ 167,000
2023A G.O. Equipment	\$ 52,031
2019A Villas	\$ 22,918
2018A Series (HCH)	\$ 72,080
Total	\$ 314,029
General Fund Revenues	
LGA	\$ 689,711
Other Revenues	\$ 898,587
Taxes	\$ 1,425,934
Total	\$ 3,014,232
TOTAL EXPENDITURES & REVENUES	
Total Expenditures	\$ 3,014,232
Total Revenues	\$ 3,014,232
Budget (over)under	\$ -

LEGAL: The City must adopt a budget and levy and submit to Wright County by 12/31/24.

COUNCIL ACTION REQUESTED: Adopt Resolution Approving the 2025 Budget and Levies.

ATTACHMENTS:

- Revenue Budget Report
- Expenditures Budget Report

**City of Howard Lake
Resolution No. 2024-15**

Resolution approving 2025 proposed general fund budget and final property tax levy.

WHEREAS, the City of Howard Lake is required by State law to approve a resolution setting forth an annual tax levy to the Wright County Auditor; and

WHEREAS, Minnesota State Statutes require that all local units of government formally adopt a final tax levy for the preceding fiscal year on or before December 27, 2024;

WHEREAS, the City of Howard Lake held the Truth in Taxation public hearing on December 9, 2024 at 6:00 P.M.;

WHEREAS, the City of Howard Lake will submit the final budget certification to Wright County by December 31, 2024;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Howard Lake, that the Final 2025 General Fund budget shall be as follows:

	Budget
	2025
Revenues	
Property taxes	\$ 1,425,934
Licenses and permits	95,500
Intergovernmental	959,329
Charges for services	283,000
Fines and forfeitures	1,400
Interest earnings	25,000
Special Assessments	5,000
Miscellaneous	189,069
Other financing sources	30,000
Total Revenues	\$ 3,014,232

	Budget
	2025
Expenditures	
Mayor and Council	\$ 30,816
Accountant	49,215
General Govt. Buildings	63,658
Assistant City Administrator	118,136
City Administrator	174,390
Professional Services	128,800
Planning and Bldg Inspection	54,600
Other Unallocated	204,722
Police	608,600
Fire	286,386
Civil Defense	2,750
Ambulance	83,507
Streets and Highways	257,447
Sanitation & Waste Removal	167,000
Parks	58,594
Community Center	30,500
SSEC	47,111
Community Events	8,500
Cable	7,000
Cemetery	10,000
Information Technology	9,000
Other Financing Uses	600,000
General Public Works	13,500
Total Expenditures	\$ 3,014,232

BE IT FURTHER RESOLVED that the City Council of the City of Howard Lake, Wright County, Minnesota, that the following sums of money be levied for collection in 2025 upon the taxable property in said City of Howard Lake for the following purposes:

	2025 Levy
General Levy	\$ 1,425,934
2010A BONDS	-
2018A BONDS	72,080
2019A VILLAS	22,918
2023A GO Equipment	52,031
Library	167,000
Total	\$ 1,739,963

BE IT FURTHER RESOLVED that the 2010A GO Imp Bonds levy is hereby adjusted from the scheduled amount of \$57,035 to \$0 as the debt service will be covered by excess cash on hand in the debt fund;

BE IT FURTHER RESOLVED that the 2019A GO Tax Increment Bonds are hereby adjusted from the schedule amount of \$43,103 to \$22,918 as the difference will be covered by TIF revenue and excess cash on hand in the debt fund;

BE IT FURTHER RESOLVED that the 2018A GO Tax Abatement Bonds are hereby adjusted from the schedule amount of \$32,080 to \$72,080 to include the tax abatement portion of the levy;

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to transmit this information to the County Auditor of Wright County, Minnesota and the Minnesota Department of Revenue, if applicable, in the format requested as required by law.

Adopted by the Howard Lake City Council on December 9, 2024.

Attest: _____
City Clerk

Mayor



HOWARD LAKE CITY COUNCIL MEETING

DECEMBER 9, 2024

AGENDA ITEM: Consider Resolution 24-17 Approving Increase to the Howard Lake Fire Relief Association

SECTION: New Business

FROM: Howard Lake Fire Relief Association
Keith Bobrowske, Howard Lake Fire Chief

BACKGROUND: At the annual Howard Lake Fire Relief Association meeting, the membership reviewed investments, funding ratio and did a general census of similar sized pension funds. Currently, the fund is over 100% funded. The current funding level is \$2,400 per year of service payable after personnel is fully vested at 20 years and 50 years of age. The membership voted to increase the amount by \$500 per year of service \$2,900 per year of service.

This increase is consistent with previous years. Currently, Howard Lake is one of the lowest retirement contributions in Wright County. A funding increase of this amount should permit the fund to remain fully funded in excess of 100%.

Per city ordinance and state statute, the city council must formally adopt the increase by resolution. If passed, the increase would go into effect on January 1, 2024.

DECISION MAKING METRICS:

FINANCIAL: The City budgets for relief contribution and has a financial obligation in the event the fund becomes underfunded. This does not appear to be likely.

LEGAL: The City must pass the resolution and submit to the state for execution before going into effect.

STRATEGIC PLAN: Deliver High Quality, Reliable Infrastructure and Public Services

COUNCIL ACTION REQUESTED: Approve Resolution 24-17 Approving Increase to Fire Relief Pension Fund of the Howard Lake Fire Relief Association.

ATTACHMENTS:

1. Resolution 24-17 Approving Increase to Howard Lake Fire Relief Association

**CITY OF HOWARD LAKE
RESOLUTION 24-17**

**RESOLUTION INCREASING THE HOWARD LAKE
FIREMAN'S RELIEF ASSOCIATION BENEFIT**

WHEREAS, the Howard Lake Fireman's Relief Association has requested an increase in benefits of \$500 per year effective January 1, 2025.

WHEREAS, the city contribution will not exceed budgeted payments in mandatory city contributions.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Howard Lake, Minnesota approves the following;

1. A revision to the Howard Lake Fireman's Association by-laws that reads as follows:
 - a) ARTICLE VII section 1: The association shall pay such member the sum of \$2,900 for each year served as an active firefighter in the Howard Lake Fire Department.
 - b) ARTICLE VIII section 1: to the estate of such deceased member, the sum of \$2,900 for each year that the deceased member served as an active firefighter in the Howard Lake Fire Department.
 - c) ARTICLE VIII section 2: The sum of \$2,900 for each year served as an active firefighter in said fire department.

PASSED AND ADOPTED this 9th day of December 2024.

Peter Zimmerman, Mayor

ATTEST:

Nicholas Haggemiller, City Administrator-Clerk



HOWARD LAKE CITY COUNCIL

December 9, 2024

AGENDA ITEM: Consider Ordinance 24-01 to Regulate Cannabis Businesses

SECTION: New Business

FROM: City Administrator

BACKGROUND:

The State of Minnesota has decriminalized the recreational sale and use of cannabis. The City of Howard Lake enacted a moratorium on sale/use until January 1, 2025. The topic is new, complex and evolving. The State of Minnesota and League of Minnesota Cities have provided general guidance around the topic as it relates to the licensing, manufacturing, sale and use and police enforcement surrounding cannabis.

The State of Minnesota licenses all dispensaries. Local autonomy lies in regulating where, when, how production, sales and use occur as well as general enforcement. In short, like most matters, municipal control will regulate zoning matters and general public safety, health and welfare matters.

BACKGROUND

Authority & Compliance

Wright County provides police coverage for most cities in the county except Buffalo, Annandale and Howard Lake who operate their own police departments. Wright County has established an ordinance/JPA for cities to opt into which regulates the matter under the county. Unless otherwise directed, it is assumed Howard Lake, which has its own means of enforcement, will regulate independently of the county.

Registration

The State of Minnesota LICENSES City will have authority to REGISTER retailers. Local registration is open to entities that have been licensed through the state. The established fee is set at \$500 which is consistent with statutory maximums set forth by the state. Doing so will ensure that they meet zoning requirements and other local requirements that may be brought forward in a CUP/IUP.

Limiting Registrations

It is illegal to completely prohibit establishments. Additionally, state law prohibits having more than one shop per 12,500 people. Retailers that sell only low potency products are exempt from this limitation. The ordinance as drafted deliberately ignores this, however, and permits up to TWO establishments. Ultimately, state statute would apply. However, in discussion with this provision with multiple other communities both under/over 12,500 people, the rationale is to permit more than one in the event that the first retailer is problematic and undesirable. Therefore, encouraging greater competition to apply pressure on the establishment. While ultimately a policy decision left to council, the ordinance presented to the planning commission indicated limiting to ONE rather than two.

At the November Planning Commission meeting, the PPC held a public hearing on the proposed ordinance and made various recommendations for the ordinance adoption relating to zoning matters. Ultimately, the following summary was unanimously adopted by the PPC.

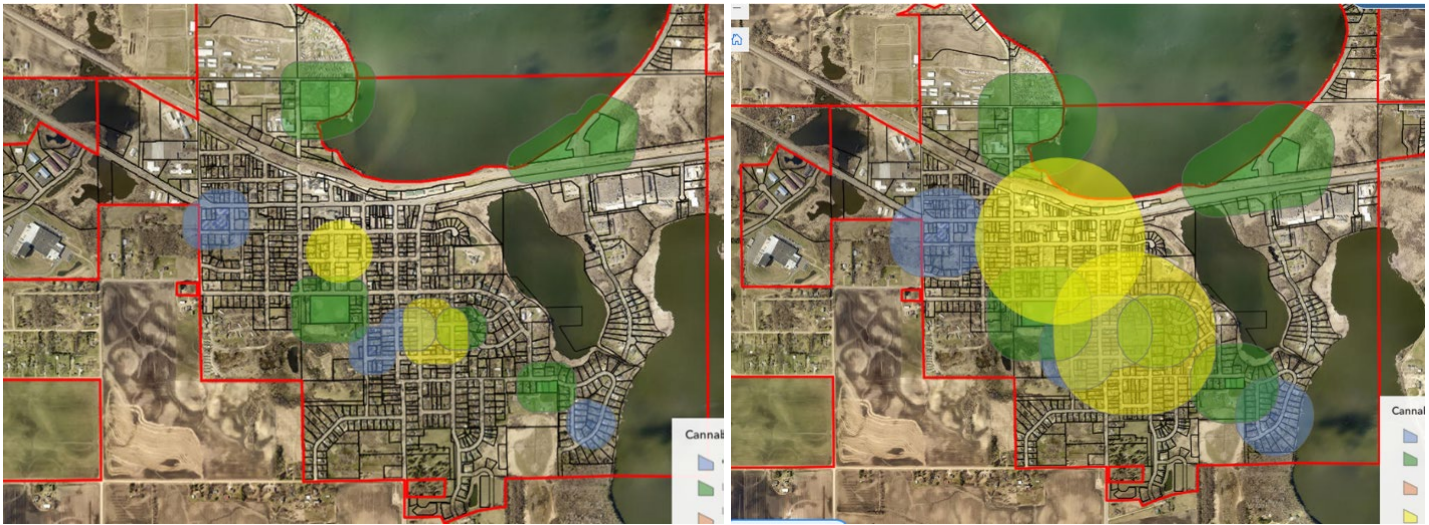
Section 3 Minimum Buffer

State Statutes note that jurisdictions may “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.” A jurisdiction considering other siting requirements (such as a buffer between cannabis businesses, or a buffer from churches) should consider whether there is a basis to adopt such restrictions.

A jurisdiction can adopt buffer requirements that prohibit the operation of a cannabis business within a certain distance of schools, daycares, residential treatment facilities, or from an attraction within a public park that is regularly used by minors, including a playground or athletic field. Buffer requirements are optional.

Cities may adopt setbacks from sensitive locations such as schools, daycares, residential treatment centers, playgrounds and athletic facilities. These setbacks may be as little as NO setback and as much as 500 feet for most except schools which may have up to a 1,000 foot setback.

Howard Lake is a small community with somewhat diverse services and establishments. If the most restrictive standards would be applied, cannabis would essentially be prohibited in full – which is considered exclusionary zoning and therefore, illegal. The images below show setbacks from parks (green), childcare centers (blue), schools (yellow), and parks (green). The image on the left includes the ordinance proposed 250’ whereas the image on the right shows 500’.



To that end, the ordinance as written establishes a 250’ setback from these institutions and locations.

Zoning Districts

Cities can limit what zone(s) Cannabis businesses can operate in. As with other uses in a Zoning Ordinance, a jurisdiction can also determine if such use requires a Conditional or Interim Use permit. A jurisdiction cannot outright prohibit a cannabis business. A jurisdiction should amend their Zoning Ordinance and list what zone(s) Cannabis businesses are permitted in, and whether they are permitted, conditional, or interim uses. Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cannabis Retail	Retail Mezzobusiness Microbusiness Medical Cannabis Combination	This endorsed activity and license types allow a business to sell cannabis and cannabis products directly to consumers.	Retail, Neighborhood Shopping Districts, Light Industrial, Existing districts where off-sale liquor or tobacco sales are allowed.	Micros may offer onsite consumption, similar to breweries. Micros and Mezzos may include multiple activities: cultivation, manufacture, and/or retail.
Transportation	Cannabis Transporter	This license type allows a company to transport products from one license type to another.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Delivery	Cannabis Delivery	This license type allows for transportation to the end consumer.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Events	Event Organizer	This license entitles license holder to organizer a temporary event lasting no more than four days.	Anywhere that the city permits events to occur, subject to other restrictions related to cannabis use.	On site consumption. Retail sales by a licensed or endorsed retail business possible.

Proposed Use By Zoning District

ACTIVITY/USE	ZONING DISTRICT	PROVISIONS
Cultivation	Urban Reserve (outdoor only)	CUP
	I-2 General Industrial (indoor)	CUP
Manufacturing/Processing	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	
Hemp Manufacturer	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	
Wholesale	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	
Cannabis Retail	B1 General Business	IUP/CUP
	B2 Downtown Business	IUP/CUP
Cannabis Transportation	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	
Cannabis Delivery	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	

Hours of Operation

Cities may adopt an ordinance regulating sales for any period between the hours of 8am – 10am and between 9pm-2am, seven days a week.

Proposed Hours for the ordinance attempt to match open hours of the municipal liquor store and attempt to align with regular service hours of the Howard Lake Police Department.

- Monday-Saturday 8am – 10pm
 - Sunday 10am – 10pm
-

Section 4 Temporary Cannabis Event

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.

A jurisdiction may establish standards for Temporary cannabis events which the event organizer must meet, including restricting or prohibiting any on-site consumption. If there are public health, safety, or welfare concerns associated with a proposed cannabis event, a jurisdiction would presumably be authorized to deny approval of that event.

The ordinance as written includes the need for temporary events to have approval from the state as well as local registration.

Section 5 Additional Provisions

Removes the age requirement dictating low potency products can only be sold in establishments that admit persons 21 years of age or older. While seemingly logical, low potency products are already on the shelves of most c-stores. Regulating after-the-fact will be very difficult. HLPD Police Chief has done regular and random checks of stores for compliance and have never identified issues.

Municipal Liquor Stores

This section previously included language that permits the municipal liquor store to sell low potency edibles and beverages. These products were made legal under the Farm Bill several years ago and have been sold in local retail establishments to date. Doing so permits the municipal liquor store to continue to sell these products. It is our understanding and interpretation that low potency retailers will be required to register with the state and the City consistent with this ordinance, but they do not count against the tally for full dispensaries.

Local Government as a Cannabis Retailer

The ordinance is silent to municipal liquor store and/or the city seeking approval through the state to sell cannabis. At this time, guidance from the State of Minnesota is not entirely clear if this will ultimately be permissible as the lottery system favors diversity, equity and inclusion quotas. The City's insurer League of Minnesota Cities Insurance Trust has indicated they will not insure municipal dispensaries. Finally, it is not believed that given existing staff and facilities that the City has desire or capacity to enter this market. Still at this time, this ordinance neither permits nor prohibits the city from doing so.

Section 7 Use in Public Places

The ordinance as drafted prohibits use of cannabis that produces a vapor, steam, or smoke or otherwise creates a public health or nuisance. It is noted that some ordinances outright prohibit use of cannabis in full. Given the numerous consumption methods, enforcing such a prohibition is believed to be nearly impossible. Instead, we seek to regulate this similar to tobacco/cigarettes.

DECISION MAKING METRICS:

FINANCIAL: The ordinance lists various permit fees and penalty fees.

- \$500 for initial license fees, \$1,000 or half of the state fee for annual renewals
- \$2,000 for penalties for violation of terms of the ordinance.
- The City's adopted fee schedule will be used for planning and zoning approvals such as CUP, IUP and consultant expenses.

It is noted that these will be revisited annually with the City's fees and charges schedule. Typically, we do not insert specific dollar amounts into ordinances which are more difficult to amend versus the city's fees and charges schedule. This is a potential consideration of council. However, the state appears to have maximum levels imposed which will override the city's fees and charges schedule regardless.

One exception to this may be related to low potency products that are currently on the shelves of several local retailers. Due to limited time, staff will bring these fees back

LEGAL: The City's current moratorium prohibiting these activities is set to expire on January 1, 2025 prompting the City to establish a local ordinance. That said, at the State level, recent litigation has paused the lottery program that was being used to identify state license holders. It is unclear how/when this will resolve. Local approvals will not be permitted until the state officially issues licenses.

COUNCIL ACTION REQUESTED: Approve personnel policy modifications as presented.

ATTACHMENTS:

1. Ordinance 24-01

CITY OF HOWARD LAKE
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE NO. 24-01

ADOPTING REGULATIONS RELATED TO CANNABIS BUSINESSES

THE CITY COUNCIL OF HOWARD LAKE ORDAINS:

Section 1. Code Added. Chapter 8.13 is hereby added to the City Code to read as follows:

CHAPTER 8.13. – CANNABIS BUSINESSES

Section 1. Administration

(1) Findings and Purpose. City of Howard Lake makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes City of Howard Lake to protect the public health, safety, welfare of Howard Lake residents by regulating cannabis businesses within the legal boundaries of Howard Lake. The City of Howard Lake concludes that the proposed provisions are appropriate and lawful land use regulations for Howard Lake, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

(2) Authority & Jurisdiction. The City of Howard Lake has the authority to adopt this ordinance pursuant to:

- (a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- (b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- (c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- (d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of the city.

(3) Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(4) Enforcement. The City of Howard Lake is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

(5) Definitions

- (a) Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
- (b) Cannabis Cultivation: A cannabis business licensed to grow cannabis plants

within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

- (c) Cannabis Retail Businesses: A retail location and the retail location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers.
- (d) Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
- (e) Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
- (f) Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
- (g) Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- (h) Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
- (i) Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
- (j) Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
- (k) Retail Registration: An approved registration issued by the city to a state- licensed cannabis retail business.
- (l) School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
- (m) State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

(1) Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within the City of Howard Lake without first registering with the city.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.

(2) Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, the City of Howard Lake shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Howard Lake shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

(3) Registration & Application Procedure

(a) Fees. A registration fee, as established in the city's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall be \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by the city shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall be \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

(b) Application Submittal.

The City of Howard Lake shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

1. An applicant for a retail registration shall fill out an application form, as provided by the city clerk.
2. The applicant shall include with the form:
 - a. The fee as required in this Section.
 - b. A copy of a valid state license or written notice of OCM license preapproval;
3. Once an application is considered complete, the City Clerk shall inform the applicant as such, process the application fees, and forward the application to the for approval or denial.
4. The application fee shall be non-refundable once processed.

(c) Application Approval.

1. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under this Section.
2. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
3. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

(d) Annual Compliance Checks.

The City shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this Chapter.

The City shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

(e) Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under this Section if it seeks to move to a new location still within the legal boundaries of Howard Lake.

Or

If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of Howard Lake, it shall notify the City Clerk of the proposed location change and submit necessary information to meet all the criteria in this paragraph.

(4) Renewal of Registration

The City Clerk shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of Howard Lake.

A cannabis retail registration issued under this ordinance shall not be transferred.

(a) Renewal Fees.

The City of Howard Lake may charge a renewal fee for the registration starting at the second renewal, as established in the city's fee schedule.

(b) Renewal Application.

The application for renewal of a retail registration shall include the items necessary for an initial application.

(5) Suspension of Registration

(a) When Suspension is Warranted. The City of Howard Lake may suspend a cannabis retail business's registration if it violates the ordinance of the City or poses an immediate threat to the health or safety of the public. The City Clerk shall immediately notify the cannabis retail business in writing the grounds for the suspension.

(b) Notification to OCM. The City Clerk shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

(c) Length of Suspension. The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The City may reinstate a registration if it determines that the violations have been resolved.

The City shall reinstate a registration if OCM determines that the violation(s) have been resolved.

(d) Civil Penalties. Subject to Minn. Stat. 342.22, subd. 5(e) the City may impose a civil penalty, as specified in the City's Fee Schedule, for registration violations, not to exceed \$2,000.

(6) Limiting of Registrations

The City will issue no more than two (2) retail registrations at any time to cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, or cannabis microbusinesses with a retail operations endorsement. There is no limit on the number of retail registrations that may be issued for medical cannabis combination businesses or lower-potency hemp edible retailers.

Section 3. Requirements for Cannabis Businesses

(1) Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8 a.m. and 10 p.m. on Monday through Saturday and 10 a.m. and 10 p.m. on Sunday.

Section 4. Temporary Cannabis Events. License or Permit Required for Temporary Cannabis Events:

(1) No Sales of approved products, except for lower-potency hemp edibles are allowed at temporary cannabis events.

(2) License Required. A license or permit is required to be issued and approved by Howard Lake prior to holding a Temporary Cannabis Event.

(3) Registration & Application Procedure. A registration fee, as established in Howard Lake's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

(3) Application Submittal & Review. The City of Howard Lake shall require an application for Temporary Cannabis Events.

(a) An applicant for a retail registration shall fill out an application form, as provided by the Howard Lake. Said form shall include, but is not limited to:

1. Full name of the property owner and applicant;
2. Address, email address, and telephone number of the applicant;
3. Site plan indicating serving and recreation areas, bathroom and accommodations.

(b) The applicant shall include with the form:

1. the application fee as required in this section.
2. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.
3. All required materials and plans stated by this section.

The application shall be submitted to the City of Howard Lake, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the

(c) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the City Clerk for approval or denial.

(d) The application fee shall be non-refundable once processed.

(e) The application for a license for a Temporary Cannabis Event shall meet the following standards:

1. Anticipated number of participants.
2. Hours of service, location, and site plan.
3. Have or provide bathroom facilities.
4. Confirmation of security measures.
5. Lockable containers for cannabis and cash related to the event.

(f) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(g) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City shall notify the applicant of the standards not met and basis for denial.

Section 5. Lower-Potency Hemp Edibles.

(1) Sales within Municipal Liquor Stores. The sale of low-potency edibles is permitted in a Municipal Liquor Store.

(2) Beverages. The sale of low-potency hemp beverages is permitted in places where alcoholic beverages are permitted to be sold.

- (3) Storage of products. Low-potency edibles shall be sold behind a counter and stored in a locked case.

Section 6. Use in Public Places. No person shall use cannabis or other products that produce a vapor, steam, smoke, or otherwise create a public nuisance health issue in city parks or inside publicly owned facilities.

Section 2. Code Added. That Chapter 17.01-30 is hereby adopted to read as follows:

Chapter 30 – Cannabis Businesses.

01-30-01: Purpose. The purpose of this Chapter is to adopt zoning regulations related to cannabis businesses as defined in Chapter 8.13 of the City Code.

01-30-02: Minimum Buffer Requirements

- A. The City of Howard Lake shall prohibit the operation of a cannabis business within 250 feet of a school.
- B. The City of Howard Lake shall prohibit the operation of a cannabis business within 250 feet of a day care.
- C. The City of Howard Lake shall prohibit the operation of a cannabis business within 250 feet of a residential treatment facility.
- D. The City of Howard Lake shall prohibit the operation of a cannabis business within 250 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- E. Pursuant to Minn. Stat. 462.367 subd. 14, nothing in this section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

01-30-03: Zoning and Land Use. Cannabis businesses, as defined by Chapter 8.13 of the City Code are permitted in the following zoning districts:

ACTIVITY/USE	ZONING DISTRICT	PROVISIONS
Cultivation	Urban Reserve (outdoor only)	CUP
	I-2 General Industrial (indoor)	CUP
Manufacturing/Processing	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	
Hemp Manufacturer	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	
Wholesale	I-1 Warehousing Industrial	CUP

	I-2 General Industrial	
Cannabis Retail	B1 General Business	IUP/CUP
	B2 Downtown Business	IUP/CUP
Cannabis Transportation	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	
Cannabis Delivery	I-1 Warehousing Industrial	CUP
	I-2 General Industrial	

01-30-04: Performance Standards. The following performance standards shall apply to any business permitted above:

- A. Cannabis cultivator or manufacturing businesses that are located within a building shall provide for odor abatement through mechanical scrubbers or similar means and not allow odor to be detectable from the property line.
- B. All required security measures for cannabis cultivation or manufacturing businesses shall require screening to all adjacent properties.
- C. Any interim or conditional use permit sought for a cannabis business shall require a security plan.
- D. Any cannabis cultivator or manufacturing business shall require the provision of an adequate wastewater management plan.
- E. The operator of a cannabis cultivation business on property within the Urban Reserve District shall reside on the property.
- F. Any building used for cannabis cultivation within the Urban Reserve District shall have a minimum 200 foot setback to a property line.

Section 3. Code Added. The City of Howard Lake fee schedule is amended to include the following fee:

Temporary Cannabis Event \$500

Section 4. This ordinance shall be in full force and effect from and after its passage and publication according to law.

ADOPTED by the City Council of the City of Howard Lake, Minnesota this 9th day of December 2024.

Pete Zimmerman, Mayor

ATTEST:

Nicholas Haggemiller, City Clerk-Administrator



HOWARD LAKE CITY COUNCIL MEETING

December 9, 2024

AGENDA ITEM: Consider Various Approvals Related to the Sale of Goldendale Apartments.

SECTION: New Business

FROM: City Administrator

BACKGROUND: The City of Howard Lake provided conduit financing to Goldendale Apartments in 2005. Goldendale Apartments (1208 7th Street) are Howard Lake's only subsidized apartment complex. By serving as conduit financier, the property owner (Commonbond Communities) was able to legally obtain tax exempt bonds. The City has served in this capacity numerous times over the years for various non profits for requests that generally support the community; in this case, low income housing. The City is NOT and never was the owner of this property.

Commonbond Communities has notified the City that they are selling the property. The buyer is NorthStar Properties LLC of St. Cloud with a signatory of James Knoblach. The City is familiar with Knoblach as he currently owns the Deer Run Apartments on Shoreline Drive. The City has been told the intention is to maintain the property as-is including rental subsidies rather than convert to market rate.

The City is being asked to approve various agreements that will allow the sale to move forward as well as move forward in an expedited manner. To review this request, the City's bond counsel [Taft Law/Mary Ipple] was engaged to review the request on behalf of the City and draft necessary documents. Ultimately, Taft is recommending the approval of the following:

- Resolution Authorizing Execution of Assignments.
 - ➔ Provides approval and direction to the mayor and city administrator to execute documents.
- Assignment and Assumption of Regulatory Agreement.
 - ➔ Assigns various regulatory requirements associated with the property to the new owner.
- First Amendment to Regulatory Agreement
 - ➔ Assigns associated bonds with the property to the new owner and removes former trustee.

It is our understanding that transfer of the property including official closing and transition of management will occur on December 18, 2024. The stated process and agreement waives a 45 day waiting period the City would have right to exercise. Per bond counsel, there is nothing the City may do to officially object nor is there reason to object to this transfer for any legally defensible reason. Therefore, the city is encouraged to execute documents as presented.

DECISION MAKING METRICS:

FINANCIAL: There is not a material cost to the City for this request. All legal and consultant fees incurred will be paid by the parties involved with the transaction.

LEGAL: Taft Law drafted the documents presented.

COUNCIL ACTION REQUESTED: The City council is encouraged to approve and therefore direct the Mayor and City Administrator to proceed with closing with the approval of:

1. Authorization Resolution 24-17.
2. Approval of Assignment and Assumption Agreement.
3. Approval of Amendment of Regulatory Agreement

ATTACHMENTS:

1. Bond Redemption Notice
2. Resolution 24-17
3. Assignment and Assumption Agreement
4. Amendment of Regulatory Agreement.



November 7, 2024

City of Howard Lake
Attention: Nick Haggenmiller
City Hall
625 8th Ave,
Howard Lake, MN 55349
Attn: City Clerk

Scott Williams
Computershare
Vice President Account Management
1505 Energy Park Drive, St. Paul, MN 55108

Re Bond Redemption Howard Lake / Goldendale Housing Project Series 2005A

Mr. Haggenmiller and Mr. Williams:

Borrower, Howard Lake Goldendale Housing of Minnesota, LLC hereby gives notice of our intent to redeem the Howard Lake/Goldendale Housing Project Series 2005A Bonds on or around December 19, 2024, pursuant to the terms of Articles III of the underlying Trust Indenture dated February 1, 2005 and the other bond issuance documents.

Please advise of next steps in the process and I look forward to working with you on the redemption.

If you have any questions or require additional information, please contact me. My contact information is:

Deidre Schmidt

A handwritten signature in blue ink, appearing to read "Deidre Schmidt", written over a light blue horizontal line.

Chief Financial Manager and Treasurer
Howard Lake Goldendale Housing, LLC
1080 Montreal Ave. | St Paul, MN 55116
651-290-6205
Deidre.schmidt@commonbond.org

EXTRACT OF MINUTES OF A MEETING
CITY COUNCIL
CITY OF HOWARD LAKE, MINNESOTA

HELD: DECEMBER 9, 2024

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Howard Lake, Minnesota, was duly held at the City Hall on December 9, 2024, at 7:00 P.M.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION 24-17 AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO
REGULATORY AGREEMENT AND THE CONSENT TO THE ASSIGNMENT AND
ASSUMPTION THEREOF

A. WHEREAS, the City of Howard Lake, Minnesota (the "City") previously issued its \$1,620,000 Housing Facilities Revenue Bonds (Howard Lake/Goldendale Housing Project) Series 2005A and \$140,000 Taxable Housing Facilities Revenue Bonds (Howard Lake/Goldendale Housing Project) Series 2005B (collectively, the "Bonds"), pursuant to a Trust Indenture, dated as of February 1, 2005, by and between Issuer and Wells Fargo Bank, National Association, a national banking association, as the trustee then-in-effect; and

B. WHEREAS, in connection with the Bonds, Howard Lake Goldendale Housing of Minnesota, LLC, a Minnesota limited liability company (the "Borrower"), the Issuer, and Wells Fargo Bank, National Association, previously entered into that certain Regulatory Agreement dated as of February 1, 2005, and recorded in the Office of the County Recorder of Write County, Minnesota on March 1, 2005 as document number A948878 (collectively, the "Regulatory Agreement"), with respect to the Facilities (as defined in the Regulatory Agreement); and

C. Wells Fargo Bank, National Association, assigned its rights, interests, and obligations as trustee under the Regulatory Agreement and Trust Indenture to Computershare Trust Company, N.A. (the "Trustee") as its successor-in-interest, and Trustee assumed such rights, interests, and obligations; and

D. WHEREAS, the Borrower is causing the Bonds to be repaid in full and the parties desire to amend the Regulatory Agreement to release and discharge the Trustee from further duties and obligations under the terms of Regulatory Agreement through a First Amendment to Regulatory Agreement (the "Amendment"), a copy of which is on file with the City; and

E. WHEREAS, the Borrower is selling the Facilities to Northstar Properties of St. Cloud LLC, a Minnesota limited liability company (the "Purchaser") and pursuant to the sale, the Borrower is assigning and the Purchaser is assuming the Borrower's rights and interest in to the

Regulatory Agreement, as amended, pursuant to an Assignment and Assumption of Regulatory Agreement (the “Assignment”), a copy of which is on file with the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Howard Lake, Minnesota, as follows:

1. First Amendment to Regulatory Agreement. The City Council hereby approves the Amendment in substantially the form submitted, and the Mayor and City Administrator are hereby authorized and directed to execute the Amendment on behalf of the City.

2. Assignment and Assumption of Regulatory Agreement. The City Council hereby consents to the Assignment in substantially the form submitted, and the Mayor and City Administrator are hereby authorized and directed to execute the consent to the Assignment on behalf of the City.

3. Additional Details. The approval and consent hereby given to the Amendment and the Assignment includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City officials authorized by this resolution to execute the Amendment and the consent to the Assignment. The execution of the Amendment and the consent to the Assignment by the appropriate officer or officers of the City shall be conclusive evidence of the approval of the Amendment and the consent to the Assignment in accordance with the terms hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member _____, and upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
COUNTY OF WRIGHT) SS
CITY OF HOWARD LAKE)

I, the undersigned, being the duly qualified and acting City Administrator of the City of Howard Lake, Minnesota, hereby certify that I have carefully compared and attached the foregoing extract of minutes of a meeting of the City Council December 9, 2024, with the original thereof on file and of record in my office and the same is a full, true and complete transcript therefrom insofar as the same relates to the execution and delivery of an First Amendment to Regulatory Agreement and the Consent to the Assignment and Assumption thereof.

WITNESS my hand on December 9, 2024.

City Administrator

(Space Above Reserved for Recording Information)

This instrument was drafted by:
Winthrop & Weinstine, P.A. (CMM)
225 South Sixth Street, Suite 3500
Minneapolis, MN 55402

**ASSIGNMENT AND ASSUMPTION
OF REGULATORY AGREEMENT**

THIS ASSIGNMENT AND ASSUMPTION OF REGULATORY AGREEMENT (this “Agreement”) is made effective as of _____, 2024 (“Effective Date”), by and between HOWARD LAKE GOLDENDALE HOUSING OF MINNESOTA, LLC, a Minnesota limited liability company (“Assignor”), and NORTHSTAR PROPERTIES OF ST. CLOUD, LLC, a Minnesota limited liability company (“Assignee”).

RECITALS:

A. As of the Effective Date, Assignor is transferring to Assignee that certain real property and improvements (“Property”) legally described on the attached Exhibit A, attached hereto and incorporated herein.

B. The Property is subject to the terms of that certain Regulatory Agreement by and between Assignor, the City of Howard Lake, and Wells Fargo Bank, National Association, dated February 1, 2005, filed in the Office of the Wright County Recorder on March 1, 2005, as Document No. A948878 (referred to herein as the “Regulatory Agreement”), and the requirements of Sections 142 and 145 of the Internal Revenue Code and applicable regulations.

C. Assignor desires to assign and transfer all rights and interest in and to the Regulatory Agreement, and Assignee desires to accept such assignment, and assume the obligations of Assignor under the Regulatory Agreement and the requirements in Sections 142 and 145 of the Internal Revenue Code and applicable regulations, as provided herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows.

AGREEMENT:

1. **Assignment**. Assignor hereby assigns all of its right and interest in and to the Regulatory Agreement to Assignee as of the Effective Date.

2. **Assumption**. Assignee hereby accepts, from and after the Effective Date, the foregoing assignment and hereby agrees to assume the obligations of Assignor accruing on and after the Effective Date under the Regulatory Agreement and the requirements of Sections 142 and 145 of the Internal Revenue Code and applicable regulations.

3. **Severability**. If any provision of this Amendment shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions shall not in any way be affected or impaired.

4. **Multiple Counterparts**. This Assignment may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute one and the same Regulatory Agreement.

[SIGNATURE PAGES FOLLOW]

**SIGNATURE PAGE
TO
ASSIGNMENT AND ASSUMPTION
OF REGULATORY AGREEMENT**

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed as of the day and year first above written.

ASSIGNEE:

**NORTHSTAR PROPERTIES OF ST.
CLOUD, LLC,**
a Minnesota limited liability company

By: _____
Name: James M. Knoblach
Title: Chief Manager

STATE OF MINNESOTA)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by James M. Knoblach, the Chief Manager of Northstar Properties of St. Cloud, LLC, a Minnesota limited liability company, on behalf of the company.

My Commission Expires:

Notary Public

EXHIBIT A

Legal Description

Those tracts or parcels situated in the County of Wright, and State of Minnesota, legally described as follows:

PARCEL A:

That part of the Northwest Quarter of the Northwest Quarter of Section 29, Township 121, Range 27, Wright County, Minnesota described as follows:

Beginning at the Northwest corner of said Northwest Quarter of the Northwest Quarter; thence East along the North line thereof a distance of 270.40 feet; thence South parallel with the West line of the said Northwest Quarter of the Northwest Quarter a distance of 742.61 feet to the centerline of Minnesota State Highway No. 24; thence Southwesterly along the said centerline a distance of 329.62 feet to the West line of the said Northwest Quarter of the Northwest Quarter; thence North along the said West line a distance of 931.69 feet to the point of beginning, except the Westerly 30 feet thereof.

PARCEL B:

That part of the SE 1/4 of the NE 1/4 of Section 4, Township 118, Range 27, Village of Howard Lake, Wright County, Minnesota described as follows:

Commencing at a point on the South line of the said SE 1/4 of the NE 1/4 distant 33.0 feet East of the Southwest corner of said SE 1/4 of the NE 1/4; thence East along the said South line a distance of 519.00 feet; thence North parallel with the West line of the said SE 1/4 of the NE 1/4 a distance of 250.00 feet to the actual point of beginning; thence continue North along said parallel line a distance of 341.00 feet; thence West parallel with the South line of the said SE 1/4 of the NE 1/4 a distance of 156.00 feet to a line parallel with and distant 395.70 feet East of the West line of the said SE 1/4 of the NE 1/4 ; thence South along the said parallel line a distance of 135.00 feet; thence West parallel with the South line of the said SE 1/4 of the NE 1/4 a distance of 108.70 feet to a line parallel with and distant 287.00 feet East of the West line of the said SE 1/4 of the NE 1/4; thence South along the said parallel line a distance of 206.00 feet; thence East parallel with the South line of the said SE 1/4 of the NE 1/4 a distance of 265.00 feet to the point of beginning.

Abstract Property

(Space Above Reserved for Recording Information)

This instrument was drafted by:
Winthrop & Weinstine, P.A. (CMM)
225 South Sixth Street, Suite 3500
Minneapolis, MN 55402

**FIRST AMENDMENT
TO REGULATORY AGREEMENT**

This FIRST AMENDMENT TO REGULATORY AGREEMENT (the “Amendment”) is made effective as of _____, 2024, by and among HOWARD LAKE GOLDENDALE HOUSING OF MINNESOTA, LLC, a Minnesota limited liability company (“Borrower”), the CITY OF HOWARD LAKE, a municipal corporation and political subdivision organized and existing pursuant to the Constitution and laws of the State of Minnesota (together with its successors and assigns, the “Issuer”), and COMPUTERSHARE TRUST COMPANY, N.A., as trustee (“Trustee”).

RECITALS:

WHEREAS, the Issuer has previously issued its \$1,620,000 Housing Facilities Revenue Bonds (Howard Lake/Goldendale Housing Project) Series 2005A and \$140,000 Taxable Housing Facilities Revenue Bonds (Howard Lake/Goldendale Housing Project) Series 2005B (collectively, the “Bonds”), pursuant to a Trust Indenture, dated as of February 1, 2005, by and between Issuer and Wells Fargo Bank, National Association, a national banking association, as the trustee then-in-effect;

WHEREAS, in connection with the Bonds, the Borrower, Issuer and Wells Fargo Bank, National Association, previously entered into that certain Regulatory Agreement dated as of February 1, 2005, and recorded in the Office of the County Recorder of Write County, Minnesota on March 1, 2005 as document number A948878 (collectively, the “Regulatory Agreement”), with respect to the Facilities (as defined in the Regulatory Agreement);

WHEREAS, Wells Fargo Bank, National Association, assigned its rights, interests, and obligations as trustee under the Regulatory Agreement and Trust Indenture to Trustee as its successor-in-interest, and Trustee assumed such rights, interests, and obligations;

WHEREAS, contemporaneously with the recording of this Amendment, Borrower is causing the Bonds to be repaid in full; and

WHEREAS, the parties hereto desire to amend the Regulatory Agreement to release and discharge the Trustee from further duties and obligations under the terms of Regulatory Agreement.

NOW, THEREFORE, in consideration of the foregoing and for other consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows.

AGREEMENT:

1. **Provisions Relating to Trustee.** Trustee, as itself and as successor-in-interest to Wells Fargo Bank, National Association, is hereby released from all duties and obligations under the Regulatory Agreement arising after the payment of the Bonds in full, and all provisions throughout the Regulatory Agreement related to the duties of, or notice to or from, the Trustee. If, under the terms of the Regulatory Agreement, any approval or consent of the "Trustee" is required, such approval or consent shall be obtained from the Issuer (however, multiple notices need not be provided). The rights to indemnification of Trustee, as "Trustee" under the Regulatory Agreement, shall survive such release and discharge.

2. **Severability.** If any provision of this Amendment shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions shall not in any way be affected or impaired.

3. **Multiple Counterparts.** This Amendment may be simultaneously executed in multiple counterparts, all of which shall constitute one and the same instrument and each of which shall be deemed to be an original.

[SIGNATURE PAGES FOLLOW]

**SIGNATURE PAGE
TO
FIRST AMENDMENT TO REGULATORY AGREEMENT**

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed as of the day and year first above written.

TRUSTEE:

**COMPUTERSHARE TRUST COMPANY,
N.A., as Trustee**

By: _____

Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that on this _____, 2024 _____, the Vice President of Computershare Trust Company, N.A., personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act and the free and voluntary act of said agency for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

[seal]

Notary Public



HOWARD LAKE CITY COUNCIL MEETING

December 9, 2024

AGENDA ITEM: Consider Resolution 24-18 Designating a Polling

Place **SECTION:** Consent

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND: In 2017, the State Legislature amended Minnesota Statute § 204B.16 Subd. 1 requiring all municipalities to designate a polling place annually by December 31 of each year. The City has historically held elections in City Hall. The proposed resolution would not change any election operations as it maintains City Hall as the designated polling place. It simply ensures the City remains in compliance with the new requirements in state statute.

DECISION MAKING METRICS:

FINANCIAL: N/A

LEGAL: This action follows state statute concerning polling places.

STRATEGIC PLAN: Deliver High Quality, Reliable Infrastructure and Public Services

COUNCIL ACTION REQUESTED: Adopt Resolution 24-18 Designating a Polling

Place. **ATTACHMENTS:**

1. Resolution 24-18 Designating Polling Place

**CITY OF HOWARD LAKE
RESOLUTION 24-15**

RESOLUTION DESIGNATING AN ABSENTEE VOTING LOCATION

WHEREAS, Minnesota Statute § 204B.16 Subd. 1 was amended by the Minnesota State Legislature during its 2017 regular session to require all municipalities to annually designate a polling place by December 31 of each year for the following calendar year;

WHEREAS, the City of Howard Lake designates City Hall at 625 8th Avenue, Howard Lake as the polling place and absentee voting location for Precinct 1;

THEREFORE BE IT RESOLVED, that the City of Howard Lake designates Howard Lake Library at 817 8th Avenue, Howard Lake as the polling place for Precinct 1 for the 2025 calendar year.

PASSED AND ADOPTED this 9th day of December 2024.

Peter Zimmerman, Mayor

ATTEST:

Nicholas Haggemiller, City Administrator-Clerk



HOWARD LAKE CITY COUNCIL MEETING

December 9, 2024

AGENDA ITEM: Consider Resolution Approving Plans & Specifications and Order Advertisement of Bids

SECTION: New Business

FROM: City Administrator

BACKGROUND: Necessary design and engineering has been underway for over a year related to a comprehensive set of street reconstruction and utility replacement projects. The first phase is completing a significant street reconstruction project, targeted at the north west quarter of the City that has not been reconstructed for 40+ years.

The City is seeking financing through USDA and the PFA and anticipates final clearances to be received by year end. This is optimal bid let season; despite not having the final approval staff is requesting that the plans and specifications be approved and thereby order the advertisement of bids. This is conditioned upon the final approval of USDA.

DECISION MAKING METRICS:

FINANCIAL: This is an estimated \$9.1 Million project which is an incredible undertaking of the City logistically and financially. Our utility enterprise funds appear to be able to support utility related expenses without rate increases. However, that has not been fully vetted through our staff and consultant team. There will be general fund debt as well that needs to be further examined during this bid let period as well in order to confirm affordability and comfort level of the city council. The city council will have the opportunity to amend or reject bids in full for various reasons. Affordability being one of the reasons.

LEGAL: City Staff and its consultants have undertaken a considerable effort to achieve legal compliance for USDA financing. Currently, the city is awaiting the Notice to Proceed from the USDA General Counsel. The bid notice will not be published until that is received. Finally, sealed bids are required for a project of this size.

COUNCIL ACTION REQUESTED: Adopt Resolution 24-19 approving plans and specifications and order the advertisement of bids for the 2025 Street Reconstruction Project.

ATTACHMENTS:

1. Memo from City Engineer
2. Project Location Map
3. Resolution 24-19



Real People. Real Solutions.

MEMORANDUM

Date: December 5, 2024

To: Nick Haggemiller, City Administrator

From: Joshua Halvorson, P.E.
City Engineer

Subject: USDA Phase 1 – Infrastructure Improvement Project
Howard Lake, Minnesota
BMI Project No.: OW1.130734

It was March 20th, 2023, when a public hearing was held on the USDA preliminary engineering report (PER) and the Council acted by ordering the preparation of plans and specifications. Today, the USDA Phase 1 – Infrastructure Improvement Project plans & specifications have been completed. These improvements consist of the street and utility reconstruction on City streets per the attached Figure 1.

The project design and preparation of construction documents tracked well with the PER with anticipated construction costs of the Phase 1 work at \$9,097,000.00 which includes a 10% contingency. We have received approval from the USDA Engineer of such plans & specifications. Currently, we are waiting for final concurrence by the Federal USDA Office to seek competitive bids for the USDA Phase 1 Project. The following schedule is based on receiving USDA concurrence to bid prior to December 16, 2024:

- Council Authorization to Bid: December 9, 2024
- Upload Bidding Documents*: December 17, 2024*
- Bid Opening: January 24, 2025, at 2:00 PM
- Accept Bids & Award Contract**: March 17, 2025**
- Construction Start Date: June 1, 2025
- Substantial Completion: November 1, 2026
- Final Completion: June 15, 2027

**Upload date is contingent upon receiving USDA concurrence to bid.*

***Award date is contingent upon receiving USDA concurrence to award.*

At this time, we recommend that the City Council Execute the attached resolution approving the plans & specifications and authorize bidding as stated. The proposed schedule above is favorable as we enter the Minnesota winter bidding season.

Attachments:

Resolution
Figure 1 – Project Location Map
Construction Plan – Signed Title Sheet
Project Manual – Certification Sheet

CITY OF HOWARD LAKE, MINNESOTA

CONSTRUCTION PLANS FOR

USDA PHASE 1 - INFRASTRUCTURE IMPROVEMENT PROJECT

GRADING, AGGREGATE BASE, BITUMINOUS PAVING, CURB & GUTTER, WALK,
STORM SEWER, SANITARY SEWER, WATERMAIN, STREET IMPROVEMENTS

DECEMBER 2024

RESOURCE LIST

CITY OF HOWARD LAKE

City Hall
625 8th Avenue
Howard Lake, MN 55349
Phone: 320-543-3670

City Administrator:
Nick Haggenmiller
625 8th Avenue
Howard Lake, MN 55349
Office: 320-543-3670
Fax: 320-543-3306
cityadmin@howard-lake.mn.us

Mayor:
Pete Zimmerman
625 8th Avenue
Howard Lake, MN 55349
Office: 320-543-3670
Fax: 320-543-3306

Public Works Lead:
Jared Merges
625 8th Avenue
Howard Lake, MN 55349
Cell: 320-469-3676
Office: 320-543-3670
Fax: 320-543-3306
jaredmerges@howard-lake.mn.us

City Council Members:
Gene Gilbert
Tom Kutz
Al Munson
Jason Deiter

City Engineer:
(Consultant)
Joshua J. Halvorson P.E.
Bolton & Menk, Inc.
2040 Highway 12 East
Willmar, MN 56201-5818
Phone: 320-231-3956
Fax: 320-231-9710

UTILITIES

GAS

CenterPoint Energy
Austin Sowers
700 West Linden Avenue
P.O. Box 1165
Minneapolis, MN 55440
Phone: 612-321-5421
austin.sowers@CenterPointEnergy.com

CenterPoint Energy
Daniel Gibson
700 West Linden Avenue
P.O. Box 1165
Minneapolis, MN 55440
Phone: 612-321-5279
Daniel.Gibson@CenterPointEnergy.com

TELEPHONE

Windstream Communications
Mike Althoff
63 Maple Ave N
Maple Lake, MN 55358
Phone: 612-282-2331
Mike.Alothoff@windstream.com

Mediacom

Bob Frazer
1240 Highway 52 South
Chatfield, MN 55923
Cell: 612-812-5116
Office: 507-564-1134
bfrazer@mediacomcc.com

CenturyLink / Lumen
Daniel Cobenais
2050 4th Street
White Bear Lake, MN
Cell: 612-500-6766
daniel.cobenais@lumen.com

Lauren Schmidt
Cell: 612-432-7626
lschmidt@congruex.com

Nuvera

Todd Anderson
Phone: 952-226-9902
ToddAnderson@nuvera.net

TDS Telecom
Brad Carlson
316 Pine Street
Monticello, MN 55362
Phone: 320-485-2701

ELECTRIC

Xcel Energy
Sean Lawler
414 Nicollet Mall
Minneapolis, MN 55401
Phone: 612-216-5695
sean.w.lawler@xcelenergy.com



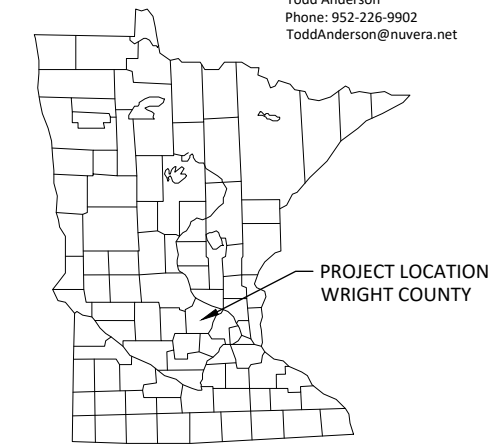
****XCEL ENERGY HAS A HIGH VOLTAGE TRANSMISSION LINE LOCATED ALONG 13TH AVENUE (69 KV)**



MAP OF THE
CITY OF HOWARD LAKE
WRIGHT COUNTY, MN

MAP LEGEND

- ▬ PROJECT LIMITS
- ▲ BID LOCATION



NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW. NOTIFY GOPHER STATE ONE CALL, 1-800-252-1166 OR 651-454-0002.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-22, ENTITLED "STANDARD GUIDELINES FOR INVESTIGATING AND DOCUMENTING EXISTING UTILITIES".

BM=1018.15
MNDOT Q 118
RAILROAD BRIDGE ABUTMENT OVER
COUNTY ROAD 6/10TH AVENUE

PROJECT DATUM:
HORIZONTAL: WRIGHT COUNTY COORDINATES
(NAD83, 1986 ADJUSTMENT)
VERTICAL: NAVD 88

RECORD DRAWING
INFORMATION
OBSERVER:
CONTRACTOR:
DATE:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Joshua J. Halvorson
JOSHUA J. HALVORSON
LIC. NO. 46291 DATE 12/09/2024



2040 HIGHWAY 12 EAST
WILLMAR, MINNESOTA 56201
Phone: (320) 231-3956
Email: Willmar@bolton-menk.com
www.bolton-menk.com

DESIGNED	NO.	ISSUED FOR	DATE
DTI		BID	12/09/2024
DRAWN			
LV, JS, IA			
CHECKED			
JJH			
CLIENT PROJ. NO.:			
OW1.130734			

CITY OF HOWARD LAKE, MINNESOTA

USDA PHASE 1 - INFRASTRUCTURE IMPROVEMENT PROJECT

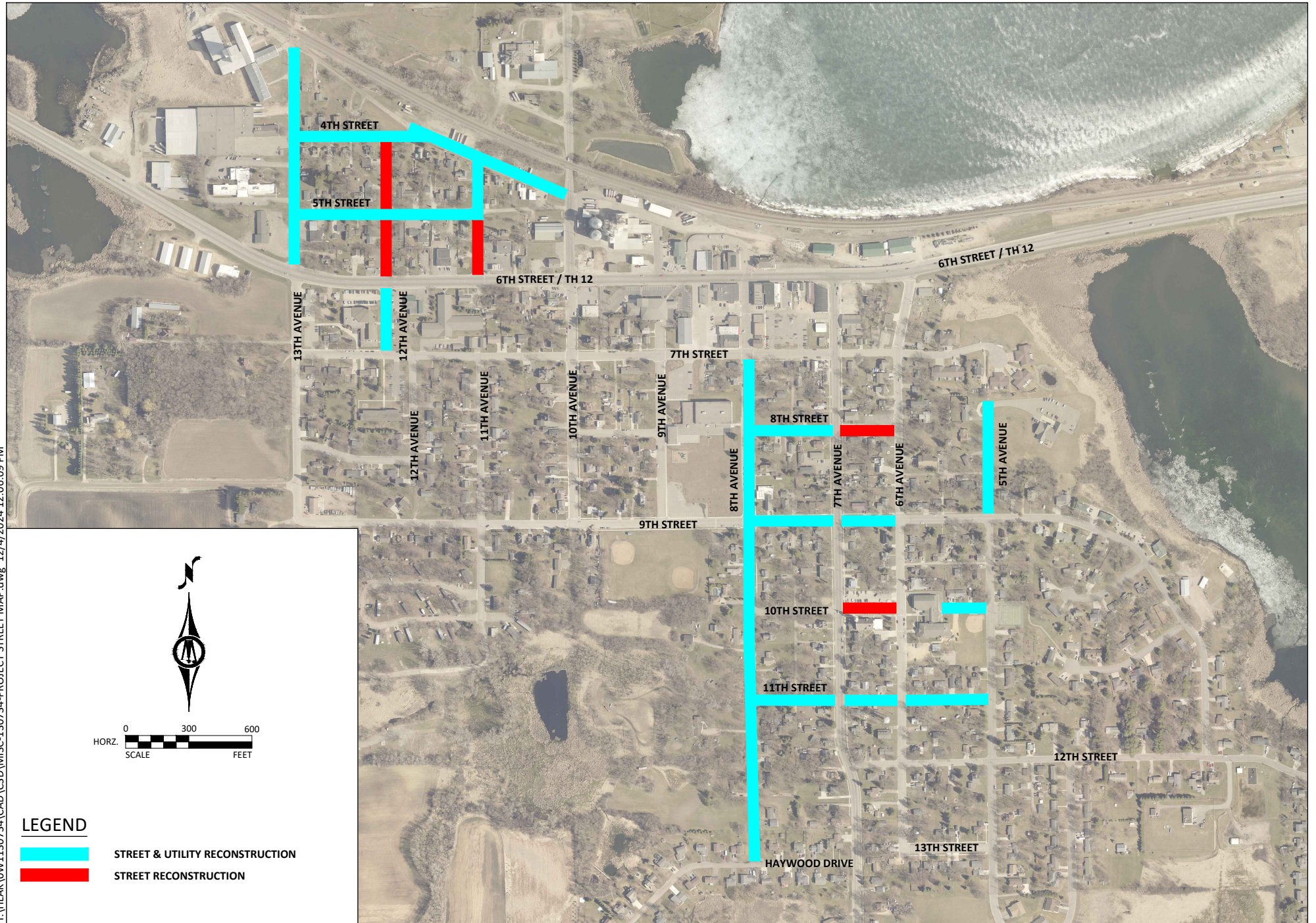
TITLE SHEET

SHEET

G0.01

SHEET NUMBER	SHEET TITLE	SHEET NUMBER	SHEET TITLE
GENERAL		CIVIL	
G0.01 - G0.03	TITLE SHEET, LEGEND, GENERAL NOTES	C6.12 - C6.13	STREET PLAN & PROFILE
G1.01 - G1.02	ESTIMATED QUANTITIES	C6.14 - C6.15	11TH STREET
G2.01 - G2.03	EXISTING UTILITY MAPS	C6.16 - C6.17	10TH STREET
G2.04 - G2.06	PROPOSED UTILITY MAPS	C6.18	9TH STREET
CIVIL		C6.19 - C6.20	8TH STREET
C0.01 - C0.13	EXISTING CONDITIONS, REMOVALS & DETAILS	C6.21 - C6.23	5TH STREET
C1.01 - C1.06	EXISTING CONDITIONS & REMOVALS PLAN		4TH STREET
C1.07 - C1.32	TYPICAL SECTIONS		INTERSECTION DETAILS
	DETAILS	C6.24	13TH AVENUE & 6TH STREET
	STORMWATER POLLUTION PREVENTION PLAN (SWPPP)	C6.25	13TH AVENUE & 5TH STREET
C2.01 - C2.03	PROJECT INFORMATION, NARRATIVE, SOILS MAP	C6.26 - C6.27	13TH AVENUE & 4TH STREET
C2.04 - C2.05	DETAILS	C6.28	12TH AVENUE & 7TH STREET
C2.06 - C2.18	SWPPP PLANS	C6.29	12TH AVENUE & 5TH STREET
	SANITARY SEWER PLAN & PROFILE	C6.30	12TH AVENUE & 4TH STREET
C4.01 - C4.02	13TH AVENUE	C6.31	11TH AVENUE & 5TH STREET
C4.03	12TH AVENUE	C6.32	11TH AVENUE & 4TH STREET
C4.04	11TH AVENUE	C6.33	10TH AVENUE & 4TH STREET
C4.05 - C4.08	8TH AVENUE	C6.34	8TH AVENUE & HAYWOOD DRIVE
C4.09	5TH AVENUE	C6.35	8TH AVENUE & 11TH STREET
C4.10	11TH STREET	C6.36	8TH AVENUE & 10TH STREET
C4.11	10TH STREET	C6.37	8TH AVENUE & 9TH STREET
C4.12	9TH STREET	C6.38	8TH AVENUE & 8TH STREET
C4.13 - C4.14	5TH STREET	C6.39	8TH AVENUE & 7TH STREET
C4.15 - C4.17	4TH STREET	C6.40	5TH AVENUE & 10TH STREET
	WATERMAIN PLAN & PROFILE	C6.41	5TH AVENUE & 9TH STREET
C4.18 - C4.19	13TH AVENUE	C6.42	5TH AVENUE CUL-DE-SAC
C4.20	11TH AVENUE	C6.43	4TH STREET
C4.21 - C4.24	8TH AVENUE		PEDESTRIAN RAMP DETAILS
C4.25	5TH AVENUE	C6.44 - C6.49	PEDESTRIAN RAMPS
C4.26 - C4.27	11TH STREET		TRAFFIC CONTROL
C4.28	10TH STREET	C7.01 - C7.15	TRAFFIC CONTROL PLAN
C4.29 - C4.30	9TH STREET		CROSS SECTIONS
C4.31	8TH STREET	C8.01 - C8.05	13TH AVENUE
C4.32 - C4.33	5TH STREET	C8.06 - C8.10	12TH AVENUE
C4.34 - C4.36	4TH STREET	C8.11 - C8.13	11TH AVENUE
	STORM SEWER PLAN & PROFILE	C8.14 - C8.25	8TH AVENUE
C5.01	13TH AVENUE	C8.26 - C8.28	5TH AVENUE
C5.02	12TH AVENUE	C8.29 - C8.33	11TH STREET
C5.03 - C5.07	8TH AVENUE	C8.34 - C8.35	10TH STREET
C5.08	10TH STREET DRAIN CONNECTION	C8.36 - C8.39	9TH STREET
C5.09	10TH STREET ALLEY - YARD STORM LEAD	C8.40 - C8.44	8TH STREET
C5.10	5TH AVENUE OUTLET	C8.45 - C8.48	5TH STREET
C5.11 - C5.12	5TH STREET	C8.49 - C8.55	4TH STREET
C5.13 - C5.15	4TH STREET		ELECTRICAL
	STREET PLAN & PROFILE		ELECTRICAL PLANS
C6.01 - 6.02	13TH AVENUE	E1.01 - E1.03	DETAILS
C6.03 - 6.04	12TH AVENUE	E1.04 - E1.05	EXISTING CONDITIONS
C6.05	11TH AVENUE	E1.06	8TH AVENUE
C6.06 - C6.09	8TH AVENUE		
C6.10	5TH AVENUE		
C6.11	5TH AVENUE PARKING LOT		

THIS PLAN SET CONTAINS 250 SHEETS.



**CITY OF HOWARD LAKE
RESOLUTION 24-19**

**APPROVING PLANS & SPECIFICATION
AND ORDERING ADVERTISEMENT FOR BIDS
AS PART OF THE HOWARD LAKE USDA PHASE 1 – INFRASTRUTURE
IMPROVMENT PROJECT**

WHEREAS, pursuant to a resolution passed by the council March 20, 2023 the city engineer (consulting engineer retained for the purpose) has prepared plans and specifications for the improvement of the Howard Lake USDA Phase 1 – Infrastructure Improvement Project and has presented such plans and specifications to the council for approval contingent upon receiving concurrence to bid from the United States Department of Agriculture (USDA) Rural Development;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HOWARD LAKE, WRIGHT COUNTY, MINNESOTA THAT:

1. Such plans and specifications prepared for the project as referenced by the title sheets attached here to and is made entirely a part hereof, are hereby approved.
2. The City Engineer shall prepare and cause to be inserted in the official paper (and electronically thru Quest CDN) an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for a minimum of 21 day, shall specify the work to be done, shall state that bids will be received thru Quest CDN until 2:00 p.m. on January 24th, 2025, at which time they will be publicly opened in the council chambers of the city hall by the City Administrator and Engineer, will then be tabulated, and will be considered by the council at 7:00 p.m. on March 17th 2025, in the council chambers of the city hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless submitted according to the instruction to bidders within the contract.
3. Such resolution is contingent upon receiving concurrence to bid from the United States Department of Agriculture (USDA) Rural Development on the project.

Adopted by the Council on this 9th day of December, 2024.

SIGNED:

WITNESSED:

Peter Zimmerman, Mayor

Nick Haggemiller, City Administrator