



CITY OF HOWARD LAKE

PARKS AND PLANNING COMMISSION

*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.*

**NOTE: In order to accommodate in-person meeting, we will hold the meeting at the South Shore Event Center
located above Howard Lake Wine & Spirits | 733 6th Street.**

TENTATIVE AGENDA April 14, 2021 – 5:00 pm

- A. **CALL TO ORDER**
- B. **APPROVAL OF AGENDA**
Any additions, deletions, modifications to the agenda will be done at this time.
- C. **CONSIDER APPROVAL OF MINUTES**
 - a. February 10, 2021 PPC Meeting Minutes
- D. **PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS**
 - a. N/A
- E. **NEW BUSINESS**
 - a. Comprehensive Plan Process
 - b. Rental License Ordinance Review
- F. **OLD BUSINESS**
- G. **ADJOURN**



CITY OF HOWARD LAKE

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HOWARD LAKE PARKS AND PLANNING COMMISSION

South Shore Event Center – 731 6th Street

February 10, 2021 – 5:00 pm

MEETING MINUTES

MEMBERS PRESENT

Jean Schmidt
April Debner
Jason Deiter
Gene Gilbert
Barb Guenigsman
Vern Kleve
Molly Hibbard

MEMEBERS ABSENT

OTHERS PRESENT

Meagan Theisen, Assistant City Administrator
Curt Forst – Howard Lake Watershed Alliance

A. CALL TO ORDER

Chair Debner was running a few minutes late, Vice Chair Deiter called the meeting to order at 5:03 p.m.

B. APPROVAL OF AGENDA

The agenda was approved as presented.

C. APPROVAL OF MEETING MINUTES

Commissioner Kleve moved to approve the January 13, 2020 PPC Meeting minutes. The motion was seconded by Commissioner Schmidt and passed unanimously.

D. PRESENTATIONS, PUBLIC HEARINGS AND RELATED APPROVALS

a. Curt Forst - Howard Lake Watershed Alliance

Forst provided updates to the lake over the past year.

- Milfoil Treatments in 2020.
- Noticeable increase to use of the lake.
- Shoreline erosion changes.
- Decreases in phosphorus, which is improving lake conditions.

E. NEW BUSINESS

a. Consider Resolution PPC 21-01 Approving the Submission of the Local Trail Grant Application

Theisen presented the grant information and the resolution, noting that approving the resolution is just approving for staff to submit the grant application, it is not binding us to a project yet. If the grant is accepted, then the city would for sure be moving forward with the trail project.

Commissioner Hibbard motioned to approve Resolution PPC 21-01 directing staff to submit the grant application. The motion was seconded by Commissioner Guenigsman and passed unanimously.

F. ADJOURN

The Parks and Planning Commission meeting adjourned at 5:57 p.m. on a motion by Commissioner Kleve seconded by Commissioner Guenigsman.



HOWARD LAKE PARKS & PLANNING MEETING

April 14, 2021

AGENDA ITEM: Comprehensive Plan Process

SECTION: New Business

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND: Previously, the Parks and Planning Commission was presented with the project of updating the City's Comprehensive Plan, which was originally adopted in 2001. The PPC will be working closely with City staff and City Planner Nate Sparks through this process. Nate Sparks has provided a guideline to the planning process on how to navigate the project.

Direction/Discussion

- Review the provided planning process
- Discuss any changes/updates

DECISION MAKING METRICS:

FINANCIAL: Open

LEGAL: The Parks and Planning Commission is a quasi judicial body that holds public hearings, solicits public input and provides recommendations to the city council for implementation.

STRATEGIC PLAN: Provide Diverse Amenities that Enhance Quality of Life.

PPC ACTION REQUESTED: Discussion

ATTACHMENTS:

1. Comprehensive Plan Process Memo



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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

To: Howard Lake Parks & Planning Commission
From: Nate Sparks, City Planner
Date: April 9, 2021
Re: Comprehensive Plan Process

Introduction

At a previous meeting, the Parks & Planning Commission discussed updating the Comprehensive Plan. Updating the plan is more of a process than an activity. There are certain steps that need to be followed to ensure that a good product comes at the end of the process. Public input is needed at certain stages to ensure that the plan is headed in the right direction and reflects community values properly.

Planning Process

Below is a proposed planning process that includes several community check-in points. There is also necessary evaluation of conditions that will need to be done. Sometimes, there are anecdotal issues identified that are not reflected in the data analysis and comparisons. The early stages of the process can identify what is really happening in the community and help establish proper paths forward.

- 1.0 – Initial Review of Existing Plans & Data – Get an idea of issues, priorities and goals of the City from the perspective of the people working at the City and decision makers. Do an extensive analysis of the community from an objective and detailed data standpoint.
 - 1.1 Meetings with Staff
 - 1.2 Initial discussions with PPC/CC
 - 1.3 Full data review and analysis including economic data, demographics, economic information, geographic constraints, natural resource review. Prepare a report for review by the PPC/CC.
- 2.0 – Initial Public Input – Discuss the City with the public and get information from residents on the current state of the community.
 - 2.1 Discuss the data report with the PPC/CC
 - 2.2 Discuss the questions the PPC/CC has for the public
 - 2.3 Establish best methods of public engagement
 - 2.4 PPC/CC hosts a public forum to hear from interested residents
 - 2.5 Establish a “public station” with information about the Comp Plan process
 - 2.6 Create a website with information and opportunities for comment
 - 2.7 Send out a community survey
 - 2.8 Prepare a report summarizing community input and survey results for review by the PPC/CC
- 3.0 – Establish community vision and goals – From the public input and after reviewing the data reports, the PPC will need to create a vision statement for the City and some “big picture” goals.
 - 3.1 Discuss input from the public with the PPC/CC
 - 3.2 Establish a community vision statement
 - 3.3 Establish community goals and priorities
 - 3.4 Prepare draft vision and goals report

- 4.0 – Prepare draft plan – After establishing the vision and goals, the policies can be applied to the individual elements of the City, which results in the plan sections.
 - 4.1 PPC reviews vision and goals report and requests any changes
 - 4.2 Create draft planning sections: land use, transportation, utilities, parks, economic development
 - 4.3 Create document maps
 - 4.4 Review draft plan with PPC/CC
- 5.0 – Share draft plan with community – After the draft plan is prepared, it is time to check back with the citizens to gain more input and make any necessary changes.
 - 5.1 PPC hosts a public forum for review of the draft plan
 - 5.2 Website updated to host plan and take in comments
 - 5.3 Public station for review and comment set up
 - 5.4 PPC reviews comments from the public on plan and makes any necessary changes
- 6.0 – Finalize plan – Once the public has reviewed the plan, a formal public hearing is held where comments on the final plan documents are considered.
 - 6.1 PPC hosts public hearing on final plan
 - 6.2 Changes to plan made as necessary
 - 6.3 CC reviews plan and adopts
- 7.0 – Implement plan – Once the plan is adopted, the PPC will need to consider changes to policy documents to implement the plan.
 - 7.1 PPC reviews plan and identifies ordinance and policy changes necessary
 - 7.2 PPC prioritizes list of actions and creates timeline

Conclusion

The PPC can start on the planning process by gathering data and information to gain an understanding of community trends and issues. Staff can start a dialogue with decision makers and the public to learn of the people's impressions of the City. These would be the initial steps.



HOWARD LAKE PARKS & PLANNING MEETING

April 14, 2021

AGENDA ITEM: Rental Housing Ordinance

SECTION: New Business

FROM: Meagan Theisen, Assistant City Administrator

BACKGROUND: The City of Howard Lake has a large quantity of rental properties. At this time, the City has no record of which properties are rental properties or the living conditions of these properties.

Review the materials provided by City Planner, Nate Sparks. Provide feedback to City Staff.

DECISION MAKING METRICS:

FINANCIAL: Open

LEGAL: The Parks and Planning Commission is a quasi judicial body that holds public hearings, solicits public input and provides recommendations to the city council for implementation.

STRATEGIC PLAN: Provide Diverse Amenities that Enhance Quality of Life.

PPC ACTION REQUESTED: The PPC should review the presented rental housing ordinance and provide input to City staff.

ATTACHMENTS:

1. Rental Housing Ordinance Memo
2. Proposed Rental Ordinance



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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

To: Howard Lake Parks & Planning Commission
From: Nate Sparks, City Planner
Date: April 9, 2021
Re: Rental Housing Ordinance

Introduction

Many area cities enact rental housing ordinances to ensure that rental properties are being properly maintained. In some cases, rental properties may lag behind owner occupied properties in terms of maintenance. There have been some issues in the City recently that have made this topic worthy of discussion.

Rental Housing Regulations

The City currently has a housing maintenance code in Chapter 17. This code establishes minimum standards for maintenance of all housing units. The code can be applied to rental housing when complaints are received.

A rental housing program would require property owners to get a license prior to renting out dwelling units. An inspection would be required prior to receiving the license. The inspection would confirm that the dwelling unit complies with the City's housing standards. If the unit fails an inspection, modifications may be required.

The license would be good for two years in the proposed ordinance.

Conclusion

The PPC should discuss the rental housing ordinance and give input to City Staff.

17.11 RENTAL DWELLING LICENSING.

Section 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

- A. "Dwelling" means a building or one or more portions of a building occupied or intended to be occupied for residential purposes.
- B. "Dwelling Unit" means a habitable unit in a dwelling providing sleeping, cooking, eating, living, and sanitation facilities designed for and occupied by one family only for periods of occupancy exceeding thirty (30) days.
- C. "Rent" means to permit possession or occupancy of a Dwelling or Rental Dwelling Unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease.
- D. "Occupant" means any person living or sleeping in a Dwelling Unit or having possession of a space within a Dwelling Unit.
- E. "Rental Dwelling" means any Dwelling used for residential occupancy by one or more persons who are not the owner or a member of the owner's family.
- F. "Rental Dwelling Unit" means any dwelling unit used for residential occupancy occupied by someone other than the owner or the owner's family.

Section 2. Licensing of Rental Dwellings. All rental dwellings shall have a valid license issued by the City in order to be occupied. All Rental Dwelling licenses shall be valid for a period of two (2) years from the date of issuance, except as otherwise provided herein or in cases of suspension or revocation. Application and license fees for newly constructed or converted Rental Dwellings shall be due prior to the issuance of a Certificate of Occupancy.

- A. Licensee Fees. At the time of application for a new or renewal Rental Dwelling license, the applicant shall submit a nonrefundable license application fee and, if required, re-inspection fee. In addition to the non-refundable license application fee, a nonrefundable late fee for Rental Dwelling license renewals shall be charged.
- B. Owner or Agent to Apply. New or renewal Rental Dwelling license applications shall be made by the owner of the Rental Dwelling or the owner's legal agent. Application forms may be acquired from and subsequently filed with the City. The applicant shall completely and accurately supply all the information required on the license application.
- C. Change in Information. Every person holding a Rental Dwelling license shall give notice, in writing, to the Building Official within five (5) business days after any change to any of the information provided in the Rental Dwelling license application or renewal form.
- D. Resident Agent Required. No Rental Dwelling license shall be issued or renewed for a nonresident owner of a Rental Dwelling, defined as an owner who does not reside in any of the following Minnesota counties: Stearns, Sherburne, Meeker, McLeod, Carver, or Hennepin unless such owner designates in writing to the City Clerk the name, address, and phone number of his or her resident agent (one who does reside in any of the following Minnesota counties: Stearns, Sherburne, Meeker, McLeod, Carver, or Hennepin) who is responsible for maintenance and

upkeep of the Rental Dwelling and who is empowered to receive service of notice of violations of the provisions of the City Code, to receive orders, to institute remedial action to effect such orders, and to accept all service or process pursuant to law. The City Clerk shall be notified in writing within five (5) days of any change in the owner's resident agent.

E. Application and Inspection. Upon receipt of a completed application for a Rental Dwelling license, an inspection shall be made of the premises. Additional inspections shall occur every two (2) years as part of the Rental Dwelling license renewal process to ensure that the Rental Dwelling is in compliance with all applicable City Code provisions.

i. The Building Official shall mail notification to the Rental Dwelling's owner or agent at least ten (10) business days prior to the proposed inspection date. It shall be the responsibility of the owner or agent to inform tenants of the scheduled inspection.

ii. The number of units to be inspected by the Building Official shall be determined by the following schedule:

Number of units within a building Units to be inspected per building:

1 - 5 All units

6 - 30 Five (5) units or twenty-five percent (25%) of the units, whichever is greater

31 - 60 Twenty-five percent (25%) of the units

61+ Fifteen (15) units

Section 3. Certificate of Property Maintenance. No rental license shall be issued until the applicant has obtained a Certificate of Property Maintenance from the City.

A. The applicant shall arrange for an inspection of the rental dwelling unit(s) proposed to be licensed by either the building official or a state-certified building official to determine whether it is in compliance with the requirements of this Section, other sections of the Howard Lake City Code including but not limited to Chapter 17.06 regarding housing maintenance, and all other applicable federal, state, and local laws. If compliance is met, the City shall issue a Certificate of Property Maintenance.

B. All buildings proposed to be licensed under this Section, including mechanical, electrical, plumbing and other building systems, originally constructed or installed in accordance with applicable federal, state, and local codes and laws must be maintained in conformance with the requirements of the laws in effect at the time of construction or installation.

C. In cases where a conflict may occur between the requirements of this Section or other applicable law, the requirements providing the greatest degree protection of life safety, property maintenance, and general welfare shall govern.

D. Inspection Condition. No Rental Dwelling license shall be issued or renewed unless the owner of the Rental Dwelling agrees in his or her application to permit inspections. If the Building Official or the Building Official's designee has reason to believe that the circumstances of occupancy following the issuance of the Rental Dwelling license involve possible City Code

violations, substandard maintenance or abnormal wear and tear, the Building Official or Building Official's designee may reinspect the premises upon five (5) business' days notice at any time during the term of the license.

E. Provisional License. The City may grant a provisional license with required corrections subject to the re-inspection Fees as states in Section 11 of this Ordinance. Such corrections must be addressed within the period of time established by the license or prior to renewal.

Section 4. Issuance of Rental Dwelling License. If the Rental Dwelling is in compliance with all applicable City Code provisions and in receipt of a certificate of property maintenance, a Rental Dwelling license shall be issued to the present owner or his or her designated agent, which shall state that the property has been inspected by the City.

Section 5. Posting of License. Every owner of a Rental Dwelling with more than one (1) unit shall post the Rental Dwelling license in the main entry way or other conspicuous location therein. The license shall contain a statement that tenants of the dwelling units may contact the attorney general for information regarding the rights and obligations of owners and tenants under State law. The statement shall include the telephone number and address of the attorney general.

Section 6. License Transferability. A Rental Dwelling license may not be transferred to another Rental Dwelling. No Rental Dwelling license shall be transferable to another person without prior written approval of the Building Official. A Rental Dwelling license is transferable to a new owner provided that the new owner submits a License Transfer Form along with the License Transfer Fee to the City Clerk within five (5) business days after legally acquiring ownership of the licensed Rental Dwelling(s). Failure to submit the license transfer form and the transfer fee in a timely manner may result in the termination of the Rental Dwelling license.

Section 7. Occupancy Register Required. Every owner of a licensed rental dwelling shall keep a current register of occupancy for each dwelling unit of the Rental Dwelling containing the following information:

A. Rental dwelling address.

B. Number of bedrooms in each dwelling unit.

C. Number of adults and children (under 18 years of age) currently occupying each dwelling unit.

Such register shall be made available for viewing or copying by the Building Official or Building Official's designee upon request.

Section 8. License Suspension or Revocation. Every Rental Dwelling license issued under the provisions of this Section is subject to suspension or revocation by the City Council if the licensee or his or her duly authorized resident agent fails to operate or maintain the licensed rental dwelling(s) and dwelling units therein in compliance with all applicable City Code provisions. Suspension or revocation of a Rental Dwelling license shall occur pursuant to the procedures set forth in this Ordinance. In the event a Rental Dwelling license is suspended or revoked by the City Council, it shall be unlawful for the owner or his or her duly authorized agent to thereafter permit any new occupancies of vacant, or thereafter vacated rental units, until such time as a valid Rental Dwelling license is issued for the Rental Dwelling. Issuance of a new Rental Dwelling license after suspension or revocation shall be made in the manner provided

for obtaining an initial license. The license application shall be accompanied by a license fee equal to one hundred and fifty (150) percent of the original license fee.

Section 9. Suspension and Revocation of License. A Rental Dwelling license may be suspended or revoked for any of the following reasons:

- A. The license was procured by misrepresentation of material facts, by fraud, by deceit, or by bad faith.
- B. The applicant or one acting on his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.
- C. The licensee or applicant has failed to comply with any condition set forth in any other permits granted by the City.
- D. The activities of the licensee in the licensed activity create or have created a serious danger to the public health, safety, or welfare.
- E. The rental dwelling constitutes a public nuisance.
- F. The failure to pay any application, inspection, or license fee required by this Section.
- G. Any violation of this Section, or any other provision of the City Code or other federal, state, or local law or regulation applicable to the rental dwelling unit.
- H. The failure to correct any violation of City Code Section 17.06 in the time period specified in the notice of violation and correction.
- I. The failure to continuously comply with any condition required of the applicant for the approval or maintenance of the rental license.

Section 10. Alternative Remedies. In lieu of or in addition to revoking or suspending a rental license, the City may impose a administrative penalty following the procedures set forth in Chapter ____ for the following violations of this Ordinance:

- A. Renting a rental dwelling unit without a rental license as required herein.
- B. Failure to comply with a property maintenance correction order from the building official in the time required by the order.

Section 11. Suspension and Revocation Procedure.

- A. Notice. A suspension or revocation shall be preceded by written notice from the building official to the licensee and an opportunity for a hearing by the City Council. The notice shall state the nature of the violation(s) or grounds for fine, suspension, or revocation and shall inform the licensee of the licensee's right to request a hearing within ten (10) days of the date contained in the notice to dispute the suspension or revocation. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application. If a hearing request is not received by the City Clerk within ten (10) days of the date contained in the notice, the licensee's right to a hearing shall be deemed waived. No suspension or

revocation of a license shall take effect until (a) the licensee's time to request a hearing expires; or (b) if a hearing is requested, after the licensee is informed of the decision of the City Council.

B. Hearing. If a hearing is requested, the City Clerk shall provide written notice to the licensee of the date, time, and place of the City Council meeting at which the hearing will take place. The notice shall be mailed in the same manner as the initial notice and shall be mailed no less than ten (10) days and no more than thirty (30) days prior to the hearing. The licensee and the building official shall be given an opportunity to be heard. The licensee may be represented by counsel.

C. Decision. The City Council shall make findings based on the evidence and shall make a decision on the recommendation to fine, revoke, or suspend a rental license based on the findings. The City Council shall issue a written decision regarding the recommendation of the building official within thirty (30) days following the date of the hearing. The City Clerk shall notify the licensee of the decision by regular mail. The decision shall specify the rental dwelling unit or units to which it applies. Thereafter, and until a rental license is reissued or reinstated, no rental dwelling unit that has had its license revoked or suspended may be re-let or occupied. Revocation or suspension shall not excuse the owner from compliance with all terms of this Section for as long as any rental dwelling unit(s) in the building is occupied.

Section 10. Posted to Prevent Occupancy. Whenever the owner of any Rental Dwelling has not obtained the required license, has been denied a Rental Dwelling license, or has had its Rental Dwelling license suspended or revoked, or the Rental Dwelling is unfit for human habitation, it shall be posted with a placard by the Building Official to prevent further occupancy.

No person, other than the Building Official or the Building Official's designee, shall remove or tamper with any placard used for posting. The Building Official shall post on the placard the date that the prohibition on occupancy shall become effective. On or after the posted vacancy date, no person shall reside in, occupy, or cause to be occupied any Rental Dwelling or any unit thereof which has been posted to prevent occupancy.

Section 11. Re-inspection Fees. At the time that a third inspection of a Rental Dwelling or dwelling unit is needed, a re-inspection fee shall be charged to the owner for each re-inspection needed after the initial inspection and the second inspection has been done. No Rental Dwelling license will be issued until all outstanding re-inspection fees have been paid. A Rental Dwelling license shall expire twenty (20) days after the licensee or his or her agent is notified of the re-inspection fees that must be paid to maintain such license in good standing, unless the re-inspection fees are paid prior to the expiration of the twenty (20) day period.

Section 12. Exceptions. No rental license is required for the following:

A. Facilities licensed by the Minnesota Department of Public Health, including rest homes, nursing homes, convalescent care facilities, or residential care facilities.

B. Hotels, Bed and Breakfasts, and other such facilities where permitted by the Zoning Ordinance.

Section 13. Short Term Rentals Prohibited. The rental of any dwelling unit or portion thereof for a period

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