



CITY OF HOWARD LAKE

City Council Meeting

*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 October 17, 2022 – 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 July 18, 2022 Regular Council Meeting
- b. Consider approving Council Minutes from the September 19, 2022 Regular Council Meeting.

E. CITIZEN INPUT

F. COUNCIL/COMMITTEE REPORT

G. DEPARTMENT REPORTS

- a. Howard Lake Wine & Spirits
- b. South Shore Event Center

H. CONSENT AGENDA

- a. Consider Approving All Reports and Payment of Claims.
- b. Consider Various Personnel Appointments.
- c. Consider Resolution 22-22 Approving Absentee Ballot Board.
- d. Consider Closing Dutch Lake Woods to Vehicle Traffic on Halloween.
- e. Consider Purchase of Truck for Fire Department.
- f. Consider Approving Use of Public Property & Police Assistance for Turkey Tag Along.
- g. Consider Resolution 22-23 Setting Public Hearing for TIF 1-23 Buffalo Lake Apartments.
- h. Consider Resolution 22-24 Setting Public Hearing for TIF 1-24 Passive Solar Housing.

I. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

- a. Public Hearing for City Ordinance 12.03 Ice & Snow Control Modifications.

J. NEW BUSINESS

- a. Consider Ordinance 22-06 Modification to City Ordinance Chapter 7.01 Licensing & Regulating Liquor.
- b. Consider Resolution 22-25 Approving Summary Publication of Ordinance 7.01.
- c. Consider Resolution 22-26 Setting Fines Related to City Ordinance Chapter 7.01.
- d. Consider Ordinance 22-07 Establishing Moratorium on Sale of THC Products.
- e. Consider Resolution 22-27 Approving Summary Publication of Ordinance 22-07.
- f. Consider Resolution 22-28 Declaring Residence Unfit for Habitation and Directing Legal Action.

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

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
July 18, 2022

MEETING MINUTES

COUNCIL PRESENT

Mayor Zimmerman
Tom Kutz
Allan Munson
Gene Gilbert
Jason Deiter

COUNCIL ABSENT

STAFF PRESENT

Nick Haggemiller, City Administrator

ALSO PRESENT

Herald Journal

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

No changes.

APPROVAL OF MINUTES

Council Member Kutz moved to approve the Council Meeting Minutes from June 20th. The motion was seconded by Council Member Gilbert and passed unanimously.

CITIZEN INPUT

No residents addressed the Council.

COUNCIL/COMMITTEE REPORT

None.

DEPARTMENT REPORTS

None.

CONSENT AGENDA

- a. Consider Accepting All Reports and Payment of Claims (May/June)
- b. Consider Various Personnel Appointments
- c. Consider Downtown Revitalization Grant to Kelli J. Burau LLC.
- d. Consider Confirming 2022 Election Judges and Roles.
- e. Consider Approving Final Grant Language for the MDE Library Grant.

Mayor Zimmerman introduced each item of the consent agenda. There was no discussion. MSP Deiter/Gilbert. All Ayes.

PUBLIC HEARING/PRESENTATION

None

NEW BUSINESS

a. Consider Resolution Authorizing Speed Study on CSAH 7

Haggenmiller introduced the agenda item noting that following reconstruction of CSAH 7 and the construction of a trail, residents adjacent to the project have expressed repeated concerns over excess speed. He summarized speed enforcement efforts to date including additional patrols and dynamic speed signs. However, these items have not addressed the issue or resident concerns.

Haggenmiller introduced the idea of conducting a formal speed study in conjunction with Wright County and MNDOT. The speed study would examine driving behavior and related data on CSAH 7 from CSAH 107 North to Highway 12 south. He noted that if the city were to move forward with this resolution three possible outcomes could be determined including: maintaining, lowering or even increasing the posted speed limit. The outcomes and recommendations would be required to be posted on the road and implemented. Haggenmiller specifically noted the possibility of a speed increase is possible given the preliminary data of the roadway. Council discussion centered on education vs enforcement efforts and the desire to indicate to residents the City is doing everything feasible to mitigate the issue.

Following discussion, the resolution was passed MSP Deiter/ Zimmerman. [Nays Munson]

b. Consider Purchase of a Generator for Lift Station.

Haggenmiller presented a purchase order and specifications for a 40KW permanent mount Cummings generator from Advanced Power Systems. The generator would be installed at Lift Station #11 which supports businesses and commercial properties east of Shoreline Drive including Deer Run Apartments, Dura Supreme Cabinets etc. The quoted cost was \$22,955 payable using proceeds from a previous portable generator sale in 2021.

Following discussion, the matter was passed unanimously MSP Kut/ Munson

c. Consider Approving Fee and Scope of Services for Geotechnical Services

Haggenmiller introduced the matter reminding council that the 2023 Street & Utility Project planning is underway. One of the early planning activities includes soil boring where likely facilities are to be constructed such as the water treatment plant. The city engineer sought quotes. The low quote was Braun Interec of \$15,000.

Following discussion, the matter passed unanimously recommending approval MSP Deiter/ Munson.

d. **Consider Increasing Public Works On Call Compensation**

Haggenmiller introduced the matter indicating that while the city was in process of completing an organization wide classification and compensation study, public works crews had vocalized concerns that necessitated sooner action. Market cities were considered for paid on call. Upon review, it was determined that Howard Lake had fallen behind comparable cities. Haggenmiller noted that over the last couple of years the expected duties of public works while on call have increased in addition to standard inflation based increases to wages. To account for increase in duties, Haggenmiller recommended approving an increase from \$140 to \$220 for public works paid on call.

Following discussion, the matter was passed unanimously MSP Kutz/Gilbert.

e. **Consider Closed Session Pursuant to MS13.05D to Discuss the Satisfaction of Contract for Deed for 603 8th Avenue. [Howard Lake Foods]**

Mayor Zimmerman closed the regular meeting and went into closed session at 7:34pm. At 7:55pm the council reopened the regular meeting and provided the following summary:

The City of Howard Lake has been party to a contract for deed for 603 8th Avenue with the former grocer, Mark Custer since 2010. Following the closure of Howard Lake Foods in July 2022, the City has decided to satisfy the outstanding contract for deed for the outstanding balance per amortization schedule.

Following discussion, Councilor Deiter offered motion directing the city administrator and mayor to engage the city attorney further directing the mayor and administrator to execute all related agreements to satisfy the contract for deed. The matter was seconded by Councilor Gilbert. Passed unanimously.

f. **Consider Approving RFP for 603 8th Avenue formally Howard Lake Foods.**

Haggenmiller brought forward a draft request for proposals for the former Howard Lake Foods location. He noted that various individuals, locally and otherwise, have approached him about future uses of the site. He indicated a possible fair and open method to determine interest would be to seek proposals for the site. The RFP has an solicitation period of July 19 through September 30. Following the solicitation period, proposals would be reviewed and next steps brought back to council for consideration.

Following discussion, the matter was approved unanimously MSP Kutz/Gilbert.

OLD BUSINESS

ADMINISTRATORS REPORT

ADJOURN

Council Member Kutz motioned to adjourn the meeting at 8:07 PM. The motion was seconded by Council Member Munson and passed unanimously.

City Administrator/Clerk

Date



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
September 19, 2022

MEETING MINUTES

COUNCIL PRESENT

Mayor Zimmerman
Tom Kutz
Allan Munson
Jason Deiter

COUNCIL ABSENT

Gene Gilbert

STAFF PRESENT

Nick Haggemiller, City Administrator
Meagan Theisen, Assistant City Administrator

ALSO PRESENT

Herald Journal

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 Deiter and passed unanimously.

APPROVAL OF MINUTES

Council Member Kutz moved to approve the Council Meeting Minutes from the Council Meeting on August 15th and September 12th. The motion was seconded by Council Member Munson and passed unanimously.

CITIZEN INPUT

No residents addressed the Council.

COUNCIL/COMMITTEE REPORT

None.

DEPARTMENT REPORTS

None.

CONSENT AGENDA

- a. CONSIDER ACCEPTING ALL REPORTS AND PAYMENT OF CLAIMS.**
- b. CONSIDER LEASE TERMINATION WITH OHLERDAN FOODS**
- c. CONSIDER APPROVING AUDIT ENGAGEMENT FOR FY2022-2025.**

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

PUBLIC HEARING/PRESENTATION

- a. PINNING CEREMONY FOR HLPD OFFICER ZACHARY CARGILL**
- b. SET PUBLIC HEARING DATE FOR ORDINANCE MODIFICATION OF 12.02 SNOW & ICE CONTROL**

Council Member Deiter moved to approve setting a public hearing for October 17, 2022. The motion was seconded by Council Member Munson and passed unanimously.

- c. PUBLIC HEARING FOR SUPPLEMENTAL LOAN THROUGH USDA FOR LIBRARY PROJECT**

Mayor Zimmerman closed the regular meeting at 7:06 pm.

Mayor Zimmerman opened the Public Hearing at 7:06 pm.

Haggenmiller presented the staff report.

Council discussed fund raising for the library.

Tom Goepfert – 1216 7th Street – Asked if there are plans for the current library building.

Staff shared there are not concrete plans for that building at this time.

Mayor Zimmerman closed the Public Hearing 7:23 pm.

Mayor Zimmerman reopened the regular council meeting 7:24 pm.

NEW BUSINESS

- a. CONSIDER RESOLUTION 22-19 AUTHORIZING THE INCURRENCE OF DEBT FOR THE LIBRARY PROJECT**

Haggenmiller reviewed the staff report

Council Member Kutz moved to approve Resolution 22-19. The motion was seconded by Council Member Deiter and passed unanimously.

- b. CONSIDER ADOPTING 2023 GRADE STEP SCALE FOR ELIGIBLE EMPLOYEES**

Haggenmiller reviewed the staff report, highlighting the figures included in the packet.

Council Member Deiter moved to approve the 2023 Grade Step Scale. The motion was seconded by Council Member Kutz and passed unanimously.

- c. CONSIDER RESOLUTION 22-20 APPROVING PRELIMINARY TAX LEVY FOR 2023.**

d. CONSIDER RESOLUTION 22-21 APPROVING PRELIMINARY DEBT SERVICE LEVY FOR 2023.

e. CONSIDER APPROVING PRELIMINARY GENERAL FUND BUDGET FOR 2023.

Haggenmiller reviewed the staff report, highlighting the figures included in debt service and preliminary debt service levy for 2023.

Council Member Kutz moved approve resolution 22-20, Approving the Preliminary Tax Levy for 2023. The motion was seconded by Council Member Munson and passed unanimously.

Council Member Deiter moved approve resolution 22-21, Approving the Preliminary Debt Service Levy for 2023. The motion was seconded by Council Member Kutz and passed unanimously.

Council Member Deiter moved the preliminary general fund budget for 2023. The motion was seconded by Council Member Kutz and passed unanimously.

OLD BUSINESS

None.

ADMINISTRATORS REPORT

None.

ADJOURN

Council Member Kutz motioned to adjourn the meeting at 7:48 PM. The motion was seconded by Council Member Munson and passed unanimously.

Attest – City Administrator/Clerk

Mayor

CITY OF HOWARD LAKE
CLAIMS & DONATIONS APPROVED
DATE - September 19 - October 14, 2022

GENERAL FUND	CHECKS: 59925-60044	\$203,193.89
PAYROLL	27164-27180, 502288-502339	73,143.11
ELECTRONIC	1263-1297 (July-September)	<u>291,695.16</u>
TOTAL		\$568,032.16

AMBULANCE CLAIMS	CHECKS: 5898	\$215.91
ELECTRONIC		
TOTAL		\$215.91

Approved:

CITY OF HOWARD LAKE

10/14/22 12:34 PM

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***Check Summary Register©**

Checks 1263-1297

	Name	Check Date	Check Amt	
1010	CITIZEN ALLIANCE			
1263e	MN UI FUND	7/25/2022	\$85.44	UI PAYABLE QRT2 2022
1264e	HEARTLAND PYMT SERVICES	7/1/2022	\$1,522.29	
1265e	LS WEEKEND CASH	7/31/2022	\$2,000.00	
1266e	AUTHNET GATEWAY BILLING	7/5/2022	\$25.00	
1267e	PSN	7/5/2022	\$875.42	
1268e	CITY OF BUFFALO	7/18/2022	\$60.00	ACCT# 26-022950-00
1269e	NCR SECURE PAY	7/20/2022	\$182.70	
1270e	CITIZENS ALLIANCE BANK	7/31/2022	\$60.00	Stop Payment Fee
1271e	HEARTLAND PYMT SERVICES	7/1/2022	(\$0.01)	Crrt cc fees in July
1275e	CITIZENS ALLIANCE BANK	8/31/2022	\$30.00	
1276e	HEARTLAND PAYMENT SYSTEM	8/1/2022	\$1,736.11	Monthly CC fees
1277e	AUTHNET GATEWAY BILLING	8/2/2022	\$25.00	Monthly Fee
1278e	LS WEEKEND CASH	8/31/2022	\$2,000.00	
1279e	NCR SECURE PAY	8/18/2022	\$189.60	
1280e	CITY OF BUFFALO	8/16/2022	\$60.00	ACCT# 26-022950-00
1281e	INTERNAL REVENUE SERVICE	9/9/2022	\$7,852.31	PR 09-23-2022
1282e	MN DEPT OF REVENUE	9/9/2022	\$1,453.51	PR 09-09-2022
1283e	PERA	9/9/2022	\$6,587.91	PR 09-09-2022
1284e	INTERNAL REVENUE SERVICE	9/23/2022	\$8,201.05	PR 09-23-2022
1285e	MN DEPT OF REVENUE	9/23/2022	\$1,419.89	PR 09-23-2022
1286e	PERA	9/23/2022	\$6,573.99	PR 09-23-2022
1287e	PSN	8/3/2022	\$859.49	
1288e	MN DEPT OF REVENUE	10/6/2022	\$8,328.00	HLWS SALES TAXES-SEPTEMBER
1289e	MN DEPT OF REVENUE	10/6/2022	\$2,359.00	UB SALES TAX-SEPT 2022
1290e	HEARTLAND PYMT SERVICES	9/1/2022	\$1,423.64	Credit card chrgs
1291e	AUTHNET GATEWAY BILLING	9/2/2022	\$25.00	
1292e	PSN	9/6/2022	\$851.39	
1293e	LS WEEKEND CASH	9/30/2022	\$2,500.00	
1294e	CITY OF BUFFALO	9/16/2022	\$60.00	ACCT# 26-022950-00
1295e	NCR SECURE PAY	9/20/2022	\$163.43	NCR Secure
1296e	CITIZENS ALLIANCE BANK	9/30/2022	\$30.00	ACH fee
1297e	WATERMARK TITLE AGENCY	9/26/2022	\$234,155.00	Purchase Howard Lake Foods
Total Checks			\$291,695.16	

ctlBanl	Text25	Text26	Text27	Text28	Comments
1010	CITIZEN ALLIANCE				
	27164	DEITER, JASON	23-Sep-22	\$1,154.37	
	27165	KUTZ, TOM	23-Sep-22	\$1,154.37	
	27166	ZIMMERMAN, PETER A	23-Sep-22	\$1,616.12	
	27167	GOEPFERT, THOMAS	23-Sep-22	\$657.11	
	27168	MILLER, EDWARD M	23-Sep-22	\$155.36	
	27169	CHAFFINS, GORDON	23-Sep-22	\$96.97	
	27170	CHRISTENSEN, THOMAS	23-Sep-22	\$96.97	
	27171	GOEPFERT, THOMAS	07-Oct-22	\$464.72	
	27172	BOBROWSKE, KURT	07-Oct-22	\$138.52	
	27173	DRUSCH, JACOB D	07-Oct-22	\$255.96	
	27174	MAGES, ALEX	07-Oct-22	\$371.46	
	27175	SHEROD, JOSEPH L.	07-Oct-22	\$92.35	
	27176	STOLL, ERIC	07-Oct-22	\$304.95	
	27177	WIECH, KYLE	07-Oct-22	\$92.35	
	27178	MILLER, EDWARD M	07-Oct-22	\$189.78	
	27179	BONNICK, STEVEN	07-Oct-22	\$733.24	
	27180	CHAFFINS, GORDON	07-Oct-22	\$96.97	
	59925	ASHWILL COMPANIES	19-Sep-22	\$10,545.37	Central Park/Splash Pad Final Pay
	59926	KNIFE RIVER CORPORATION	19-Sep-22	\$23,855.17	CSAH 7/Trail Project Pay Request #4
	59927	HOWARD LAKE POSTMASTER	21-Sep-22	\$370.04	UB postage/mailing
	59928	BELLBOY CORPORATION	26-Sep-22	\$1,089.29	
	59929	BOLTON & MENK, INC	26-Sep-22	\$12,390.25	
	59930	BREAKTHRU BEVERAGE	26-Sep-22	\$431.85	
	59931	CAPITOL BEVERAGE SALES	26-Sep-22	\$4,025.48	
	59932	CINTAS	26-Sep-22	\$82.07	
	59933	COKATO TRANSPORTATION, INC	26-Sep-22	\$90.00	
	59934	DAHLHEIMER BEVERAGE, LLC	26-Sep-22	\$1,769.00	
	59935	EARTHLINK INC	26-Sep-22	\$13.95	
	59936	EMERYS TRUCK & TRAILER REPAIR	26-Sep-22	\$2,931.77	1996 FORD DIESEL
	59937	HAWKINS, INC	26-Sep-22	\$10.00	
	59938	HL PIT STOP	26-Sep-22	\$1,264.04	
	59939	JOE'S SPORT SHOP	26-Sep-22	\$1,073.31	
	59940	JOHNSON BROTHERS LIQUOR CO.	26-Sep-22	\$2,444.15	
	59941	JP BROOKS	26-Sep-22	\$900.00	REFUND ESCROW DEPOSIT 231 TERI
	59942	MYRA LAWAY	26-Sep-22	\$39.34	REIMBURSEMENT
	59943	MEDIACOM LLC	26-Sep-22	\$264.90	
	59944	MENARDS-BUFFALO	26-Sep-22	\$21.98	
	59945	MN RURAL WATER ASSN	26-Sep-22	\$150.00	T GOEPFERT
	59946	536600-NCPERS GROUP LIFE INS	26-Sep-22	\$48.00	
	59947	PAUSTIS WINE COMPANY	26-Sep-22	\$767.50	
	59948	PHILLIPS WINE & SPIRITS	26-Sep-22	\$1,237.94	
	59949	STREICHER'S	26-Sep-22	\$21.99	
	59950	TRICK MY TRUCK/SNOWPLOW PL	26-Sep-22	\$431.00	
	59951	VIKING BEVERAGES.	26-Sep-22	\$407.50	
	59952	VISA	26-Sep-22	\$1,997.40	
	59953	WEIDNER PLUMBING & HEATING	26-Sep-22	\$393.00	
	59954	WRIGHT HENNEPIN ELECTRIC	26-Sep-22	\$1,037.00	
	59955	YANKEE HILL MACHINE CO	26-Sep-22	\$5,717.70	
	59956	PETTY CASH -MEAGAN THEISEN	28-Sep-22	\$121.19	Postage-petty cash
	59957	BRASS FOUNDRY BREWING CO	30-Sep-22	\$98.91	
	59958	BREAKTHRU BEVERAGE	30-Sep-22	\$993.40	
	59959	CAPITOL BEVERAGE SALES	30-Sep-22	\$1,398.33	CREDIT
	59960	CENTERPOINT ENERGY	30-Sep-22	\$213.91	

59961	CINTAS	30-Sep-22	\$51.64
59962	COURI, & RUPPE, P.L.L.P.	30-Sep-22	\$1,341.25
59963	DAHLHEIMER BEVERAGE, LLC	30-Sep-22	\$4,306.75
59964	RICK & BETH DEINKEN	30-Sep-22	\$108.00 Pop Club & Senior Bucks
59965	JOHNSON BROTHERS LIQUOR CO.	30-Sep-22	\$319.25
59966	MYRA LAWAY	30-Sep-22	\$10.00 Reimbursement
59967	LESTER PRAIRIE VETERINARY CLIN	30-Sep-22	\$221.74
59968	LOCHER BROS, INC	30-Sep-22	\$3,550.40
59969	LOVE, GWEN & JACOB	30-Sep-22	\$64.00 Overpmt of bar tab
59970	PHILLIPS WINE & SPIRITS	30-Sep-22	\$2,592.47
59971	PROTECH ALARM SERVICES	30-Sep-22	\$371.93 Howard Lake Foods alarm service
59972	RUBBER STAMPS UNLIMITED, INC.	30-Sep-22	\$46.95
59973	T-MOBILE	30-Sep-22	\$334.95
59974	VERIZON	30-Sep-22	\$80.02
59975	VERIZON CONNECT NWF, INC	30-Sep-22	\$97.14
59976	WATERVILLE FOOD & ICE	30-Sep-22	\$176.95
59977	WRIGHT COUNTY MAYOR'S ASSN	30-Sep-22	\$400.00 Wright Cty Mayors Assn dues
59978	PETTY CASH -MEAGAN THEISEN	06-Oct-22	\$200.00 CLEAN UP DAY
59979	BELLBOY CORPORATION	07-Oct-22	\$948.15
59980	CAPITOL BEVERAGE SALES	07-Oct-22	\$3,626.85
59981	JOHNSON BROTHERS LIQUOR CO.	07-Oct-22	\$2,205.70
59982	LOCHER BROS, INC	07-Oct-22	\$2,630.75
59983	PHILLIPS WINE & SPIRITS	07-Oct-22	\$785.43
59984	SOUTHERN GLAZER WINE & SPIRIT	07-Oct-22	\$342.05
59985	VINOCOPIA, INC	07-Oct-22	\$98.50
59986	KEITH BOBROWSKE	07-Oct-22	\$65.00 Cell Allowance
59987	CENTERPOINT ENERGY	07-Oct-22	\$23.52
59988	CENTURYLINK	07-Oct-22	\$630.35
59989	CINTAS	07-Oct-22	\$82.07
59990	EMERGENCY AUTOMOTIVE	07-Oct-22	\$26.20
59991	GOPHER STATE ONE-CALL, INC	07-Oct-22	\$67.50
59992	NICK HAGGENMILLER	07-Oct-22	\$365.00 Cell Allowance
59993	MYRA LAWAY	07-Oct-22	\$65.00 Cell Allowance
59994	MARCO TECHNOLOGIES LLC	07-Oct-22	\$456.90
59995	DEBRA MCALPINE	07-Oct-22	\$65.00 Car Allowance
59996	MEDIACOM LLC	07-Oct-22	\$211.86
59997	JARED MERGES	07-Oct-22	\$65.00 Cell Allowance
59998	METRO WEST INSPECTION SER INC	07-Oct-22	\$1,517.26
59999	MID-MINNESOTA HOT MIX, INC	07-Oct-22	\$980.00
60000	MN DEPT OF LABOR AND INDUSTRY	07-Oct-22	\$200.00 Elevator state fee
60001	MUMFORD SANITATION	07-Oct-22	\$11,614.65 September recycling
60002	NELSON ELECTRIC MOTOR REPAIR	07-Oct-22	\$300.00 Water Plant
60003	JIM OTTENSTROER	07-Oct-22	\$65.00 Cell Allowance
60004	CLAYTON PRESTIDGE	07-Oct-22	\$65.00 Cell Allowance
60005	THEISEN, MEAGAN	07-Oct-22	\$215.00 Cell Allowance
60006	WATER CONSERVATION SERVICE I	07-Oct-22	\$668.75 Locate 335-9th St
60007	AXON ENTERPRISE INC	14-Oct-22	\$475.38
60008	BOLTON & MENK, INC	14-Oct-22	\$18,169.98
60009	BRASS FOUNDRY BREWING CO	14-Oct-22	\$98.92
60010	BREAKTHRU BEVERAGE	14-Oct-22	\$1,139.08
60011	BROSE FARMS	14-Oct-22	\$699.76

60012	BUREAU OF CRIM APPREHENSION	14-Oct-22	\$600.00 CJDN access fee(BCA)
60013	CAPITOL BEVERAGE SALES	14-Oct-22	\$5,107.39
60014	CINTAS	14-Oct-22	\$82.07
60015	COURI, & RUPPE, P.L.L.P.	14-Oct-22	\$1,365.00
60016	DAHLHEIMER BEVERAGE, LLC	14-Oct-22	\$5,560.37
60017	EARL F ANDERSON, INC	14-Oct-22	\$298.50
60018	EASTBOUND AUTO & DIESEL REPA	14-Oct-22	\$1,050.76 2012 Tahoe tires
60019	FINKEN WATER CENTERS	14-Oct-22	\$13.00
60020	GREATER MN COMMUNICATIONS	14-Oct-22	\$25.00
60021	HAWKINS, INC	14-Oct-22	\$2,804.06
60022	HERALD JOURNAL PUBLISHING	14-Oct-22	\$449.10 Clean up day ad
60023	HL PIT STOP	14-Oct-22	\$992.67
60024	JOE'S SPORT SHOP	14-Oct-22	\$721.16
60025	JOHNSON BROTHERS LIQUOR CO.	14-Oct-22	\$3,195.93
60026	MYRA LAWAY	14-Oct-22	\$27.89
60027	MADDEN GALANTER HANSEN	14-Oct-22	\$534.75
60028	MEDIACOM LLC	14-Oct-22	\$11.27
60029	METRO WEST IRRIGATION	14-Oct-22	\$300.00
60030	MID-MINNESOTA HOT MIX, INC	14-Oct-22	\$3,543.00
60031	MN PEIP	14-Oct-22	\$14,009.84 Nov premiums
60032	MN VALLEY TESTING LAB	14-Oct-22	\$47.78
60033	NELSON ELECTRIC MOTOR REPAIF	14-Oct-22	\$575.00
60034	NORTHWEST ASSOC CONSULTANT	14-Oct-22	\$3,345.02
60035	PHILLIPS WINE & SPIRITS	14-Oct-22	\$910.86
60036	PLUNKETT'S PEST CONTROL	14-Oct-22	\$219.36
60037	STREICHER'S	14-Oct-22	\$96.96
60038	VERIZON CONNECT NWF, INC	14-Oct-22	\$97.14
60039	VIKING BEVERAGES.	14-Oct-22	\$287.40
60040	VINOCOPIA, INC	14-Oct-22	\$42.50
60041	WATERVILLE FOOD & ICE	14-Oct-22	\$134.72
60042	WEX BANK	14-Oct-22	\$37.77
60043	XCEL ENERGY	14-Oct-22	\$11,503.54
60044	ZIEGLER INC	14-Oct-22	\$3,314.30 battery box, repair deck
502288e	CARGILL, ZACHARY C	23-Sep-22	\$484.41
502289e	GILBERT, EMMAGENE	23-Sep-22	\$1,124.74
502290e	HAGGENMILLER, NICHOLAS A	23-Sep-22	\$3,224.59
502291e	MERGES, JARED M	23-Sep-22	\$1,951.37
502292e	MUNSON, ALLAN W.	23-Sep-22	\$1,124.74
502293e	THEISEN, MEAGAN	23-Sep-22	\$1,826.64
502294e	OTTENSTROER, JAMES D	23-Sep-22	\$1,604.46
502295e	PRESTIDGE, CLAYTON P	23-Sep-22	\$1,524.50
502296e	SWENDSEN, JENNIFER	23-Sep-22	\$2,184.11
502297e	DULLE, KAREN A.	23-Sep-22	\$197.36
502298e	LAWAY, MYRA	23-Sep-22	\$1,799.03
502299e	LINDER, EMILY	23-Sep-22	\$147.30
502300e	MCALPINE, DEBRA-ANN	23-Sep-22	\$1,089.02
502301e	MCALPINE, LEXI	23-Sep-22	\$155.75
502302e	OTTENSTROER, MACKENZIE R	23-Sep-22	\$109.27
502303e	REMER, TANYA M	23-Sep-22	\$742.94
502304e	VIRNACA, TASIA, R	23-Sep-22	\$392.03
502305e	HAGLIN, SERENA P	23-Sep-22	\$258.35
502306e	JOHNSON, JACOB D	23-Sep-22	\$1,747.89

502307e	PREUSSE, MITCHELL D	23-Sep-22	\$787.92
502308e	SZCZEPANIK, DARIUSZ J	23-Sep-22	\$1,925.02
502309e	THOMPSON, DAVID G	23-Sep-22	\$2,126.10
502310e	THOMPSON, KYLE	23-Sep-22	\$320.28
502311e	CARGILL, ZACHARY C	07-Oct-22	\$1,123.97
502312e	HAGGENMILLER, NICHOLAS A	07-Oct-22	\$5,182.22
502313e	MERGES, JARED M	07-Oct-22	\$2,003.48
502314e	MONSON, GABRIEL J	07-Oct-22	\$154.75
502315e	THEISEN, MEAGAN	07-Oct-22	\$3,051.06
502316e	OTTENSTROER, JAMES D	07-Oct-22	\$1,801.64
502317e	PRESTIDGE, CLAYTON P	07-Oct-22	\$1,374.30
502318e	SWENDSEN, JENNIFER	07-Oct-22	\$3,038.25
502319e	BERG, TIMOTHY W	07-Oct-22	\$138.52
502320e	BOBROWSKE, KEITH	07-Oct-22	\$277.05
502321e	DALBEC, JOSHUA S	07-Oct-22	\$561.21
502322e	KITTOCK, BRIAN	07-Oct-22	\$46.17
502323e	KITTOCK, NICOLE D	07-Oct-22	\$382.49
502324e	LOEBERTMANN, AMANDA G	07-Oct-22	\$253.96
502325e	LOEBERTMANN, CRAIG	07-Oct-22	\$46.17
502326e	PETERSON, DAVID T	07-Oct-22	\$300.14
502327e	STUEVEN, MARK J	07-Oct-22	\$138.52
502328e	DULLE, KAREN A.	07-Oct-22	\$236.28
502329e	LAWAY, MYRA	07-Oct-22	\$3,494.23
502330e	LINDER, EMILY	07-Oct-22	\$64.97
502331e	MCALPINE, DEBRA-ANN	07-Oct-22	\$1,724.57
502332e	OTTENSTROER, MACKENZIE R	07-Oct-22	\$112.22
502333e	REMER, TANYA M	07-Oct-22	\$1,460.29
502334e	VIRNACA, TASIA, R	07-Oct-22	\$355.87
502335e	JOHNSON, JACOB D	07-Oct-22	\$2,570.78
502336e	PREUSSE, MITCHELL D	07-Oct-22	\$1,375.86
502337e	SZCZEPANIK, DARIUSZ J	07-Oct-22	\$2,287.65
502338e	THOMPSON, DAVID G	07-Oct-22	\$4,025.81
502339e	THOMPSON, KYLE	07-Oct-22	\$1,041.29
			\$276,337.00

CITY OF HOWARD LAKE

10/14/22 12:38 PM

Page 1

*Check Summary Register©

Checks 9/16/22-10/14/22

Name		Check Date	Check Amt
1012	CAB - AMBULANCE		
5898	VISA	9/27/2022	\$215.91
		Total Checks	\$215.91



HOWARD LAKE CITY COUNCIL MEETING

October 17, 2022

AGENDA ITEM: Consider Accepting Various Personnel Appointments

SECTION: Consent

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND: Per statute, the City Administrator appoints and the City Council confirms employment classification as part of the official record. The following individuals are submitted for approval:

Hired – Alex Rischmiller - HLFDD

DECISION MAKING METRICS:

FINANCIAL: This position is budgeted as part of the 2022 General Fund Budget.

LEGAL: All personnel appointments are contingent upon successful background check.

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

COUNCIL ACTION REQUESTED: Approve appointments as presented.

ATTACHMENTS: N/A



HOWARD LAKE CITY COUNCIL MEETING

October 17, 2022

AGENDA ITEM: RESOLUTION 22-22 ESTABLISHING AN ABSENTEE BALLOT BOARD FOR THE 2022 GENERAL ELECTION

SECTION: New Business

FROM: Consent

BACKGROUND: As required by Minnesota Statute, the City is required to establish an Absentee Ballot Board by Ordinance. The City of Howard Lake's Absentee Ballot Board will consist of Nick Haggemiller, Tanya Remer and Meagan Theisen.

COUNCIL ACTION REQUESTED: APPROVE RESOLUTION 22-22 ESTABLISHING AN ABSENTEE BALLOT BOARD FOR THE 2022 GENERAL ELECTIONS.

ATTACHMENTS: None.

**CITY OF HOWARD LAKE
COUNTY OF WRIGHT STATE OF MINNESOTA**

RESOLUTION NO: 22-22

**ESTABLISHING AN ABSENTEE BALLOT BOARD FOR THE
2022 GENERAL ELECTIONS**

WHEREAS, Minnesota Statutes §203B.121, Subdivision 1 requires the City to establish an Absentee Ballot Board, and;

WHEREAS, this board will bring uniformity in the processing of accepting or rejecting returned absentee ballots in the City of Howard Lake, and;

WHEREAS, the Absentee Ballot Board should consist of a sufficient number of election judges as provided in sections §204B.19 to 204B.22, and/or the City Clerk and Deputy City Clerk and City staff who have received training in the processing and counting of absentee ballots.

WHEREAS, additional election judges were needed for party balance and to fill the schedule;

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

1. The City of Howard Lake hereby establishes an Absentee Ballot Board as follows:

Nick Haggenmiller, Tanya Remer and Meagan Theisen.

2. Wright County has delegated the training responsibility to the Local Election Administrator for the Absentee Ballot Board.

ADOPTED by the Howard Lake City Council this 17th day of October, 2022.

Mayor, Pete Zimmerman

City Clerk, Nick Haggenmiller



HOWARD LAKE CITY COUNCIL MEETING

OCTOBER 17, 2022

AGENDA ITEM: Consider Approving Use of City Property & Police for Halloween Events

SECTION: Consent

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND:

Trick or Treat Street

A volunteer committee is putting on a community Halloween event on Friday, October 28 from 4-6 at businesses along Highway 12 and along 8th Ave. Howard Lake Police Department will be directing cross traffic at two designated locations.

Dutch Lake Halloween

The City has closed the Dutch Lake Trail Subdivision to vehicle traffic on Halloween the last several years. Dutch Lake Trail Subdivision had barricades placed at the entrance of the development with a sign requesting vehicles park to solely permit pedestrian activity to increase safety within the development during Halloween. Exceptions were allowed for visitors with limited mobility or special needs and emergency services. To continue promoting pedestrian safety on Halloween, staff recommend closing the subdivision again this year.

DECISION MAKING METRICS:

FINANCIAL: N/A

LEGAL: Council has the authority to dictate special use of public property. It's noted that the mayor and a council member reside in this neighborhood. This does NOT present a defined conflict of interest and the full council is able to act on the matter.

STRATEGIC PLAN: Sustain and Enhance Community Traditions

COUNCIL ACTION REQUESTED: Approve the Howard Lake Chamber of Commerce Trick or Treat Main Street Event including use of public property and police assistance. Further, approve closure of Dutch Lake Trail Subdivision on Halloween with use of police assistance.

ATTACHMENTS:



HOWARD LAKE CITY COUNCIL MEETING

October 17, 2022

AGENDA ITEM: Consider Purchase of Truck for the Fire Department

SECTION: Consent

FROM: Megan Theisen, Assistant City Administrator

BACKGROUND: DNR Forestry has the authority to acquire excess military equipment and transfer the equipment to fire departments and emergency service agencies. A certificate to obtain title will be made available to recipients of the equipment once the equipment is converted and ready to be placed into service. The Howard Lake Fire Department was offered the opportunity to purchase a 2006 Chevrolet 2500 HD 4X4 Duramax from this program for \$7,000.

DECISION MAKING METRICS:

FINANCIAL: \$7,000 from the Howard Lake Fire Department General Fund

LEGAL: Intergovernmental purchase.

COUNCIL ACTION REQUESTED: Approve the purchase of 2006 Chevrolet Duramax for \$7,000.

ATTACHMENTS:



HOWARD LAKE CITY COUNCIL MEETING

OCTOBER 17, 2022

AGENDA ITEM: Consider Use of Public Streets & Police Assistance for 14th Annual Turkey Tag-Along 5K

SECTION: Consent

FROM: Kelli Bureau
Dave Thompson, Chief of Police

BACKGROUND: The 14th Annual Turkey Tag-Along is scheduled for November 24th, Thanksgiving Day around Howard Lake. Since the event requires use of city streets and assistance from the HLPD, council approval should be given for these actions. In the past, this event has been coordinated quite well and staff notes absolutely no concerns with this request.

DECISION MAKING METRICS:

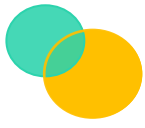
FINANCIAL: N/A

LEGAL: Permitting use of city streets protects the city in terms of insurance/liability concerns that may arise.

STRATEGIC PLAN: Sustain and Enhance Community Traditions

COUNCIL ACTION REQUESTED: Approve use of city streets and assistance from HLPD for the Turkey Tag-Along 5K.

ATTACHMENTS: N/A



DDA

David Drown Associates, Inc.
Public Finance Advisors

Cologne Office:
10555 Orchard Road
Cologne, MN 55322
Phone: (952) 356-2992
shannon@daviddrown.com

October 12, 2022

City of Howard Lake
Attn: Nicholas Haggenmiller, City Administrator
P.O. Box 736
Howard Lake, MN 55349

Re: Resolution Calling a Public Hearing – TIF District 1-23 (Apartment Project)

Honorable Mayor, Council Members, and Administrator Haggenmiller:

The City of Howard Lake has been working with a developer who is interested in constructing rental housing units on land owned by the city and immediately west of and adjacent to The Lodge of Howard Lake assisted living facility. The developer has requested tax increment financing assistance to make the project financially feasible.

Tax Increment Financing or TIF is a tool that captures new property taxes that are generated because of new development that occurs within the boundaries of a designated TIF District. For the proposed project, the city is considering the creation of a housing tax increment district which can capture tax increments for up to 26-years. A housing tax increment district would impose income restrictions on the rental housing units. The housing unit income restrictions would be applied for the life of the subsidy, and would include either of the following:

At least 20% of the residential units in the project must be occupied or available for occupancy by persons whose incomes do not exceed 50% of the County median income (adjusted annually); or

At least 40% of the residential units in the project must be occupied or available for occupancy by persons whose incomes do not exceed 60% of the County median income (adjusted annually).

For tax increment financing to be available for a project, the city must undertake a process defined by Minnesota Statutes to create a tax increment district. A public hearing is required as part of this process which will be held at a special meeting on December 5, 2022 if the City Council determines that it is appropriate to proceed. The purpose of the public hearing is to receive public comment regarding the creation of the proposed tax increment district.

Copies of the tax increment plan will be distributed to Wright County and the HLWW School District in advance of the public hearing. Following the public hearing the City Council will be asked to consider a resolution adopting a tax increment plan and authorizing the execution of a development agreement providing for tax increment assistance.

Please feel free to contact me if I can be of any assistance in answering questions regarding the information provided. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Shannon Sweeney". The ink is a light grey or blue color. The signature is fluid and connected, with the first name "Shannon" and last name "Sweeney" clearly distinguishable.

Shannon Sweeney, Associate
David Drown Associates, Inc.

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

HELD: October 17, 2022

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Howard Lake, Wright County, Minnesota, was duly held at the City Hall on Tuesday, the 17th day of October, 2022, at _____ o'clock p.m. for the purpose, in part, of calling a public hearing on the proposed establishment of Tax Increment Financing District No. 1-23 within Municipal Development District No. 1, and the Tax Increment Financing Plan relating thereto.

The following Councilmembers were present:

And the following were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 22 - 23

**CALLING PUBLIC HEARING ON THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT
NO. 1-23 WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO. 1,
AND THE ADOPTION OF A TAX INCREMENT FINANCING PLAN RELATING THERETO**

BE IT RESOLVED by the City Council (the "Council") of the City of Howard Lake, Minnesota (the "City"), as follows:

1. Public Hearing. This Council shall meet on Monday, December 5, 2022, at approximately 7:00 p.m. to hold a public hearing on the following matters; (a) the proposed establishment of Tax Increment Financing District No. 1-23 within Municipal Development District No. 1, and (b) the adoption of the Tax Increment Financing Plan relating thereto, pursuant to and in accordance with Minnesota Statutes, Section 469.174 to 469.1794, inclusive, as amended (the "Act").

2. Notice of Hearing. Filing of Program and Plan. The City Administrator is hereby authorized to cause a notice of the hearing, substantially in the form attached hereto as Exhibit A, to be published as required by the Act and to place a copy of the proposed Tax Increment Financing Plan on file in City Administrator's Office at City Hall and to make such copies available for inspection by the public.

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

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

Mayor

Date

City Administrator

Date

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

I, the undersigned, being the duly qualified and acting Administrator of the City of Howard Lake, Minnesota, DO HEREBY CERTIFY that the attached resolution is a true and correct copy of an extract of minutes of a meeting of the City Council of the City of Howard Lake, Minnesota duly called and held, as such minutes relate to the calling of a public hearing on Tax Increment financing District No. 1-23 within Municipal Development District No. 1, as proposed to be adopted.

City Administrator

Date

EXHIBIT A

**CITY OF HOWARD LAKE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

**NOTICE OF PUBLIC HEARING
ON THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-23
WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO. 1**

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Howard Lake, Wright County, Minnesota, will hold a public hearing on Monday, December 5, 2022, at 7:00 p.m., at the Howard Lake City Hall, 625 8th Avenue, in the City of Howard Lake, Minnesota, relating to the (a) the proposed establishment of Tax Increment Financing District No.1-23 within Municipal Development District No. 1, and (b) the adoption of the Tax Increment Financing Plan relating thereto, all pursuant to and in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, inclusive, as amended (the "Act"). Copies of the Tax Increment Financing Plan as proposed to be adopted will be on file and available for public inspection at the office of the City Administrator at City Hall.

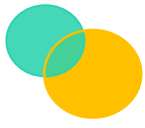
The property included in Tax Increment Financing District No. 1-23 is described in the Tax Increment Financing Plan on file in the office of the City Administrator. A map of the proposed Tax Increment Financing District is set forth below:

(INSERT MAP of Tax Increment Financing District)

All interested persons may appear at the hearing and present their view orally or in writing.

BY ORDER OF THE CITY COUNCIL

/s/ Nick Haggemiller,
City Administrator

**DDA****David Drown Associates, Inc.
Public Finance Advisors**

Cologne Office:
10555 Orchard Road
Cologne, MN 55322
Phone: (952) 356-2992
shannon@daviddrown.com

October 12, 2022

City of Howard Lake
Attn: Nicholas Haggenmiller, City Administrator
P.O. Box 736
Howard Lake, MN 55349

Re: Resolution Calling a Public Hearing – TIF District 1-24 (Industrial Park Project)

Honorable Mayor, Council Members, and Administrator Haggenmiller:

The City of Howard Lake has been working with Passive Solar Housing Coop who is interested in constructing a manufacturing facility on land owned by the city in the industrial park. The city has previously used tax increment financing to assist in marketing industrial park lots by significantly reducing the acquisition cost.

Tax Increment Financing or TIF is a tool that captures new property taxes that are generated because of new development that occurs within the boundaries of a designated TIF District. For the proposed project, the city is considering the creation of an economic development tax increment district which can capture tax increments for up to 9-years.

The city would intend to capture the new tax increments from the Passive Solar Housing Coop facilities for the purpose of reimbursing itself for the cost of land, development fees, and public improvements. For tax increment financing to be available for a project, the city must undertake a process defined by Minnesota Statutes to create a tax increment district. A public hearing is required as part of this process which will be held at a special meeting on December 5, 2022 if the City Council determines that it is appropriate to proceed. The purpose of the public hearing is to receive public comment regarding the creation of the proposed tax increment district.

Copies of the tax increment plan will be distributed to Wright County and the HLWW School District in advance of the public hearing. Following the public hearing the City Council will be asked to consider a resolution adopting a tax increment plan.

Please feel free to contact me if I can be of any assistance in answering questions regarding the information provided. Thank you.

Sincerely,

Shannon Sweeney, Associate
David Drown Associates, Inc.

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

HELD: October 17, 2022

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Howard Lake, Wright County, Minnesota, was duly held at the City Hall on Monday, the 17th day of October, 2022, at _____ o'clock p.m. for the purpose, in part, of calling a public hearing on the proposed establishment of Tax Increment Financing District No. 1-24 within Municipal Development District No. 1, and the Tax Increment Financing Plan relating thereto.

The following Councilmembers were present:

And the following were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 22-24

**CALLING PUBLIC HEARING ON THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT
NO. 1-24 WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO. 1,
AND THE ADOPTION OF A TAX INCREMENT FINANCING PLAN RELATING THERETO**

BE IT RESOLVED by the City Council (the "Council") of the City of Howard Lake, Minnesota (the "City"), as follows:

1. Public Hearing. This Council shall meet on Monday, December 5, 2022, at approximately 7:00 p.m. to hold a public hearing on the following matters; (a) the proposed establishment of Tax Increment Financing District No. 1-24 within Municipal Development District No. 1, and (b) the adoption of the Tax Increment Financing Plan relating thereto, pursuant to and in accordance with Minnesota Statutes, Section 469.174 to 469.1794, inclusive, as amended (the "Act").

2. Notice of Hearing. Filing of Program and Plan. The City Administrator is hereby authorized to cause a notice of the hearing, substantially in the form attached hereto as Exhibit A, to be published as required by the Act and to place a copy of the proposed Tax Increment Financing Plan on file in City Administrator's Office at City Hall and to make such copies available for inspection by the public.

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

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

Mayor

Date

City Administrator

Date

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

I, the undersigned, being the duly qualified and acting Administrator of the City of Howard Lake, Minnesota, DO HEREBY CERTIFY that the attached resolution is a true and correct copy of an extract of minutes of a meeting of the City Council of the City of Howard Lake, Minnesota duly called and held, as such minutes relate to the calling of a public hearing on Tax Increment financing District No. 1-24 within Municipal Development District No. 1, as proposed to be adopted.

City Administrator

Date

EXHIBIT A

**CITY OF HOWARD LAKE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

**NOTICE OF PUBLIC HEARING
ON THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-24
WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO. 1**

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Howard Lake, Wright County, Minnesota, will hold a public hearing on Monday, December 5, 2022, at 7:00 p.m., at the Howard Lake City Hall, 625 8th Avenue, in the City of Howard Lake, Minnesota, relating to the (a) the proposed establishment of Tax Increment Financing District No.1-24 within Municipal Development District No. 1, and (b) the adoption of the Tax Increment Financing Plan relating thereto, all pursuant to and in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, inclusive, as amended (the "Act"). Copies of the Tax Increment Financing Plan as proposed to be adopted will be on file and available for public inspection at the office of the City Administrator at City Hall.

The property included in Tax Increment Financing District No. 1-24 is described in the Tax Increment Financing Plan on file in the office of the City Administrator. A map of the proposed Tax Increment Financing District is set forth below:

(INSERT MAP of Tax Increment Financing District)

All interested persons may appear at the hearing and present their view orally or in writing.

BY ORDER OF THE CITY COUNCIL

/s/ Nick Haggenmiller,
City Administrator



HOWARD LAKE CITY COUNCIL MEETING

October 17, 2022

AGENDA ITEM: Discuss Proposed Ordinance Revisions to 12.03 Snow Plowing & Ice Control

SECTION: Public Hearing

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND: The City regulates snow plowing and ice control measures city wide including rules, regulations and procedures surrounding snow clearing on city streets, parking lots, sidewalks and trails.

ISSUES

1. The current city ordinance is in conflict with current city practices.
 - 12.03 vaguely prioritizes snow plowing priority.
 - o Staff has a more detailed priority listing that is followed.
 - 12.03 **CURRENTLY** requires property owners to clear snow and manage ice control on sidewalks adjacent to their property.
 - o Public works currently is responsible for all sidewalks and trails. The City applies sand/salt around city facilities but not the balance of the sidewalk or trail system.
 - The ordinance lists specific costs for snow removal.
 - o Our current practice is to pass a standard fee schedule annually rather than modify ordinances which require more exhaustive notification and publication periods.
2. The City has grown geographically since 2011 when council agreed to manage sidewalk/trail snow removal.
 - Terning Trails, Villas of Howard Lake etc are new plats not previously maintained by city staff.
3. The City has assumed more responsibilities and increased service expectations since 2011 when council agreed to manage residential sidewalks.
 - The City formally contracted certain work out such as downtown sidewalks and parking lots. Administration has increased the service level expectations throughout town. Not only is staff expected to do more, but do better.
4. Staff & Financial Considerations
 - Labor and material costs have increased dramatically over the years. Excluding the current years rate of inflation, there is an average of 40% inflation increase since 2010.
5. Nuisance, Reoccurring Snow Events, Other Disruptions
 - Our current standard operating procedures for snow clearing assumes 72 hours from start-to-finish to address all snow removals. However, that assumes snow events are timed during normal working hours, there are no equipment breakdowns, staff PTO. Disruptions in any of those also extends completion times. Similar issues occur when there are back-to-back snow events. Therefore, snow clearing has taken as little as 2 days and as much as 7 days or more.

Sidewalk & Trail Construction and Maintenance Evolution

- **1999** City contracted with private individuals for snow removal downtown.
- **2011** Council approves street project which includes expanding sidewalk network. Considerable resident debate about inability to maintain sidewalks. Council approves \$35,000 bobcat purchase in order for city staff to manage snow removal.
- Council minutes reference updating snow ordinance at a future date.
- **2012** The young, dumb and recently hired Haggemiller instructs public works staff to complete snow removal on ALL sidewalks. At some point between 2000 and 2011 city staff assumes responsibility for downtown snow removal.
- **2013** An ordinance modification to put the responsibility on to the homeowner was brought forward to council but was not acted upon.
- **2014** The Lodge of Howard Lake opens, with that the Trail connection is added to the snow removal list.
- **2016** Lake Ridge sidewalks are added to snow event list.
- **2017** Formal SOPs are established for snow removal.
- **2018** Downtown to Memorial Park trail added to SOPs & Imhoff Trail
- **2019** Downtown and facility related improvements are addressed in SOPs
- **2020** Villas development added to SOPs
- Letter sent to all downtown business owners encouraging them to "assist" with snow removal. No impact noted.
- **2022** CSAH 7 & Terning Trails Phase 2

What do other cities do?

- We found numerous examples of municipalities completing snow & ice control on trails.
- We found several examples of municipalities completing snow & ice control in business districts.
 - o There were deviations on how it was handled: contracted, business owner paid etc.
- At least of the dozen+ municipalities reviewed, we could not find any examples where the city agreed to do "all" residential sidewalks.

	Trails		Sidewalk Residential		Sidewalk Main Arterial		Sidewalk Business Districts	
City	City	Property Owner	City	Property Owner	City	Property Owner	City	Property Owner
Watertown	X			X		X	X	
Winsted	X			X	X		X	
Dassel	X			X	X		X	
Cokato	X			X		X	X	
Montrose	X			X	X		X	
Delano	X			X		X	X	
Mayer	X			X	X		X	
Buffalo	X			X	X		X	
Monticello	X			X	X		X	
Willmar	X			X	X		X	
Hutchinson	X			X	X		X	
HOWARD LAKE	X		X		X		X	

CONCLUSIONS & RECOMMENDATIONS

1. Revise ordinance to be consistent with city practices, policies – specifically city vs property owner responsibilities and priority list.
2. Based on our current staffing and budget levels, adjust scope of services offered by the city. Specifically exclude:
 - Highway 12 corridor west and east of County Road 6 North and South
 - All Residential sidewalks
3. Modify Ordinance to specifically require PRIVATE PROPERTY OWNER to do the following:
 - Remove snow from sidewalks consistent with the attached map/exhibit.
 - Require property owners on & off city clearing routes to:
 - o Remove Snow/ice not able to be cleared within a foot of buildings, entryways etc
 - o Sand/salt applications as needed
4. Modify Ordinance to specifically require the CITY to do the following:
 - Snow removal and sand/salt control in downtown business district
 - Snow removal on all trails.
 - Snow removal and sand/salt control on any sidewalk adjacent to city owned property/facilities/parks.
5. Consider/Establish a graduated implementation period
 - Adopt Ordinance and publish in Herald Journal, post on various City pages/sources
 - “Education First” for 2022-2023 Winter Season via sending code enforcement letters to violating properties. If same property fails to respond or address in subsequent events, consider citation.
 - For Winter Season 2023-2024 amend ordinance to indicate NO letters or warnings will be sent to violating property owners. Rather, a public notification will be posted annually indicating failure to clear snow will result in city or contracted haulers completing the work and assessing charges back to the property owner.

ADDITIONAL CONSIDERATIONS

The City is the early design and project formation for extensive street reconstruction projects. The City also has identified possible future sidewalk and trail connections that may be completed in the future. It is plausible that City staff will have additional responsibilities. It is also plausible that with street reconstruction, the city council opts for ‘complete street’ design which may also increase resident responsibility in the event new sidewalks are constructed where they previously did not exist. Collectively, that is all the more reason to revisit this ordinance now.

DECISION MAKING METRICS:

FINANCIAL: In 2021 when this was last discussed, rough calculations suggested hiring an additional seasonal employee to maintain status quo, would cost the city an additional \$8,000. The same position is set to make about \$3/hr more in 2023. However, filling part-time/seasonal positions

LEGAL: Ordinance modifications require a 30 day publication period before going into effect.

COUNCIL ACTION REQUESTED:

1. Hold Public Hearing following the council adopted public hearing procedures.
2. Based on comments provide direction to staff for ordinance and policy revisions.

ATTACHMENTS:

1. Snow & Ice Control Ordinance
2. Snow Clearing Procedures
3. Comprehensive Sidewalk/Trail Map
4. Proposed City Maintenance Areas
5. Public Input (Email)

Chapter 12.03

Howard Lake Snow Plowing/Ice Control Procedures

Section 1. Purpose and Need for Policy. The City of Howard Lake, being a growing City, needs to annually review and adopt a policy regarding efficient and timely removal of snow and control of ice in order to best provide for safe travel for the greatest number of persons. This policy outlines the responsibility within the Public Works Department in order to accomplish this goal.

Section 2. Policy. Each year the Pubic Works Department prepares a map of the City showing the public street system. This map clearly delineates thoroughfare and local residential streets. The map is then divided into routes for purposes of snow and ice control.

Within each of areas, the City has classified city streets based on the street function, relative traffic volume, and importance to the welfare of the community. Those streets classified as priority “A” streets will be plowed first. These are higher volume streets which connect major sections of the city and provide access for emergency fire, police and medical services. The second priority streets (priority “B”) are those streets providing access to schools and commercial businesses. The third priority streets (priority “C”) are low volume residential streets. Fourth priority (priority “D”) are cul-de-sacs. (See Exhibit A).

Section 3. Procedures. The Police Department assists Maintenance Division Supervisors in monitoring street conditions and notifies Maintenance Division personnel of snow and ice conditions needing attention. Maintenance Division personnel are notified in accordance with the Public Works Department Schedule for Emergency Calls.

The Maintenance Division, with the assistance of the Police Department, monitors street conditions and is responsible for making the decision to call out personnel and equipment to begin snow and ice control operations.

Section 4. Responsibility. The Maintenance Division, with the assistance of the Police Department, monitors the street conditions to determine the timing and amount of equipment and personnel necessary to clear the streets.

Section 5. Commencement of Operations. Snow plowing and/or ice control operations shall commence under the direction of the Street Superintendent and the Public Works Foreman. In his absence the Police Department Patrol Officer on duty and the Superintendent’s designated representative will consult and determine when and what operations will begin in accordance with provisions of Exhibit A attached.

In general, operations shall commence as follows:

- A. Snow accumulation of 2”, with continual snow fall, warrants commencement of plowing operations.
- B. Drifting of snow may warrant commencement of partial or full operations

depending upon conditions.

- C. Icing of pavements may warrant partial or full operation depending upon extent and conditions.

Section 6. How Snow Will Be Plowed. Snow shall be plowed in a manner so as to minimize traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right with the discharge going onto the boulevard area of the right-of-way. It is the Departmental goal to have the entire street system cleaned after a “typical” snowfall in approximately 10 hours, assuming a general plowing operation beginning at 3:00 A.M. and snowfall ending by 7:00 A.M. Depending on snowfall conditions and duration of the storm, cleanup operations can widely fluctuate.

Section 7. Use of Sand and Salt. The City is concerned about the effect of sand and salt on the environment and will limit its use for that reason. Therefore, it is the policy of the City to utilize a sand and salt mixture in the ratio of approximately 3 parts sand and 1 part salt. This provides for traction, but is not intended to provide bare pavement during winter conditions. Application of the sand/salt mixture is generally limited to priority “A” routes, steep grades and high volume intersections. Application is limited on lower volume streets and cul-de-sacs. The City cannot be responsible for damage to grass caused by the sand/salt mixture and therefore will not make repairs or compensate residents for salt damage to turf areas in the street right-of-way.

Section 8. Suspension of Operations. Generally, operations shall continue until all roads are passable. Widening and clean up operations may continue immediately or on the following working day depending upon conditions and circumstances. Safety of the plow operators and the public is important. Therefore, snow plowing/removal operations may be terminated after 10-12 hours to allow personnel adequate time for rest. There may be instances when this is not possible depending on storm conditions and other circumstances. Operations may also be suspended during periods of limited visibility. Any decision to suspend operations shall be made by the Street Division Superintendent and Public Works Foreman, and shall be based on the conditions of the storm. The City will still provide access for emergency fire, police and medical services during a major snow or ice storm.

Section 9. Property Damage. Snow plowing and ice control operations can cause property damage even under the best of circumstances and care on the part of the operators. The major types of damage are to improvements in the City right-of-way which extends approximate 10’ to 15’ beyond the curb location. The intent of the right-of-way is to provide room for snow storage, utilities, sidewalks and other City uses. However, certain private improvements such as mailboxes are required within this area. Therefore, the City will cooperate with the property owner to determine if the damage is the responsibility of the City and when it shall be the responsibility of the resident. The City accepts responsibility for mailboxes which are allowed to be placed in the road right-of-way, if the damage is by physically being struck by a plow blade, wing, or other piece of equipment. Mailboxes should be constructed sturdily enough to withstand snow rolling off a plow or a wing. Therefore, damage resulting from snow is the responsibility of the resident. The City will repair or replace mailboxes in those instances where the City is responsible for the damage. Damage to fences, trees or other structures will be repaired or replaced by the City if they

are on private property. Lawns that are scraped or gouged by City equipment will be repaired by top dressing and seeding the following Spring. Residents are requested to assist by watering the areas that are repaired.

In instances where there is disagreement as to the source of the damage and the responsibility therefore, the Foreman of Public Works and/or Police Department shall determine the responsibility.

Section 10. Driveways. One of the most frequent and most irritable problems in removal of snow from public streets is the snow deposited in driveways during plowing operations. Snow being accumulated on the plow blade has no place to go but in the driveway. The driver's make every attempt to minimize the amount of snow deposited in driveways, but the amount can still be significant. Based on priorities and staffing level, City personnel do not provide driveway cleaning.

Section 11. Mail Delivery. The snow plow operators make every effort to remove snow as close to the curb line as practical and to provide access to mailboxes for the Postal Department. However, it is not possible to provide perfect conditions and minimize damage to mailboxes with the size and type of equipment the City operates. Therefore, the final cleaning adjacent to mailboxes is the responsibility of each resident.

Section 12. Complaints. Complaints regarding snow and ice control or damage shall be taken during normal working hours and handled in accordance with the City's complaint procedures. Complaints involving access to property or problems requiring immediate attention shall be handled on a priority basis. Response time should not exceed twenty-four (24) hours for any complaint. It should be understood that complaint responses are to ensure that the provisions of this policy have been fulfilled and that all residents of the City have been treated uniformly. It is the City's intention to log all complaints and upgrade this policy as necessary in consideration of the constraints of our resources.

Section 13. Towing. The City Police Department is hereby authorized to have towed away and stored any vehicle found to be parked in violation of this chapter. The owner may reclaim the vehicle by exhibiting satisfactory proof of ownership and paying in full all towing and storage charges for said vehicle.

Snow Removal From Public Sidewalks

Section 14. Cleaning Sidewalks. All property owners and occupants of all buildings and lots shall be responsible for maintaining all sidewalks at the front, rear, or side of their property. Snow shall be removed from all sidewalks by (6) six o'clock am, in all commercial and business zoning districts, Snow shall be removed from all sidewalks by (10) ten o'clock a. m. in all residential zoning districts. The occupants and owners of all buildings and lots shall be responsible for the cost and arrangements of snow removal.

Section 15. City Removal. If the owner or occupant of the property abutting any public sidewalk upon which snow or ice has accumulated fails to abate the nuisance thereby created within

twenty-four (24) hours after such snow or ice has ceased to be deposited upon such sidewalk, the City Administrator or his designated agent may cause the removal of such snow or ice. The agent causing such removal shall maintain a record showing the cost of such removal attributable to each separate lot and parcel and shall deliver such information to the City Administrator. The cost for removal is at a rate of \$35.00 per hour with a one hour minimum \$35.00 charge. If it is necessary to have the snow hauled away, an additional charge of \$50.00 per hour shall be charged.

Section 16. Assessment. Upon receipt of the information required by the preceding subdivision, the City Administrator shall forward to the Council a statement setting forth the unpaid charge for the cost of the removal of any snow or ice pursuant to Section 14 hereof for each separate lot or parcel. The Council may then, pursuant to the provisions of Minnesota Statutes, Chapter 429, assess any such charge against the property benefited, and any such assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified.

Section 17. Civil Suit for Cost of Removal. The City Administrator or City Council as an alternative to the assessment procedure set forth in Section 15, may initiate a civil suit in a court of competent jurisdiction to recover from the owner of land adjacent to which sidewalks have been cleared as provided in Section 2 hereof, the cost of the removal of snow or ice, together with allowable costs and disbursements.

Section 18. Placing Snow or Ice on Public Streets or City Property. It is unlawful for any person, not acting under contract with the City, to remove snow or ice from private property and place, in such quantity or manner as to cause a hazard to travel, such snow or ice upon a public right-of-way, without proper arrangements for the immediate removal thereof. It is unlawful for any person, not acting under contract with the City, to place or deposit any snow or ice upon City property.

Parking Regulations

Section 19. Times and Date of Prohibited Parking. No vehicle shall be left standing or parked between 2:30 AM. and 7:00 AM. on any street, state highway, or county road within the city limits of the City of Howard Lake. This provision shall be in force between 12:01 AM. on November 1st of every year and 11:59 P.M. on March 31st of the following year.

Section 20. Parking Prohibited Until Street Plowed. Immediately after the end of a snowfall, no vehicle shall be left standing or parked upon any street or other right-of-way within the city limits of the City of Howard Lake until said street or highway is plowed.

Section 21. Plowing, General Snow Removal. Downtown streets shall generally be plowed in the same manner as all other city streets. The Street Superintendent or the Public Works Foreman may elect to plow downtown streets during evening or early morning hours to avoid traffic and parked vehicle congestion. Downtown streets may be plowed outward or to the center of the street at the discretion of the Street Superintendent or Public Works Foreman. City owned parking lots are generally plowed at the same time as downtown streets. Snow may be piled for removal when snow is hauled from downtown.

Section 22. Snow Hauling. Downtown snow hauling, if necessary, shall begin after all streets have been plowed.

Section 23. Wright County or State of Minnesota Street Maintenance. Certain streets within the City are maintained by Wright County or the State of Minnesota and fall under the county or state maintenance policies.

Section 24. Snow Depths. Snow depth at the corners of intersections shall be reduced to 36 inches or less following other necessary operations. The Street Superintendent or Public Works Foreman have the authority to determine the scheduling and priority of this function.

Section 25. No Parking Zones. The City Council may by resolution designate and establish certain areas where there shall be no parking during specified hours for snow removal. The Police Department and the Street Superintendent shall mark by appropriate signs all zones so established. During the hours specified no person shall park in said zone.

Section 26. Penalty. Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor.

Plowing/Sanding Priorities

PRIORITY “A”

Streets with greatest priority

PRIORITY “B”

Streets providing access to schools and commercial property

PRIORITY “C”

Lower volume residential streets

PRIORITY “D”

Cul-de-sacs

Snow Clearing Operations – Order of Priorities

The following list should be used to help determine timelines to commence and end snow clearing operations. The following are guidelines, depending on the snowfall some items may need to be rearranged or completed sooner. Use this as a planning tool and modify for each snow event.

Prior to snow event

1. Be a Forecast Junkie and brag about it to coworkers and city hall.
2. Pretreating salt/sand
 - a. High use intersections & main arterial streets (map 1).
3. Plowing to start when 2" of snow accumulates.
 - a. Expectation is to plow curb-to-curb unless specifically approved between public works and city administration.
 - b. High traffic and main arterial streets are opened up. (map 1)
4. Public works lead communicates overall plan for snow removal for event.

Day 1 & as needed during events

1. Discuss and declare Snow Emergency if necessary, post on Facebook
2. Plow Curb to curb all streets and cul-de-sacs, Block 18, Historic City Hall and Park and Ride parking lot, Fire Department, alleys, shop and maintenance shop
3. Sand/salt as necessary.
4. City Facilities (map 2)
 - a. City Hall
 - b. 8th Avenue
 - i. Scrape curb line in front of city hall, Snap and USPS.
 - c. Historic City Hall
 - i. Entrances to event center & ice spot on sidewalk.
 - ii. Confirm rental schedule
 - d. Library/Community Room
 - i. Confirm open hours and rental schedule
 - e. Downtown/Legion Parking Lot
 - i. Remove snow pile, stairs and sidewalk
 - f. Fire Hall entrance sidewalk
 - g. Block 18 & Public Park n ride
 - h. Maintenance Shop
 - i. Street Shop
5. Clear snow from downtown sidewalks
6. Public works lead to communicate to city administration and police on snow emergency and status of this list at the end of the day with indication of who remains on call and who/when work will resume the next day.

Day 2

1. Check in with city hall to status, check for any trouble spots/complaints/issues. (map 3)
2. Lions Park & Memorial Park Parking Lots.
3. Trails.
4. Residential sidewalks (if possible, otherwise day 3)
5. Complete Highway 12 Clean up (requires MNDOT pre-approval)

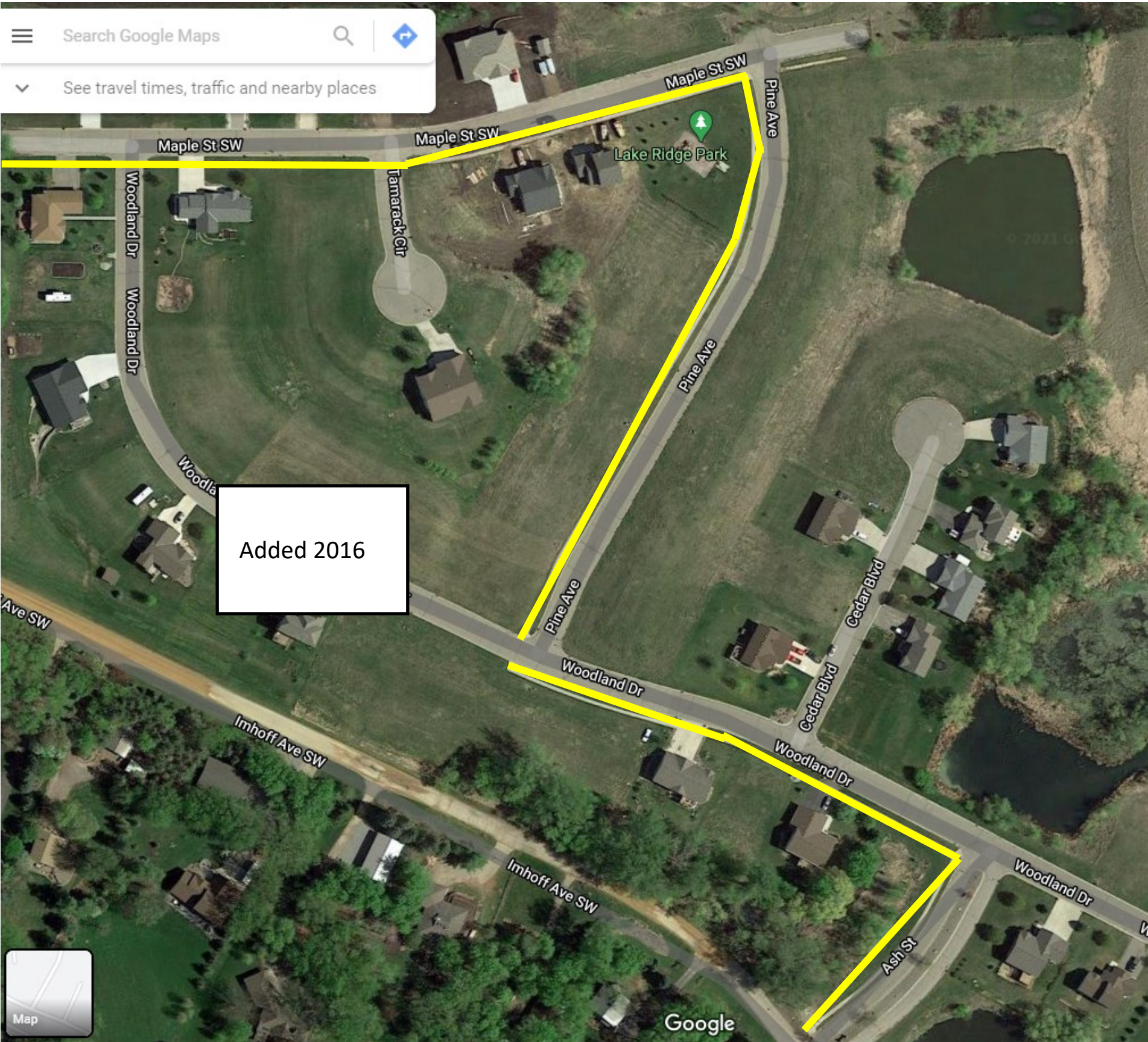
Day 3

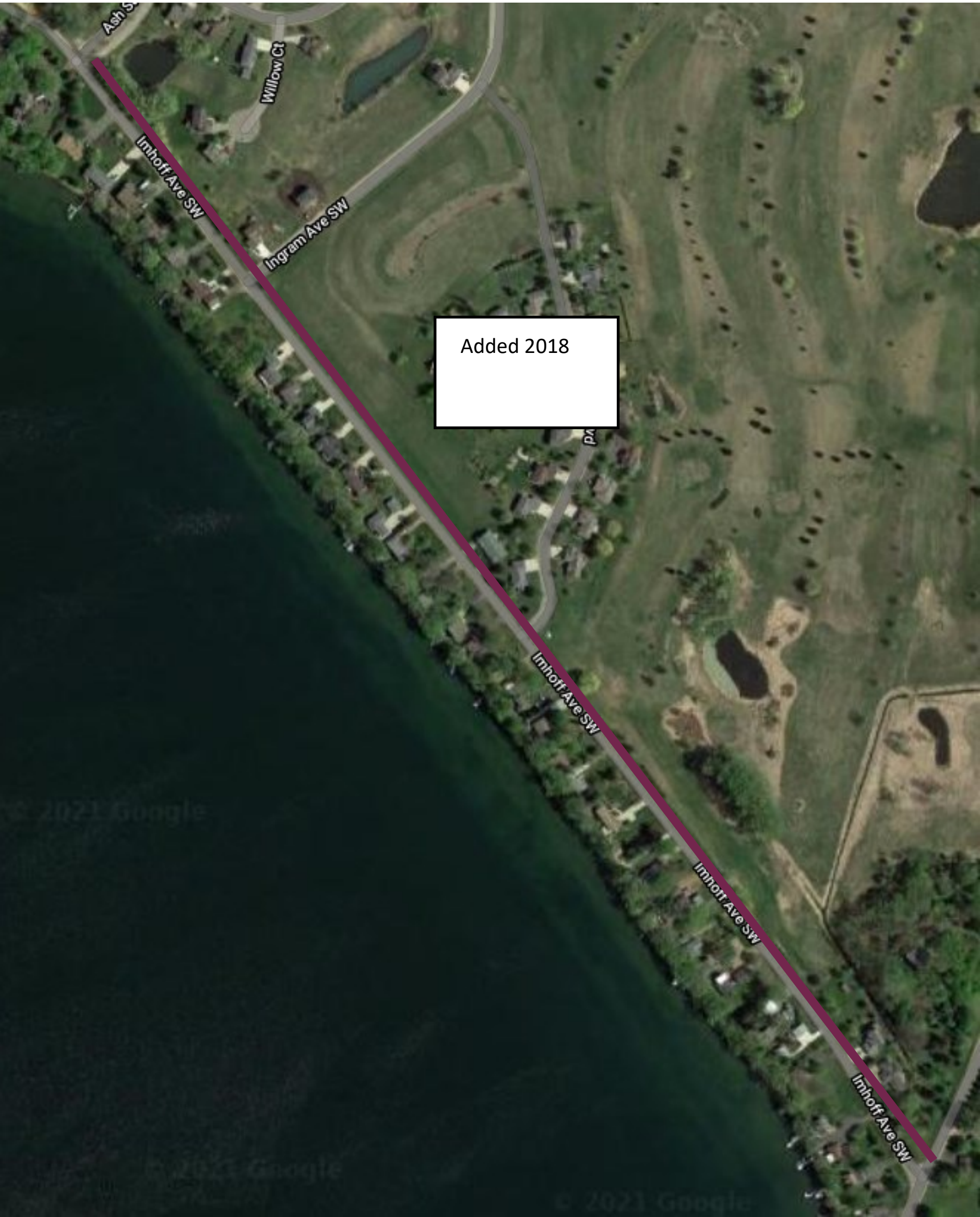
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1. Submit time/material/equipment sheets to city administration for billing.
 2. Final touchups with shovels/small equipment
 - The expectation of staff is to provide a surface a reasonably ambulatory person can use.
 - a. Downtown sidewalks and businesses
 - b. Garbage cans
 - c. Street poles
 - d. Narrow sidewalks/Residential Sidewalks
 2. Haul piles to clear parking lots and sight lines at intersections, cul de sacs (if possible lower priority)
 3. Ice Rink, including path from parking lot, on to ice to the skating area.
 4. Lake Access Points
 5. Report any/all accidents and incidents to city admin on ICR sheets.
 6. Fix, Clean and Prepare equipment for next round.

As Needed

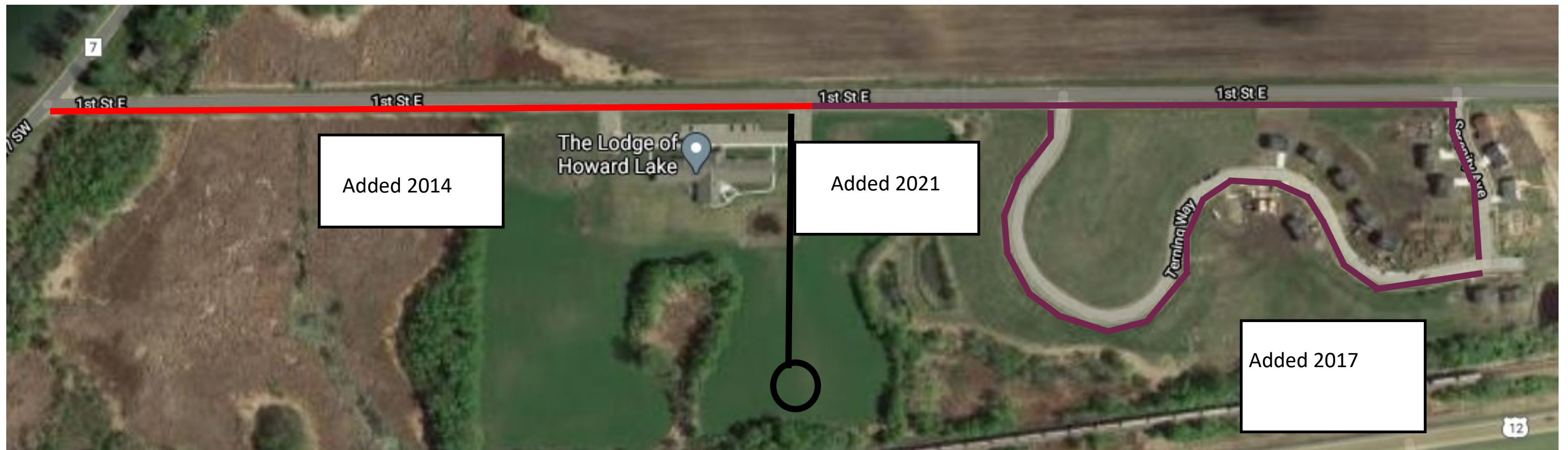
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1. Fire Hydrants
 2. Lift stations

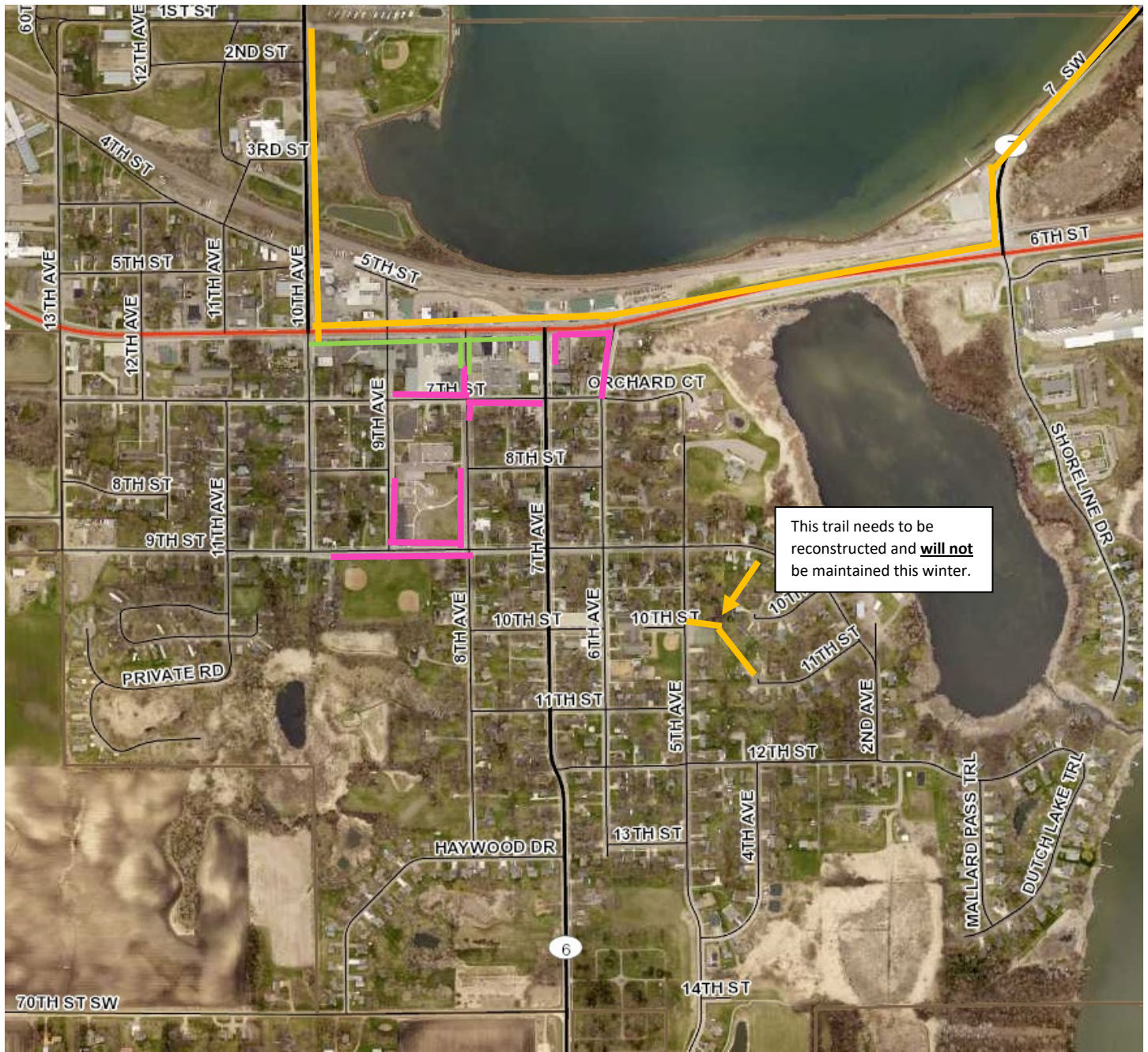












-  City Trails
-  Business Sidewalks
-  Adjacent to City Property



-  City Trails
-  Business Sidewalks
-  Adjacent to City Property

From: [REDACTED]
Sent: Thursday, October 13, 2022 2:33 PM
To: Nick Haggenmiller <cityadmin@howard-lake.mn.us>
Subject: Snow removal issue

I am unable to attend Monday's meeting and would like to "give my 2 cents" worth of input. HA!!

I actually remove the snow on the sidewalks in front of my home. I prefer to do this for several reasons.

1. I have a kid that rides the bus and I want a safe place for him to access the school bus.
2. I'm a little anal about getting down to the concrete because I have fallen on ice and I don't want to do it again.
3. When the city uses their snow blower, the wheels are wrecking the edge of the grass in my yard. Also, part of the curb in front of my house is crumbling so I am concerned about the snow removal equipment the city uses and it further damaging the curb and/or the sidewalk.
4. I have better control of where the snowbanks are. On my side of the street, once the city is done removing snow, we have a snowbank on both sides of the sidewalk. I want my sidewalk safely accessible to guests that may park on the street.
5. I also have to clear a drain so I am out shoveling anyway. (I actually like shoveling so you will often see me shoveling my sidewalk and 2 of my neighbor's sidewalks.)

With that said, if the city were to place an ordinance that the homeowner is responsible for removing snow on the sidewalks, please consider allowing a manageable time frame to complete the snow removal. For example, 24 hours may look manageable; however, if it snows Friday night and I am 3 hours away at a hockey tournament and not back until Sunday afternoon, would I be ticketed? I am unable to afford to pay someone to clear my sidewalks so I fear that this could lead down a road that isn't manageable for the homeowner either.

There isn't a solid easy answer. It will take both the city and the residents to bend and meet halfway for a manageable solution.

I have jumped off my soap box. :) hahaha

[REDACTED]



HOWARD LAKE CITY COUNCIL MEETING

October 17, 2022

AGENDA ITEM: Consider Modification to City Ordinance 7.01 Licensing & Regulating Liquor

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator

BACKGROUND: Recently, the Howard Lake Police Department completed alcohol and tobacco compliance checks at local license holding establishments. In doing so, it was discovered that our ordinance is inconsistent with county and state best practices concerning the handling of establishments that encounter violations to the ordinance.

Currently, the ordinance includes Section 10 "Suspension and Revocation" that addresses issues:

The council shall either suspend for up to 60 days or revoke any liquor license, or impose a civil fine not to exceed \$2,000, for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes Sections 14.57 to 14.69 of the administrative procedure act.

Wording the ordinance and enforcing in this manner puts a wide range of subjective enforcement authority in the city council that may lead to inconsistent enforcement overall and over time. Howard Lake is one of only three cities in Wright County with a city operated police department. The remaining 13 cities were given boiler plate language from Wright County Sheriff's Office. The proposed modification uses our existing ordinance overall, but inserts the boilerplate language relating to violations.

The proposed language better defines types of liquor license violations and establishes a graduated fine system rather than the city council handling the matters on a case-by-case basis. A separate resolution with the specific fines/citations is suggested as it is easier to update resolutions and city fees versus a full ordinance modification.

DECISION MAKING METRICS:

FINANCIAL: N/A – a separate resolution with proposed fees will follow this agenda item.

LEGAL: The proposed language was drafted and reviewed by various Wright County city attorneys. Staff additionally compared to the model language given by the League of Minnesota Cities.

COUNCIL ACTION REQUESTED: Approve the modifications to City Ordinance 7.01.

ATTACHMENTS:

1. Ordinance 7.01

Chapter 7.01

Licensing And Regulating The Sale And Consumption Of Non-Intoxicating And Intoxicating Liquor

Section 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes Chapter 340A, relating to the definition of the terms licensing, consumption, sales, financial responsibility of licensee, hours of sale, and all other matters that pertain to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this ordinance as set out in full.

Section 2. License Required. General Requirement. No person, except a wholesaler or manufacturer to the extent authorized by a state license, shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor without a license to do so as provided in this ordinance.

Six Kinds of Liquor Licenses:

Subdivision 1.

- (a) Intoxicating on-sale licenses shall be issued only to hotels where food is prepared and served for consumption on premises, special clubs, restaurants and exclusive liquor stores, and shall permit “on-sale” of liquor only.
- (b) On-sale non-intoxicating 3.2 malt liquor license is also available by approval of the council. This license may be granted to clubs, restaurants, and hotels.

Subdivision 2.

- (a) Temporary On-sale Licenses. Subject to the approval of the commissioner of public safety, temporary on-sale licenses shall be issued only to clubs or charitable, religious, or other non-profit organizations in existence for at least three years.
- (b) A temporary license authorizes the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee and subject to restrictions imposed by the state liquor act.

This license may permit sale for not more than three consecutive days and may authorize on-sales on premises not owned or permanently occupied by that licensee.

Subdivision 3.

- (a) Intoxicating off-sale licenses shall be issued to an exclusive liquor store and shall permit “off-sales” of liquor only.
- (b) Non-intoxicating off-sale permit shall be granted to grocery, convenience, retail stores as permitted by the council.

Subdivision 4.

- (a) Sunday On-Sale License. Special on-sale licenses for the sale of intoxicating liquor on Sunday shall be issued only to bowling centers and to hotels, restaurants, and clubs as defined in Minnesota Statutes 340A.101. All sales at such establishments shall be in accordance with Minnesota Statutes 340A.504, subd. 3
- (b) Sunday Hours. The sale of on-sale intoxicating liquor on Sundays is allowed between the hours of 10:00 a.m. on Sunday and 1:00 a.m. on Monday. Establishments serving liquor on Sundays must obtain a special license under subdivision 1 (a) above.

Subdivision 5. Wine and Strong Beer Licenses shall be issued only to hotels where food is prepared and served for consumption on premises, special clubs, restaurants and exclusive liquor stores.

Section 3. Application for License.

Subdivision 1. Form. Every application for a license to sell beer or liquor shall state the name of the applicant, his or her age, representations as to his character (with such references as the council may require), his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in the business at that place, and such other information as the council may require from time to time. Every application shall also include a copy of each summons received by the applicant under Minnesota Statutes Section 340A. 801 during the proceeding year. No person shall make a false statement in an application. Applications shall be filed with the City Clerk-Treasurer.

Subdivision 2. Bond. Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States government bonds of equivalent market value. Such surety bond or other security shall be the sum of \$2,000 for an off-sale license and \$4,000 for an on-sale license.

The conditions of the bond are as follows:

- (1) That the licensee obey the law:
- (2) That he or she will pay the city when due all taxes, license, and other charges:
- (3) That in case of violation of the liquor law, the bond is forfeited to the city.

Subdivision 3. Financial Responsibility. No liquor license may be issued, maintained, or renewed unless the applicant demonstrated proof of financial responsibility as defined in Minnesota Statutes Sections 340A.409 with regard to ability under the Statutes, Section 340A. 801. Such proof shall be filed with the commissioner of public safety. Any liability insurance policy filed as proof of financial responsibility in the subdivision shall conform to Minnesota Statutes Section 340A.409.

Subdivision 4. Approval of Security. The security offered under Subdivision 2 shall be approved by the city council and in the case of an application for “off-sale” licenses, by the state commissioner of public safety. Subdivision 2 shall be approved as to form by the city attorney.

Operation of a licensed business without having filed with the city at all times effective security as required in Subdivision 2 and 3 is a cause for revocation of the license. The bond for an off-sale license must be approved by the council and the commissioner. The bond for an on-sale license must be approved by the council.

Section 4. License Fees.

Subdivision 1 Fees. The annual fee for an intoxicating liquor and non-intoxicating malt liquor and wine license shall be determined by the City Council. All fees shall be paid into the general fund of the City of Howard Lake.

Subdivision 2. Payment. Each payment for a license shall be accompanied by a receipt from the city clerk-treasurer for payment in full of the license fee. If an application is rejected, the clerk-treasurer shall refund the amount paid as the license fee.

Subdivision 3. Term; pro rata fee. Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December in each year.

Subdivision 4. Refunds. No refund of any fee shall be made except as authorized by Statute M.S.340A.408.

Section 5. Granting of Licenses.

Subdivision 1. Preliminary Investigation. On an initial application for an on-sale license and on application for transfer of an existing on-sale license, the applicant shall pay with his application an investigation fee of \$500.00 and the city shall conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the state bureau of criminal apprehension and with such additional information as the council may require. If the council deems it in the public interest to have an investigation made on a particular application for renewal of an on-sale license, it shall so determine. In any case, if the council determines that comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation itself or contract with the bureau of criminal investigation for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the council that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged the cost, not to exceed \$10,000, which shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be paid by the applicant whether or not the license is granted.

Subdivision 2. Hearing and Issuance. The city council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subdivision 1. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council shall, in its discretion, grant or refuse the application. No "on-sale" or "off-sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the commissioner of public safety.

Subdivision 3. Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license, and a transfer of stock without prior council approval is a ground for revocation of the license.

Section 6. Persons Ineligible for License. No license shall be granted to any person made ineligible for such a license by state law. No license shall be issued to an individual who is not a resident of the city. No more than one intoxicating liquor license shall be directly or indirectly issued within the city to any person.

The liquor act prohibits granting a liquor license to any person not a citizen or a resident alien, or who is under 21, or who is not of good moral character or repute, or who within five years of his license application has been convicted of a willful violation of a liquor or beer law or ordinance, or who has had a liquor or beer license revoked within five years of his application. (M.S. 340A.402) Also, state law prohibits a person from having more than one off-sale liquor license in the city. (M.S. 340A.412, Subdivision 3.)

Section 7. Places Ineligible for License.

Subdivision 1. General Prohibition. Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subdivision 2. Delinquent Taxes and Charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.

Subdivision 3. Distance From School or Church. No license shall be granted within 500 feet of any school or within 500 feet of any church.

Section 8. Condition of License.

Subdivision 1. In General. Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subdivision 2. Insurance. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license granted pursuant to this ordinance.

Subdivision 3. Licensee's Responsibility. Every licensee is responsible for the conduct in the licensed establishment, and any sale of alcoholic beverages in the establishment is the act of the licensee.

Subdivision 4. Inspections. Every licensee shall allow any peace officer, health officer, or employee of the city to enter, inspect, and search the premises of the licensee during business

hours without a warrant.

Subdivision 5. Display During Prohibited Hours. No “On-sale” establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

Section 9. Restrictions on Purchase and Consumption.

Subdivision 1. Liquor in Unlicensed Places. No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor “on-sale” or a permit from the commissioner of public safety under Minnesota Statutes Section 340A.414 and no person shall consume liquor in any such place.

Subdivision 2. Consumption in Public Places. No person shall consume liquor on a public highway, public park, or other public place.

~~**Section 10. Suspension and Revocation.** The council shall either suspend for up to 60 days or revoke any liquor license, or impose a civil fine not to exceed \$2,000, for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes Sections 14.57 to 14.69 of the administrative procedure act.~~

~~Lapse of required dram shop insurance or bond, or withdrawal of required deposit of cash or securities, shall effect an immediate suspension of any license issued pursuant to this ordinance without further action of the city council. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of required deposit or suspension or revocation of a license, may request a hearing therein and if such a request is in writing to the clerk, a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the city council determines that the financial responsibility requirements of this ordinance have again been met.~~

Basis for suspension or revocation. The City Council may suspend, revoke or cite any license issued under this chapter for any of the following reasons:

1. False or misleading statements made on a license application or renewal, or failure to abide by the commitments, promises, or representations made to the City Council.
2. Violation of any special conditions under which the license was granted, including, but not limited to, the timely payment of Real Estate Taxes, and all other charges.
3. Violation of any State or Federal law regulating the sale of intoxicating liquor, 3.2 percent malt liquor, or controlled substance.
4. Creation of a nuisance on the premises or in the surrounding area.

5. That the licensee suffered or permitted illegal acts upon the licensed premises or on property owned or controlled by the licensee adjacent to the licensed premises, unrelated to the sale of intoxicating liquor or 3.2 percent malt liquor.
6. That the licensee had knowledge of illegal acts upon or attributable to the licensed premises, but failed to report the same to the police.
7. Expiration or cancellation of any required insurance, or failure to notify the City within a reasonable time of changes in the term of the insurance or the carriers.
8. Presumptive Penalties: This chapter shall establish a standard by which the City Council determines penalties that are presumed to be appropriate for violation(s) of this chapter. The City Council may deviate from the presumptive penalty where the City Council finds that there exist substantial reasons making it appropriate to deviate.
 - a. Civil Penalty And/Or Suspension: The civil penalty and/or suspension imposed may, at the City Council's discretion, based upon the following guidelines related to the licensee's total number of violations within the preceding two (2) year period, as adopted by council via the city's adopted fee schedule.
 - b. Best Practices Training: In addition to the civil penalty and suspension that may be imposed by the City Council, the licensee, his/her agents and employees, shall complete best practices training within sixty (60) days of the City Council's decision to impose penalties or the license shall be suspended for seven (7) days in addition to other penalties, including required completion of best practices training.
 - c. Dates Of Suspension: Suspension of the license as may be imposed by the City Council under this chapter shall be for those dates as determined by the City Council.
 - d. Multiple Violations:
 - i. The City Council shall act upon all of the violations that have been alleged in the notice sent to the licensee.
 - ii. The City Council, in such cases, shall consider the presumptive penalty for each violation.
 - iii. The occurrence of multiple violations is grounds for deviation from the presumed penalties in the City Council's discretion.
 - e. Subsequent Violations:
 - i. Violations occurring after the notice of a violation has been mailed, but prior to the hearing, shall be treated as a separate violation and dealt with as a second violation. The same procedure applies to the second, third, or fourth violation.
 - ii. Upon a second or subsequent violation by the same licensee, the City

Council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent notice without regard to the particular violation or violations that were the subject of the prior violation; however, the City Council may consider the amount of time elapsed between appearances as a basis for deviating from the presumptive penalty imposed by this chapter.

9. Other Penalties: Nothing in this chapter shall restrict or limit the authority of the City Council to deviate from the presumptive penalties outlined herein, including, but not limited to, suspending the license for up to sixty (60) days, revoke the license, impose a civil fee not to exceed two thousand dollars (\$2,000.00), to impose a combination of penalties and/or conditions, or take any other action in accordance with law; provided, that the license holder has been afforded an opportunity for a hearing.
10. Findings: The City Council shall, by resolution, provide written findings that support the penalty imposed.
 - a. Hearing:
 - i. A licensee shall be given ten (10) days' written notice sent via first class U.S. mail of a penalty, suspension, or revocation action stating the charges against the licensee, the right to request a hearing as well as a proposed date, time, and place of the hearing if required:
 - ii. In the case of a civil penalty only, there shall be no right to a hearing.
 - iii. In the case of a proposed suspension or revocation of the license, the notice shall state that the licensee has a right to a hearing only if he/she affirmatively requests the hearing within ten (10) days of receipt of the notice and that the hearing is otherwise waived.
 - iv. Notice of cancellation or lapse of a current liquor liability insurance policy shall also constitute notice to the license of the impending suspension of the license. The holder of a license suspended under these circumstances may request in writing to the City Clerk a hearing to be held by the City Council not less than ten (10) days or more than sixty (60) days from the date the request is received by the City Clerk.
 - v. A hearing to consider suspension or revocation of a license shall be conducted by the City Council in accordance with Minnesota Statutes sections 14.57 to 14.70.

~~**Section 11. Penalty.** Any person violating any provision of this ordinance is guilty of a misdemeanor.~~

Ordinance No. 22-06

CITY OF HOWARD LAKE
COUNTY OF WRIGHT
STATE OF MINNESOTA

AN ORDINANCE MODIFYING CITY CODE CHAPTER 7.01 LICENSING AND
REGULATING THE SALE AND CONSUMPTION OF NON-INTOXICATING AND
INTOXICATING LIQUOR

THE CITY COUNCIL OF HOWARD LAKE ORDAINS:

Section 1. Chapter 7.01, Section 10 is hereby amended to read as follows:

Section 10. Suspension and Revocation.

Basis for suspension or revocation. The City Council may suspend, revoke or cite any license issued under this chapter for any of the following reasons:

1. False or misleading statements made on a license application or renewal, or failure to abide by the commitments, promises, or representations made to the City Council.
2. Violation of any special conditions under which the license was granted, including, but not limited to, the timely payment of Real Estate Taxes, and all other charges.
3. Violation of any State or Federal law regulating the sale of intoxicating liquor, 3.2 percent malt liquor, or controlled substance.
4. Creation of a nuisance on the premises or in the surrounding area.
5. That the licensee suffered or permitted illegal acts upon the licensed premises or on property owned or controlled by the licensee adjacent to the licensed premises, unrelated to the sale of intoxicating liquor or 3.2 percent malt liquor.
6. That the licensee had knowledge of illegal acts upon or attributable to the licensed premises, but failed to report the same to the police.
7. Expiration or cancellation of any required insurance, or failure to notify the City within a reasonable time of changes in the term of the insurance or the carriers.
8. Presumptive Penalties: This chapter shall establish a standard by which the City Council determines penalties that are presumed to be appropriate for violation(s) of this chapter. The City Council may deviate from the presumptive penalty where the City Council finds that there exist substantial reasons making it appropriate to deviate.

- a. Civil Penalty And/Or Suspension: The civil penalty and/or suspension imposed may, at the City Council's discretion, based upon the following guidelines related to the licensee's total number of violations within the preceding two (2) year period, as adopted by council via the city's adopted fee schedule.
 - b. Best Practices Training: In addition to the civil penalty and suspension that may be imposed by the City Council, the licensee, his/her agents and employees, shall complete best practices training within sixty (60) days of the City Council's decision to impose penalties or the license shall be suspended for seven (7) days in addition to other penalties, including required completion of best practices training.
 - c. Dates Of Suspension: Suspension of the license as may be imposed by the City Council under this chapter shall be for those dates as determined by the City Council.
 - d. Multiple Violations:
 - i. The City Council shall act upon all of the violations that have been alleged in the notice sent to the licensee.
 - ii. The City Council, in such cases, shall consider the presumptive penalty for each violation.
 - iii. The occurrence of multiple violations is grounds for deviation from the presumed penalties in the City Council's discretion.
 - e. Subsequent Violations:
 - i. Violations occurring after the notice of a violation has been mailed, but prior to the hearing, shall be treated as a separate violation and dealt with as a second violation. The same procedure applies to the second, third, or fourth violation.
 - ii. Upon a second or subsequent violation by the same licensee, the City Council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent notice without regard to the particular violation or violations that were the subject of the prior violation; however, the City Council may consider the amount of time elapsed between appearances as a basis for deviating from the presumptive penalty imposed by this chapter.
9. Other Penalties: Nothing in this chapter shall restrict or limit the authority of the City Council to deviate from the presumptive penalties outlined herein, including, but not limited to, suspending the license for up to sixty (60) days, revoke the license, impose a civil fee not to exceed two thousand dollars (\$2,000.00), to impose a combination of penalties and/or conditions, or take any other action in accordance with law; provided, that the license holder has been afforded an

opportunity for a hearing.

10. Findings: The City Council shall, by resolution, provide written findings that support the penalty imposed.

a. Hearing:

- i. A licensee shall be given ten (10) days' written notice sent via first class U.S. mail of a penalty, suspension, or revocation action stating the charges against the licensee, the right to request a hearing as well as a proposed date, time, and place of the hearing if required:
- ii. In the case of a civil penalty only, there shall be no right to a hearing.
- iii. In the case of a proposed suspension or revocation of the license, the notice shall state that the licensee has a right to a hearing only if he/she affirmatively requests the hearing within ten (10) days of receipt of the notice and that the hearing is otherwise waived.
- iv. Notice of cancellation or lapse of a current liquor liability insurance policy shall also constitute notice to the license of the impending suspension of the license. The holder of a license suspended under these circumstances may request in writing to the City Clerk a hearing to be held by the City Council not less than ten (10) days or more than sixty (60) days from the date the request is received by the City Clerk.
- v. A hearing to consider suspension or revocation of a license shall be conducted by the City Council in accordance with Minnesota Statutes sections 14.57 to 14.70.

AND

Removing Section 11. Penalty.

Section 2. This ordinance is in effect upon passage and publication.

Approved by the City Council of Howard Lake this 17th day of October, 2022.

Peter Zimmerman, Mayor

ATTEST:

Nicholas Haggenmiller, City Administrator-Clerk

**CITY OF HOWARD LAKE
RESOLUTION 22-25**

**RESOLUTION AUTHORIZING THE SUMMARY PUBLICATION OF
ORDINANCE 22-06 REGARDING MODIFICATION TO CITY CODE
CHAPTER 7.01 LICENSING AND REGULATING THE SALE AND
CONSUMPTION OF NON-INTOXICATING AND INTOXICATING
LIQUOR**

WHEREAS, the following is a summary of Ordinance 22-06 adopted by the Howard Lake City Council at the October 17, 2022 meeting; and

WHEREAS, the City is publishing this notice as a summary publication; and

WHEREAS, the following serves as the summary of the ordinance for publication purposes:

The City of Howard Lake adopted Ordinance 22-06 amending the City Code Chapter 7.01, Section 10. Suspension and Revocation of Liquor Licenses and Section 11. Penalty.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Howard Lake that Ordinance 22-06 is hereby adopted October 17, 2022 and effective upon this publication.

PASSED AND ADOPTED this 17th day of October, 2022.

Pete Zimmerman, Mayor

ATTEST:

Nicholas Haggmiller, City Administrator-Clerk



HOWARD LAKE CITY COUNCIL MEETING

October 17, 2022

AGENDA ITEM: Moratorium regarding the regulation of THC Products

SECTION: New Business

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND: Since the adopted legislation allowing certain products containing Delta-9 THC, many cities in Minnesota have been adopting moratoriums regarding the regulation of THC products. A moratorium is the temporary prohibition of an activity to allow for additional time for the City to research methods of regulating next steps relating to THC sales within the City of Howard Lake.

The moratorium would be effective for up to 12 months, to allow for the city to conduct a study of the issues relating to the sales, testing, manufacturing and distribution of THC products.

The ordinance as drafted would not discontinue any sales/uses currently underway in city limits. Rather it prohibits expansions of products and sales, specifically THC products. More pertinent to our local discussion is the need to establish criteria and parameters for licensing and sales of the products.

COUNCIL ACTION REQUESTED: Approve Ordinance 22-06 AN EMERGENCY INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT OF NEW USES OR THE EXPANSION OF EXISTING USES RELATED TO SALES, TESTING, MANUFACTURING AND DISTRIBUTION OF THC PRODUCTS.

ATTACHMENTS:

1. Draft Ordinance 22-06

ORDINANCE NO. 22-07

**AN EMERGENCY INTERIM ORDINANCE PROHIBITING THE
ESTABLISHMENT OF NEW USES OR THE EXPANSION OF
EXISTING USES RELATED TO SALES, TESTING,
MANUFACTURING AND DISTRIBUTION OF THC PRODUCTS**

THE CITY OF HOWARD LAKE DOES ORDAIN:

PREAMBLE: The following ordinance is necessary for the immediate preservation of the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recently legalized sale of edible cannabinoid products containing Tetrahydrocannabinol (THC). A prohibition on the establishment of new uses or the expansion of existing uses related to the sale of such products is necessary to ensure that the City has sufficient time to study potential regulations that will protect the health and safety of the residents of Howard Lake. There is insufficient time to complete the ordinary procedure for introduction and adoption of a city ordinance as required by City Charter and Code.

Section 1. Authority and Findings.

- A. The Minnesota Legislature recently amended Minnesota Statutes, section 151.72 relating to the sale of certain cannabinoid products. The new law permits the sale of edible cannabinoid products, provided that a product sold for human or animal consumption does not contain more than 0.3% of tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package ("THC Products"). Sales of THC Products became legal on July 1, 2022.
- B. The new law allows sales and establishes some labeling and testing requirements, but it does not establish any licensing criteria or parameters for compliance by retailers. The new law does not prohibit local regulation.
- C. Minnesota Statutes, section 462.355, subd. 4 provides that if a municipality is conducting studies or has authorized a study to be conducted for the purpose of considering adoption or amendment to an official control, the City Council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. An interim ordinance may regulate, restrict, or prohibit any use within the city for a period not to exceed one year from the effective date of the interim ordinance. Many cities have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens; and

- D. The City Council believes that authorizing a study regarding the types of uses that involve the sales, testing, manufacturing and distribution of THC Products is necessary to evaluate the regulatory options available to the City and is for the purpose of protecting the health and safety of Howard Lake's residents.

Section 2. Study. The City Council hereby authorizes and directs City staff to conduct a study of the issues relating to the sales, testing, manufacturing, and distribution of THC Products. Staff will then make a recommendation to the City Council about whether the City should amend its zoning, business-licensing, or other general Code provisions related to these types of uses to better protect the residents of Howard Lake.

Section 3. Moratorium. In accordance with the findings set forth herein, a moratorium is established as follows:

- A. No business, person or entity may establish a new use or expand an existing use that includes or involves the sale, testing, manufacturing, or distribution of THC Products, for a period of twelve (12) months from the effective date of this Ordinance or until the Council repeals this Ordinance, whichever occurs first.
- B. During the term of this Ordinance, the City staff will not issue any license or permit, nor will it accept or process any applications for uses related to the sale, testing, manufacturing, or distribution of THC Products.
- C. The moratorium established by this Ordinance does not apply to the sale, testing, manufacturing, or distribution of products that were lawful prior to enactment of the new law relating to THC Products.

Section 4. Enforcement. In addition to any criminal penalties allowed by law, the City may enforce this Interim Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalty in Section 115 of the Howard Lake City Code.

Section 5. Severability. Every section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section, subsection, provision, or part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision, or part.

Section 6. Effective Date; Duration. Pursuant to sections 3.06 and 3.09 of the City Charter, this emergency ordinance shall become effective immediately upon its unanimous approval by all members of the Council; however no prosecution based on the provisions of this Ordinance shall occur until twenty-four hours after the Ordinance has been filed with the city clerk and posted in the three conspicuous places or until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the Ordinance prior to the act or omission complained of. It shall be effective until the earlier of the following events: (a) one year from the effective date of this Ordinance or (b) the date upon which the City Council adopts an ordinance repealing this Ordinance.

Section 7. Summary. That the following summary clearly informs the public of the intent and effect of the Ordinance and is approved for publication: "The purpose of this Ordinance is to authorize a study related to the sales, testing, manufacturing, and distribution of recently legalized consumable cannabinoid products. Staff will then make a recommendation to the City Council about whether the City should amend its zoning, business-licensing, or other general Code provisions related to these types of products and associated uses to better protect the residents of Howard Lake. During the term of this Ordinance, no business, person, or entity may establish a new use or expand an existing use that includes or involves the sale, testing, manufacturing, or distribution of consumable cannabinoid products that were legalized on July 1, 2022, by the Minnesota Legislature's amendment of Minnesota Statutes, section 151.72."

Passed by the City Council this 17th day of October, 2022.

Mayor, Pete Zimmerman

City Clerk, Nick Haggemiller



HOWARD LAKE CITY COUNCIL MEETING

October 17, 2022

AGENDA ITEM: Consider Resolution 22-28 Declaring Residence Unfit for Habitation

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator

BACKGROUND: The City received a complaint on August 19, 2022 in regards to 909 7th Street, Unit #2 from Wright County Health and Human Services via the tenant of the unit. Wright County had completed a “Healthy Homes Assessment” and determined that because of the magnitude of the issues and general lack of enforcement authority to turn the matter of to the City for review.

City Ordinance Chapter 17.06 Housing Maintenance Code was adopted by the city council an estimated 20 years ago in order to regulate housing standards in rental occupied dwelling units. The ordinance as enacted sets standards related to the life/safety/general welfare or tenants living in rental occupied units. The ordinance requires tenants to file a complaint with the City. Doing so, then permits the city to complete an inspection of the rental unit provided the tenant gives permission.

The property owner was given written notification of an inspection to be completed on August 26, 2022. Present for the inspection was Wright County Health & Human Services staff, Metro West Building Inspector, HLPD Police Chief, city administrator and the tenants of the unit. The collective findings of all were assembled under one compliance notification given to the property owner and tenant as follows:

VIOLATION	LOCATION	REMEDY
Vegatative overgrowth around building (especially HVAC)	Exterior	Cut, remove vegetation, spray noxious weeds
Gutters full of leaves and debris	Exterior, Roof	Clean gutters, attach downspouts
Gas containers left in the open	Exterior	Secure in secured location, with proper labels
Excessive dirt and debris on stairway and hallway carpet	Common Areas	Clean carpets, paint walls, better secure handrails
Storage closet full of items presenting fire hazard	Common Areas	Remove items, replace door knob with locked entry
Dumpster is overflowing with items stacked near dumpster	Parking Lot	Provide additional dumpster or more frequent removal.
Missing screendoor, missing screens and broken windows	Front entry, all windows	Install screendoor, provide for and/or fix screens and windows
Insect and rodent infestation	Throughout Unit	Provide notice, identify entry points, eradicate insects, pests & rodents
Leaking toilet in upper unit	Bathroom	Ensure plumbing fixtures are operable including wax ring and supply lines. Remove all sources of mold, apply bleach or otherwise damaged ceiling tiles, replace tub surround caulking.
Water Damage	Bathroom	
Loose shower faucet	Bathroom	
Damaged Ceiling tiles	Bathroom	
Chipping paint above false ceiling	Bathroom	
Black mold on ceiling tiles	Bathroom	Ensure proper exterior lighting by replacing bulbs and/or fixtures
Parking Lot light and entry light not operating	Exterior	
Broken and/or unsanitary cabinets and food storage.	Kitchen	
Broken stove, inoperable vent	Kitchen	
Incorrect door knobs and broken jam/deadbolt	Unit Entry	
Improper ventilation	Throughout Unit	Fix, replace damaged screens and windows. Install bathroom exhaust fan.
No GFI outlets	Bathroom/Kitchen	Install GFI outlets near faucets in bathroom and kitchen
Exposed Junction Box	Hallway	Cap wires, install plate
Missing carbon monoxide detector	Within 10' of bedrooms	Install carbon monoxide detector
Inoperable smoke detector	Within 10' of bedrooms	Replace smoke detector
Damaged, dirty walls, holes in sheetrock	Throughout Unit	Patch sheetrock, clean, paint walls
Damaged, dirty urine soaked carpet, vinyl flooring	Throughout Unit	Clean, replace flooring throughout building

The compliance order provided the property owner with 30 days to bring the property into compliance with a deadline of September 30, 2022. A follow up inspection was completed on October 13, 2022 and it was quickly determined that no efforts were made to address the issues at the unit.

Enforcement Actions

The ordinance stops far short of a traditional rental ordinance which requires property owners to be licensed and meet minimum standards for rental properties. Additionally, reviewing the ordinance with the city attorney, there are issues with enforcing as written. The relevant provision for enforcement in the ordinance calls for the council to authorize legal action and ultimately, if the property owner fails to comply, the city will complete the renovations and assess the charges back to the property. This would be difficult to enforce in court using the specified state statute and in practice, it would be nearly impossible for the City to manage access, seeking quotes, performing improvements, assessing charges and actually collecting charges on any property.

The City Attorney highly recommended adopting a more traditional rental ordinance in order to give him the tools necessary to fully address this issue. However, it was explained to him that this property – which has several young children living inside – has been dealing with these issues for over a year and the current inspection/enforcement efforts are already two months underway.

Therefore, he advised staff to rely on Section 15 of the current ordinance which deems the unit unfit for habitation. Doing so, is much easier and cleaner to enforce. It is NOT an immediate eviction for current tenants. There is also an enforceable remedy available through the courts that would prevent the unit from being released to a new party until the repairs are completed.

The proposed ordinance is worded as such to match the guidance of the city attorney. Moving forward, the Healthy Homes Assessment and city administrator's declaration of the unit to be not habitable will be drafted into a complaint that will be served through Wright County Court where the City will seek summary judgement which is a judge agreeing with the findings and recommendation of the City. Due to this issue not being criminal, general delays involved with the court system this will NOT be quick. The city attorney suggested upwards of 6-12 months before a decision would be delivered through the courts.

Therefore, it is stated once again, however, that our current ordinances do NOT give adequate enforcement authority to the city for the promotion and protection of 'safe and sanitary housing' in rental occupied units. If we had a Rental Ordinance adopted, we would have more practical and lawful enforcement remedies at our disposal. Moreover, as units are required to be inspected periodically under the ordinance, it is reasonable to suggest it would not occur in the first place. **Finally, given the way the current ordinance is drafted, we are limited to inspect based on receiving a complaint for each unit. In this particular case, we are inspecting and proposing enforcement for 1 unit in a 4 unit complex on a property owner that owns seven properties in Howard Lake. All of which are speculated to be in same or similar conditions.**

DECISION MAKING METRICS:

FINANCIAL: If approved, the City will incur expenses associated with legal fees. Providing an estimate is not possible as it will depend greatly on how fast or even if the property owner complies with the order.

LEGAL: The city attorney has been involved with this matter and has provided guidance for the proposed enforcement order.

COUNCIL ACTION REQUESTED: Approve Resolution affirming city administrator's declaration that Unit #2 of 909 7th Street is unfit for habitation. Direct the city administrator and city attorney to commence legal enforcement of the ordinance.

ATTACHMENTS:

1. Inspection Report
2. Chapter 17.06 Housing Maintenance Ordinance



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

August 29, 2022

Lake Residential LLC
2009 W Broadway Ave
Ste 400 Pmb 188
Forest Lake, MN 55025

Lake Residential –

On Friday, August 26, 2022 an inspection of Unit #2 at 909 7th Street was inspected. Present for the inspection were the following: Wright County Health & Human Services staff, the City's building inspector, the HLPD Police Chief and myself.

The City of Howard Lake has adopted Housing Maintenance Standards via City Ordinance 17.06. The ordinance permits the City to conduct inspections following the receipt of tenant complaints to rental occupied units. Upon completion of the inspection, the following is a brief summary of the issues, location and proposed remedy.

VIOLATION	LOCATION	REMEDY
Vegatative overgrowth around building (especially HVAC)	Exterior	Cut, remove vegetation, spray noxious weeds
Gutters full of leaves and debris	Exterior, Roof	Clean gutters, attach downspouts
Gas containers left in the open	Exterior	Secure in secured location, with proper labels
Excessive dirt and debris on stairway and hallway carpet	Common Areas	Clean carpets, paint walls, better secure handrails
Storage closet full of items presenting fire hazard	Common Areas	Remove items, replace door knob with locked entry
Dumpster is overflowing with items stacked near dumpster	Parking Lot	Provide additional dumpster or more frequent removal.
Missing screendoor, missing screens and broken windows	Front entry, all windows	Install screendoor, provide for and/or fix screens and windows
Insect and rodent infestation	Throughout Unit	Provide notice, identify entry points, eradicate insects, pests & rodents
Leaking toilet in upper unit	Bathroom	Ensure plumbing fixtures are operable including wax ring and supply lines. Remove all sources of mold, apply bleach or otherwise damaged ceiling tiles, replace tub surround caulking.
Water Damage	Bathroom	
Loose shower faucet	Bathroom	
Damaged Ceiling tiles	Bathroom	
Chipping paint above false ceiling	Bathroom	
Black mold on ceiling tiles	Bathroom	
Parking Lot light and entry light not operating	Exterior	Ensure proper exterior lighting by replacing bulbs and/or fixtures
Broken and/or unsanitary cabinets and food storage.	Kitchen	Fix, replace broken cabinets/drawers. Exterminate pests.
Broken stove, inoperable vent	Kitchen	Replace missing burner, address hood vent
Incorrect door knobs and broken jam/deadbolt	Unit Entry	Install lever style handle on main entry, fix door jam to secure deadbolt
Improper ventilation	Throughout Unit	Fix, replace damaged screens and windows. Install bathroom exhaust fan.
No GFI outlets	Bathroom/Kitchen	Install GFI outlets near faucets in bathroom and kitchen
Exposed Junction Box	Hallway	Cap wires, install plate
Missing carbon monoxide detector	Within 10' of bedrooms	Install carbon monoxide detector
Inoperable smoke detector	Within 10' of bedrooms	Replace smoke detector
Damaged, dirty walls, holes in sheetrock	Throughout Unit	Patch sheetrock, clean, paint walls
Damaged, dirty urine soaked carpet, vinyl flooring	Throughout Unit	Clean, replace flooring throughout building

The items highlighted in yellow must be corrected ASAP as they are of higher risk and life/safety items. The balance of the list will be reinspected in 30 days or on/about September 30, 2022. If the items listed are not addressed, the City will commence legal action that may result in the revocation of the certificate of occupancy and/or hazardous building declaration pursuant to Minnesota Statute 463.15.

For the City,



Nick Haggemiller
City Administrator

Enclosed: Chapter 17.06 Housing Maintenance Regulations

CC: Wright County Public Health
Metro West Inspection Services
City Attorney's Office
Tenant
Property File



Broken entry light



Broken screen



Stained carpet



Broken Window



Infestation



Broken door jam



Dirty common areas



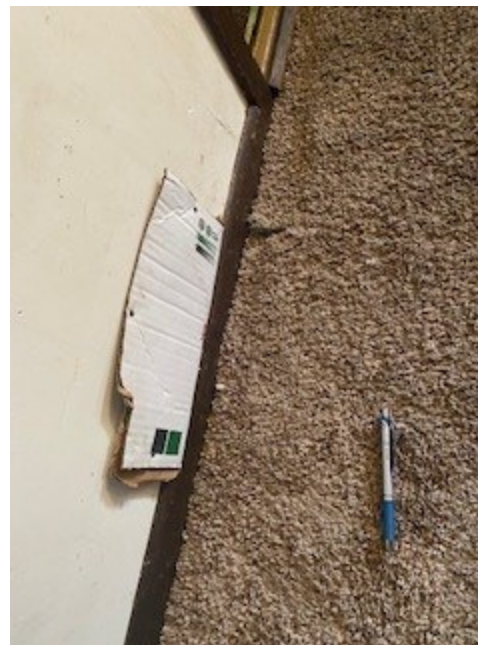
Dirty Common areas



Exposed junction box



Hole in sheetrock



Sheetrock covered with cardboard



Moldy carpet pad



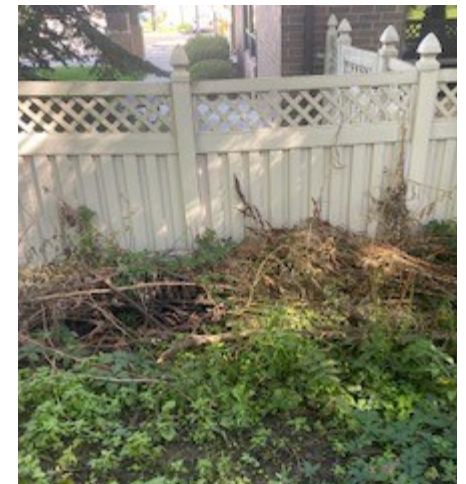
Water/mold damage in bathroom



German Cockroaches



More German Cockroaches



Debris



Inoperable smoke detector



Loose gas cans



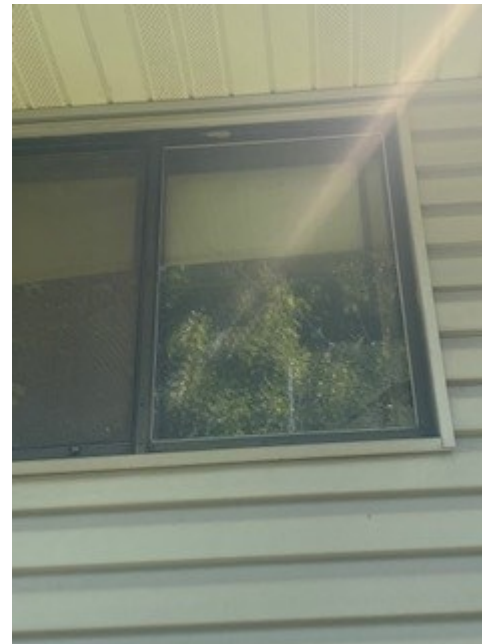
overflowing refuse



Damaged screen



Overgrown vegetation



Broken Window

Chapter 17.06

Housing Maintenance Regulations

Section 1. The purpose of this ordinance is to protect the public health, safety and the general welfare of the people of the city. These general objectives include, among others, the following:

Subdivision 1. To protect the character and stability of residential areas within the city;

Subdivision 2. To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health:

Subdivision 3. To provide for minimum standards for heating and sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of buildings;

Subdivision 4. To prevent the overcrowding of dwellings;

Subdivision 5. To provide minimum standards for the maintenance of existing residential buildings and to thus prevent substandard housing and blight;

Subdivision 6. To preserve the value of land and buildings throughout the city.

With respect to disputes between tenants and landlords, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to act as an arbitrator, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this ordinance. In the absence of such relevancy with regards to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of city government. In enacting this ordinance it is not the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

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 and to provide standards to allow resolution of complaints regarding owner-occupied housing.

Section 3. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance.

Subdivision 1. Accessory Use or Structures: A non-residential use or structure subordinate to, and serving the principal use or structure on the same lot and customarily incidental thereto.

Subdivision 2. Building. Any structure having a roof which may provide shelter or enclosure for persons, animals, or chattel, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Subdivision 3. Compliance Official. The City Administrator and his designated agents authorized to administer and enforce this ordinance

Subdivision 4. Dwelling. A building or one or more portions thereof occupied or intended to be occupied for residential purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.

Subdivision 5. Dwelling Unit. A single family dwelling or unit designed to accommodate one family.

Subdivision 6. Family. An individual, or two or more persons each related by blood, marriage, adoption, or foster children, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

Subdivision 7. Flush Water Closet. A toilet with a bowl and trap made of one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

Subdivision 8. Garbage. As defined and regulated by city ordinance.

Subdivision 9. Habitable Building. Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

Subdivision 10. Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electrical outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

Subdivision 11. Heated Water. Water heated to a temperature of not less than 110 degrees Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.

Subdivision 12. Kitchen. A space which contains a sink with counter working space, space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.

Subdivision 13. Maintenance. Upkeep of property and equipment in a safe working condition for which it was installed and/or constructed.

Subdivision 14. Multiple Family Dwelling. A dwelling or portion thereof containing two or more dwelling units.

Subdivision 15. Occupant. Any person (including owner or operator) living, sleeping, cooking and eating in a dwelling unit or living and sleeping in a rooming unit.

Subdivision 16. Operate. As used in this ordinance, the term “operate” means to charge a rental charge for the use of a unit in a rental dwelling.

Subdivision 17. Operator. The owner or his agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

Subdivision 18. Owner. Any person, firm, or corporation who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling, dwelling unit, or rooming unit within the city as owner, employee or agent of the owner, or trustee or guardian of the estate or person of the title holder. Any person representing the actual owner shall be bound to comply with the provisions of this ordinance to the same extent as the owner.

Subdivision 19. Permissible Occupancy. The maximum number of persons permitted to reside in a dwelling unit or rooming unit.

Subdivision 20. Person. An individual, firm, partnership, association, corporation, company or joint venture or organization of any kind.

Subdivision 21. Plumbing. All of the following supplied facilities and equipment in a dwelling: gas pipes, gas turning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and the installation thereof, together with all connections to water, sewer and gas.

Subdivision 22. Premises. A platted lot or part thereof or unplatted parcel of land, and adjacent right-of-way either occupied or unoccupied by any dwelling or non-dwelling structure, including such building or accessory structures.

Subdivision 23. Public Hall. A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.

Subdivision 24. Refuse. As defined and regulated by the City Ordinance.

Subdivision 25. Rental Dwelling. As used in this ordinance, is a dwelling for hire.

Subdivision 26. Repair. Is the reconstruction or renewal of any part of an existing building or its utilities, facilities or equipment for the purpose of its maintenance.

Subdivision 27. Rodent Harborage. A place where rodents commonly live, nest, or establish their habitat.

Subdivision 28. Rooming Unit. Any room or group of rooms forming a single

habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.

Subdivision 29. Rubbish. As defined and regulated by city ordinance.

Subdivision 30. Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

Subdivision 31. Substandard Dwelling. Any dwelling which does not conform to the minimum standards established by city ordinances.

Subdivision 32. Supplied. Paid for, furnished by, provided by or under the control of the owner, operator, or agent of a dwelling.

Subdivision 33. Meaning of Certain Words. Whenever the words “dwelling,” “dwelling unit,” “premises,” or “structure” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof.”

Section 4. Responsibilities of Owners and Occupants. No owner or other person shall occupy or let to another person any dwelling unit or rooming unit unless it and the premises are fit for human occupancy and comply with all applicable legal requirements of the State of Minnesota and the City of Howard Lake, and as set forth specifically in the following sections.

Subdivision 1. Maintenance of Shared or Public Areas. Every owner of a dwelling containing two or more dwelling units shall maintain or shall provide for maintenance of the units shared or public areas of the dwelling and premises thereof.

- The outside of the unit included overgrowth of grass, weeds and voluntary trees around the perimeter of the building. Mechanical units, gas & electric meters were found to be overgrown. It appears as if some trimming was done within the last few weeks as considerable amounts of branches, leaves etc. were found laying against a fence and rotting. This compost material also poses a risk of rodents.
- Grading/slope around the building appears to be appropriate. However, most of the unit does not have landscape rock presenting the opportunity for heavy rainfall to pool around the building during significant rain events.
- Gutters are visibly full of leaves, dirt and misc. debris.
- Gas containers are left in the open, not in hazardous material/combustible cabinet.
- The entrance, stairways and hallways lack general cleanliness including excessive dirt and debris on carpet, walls are dirty, full of holes/patched holes.
- At least one closet is being used for storage off of the lower hallway. The door is not properly locked or otherwise secured presenting an attractive nuisance. Items inside

present risk of fire due to accumulation and should be removed.

Subdivision 2. Maintenance of Occupied Areas. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain that part of the dwelling, dwelling unit and premises thereof that he occupies and controls.

Subdivision 3. Storage and Disposal of Rubbish. Every occupant of a dwelling, dwelling unit or rooming unit shall store and dispose of all his rubbish and garbage and any other organic waste which might provide food for insects and/or rodents in a manner as prescribed by city ordinance.

Subdivision 4. Responsibility for Storage and disposal of Garbage and Rubbish. Every owner of a multiple family dwelling shall supply facilities for the storage and/or disposal of rubbish and garbage. In the case of single and two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities as prescribed by city ordinances.

- During the inspection, the common refuse dumpster was found overflowing with material stacked against the dumpster. Tenants indicate this to be a reoccurring/weekly issue. The City has several code letters in the property file indicating the same over the last several years.

Subdivision 5. Responsibility for Storm and Screen Doors and Windows. The owner of a rental dwelling unit shall be responsible for providing, maintaining and hanging all screens and storm doors and windows whenever the same are required under the provisions of this ordinance.

- The main entrance to the building does not have a screen door presenting the opportunity for insects and rodents to access building.
- Nearly all of the windows of the building had intact screens. Many were missing entirely, others were present but heavily damaged.

Subdivision 6. Responsibility for Pest Extermination. Every occupant of a dwelling contained in a single dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a dwelling in a reasonable rodent-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

- There was EXCESSIVE evidence of insects including mayflies, ants, flies, and cockroaches.

Subdivision 7. Rodent Harborages Prohibited in Occupied Areas. No occupant of a dwelling unit shall accumulate boxes, firewood, lumber, scrap metal or any other materials in such

a manner that may provide a rodent harborage in or about any dwelling or dwelling unit. Outside stored materials shall be stacked neatly in piles at least 4 inches off bare soil or ground.

- Overgrowth found around the total property, especially near the building itself and near the mechanical equipment. Cut material including grass, branches and other weeds were found stacked alongside a fence on the north side of the property.

Subdivision 8. Rodent Harborage Prohibited in Public Areas. No owner of a dwelling containing two or more dwelling units shall accumulate or permit the accumulation of boxes, lumber, scrap metal or any other similar materials in such a manner that may provide a rodent harborage in or about shared or public areas of a dwelling or its premises. Materials stored outside by the owner or permitted to be stored by the owner shall be stacked neatly in piles at least 4 inches off of the bare ground.

- During the inspection, the common refuse dumpster was found overflowing with material stacked against the dumpster. Tenants indicate this to be a reoccurring/weekly issue. The City has several code letters in the property file indicating the same over the last several years.

Subdivision 9. Prevention of Food for Rodents. No owner or occupant of a dwelling unit shall store, place or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

Subdivision 10. Maintenance of Plumbing Fixtures and Facilities. The owner or occupant of a dwelling unit shall maintain all supplied plumbing fixtures and facilities therein.

- Bathroom had evidence of excessive and repetitive water damage from upper units. It appears as if a toilet and/or shower in an upper unit had run over into the lower unit. Ceiling was dry to touch and appearance. However, evidence of black mold was found on ceiling tiles.
- Shower had loose faucet with deteriorating caulking around faucet and entire surround. Wall and subsurface was soft to touch suggesting extended periods of water seeping behind plastic shower surround.

Subdivision 11. Minimum Heating Capacity and Maintenance. In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68 degrees Fahrenheit or such lesser temperature required by government authority shall be maintained at a distance of three feet above the floor and three feet from exterior walls in all habitable rooms, bathrooms and water closet compartments from September 15 to May 1.

Subdivision 12. Removal of Snow and Ice. The owner of any rental dwelling shall be responsible for the removal of snow and ice from parking lots and/or driveways, steps and walkways on the premises. Individual snowfalls of three inches or more or successive snowfalls accumulating to a depth of three inches shall be removed from walkways and steps within 49 hours

after cessation of the snowfall.

Subdivision 13. Minimum Exterior Lighting. The owner of a rental dwelling or dwellings shall be responsible for providing and maintaining effective illumination in all exterior parking areas and walkways.

- Inspection occurred during daylight hours. It is not clear if the safety light for the parking lot is operable. However, visual inspection appeared to show a very black bulb suggesting it is burnt out. (Must be verified) The entry door had a missing light fixture. The remaining fixture appeared broken.

Subdivision 14. Maintenance of Driving and Parking Areas. The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants.

Section 5. Minimum Standards for Basic Equipment and Facilities. No person shall rent or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking and eating therein which does not comply with the following requirements.

Subdivision 1. Provide a kitchen sink in good working condition and properly connected to an approved water supply system which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to an approved sewer system per city ordinance or state law.

Subdivision 2. Provide cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and can food that does not require refrigeration for safekeeping; and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious affect to food.

- Given the severity of pests and insects discovered during the inspection, it would be impossible to suggest cabinets, counters and other areas intended for food storage are clean and sanitary.
- Numerous cabinet doors and drawers were broken, missing fronts and mechanical hardware.
- Tenant indicated they moved in an island for additional storage and countertop area. Island is missing doors and faces to secure food. Cockroaches were discovered on, under this area.

Subdivision 3. Provide a stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food which are properly installed with all necessary connections for safe, sanitary and efficient operation. Provided that such stove, refrigerator or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

- An electric stove was found in the unit. One of the burners was missing entirely. The knob that controls the power was taped with scotch tape.
- There did not appear to be an operable vent hood for the stove.

Subdivision 4. Toilet Facilities. Within every dwelling unit there shall be a nonhabitable room which is equipped with a flush water closet in compliance with Minnesota State Plumbing code. Said room must have an entrance door which affords privacy. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to any approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to a sewer system in compliance with city ordinance.

Subdivision 5. Lavatory Sink. Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water system and shall provide at all times an adequate amount of heated and unheated water under pressure and shall be connected to an approved water system.

Subdivision 6. Bathtub or Shower. Within every dwelling unit there shall be a nonhabitable room which is equipped with a bathtub or shower in good working condition. Such room shall have an entrance door which affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure and shall be connected to an approved sewer system.

- Bathroom had evidence of excessive and repetitive water damage from upper units. It appears as if a toilet and/or shower in an upper unit had run over into the lower unit. Ceiling was dry to touch and appearance. However, evidence of black mold was found on ceiling tiles.
- Shower had loose faucet with deteriorating caulking around faucet and entire surround. Wall and subsurface was soft to touch suggesting extended periods of water seeping behind plastic shower surround.

Section 6. Stairways, Porches and Balconies. Every stairway, inside or outside of a dwelling, and every porch or balcony shall be kept in safe condition and sound repair. Every flight of stairs and every porch and balcony floor shall be free of deterioration. Every stairwell and every flight of stairs which is more than three risers high shall have handrails installed 30 to 34 inches high, measured vertically from the nose of the stair tread to the top of the handrail. Every porch, balcony or deck which is more than 30 inches high shall have a guardrail at least 36 inches above the floor of the porch or balcony. Every handrail and guardrail shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause a hazard. No flight of stairs shall have rotting, loose or deteriorating supports. Excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be essentially uniform in width and height. Stairways shall be capable of supporting a live load of 100 pound per square foot of horizontal projection.

Section 7. Access to Dwelling Unit. Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

Section 8. Door Locks. No owner shall rent or let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices. Rental dwellings shall be furnished with door locks as follows:

Subdivision 1. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwelling, an approved security system shall be maintained for each multiple family building to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with releasable lever knobs (or doorknobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked.

Subdivision 2. Every door that provides ingress or egress for a dwelling unit within a multiple family building shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure, provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.

Subdivision 3. All multiple family dwellings that were in existence on May 19, 1992, and which were not previously required to have an approved security system, shall not be subject to the requirements of Section 8, Subd. 1.

- The door knob serving as the main entrance was loose and was a knob style negating the necessary lever for handicap accessibility.
- The door jam to the unit itself is heavily damaged. Deadbolt strike plate is secured with one screw due to missing/broken door jam. It was difficult to secure the unit. Once locked it was loose due to the broken jam.

Section 9 Minimum Standards for Light and Ventilation. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

Subdivision 1. Habitable Room Ventilation. Except where there is supplied some other device affording ventilation and approved by the Compliance Official, every habitable room shall have at least one window facing directly outdoors which can be opened easily. The minimum total of openable window area in every habitable room shall be the greater of 4% of the floor area of the room or four square feet.

- Units are not properly ventilated due to missing screens requiring windows to remain shut for extended periods of time. There was no evidence of exhaust fans within the units.

Subdivision 2. Nonhabitable Room Ventilation. Every bathroom and water closet compartment, and every laundry and utility room shall contain at least 50% of the ventilation requirement for habitable rooms contained in Section 9, Subd. 1 above, except that no windows shall be required if such rooms are equipped with a ventilation system which is approved by the Compliance Official.

- The bathroom has evidence of condensation chronically catching on the walls. There is no exhaust fan present.

Subdivision 3. Electric Service. Every dwelling unit and all public and common areas shall be supplied with electric service, functioning overcurrent protection devices, electric outlets, and electric fixtures provided, however, that all ceiling or wall-type lights shall be properly installed, which shall be maintained in a safe working condition, and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the City of Howard Lake and by the laws of the State of Minnesota. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

- a. A dwelling containing one or two dwelling units shall have at least the equivalent of 60 ampere, three-wire electric service per dwelling unit.
- b. Each dwelling unit shall have at least one branch electric circuit for each 600 square feet of dwelling unit floor area.
- c. Every habitable room shall have at least one floor or wall-type electric convenience outlet for each 60 square feet or fraction thereof of total floor area, and in no case less than two such electric outlets, provided, however, that one ceiling or wall-type light fixture may be supplied in lieu of one required electric outlet.
- d. Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture and every bathroom, kitchen and laundry room shall contain at least one electric convenience outlet.
- e. Every public hall and stairway in every rental dwelling shall be adequately lighted by natural or electric light at all times, so as to provide effective illumination. Every public hall and stairway in structures containing not more than two dwelling units may be supplied with conveniently located light

switches controlling an adequate lighting system which may be turned on when needed, instead of full-time light.

f. A convenient switch or equivalent device for turning on a light in each dwelling unit shall be located near the point of entrance to such unit.

- Bathroom and kitchen did not have GFI outlets near faucet/shower.
- There was an exposed junction box, presumably for a carbon monoxide detector in the hallway with exposed wires.
- Bedrooms do not have hard wired lights. Outlets controlled by switches appeared not to work in the primary bedroom.

Section 11.0. Minimum Thermal Standards.

Subdivision 1. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not have heating facilities which are properly installed and maintained in safe and working condition and which are capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit at a distance of three feet above floor level and three feet from exterior walls at normal weather condition.

Subdivision 2. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section.

Subdivision 3. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirement of this section and is prohibited.

Subdivision 4. No owner or occupant shall install, operate or use a space heater employing a flame that is not vented outside the structure in an approved manner.

- Tenant indicated heat was operable, but air conditioning was inoperable. Visual inspection of the exterior condenser units appear that 3 of 4 units are inoperable.

Section 11. General Requirements. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements.

Subdivision 1. Foundations. Exterior Walls and Roofs. The foundation, exterior walls and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of structural deterioration or any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the dwelling. The roof shall be tight and have no defects which admit rain and roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All exterior surfaces, other than decay resistant materials, shall be protected from the elements and decay by

paint or other protective covering or treatment. If approximately 25% or more of the total exterior surface is unpainted or lacks a protective coating or is determined by the Compliance Official to be deteriorated, the surface shall have a protective covering applied. If the exterior surface or the pointing of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.

Subdivision 2. Windows, Doors and Screens. Every window, exterior door and hatchway shall be substantially tight and shall be kept in repair. Every window other than a fixed window or storm window shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, vermin and rodents from entering the building.

- Nearly all of the windows to the building were missing or had damaged screens.
- Attempts to open/close windows inside the unit was incredibly difficult due to dirt and debris in the tracks to the windows.
- There was at least one broken window due to a rock going through the window.
- The primary entrance to the building did not have a screen door.

Subdivision 3. Floors, Interior Walls and Ceilings. Every floor, interior wall and ceiling shall be protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be maintained in a tight weather-proof condition. Toxic paint and materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained.

- Chipping paint found in common areas and throughout the unit. Unit predates lead paint laws. It is unclear if chipping paint found was lead based paint.
- Nearly every inch of wall surface was stained, dirty, chipping or in various stages of disrepair.
- Holes were identified and patched with cardboard to prevent rodent access.
- Carpets were heavily stained and there was a strong odor of animal urine throughout the unit.
- There was evidence of moisture and mold under the carpet padding in the living room. Carpet seams abutting tile were heavily frayed and presented a trip hazard.

Subdivision 4. Rodent Proof. Buildings found to be rodent infested shall be made rodent resistant. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a ½" diameter or larger opening shall be rodent-proofed in an approved manner. Interior floors or basements, cellars and other areas in contact with the soil shall be paved with concrete or other rodent impervious material.

Subdivision 5. Fence Maintenance. All fences supplied by the owner on the premises and all fences erected by an occupant on the premises shall consist of metal, wood, masonry or other decay resistant material. Fences shall be maintained in good condition. Materials, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives.

Subdivision 6. Accessory Structure Maintenance. Accessory structures shall be structurally sound and be maintained in good repair. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.

Subdivision 7. Safe Building Elements. Every foundation, roof, floor, exterior and interior wall, ceilings, inside and outside stair, every porch and balcony, and every appurtenance thereto, shall be safe to use and capable of supporting normal structural loads.

Subdivision 8 Facilities To Function. All equipment or utilities required under city ordinances and every chimney and flue shall function effectively in a safe and working condition.

Subdivision 9. Grading and Drainage. Every yard, court, or passageway on the premises on which a dwelling stands shall be graded and drained, so as to be free of standing water that constitutes a detriment to health and safety.

- The general grading appears adequate around the building. However, the lack of landscape rock near the building coupled with gutters that are full of debris has clearly led to drainage issues at the property.

Subdivision 10. Yard Cover. Every yard of a premise on which a dwelling stands shall be maintained to prevent dust and erosion.

- Ground cover is generally intact. However, the east and north side of the building is primarily noxious weeds and until very recently was overgrown. Areas of overgrowth remain near mechanical systems.

Section 12. Maximum Density, Minimum Space for Rental Units. No person shall permit or let to be occupied any rental dwelling for the purpose of living therein which does not comply with the following requirements:

Subdivision 1. Permissible Occupancy of Dwelling Unit. The maximum permissible occupancy of any rental dwelling unit shall be determined as follows:

- a. For the first occupant, 150 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
- b. In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.

Subdivision 2. One Family Per Dwelling Unit. Not more than one family, except for temporary guests, shall occupy a dwelling unit.

Section 13. Enforcement and Inspection Authority. The City Administrator and his designated agents shall be the Compliance Official who shall administer and enforce the provisions of this

ordinance when reason exists to believe that a violation of this ordinance has been or is being committed. Inspections shall be conducted during reasonable hours and the Compliance Official shall present evidence of his official capacity to the owner or occupant in charge of a dwelling unit. The Compliance Official shall keep confidential all evidence, exclusive of the inspection record, which he may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall be considered privileged.

Section 14. Inspection Access. If any owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, or of a multiple dwelling fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this ordinance is sought to be made, the Compliance Official may, upon a showing that probable cause exists for the inspection and for the issuance of this section with respect to such dwelling, dwelling unit, rooming unit, or multiple dwelling, petition and obtain such order from a court of competent jurisdiction.

Section 15. Unfit for Human Habitation.

Subdivision 1. Any dwelling unit or rooming unit or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation, the Compliance Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked pursuant to law.

Subdivision 2. It shall be unlawful for such dwelling, dwelling unit or rooming unit or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any such dwelling, dwelling unit or rooming unit.

Section 16. Secure Unfit and Vacated Dwellings. The owner of any dwelling, dwelling unit, or rooming unit which has been declared unfit for human habitation or which is otherwise vacant for a period of 60 days or more shall make the same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors, windows, or wall opening, if unguarded shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this ordinance.

Section 17. Hazardous Building Declaration. In the event that a dwelling has been declared unfit for human habitation and the owner has not remedied the defect within a prescribed reasonable time, the dwelling may be declared a hazardous building and may be removed, razed or corrected pursuant to the provision of Minnesota Statutes, Section 463.15 to 463.26.

Section 18. Compliance Order. Whenever the Compliance Official determines that any dwelling, dwelling unit or rooming unit or portion thereof is in violation of this or any other ordinance, he may issue a Compliance Order setting forth the violation of the ordinance and ordering the owner,

occupant, operator or agent to correct such violations. This Compliance Order shall:

Subdivision 1. Be in writing.

Subdivision 2. Describe the location and nature of the violations of this ordinance.

Subdivision 3. Establish a reasonable time for the correction of such violation and notify the owner of his appeal recourse.

Subdivision 4. Be served upon the owner or his agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:

- a. Served upon him personally; or
- b. Sent by registered mail to his last known address; or
- c. Upon failure to effect notice through (1) or (2) as set out in this section, service may be made pursuant to Minnesota Statutes 463.17, Subdivision 2, which reads as follows: "Service. This order shall be served upon the owner of record, or his agent if an agent is in charge of the building, and upon the occupying tenant, if there is one, and upon all lien holders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon him by posting it at the main entrance to the building and by four weeks publication in the official newspaper of the municipality if it has one, otherwise in a legal newspaper in the county.", or
- d. Pursuant to Minnesota Statutes, Section 145.22.

Section 19. Right of Appeal. When it is alleged by any person to whom a Compliance Order is directed that such Compliance Order is based upon erroneous interpretation of this ordinance, or upon a misstatement or mistake of fact, such person may appeal the Compliance Order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee as designated by the City Council in cash or cashier's check, and must be filed with the Compliance Official within five (5) business days after service of the Compliance Order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless such a stay would cause imminent peril to life, health or property.

Section 20. Council's Decision. Upon at least five (5) business day's notice to the appellant of the time and place for hearing the appeal and within 30 days after said appeal is filed, the City Council shall, hold a hearing thereon. The City Council may reverse, modify or affirm in whole or in part the order.

Section 21. Restriction on Transfer of Ownership. It shall be unlawful for the owner of any dwelling, dwelling unit or rooming unit. upon whom a pending compliance order has been served to sell, transfer, mortgage or lease or otherwise dispose thereof to another person until, the provisions of the compliance order have been complied with, unless such owner shall furnish to grantee, lessee or mortgagee a true copy of any notice of violation or compliance order and shall

obtain and possess a receipt of acknowledgement. Anyone securing an interest in the dwelling, dwelling unit or rooming unit, who has received notice of the existence of a Compliance Order shall be bound by same without further service of notice upon him and shall be liable to all penalties and procedures provided by this ordinance.

Section 22. Penalties. Any person who fails to comply with a Compliance Order after a right of appeal has expired and person who fails to comply with a modified Compliance order within the time set therein, upon conviction therefore, shall be guilty of a misdemeanor. Each day of such failure to comply shall constitute a separate punishable offense.

Section 23. Execution of Compliance Orders by Public Authority. Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council after due notice to the owner may by resolution cause the cited deficiency to be remedied as set forth in the Compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes Chapter 429, and specifically for the removal or elimination of public health or safety hazards from private property, but the assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize all of the provisions of Section 429.101 to promote the public's health, safety and general welfare.

Section 24. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

CITY OF HOWARD LAKE

WRIGHT COUNTY, MINNESOTA

RESOLUTION 22-28

**A RESOLUTION DECLARING RESIDENCE UNFIT FOR HUMAN HABITATION AND
DIRECTING LEGAL ACTION TO COMMENCE**

WHEREAS, the property located at 909 7th Street, and legally described as Section 03 Township 119 Range 027, Original Plat Howard Lake, Lot 12, Block 16 is a four-plex apartment complex. Hereafter referred to as the “Subject Property;” and,

WHEREAS, City officials were alerted to issues through Wright County Public Health and have been involved with ongoing matters concerning the Subject Property (Unit #2) since August 2022; and

WHEREAS, City Ordinance Chapter 17.06 Housing Maintenance adopted by the city council is intended to protect the general health, safety, and welfare of tenants in rental occupied units to ensure safe and sanitary housing within the city; and,

WHEREAS, a physical inspection by the City Building Official, Wright County Public Health and the City Administrator of the Subject Property on August 26, 2022 identified about two dozen violations of the city’s Housing Maintenance Ordinance 17.06; and

WHEREAS, due to the nature and extent of the violations, an enforcement letter was sent via certified mail consistent with Section 18 of the Housing Maintenance Ordinance, detailing the violations, remedy and timeline for compliance was issued via certified mail on August 29, 2022; and,

WHEREAS, a reinspection of the property that took place on October 13, 2022 identified the issues remain without remedy; and,

WHEREAS, the property owner, Ryan Schmidt dba Lake Residential LLC has failed to respond, communicate with the City; and,

WHEREAS, City Ordinance Chapter 17.06 Housing Maintenance Code specifies protocol for enforcement including Section 15 which permits the City Administrator to make determinations including deeming the unit ‘unfit for human habitation;’ and,

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

1. Affirms the City Administrator’s declaration that 909 7th Street Unit #2 is deemed unfit for human inhabitation.
2. The City Administrator and City Attorney are authorized to take all necessary legal steps to secure compliance with the Order and to obtain authority to correct conditions on the Subject Property by court order or consent and assess the costs thereof against the Subject Property.

Passed and duly adopted this 17th day of October 2022, by the City Council of the Howard Lake, Minnesota.

Peter Zimmerman, Mayor

ATTEST:

Nick Haggemiller, City Administrator