CITY OF NISSWA
AGENDA – REGULAR COUNCIL MEETING
TUESDAY, APRIL 21, 2026
6:00 P.M. – NISSWA CITY HALL

The Council Meeting will also be accessible via YouTube Live on the City of Nisswa's channel at City of Nisswa, MN

A. Call to Order
1. Pledge of Allegiance

B. Approve Agenda – (Council Motion)

C. Consent Calendar (NOTICE TO PUBLIC) – All matters listed are considered routine by the Council and will all be enacted by one motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion. (Council Motion)
1. Fire Department Report – March 2026
2. Parks and Recreation Report – April 2026
3. Pickle Report – March 2026
4. Police Report – April 2026
5. Public Works Department Report – April 2026
6. Planning & Zoning Report – April 2026
7. Spirits Report – February Final 2026
8. Spirits Report – March Draft 2026
9. City Council Regular Meeting Minutes, March 17, 2026
10. Personnel Updates – March 2026
11. Presentation of Claims – Check register #156672 - 156749 totaling $327,572.75
12. Police Donation Resolution – Faeth Harms
13. Special Event Permit – Just Juice – June 13, 2026
14. City Street Use Permit – A&W – July 11, 2026
15. Special Event Permit – A&W – June 6, 2026
16. Special Event Permit – A&W – July 3, 2026
17. Special Event Permit – Nisswa Firecracker Run – July 3 & 4, 2026
18. Temporary Beer License Agreement – The Recess Factory – July 3 & 4, 2026
19. City Street Use Permit – Big Axe – Multi Dates 2026
20. Special Event Permit – Notice Wellness – May 16, 2026

D. OPEN FORUM
1. Central MN Council Scouting America
2. Public Comment

E. REPORTS
1. City Attorney
2. City Engineer

F. PUBLIC HEARING
1. EDA Resolution (Council Action)
2. EDA Organizational Resolution (Council Action)

G. OLD BUSINESS

1. Spirits Expansion Recommendation (Council Action)
2. Spirits/Pickle – Consultant Services (Council Update)
3. Organization Structure Admin/Clerk/Finance Department (Council Discussion/Action)
4. Administrator/City Clerk Position (SCSC) (Council Action)
5. PW- Add Joe Hall as Second Liaison and advertise for open seat (Council Action)
6. PW- Hills Crossing Street Lights & Street Light Policy Discussion (Council Action)

H. NEW BUSINESS

1. Katie Ellsworth – Pedestrian Safety Project Request (Council Action)
2. 2026 Nisswa Chamber Event Summary (Council Action)
3. PZ – Chapter 20 Ordinance Amendments Public Hearing (Council Action)
4. PZ – Zoning Map Amendment (Council Action)
5. PZ – Driveway Access – Curtiss (Council Action)
6. PZ - Driveway Access Agreement (Council Action) *Info to follow*
7. PZ - Zoning Violation Complaint (Council Action)
8. Parks – Nisswa Lake Park Restroom Facility Step Station Easement (Council Action)
9. Parks – Nisswa Lake Park Restroom Facility Construction Observation Proposal (Council Action)
10. Pickle – New Chairs for Bar (Council Action)
11. Pickle – Walk-in Cooler Repairs (Council Action)
12. PW – 2026 Road Crack Sealing (Council Action)
13. PW – Joint City/Nisswa School Design Agreement (Council Action) *Info to follow*
14. Admin – Labor Attorney (Council Action)
15. Admin – Temporary Compensation Adjustment for Interim City Admin. (Council Action)
16. Cannabis (Low-Potency) License – Schaefer's Foods (Council Action)
17. Cannabis (Low-Potency) License – Pickle Factory (Council Action)
18. Cannabis (Low-Potency) License – Spirits of Nisswa (Council Action)
19. Cannabis (Low-Potency) License – Big Axe (Council Action)
20. Recommendation to move to Closed Session pursuant to MN Statute 13D.03 for Union Negotiations (Council Discussion Action)

I. COUNCIL/LIAISON REPORTS

1. Mayor
2. Council Members

J. ANNOUNCEMENTS & UPCOMING MEETING DATES

1. April 29, 2026 Public Works Committee Meeting 5:00PM
2. May 5, 2026 Planning Commission Meeting 5:00PM
3. May 7, 2026 Parks Commission Meeting 5:00PM
4. May 19, 2026 Regular City Council Meeting 6:00PM
5. May 27, 2026 Public Works Committee Meeting 5:00PM

K. ADJOURN

Nisswa Fire Department Report

March 2026

Training for this month included emergency medical services (EMS) trainings for our medical calls. Firefighters and First Responders worked on tourniquet applications and scenarios pertaining to patients with altered mental statuses (e.g. stroke patients, hypo/hyperglycemic patients, head trauma/injury, etc.). During our second meeting night, Firefighters and First Responders worked on ice rescue. We utilized gumby suits and rescue teams with the sled and banana boat. This allowed firefighters to practice hands on rescue safely in the water.

On March 1st, the Fire Department held our raffle drawing for the Nisswa Fire Relief Association. For our first raffle, this was successful and had a good sale turnout. We are very thankful to those that donated our three prizes and purchased tickets for the raffle as well.

Call Breakdown:

Medical Calls	24
Structure Fire Calls/Vehicle Fire	2
Grass Fire/Brush Fire	1
Gas Leak/Odor	0
Motor Vehicle Accidents	2
Carbon Monoxide/Smoke Detector	0
Rescue/Special Event	0
Cancelled en route	3
Total:	**32 total**

Chief Bailey 218-851-2825

Parks & Recreation

April 2026

A. Department Report

1. Maintenance and Community Center
    a. Community Center updates and repairs are scheduled to be complete April 22. Damage was found under the tile in the bar which was added to the repairs. Change Order #1 increases the contract price by $751.25 for a new construction cost of $142,151.25.
    b. Preparing ballfields, soccer fields, and pickleball courts for the upcoming season
    c. Worked with Public Works to take down some trees in the City Park woods
    d. Swept the Gull Lake Trail, docks will go in at Nisswa Lake Park once ice is out, bathroom at Between the Lakes Park opens May 1
2. Recreation
    a. Soccer starts April 14
    b. Registration for t-ball and baseball closes April 17, yoga registration closes April 24
3. Parks
    a. Gull Lake Trail/Nisswa Lake Park: Contracts for the bathroom portion of the GLT project have been finalized and construction will begin the week of April 13. The GLT along CSAH 77 had some winter damage that needs to be repaired along with completing the fence. Both projects need to be complete by June 30 and staff will be working on grant reimbursements.
    b. Nisswa City Park: A DNR Outdoor Recreation Grant application was submitted for the City Park playground replacement project. Notification will be given in June.

B. Old Business

C. New Business

1. Legislative Update: Staff are monitoring legislative discussions regarding E-bikes

Respectfully,
Amber Moon Peterson

City Council Report - Pickle Factory
March 2026

2025 - % of Sales per Month

January	5.8%	July	13.7%
February	5.6%	August	12.0%
March	6.8%	September	9.2%
April	6.0%	October	7.0%
May	9.2%	November	6.8%
June	9.3%	December	8.7%

March Sales Comparison

	2025	2026	+/-	%	2026 Budget	% of Budget	Goal %
Sales	$110,082	$96,527	-$13,555	-12.31%	$1,765,050	5.5%	6.8%

March Expenses Comparison

	2025	2026	+/-	%	2025 Budget	% of Budget	Goal %
Merchandise for Resale	$38,010	$21,019	-$16,991	-44.7%	$600,000	3.5%	6.8%
Payroll	$27,743	$29,032	$1,289	4.6%	$355,348	8.2%	6.8%
Other Expenditures	$43,641	$39,451	-$4,190	-9.6%	$634,352	6.2%	6.8%
Total Expenditures	$109,394	$89,502	-$19,891	-18.2%	$1,589,700	5.6%	6.8%

Profit/Loss	$688	$7,024

Keep in mind that this is a snapshot of the year and if you have any questions, please feel free to give me a call.

Last Month Review:

Sales last month were down from last year. Expenses were also down so profits were fairly decent for the month of March.

Upcoming Events:

MMBA Conference this year is April 17th-21st at Cragun's Resort. I am looking forward to learning more and passing that on to my staff. As a MMBA director, I work the 5 days, but appreciate the opportunity to network with other municipalities.

News & Notes:

We are all looking forward to the early ice out and that the golf courses will be opening soon.

Equipment & Repairs:

Getting a bid from Hy-Tech to do some work in the walk-in cooler. I have a bid to replace the compressor and condensors. Also, getting a second bid on chairs for the bar. Will replace them, ASAP, due to the condition they are in.

Terry Wallin, Pickle Mgr.

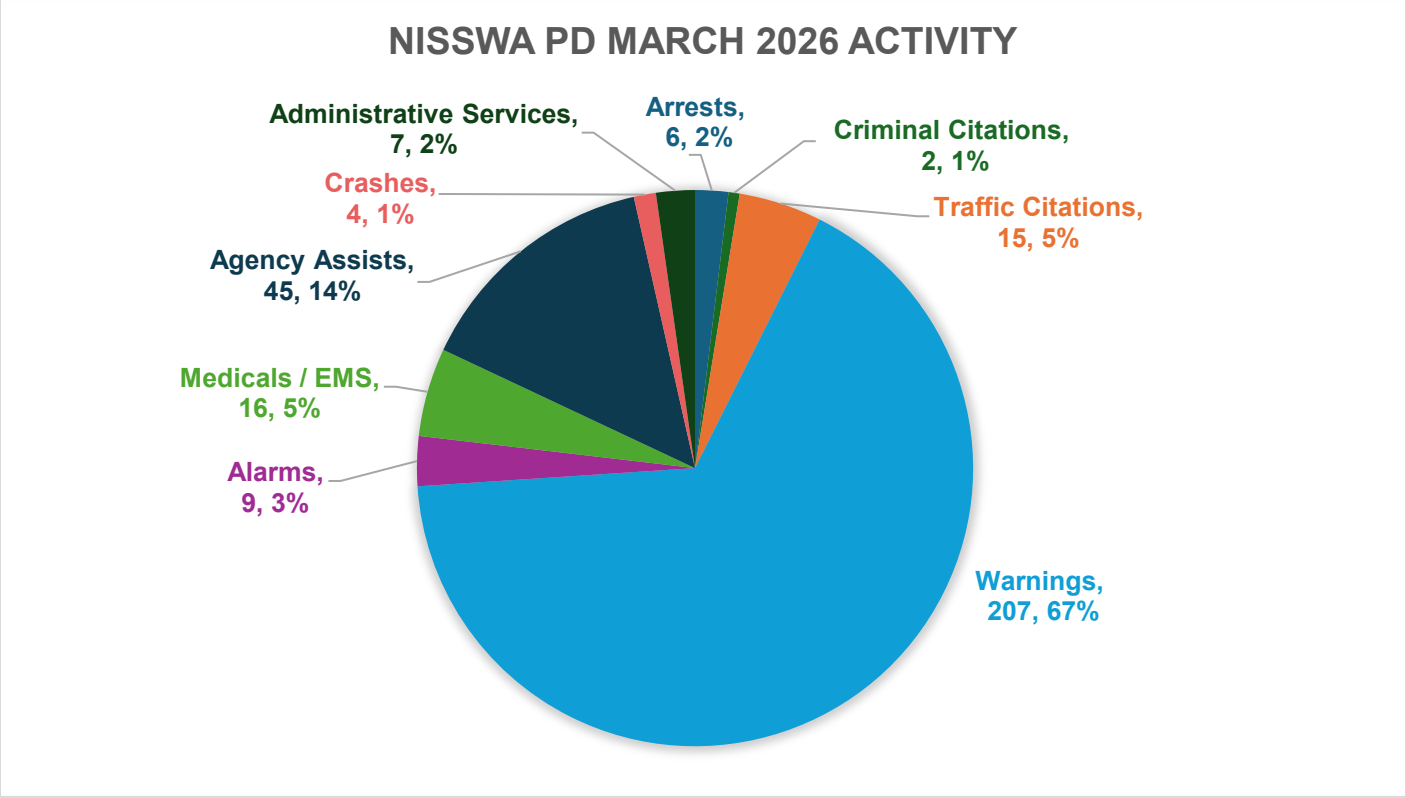
Nisswa Police Department
Council Report
April 2026

Prepared by Chief Todd Szymanski

Calls for Service

For March 2026, the NPD documented the following activities:

- **Total Incidents Reported:** **311**
  - Arrests: 6
  - Criminal Citations: 2
  - Traffic Citations: 15
  - Warnings: 207
  - Alarms: 9
  - Medicals / EMS: 16
  - Agency Assists: 45
  - Crashes: 4
  - Administrative Services: 7



How Calls Were Received

Email	1
In Person	6
Mail	2
Other	1
Phone	15
Radio	89
Visual	229

Notable Activity

03/08/2026 – A traffic stop resulted in the arrest of an adult male for driving after cancellation – inimical to public safety.

03/09/2026 – A traffic stop resulted in the arrest of an adult female for driving after revocation.

03/21/2026 – A traffic stop resulted in the arrest of an adult male for driving after cancellation – inimical to public safety.

03/24/2026 – A traffic stop resulted in the arrest of an adult female for driving after cancellation – inimical to public safety and open package.

03/26/2026 – A traffic stop resulted in the arrest of an adult male for 3rd degree DWI.

03/26/2026 – A traffic stop resulted in the arrest of adult male who was later cited and released for 4th degree controlled substance DWI.

Public Works
Council Report
April 13th, 2026

Recommendation and Action Items

(All these items have supporting documents in the Council Packet.)

1) **RCA to Consider Proposals for Road Crack Sealing for 2026.** Copies of the proposals are included in your packet.
2) **RCA for 2026 Lakers Lane Improvements.** This is a place holder, waiting on results from the Special Public Works Committee and Public Information Meeting on April 14th.

Current Projects Status

1) **Crow Wing County Unified Siren Maintenance Project.** City staff met with representatives from Crow Wing County, and other communities, about the possibility of unifying maintenance of the warning sirens in the county on March 30th. This project is waiting for a proposal from the county for further consideration.
2) **Grand View Road Project.** Staff and the City Engineer are meeting with Grand View staff to look at and discuss concepts and parameters for the 2027 Road Bond on April 20th.
3) **2026 Road Bond.**
   - **a.** Bids for the project were received on February 26th. The low bidder is Anderson Brothers. An official presentation of the bids and Council acceptance was provided by Widseth at the March Council meeting.
   - **b.** Maps for the project are posted in the Council Chambers for review. Please direct any comments or questions to Dave Reese or me concerning the project.
   - **c. 2026 Road Bond Timeline Update**
     - **i. April 21st, Competitive Bond Sale. Adoption Resolution for Issuance of GO Street Reconstruction Bonds.**
     - **ii. May 4th, 2026 Begin Construction.**
     - **iii. Substantial Completion, October 15, 2026.**
     - **iv. November 30th, 2026, Complete Construction.**
   - **d.** Widseth has also updated the project cost estimate to **$4,527,000**.

i.	Sumac Trail	$136,000
ii.	Lendee Drive	$251,000
iii.	Hole In the Day Drive	$392,000
iv.	Old Govt Trail	$166,000
v.	Polks Road	$150,000
vi.	East Roy Lake Road	$566,000
vii.	Wooddale Road	$382,000
viii.	Kander Court	$160,000
ix.	Roy Lane	$472,000
x.	Edna Lane	$628,000

xi. Edna Lake Road $1,107,000
xii. Parkway Drive $117,000

e. On October 8th the Council contracted with Johanneck Appraisals to deliver the value of the ROW to be obtained. The city attorney will work to obtain the necessary right of way following the appraisal work.

4) 2026 Lakers Lane Safe Routes to School.

a. Staff met with representatives from Brainerd Schools and Widseth on February 25th, to follow up on a November 10th meeting about updating sidewalks and crosswalks. We looked at a preliminary concept for the 2026 phase of the project and discussed some options for later phases. We are working on a phased, joint project between the school and the city. Widseth will work with the school under their Master Contract with ISD 181 on the 2026 phase of the project, and the City's portion of the improvements will be incorporated with the school's plans. Tom Pearson is working on a cost sharing agreement for this work. This will allow the city to reimburse the school district for professional costs of planning, design, and construction administration. Basically, the school will cover the cost of the sidewalk repairs, the city will cover the cost of the street drainage and street pavement replacement costs. Generally, such cost split agreements are based on pro-rating costs between the two parties based on the amount of the respective construction costs that each ultimately have in the project. I will work on getting a draft of this agreement done by the April Council meeting.

b. On March 26th, staff and engineering met with stakeholders (Kalie Van Vickle from the Chamber of Commerce, Emma Krueger from A&W, and staff from Nisswa Elementary) to get feedback on how a new concept would address concerns they had, with a previous concept for traffic flow coming out of the school, forcing parents to right out only from the school. The concern was how to allow traffic to reenter the downtown after leaving the school. The new concept that was developed is a roundabout on Wooddale and Lakers Lane. A map of this concept was shown to the group. It will be shown to the general public at the April 14th Special Public Works Committee and Public Information Meeting.

c. On April 10th, staff and engineering met with stakeholders (Kalie Van Vickle from the Chamber of Commerce, Emma Krueger from A&W, Jake and Katie Huser from Moxy and staff from Nisswa Elementary) to review a revision of the roundabout concept we developed. After review of the original roundabout concept by SRF, a traffic flow consultant for Widseth, it was confirmed that the Church Street/Lakers Lane intersection would be a preferred location for a roundabout and it would fit in the existing area of the intersection. Widseth prepared a revised concept for Lakers Lane with this information. After seeing the revision of the concept, it was unanimously agreed, by the group present, this would be the preferred concept to move forward with. This concept will be presented at the Public Works Committee and Public Information Meeting on April 14th for further consideration.

d. On April 14th, a Special Public Works Committee and Public Information Meeting will be held to look at concepts for future phases of the Lakers Lane School Safety Project (2027 and beyond). The purpose of looking at these concepts now, is to give engineering a clear direction to pursue for the total project. Being able to give direction to the total project will ensure

the improvements being done in 2026 are compatible with future phases, and may help to avoid future demolition and reconstruction costs.

5) **Lift Station #1 Rebuild.** This project is nearing bidding. We are waiting to obtain the property to build on.
6) **Lift Station #12 Build.** This project is on hold. It is waiting on the formation of an EDA.
7) **2027 Road Bond.**
    - **a.** The Public Works Committee reviewed concepts for the City Hall Street and Main Street intersection. They Committee asked Widseth to create additional concepts to include an offset T intersection, and relocate the depot building and caboose to the Historical Society property. These concepts will be reviewed at the April Regular Public Works Committee meeting.
    - **b.** The Council approved Widseth to do survey work inside Grand View for the project in October. Widseth will be using the information to put together 30% plans and work on the scope of the 2027 Road Bond. We will be getting a proposal for 30% plans and specs for the Grand View roads from Widseth at the January 2026 Council meeting it will also include work to get 100% plans and specs for Upper Roy Lake Road, Park Ave, Alley East of Main Street, Fire Station Parking Lot, Community Center Parking Lot, City Hall Parking Lot.
    - **c. 2027 Road Bond Timeline Update**
        i. Feb-April 2026 — 30% Design GVL Area.
        ii. May 2026 — Informational meeting.
        iii. June 2026 — City Council Approval of Final Design. Agreement for the GVL Area.
        iv. July-Sept 2026. — 100% Design.
        v. October 2026 — Easement Sketch/Descriptions.
        vi. February 2027 — Bidding.
        vii. March 2027 — Construction Contract Award.
        viii. June 1, 2027 — Construction Tree Clearing Completed by.
        ix. Sept 30, 2027 — Construction Completed
    - d. On April 6th, staff met with engineering to work on details of the parking lot construction that will be part of the 2027 Road Bond.
8) **Backage Roads.** This project is on hold. It is waiting on the formation of an EDA.
9) **City Water System.** We applied for congressional discretionary spending through Congressman Stauber's office. Our amount requested is $4.8 million, as part of a $6 million total project cost, to establish a municipal water system to serve the city owned property at the intersection of 371 and County Road 77. The city was not selected for funding. This project is on hold until further notice. It is waiting on the formation of an EDA.
10) **MNDOT 371 2030.** No update this month.

Operations Reports
Maintenance, Corey Larson, Public Works Supervisor

1. We had Best Oil deliver diesel fuel.
2. We had one full burial in March.
3. All Public Works and Wastewater personnel had a hearing test in Pequot Lakes.

4. Devin from Fyles Jetting came and thawed out the culvert under City Hall St. so the water on the street and trail could go into the ditch.
5. We collected 70 bags of garbage in March.
6. We plowed snow twice during March.
7. We used 74 bags of pothole patch in March.
8. We had the Garage Door Store come in and do an annual service for all garage doors in the city.
9. We changed the furnace air filters in all the city buildings throughout town.
10. We filled softener salt for all city buildings in town.

Sewer, Mike Deck, Sewer Department Supervisor

1. I completed all testing and reporting, as required by the MPCA, per our wastewater permit.
2. I had 3.05 million gallons of inflow to the treatment plant for the month of March. 8.57 million gallons for the year to date.
3. I received and completed 8 underground utility requests through gopher state one call.
4. I assisted with 1 emergency call on a step station. A float needed replacement.
5. I had several other routine sewer calls, during normal working hours.
6. We had a frozen sewer on Old Government Trail that has now thawed out.
7. I had 1 main lift station that was clogged with rags from the GV laundry facility. I pulled the pump and cleared it of rags.
8. I had 0 SSTS inspections, and 0 city sewer connections, for the month of March.
9. The water meter has been installed at the laundromat on Church St.
10. I completed our quarterly water meter readings.
11. I repaired tool hangers in the car wash bay.
12. I have scheduled our annual sewer line jetting/televising. An exact date has not been set yet, due to road restrictions.

FYI

1) **DATA REQUEST REPORT:** A data request for all information concerning the 2027 Road Bond resulted in 30 hours of labor being used and 1096 pages of paper (2 full reams). Labor costs for the Public Works staff to complete this data request totaled to **$1632.60.**
2) The next **Public Works Committee meeting** is planned for April 29th at 5 pm.

Thank you,

Thomas Blomer
Public Works Director
City of Nisswa

CITY OF NISSWA

City Planner Report
April 2026
Submitted by Steven Timblin, City Planner

Mayor and City Council,

The Planning Commission held a regular meeting on April 7th, 2026, at which there was the following:

1) Public Hearings **(5:00 PM)**
   - ~~a.~~ **Variance Application 005-26** seeking to obtain a variance to construct a principal residential structure and install a new septic system, both with reduced ordinary high water (OHW) setbacks in the Shoreland Residential (SR) zoning district. Subject property located at: 21584 Nisswa Lake Ln, Nisswa, MN 56468 (PID 28110717). Owner/Applicant: Nielsen, David and Ailene Approved
   - b. **Zoning Map Amendment Application 008-26** to rezone parcels 28220715 & 28220716 from Open Space Residential (OSR) zoning district to Shoreland Residential (SR) zoning district. Subject property located at: 4026 W Linden Blvd, Nisswa, MN 56468 (PID 28220715 & 28220716). Owner/Applicant: Lord, Richard G. Jr/Heidmann, Fred. Recommend Approval to City Council
   - c. **Conditional Use Permit Application 009-26** seeking a conditional use permit to operate a restaurant within an existing commercial structure within the Commercial Waterfront (CW) zoning district. Subject property located at: 24621 S Clark Lake Rd, Nisswa, MN 56468. Owner/Applicant: Nature Link Resort (Ben VandenWymelenberg) Approved
2) New Business
   - **a.** Verizon Appeal – Council Resolution Rescinded approvals
3) Old Business
   - **a.** Chapter 20: Land Use and Development – Presentation of draft changes to Chapter 20 Recommend Public Hearing to City Council

Land Use Permits:

There have been 20 land use permits issued in 2026.

Respectfully,

Steven Timblin
City Planner

CITY OF NISSWA

2026 Planning Activity Report

Permits	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Single Family Dwelling Unit	18	15	10	17	34	54	38	22	21	24	2
Commercial Dwelling Unit	1	3	39	18	1	1	6	0	9	0	
New Commercial Building or Addition	2	5	8	3		2	2	4	3	8	
Septic System	23	19	22	19	27	29	22	27	21	21	2
Sewer Hook Up				9	13	31	18	7	9	14	1
Additions, Accessory Structures, Decks, patios, etc)	37	36	32	37	35	44	55	30	36	31	10
911 Address Request Filing	12	16	45	11	45	30	25	13	10	20	1
Fence permit	2	2	1	4	5	6	1	9	3	5	
Demolition Permit (Only)	4	2	4	0			6	3	3	3	2
Shoreland Alteration Permit (Shoreland grading permits prior to 2023)	4	7	8	3	4		3	20	20	12	2
Chicken Coop								1	3	1	
Permanent Signs								12	7	8	5
Total*	**103**	**105**	**169**	**121**	**164**	**197**	**176**	**148**	**145**	**147**	**25**

**Totals reflected above may differ from number of land use permits issued due to multiple uses applied for on the same permit issuance. Added Permanent Signs 2026*

Planning Applications	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Conditional Use Permit	8	16	8	19	4	6	12	8	5	12	2
Interim Use Permit	4	2	3	0	1	1	1	0	2	3	
Subdivision (PP & FP)	0	2	1	1	0	2	8	0	0	0	
Metes & Bounds Survey	3	3	7	2	5	1	2	2	3	5	
Variance	7	4	3	7	3	1	9	11	9	10	5
Zone Change	2	3	5	1	2	5	1	1	1	0	1
Ordinance Amendments	10	11	7	7	5	4	1	6	4	2	1
Lot Line Adjustment	0	0	2	3	1	0	5	2	6	3	
Total	**34**	**41**	**38**	**33**	**18**	**20**	**39**	**30**	**30**	**35**	**9**

Zoning Violations/Complaints	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Submitted	**6**	**4**	**10**	**16**	**16**	**20**	**6**	**7**	**3**	**7**	**3**
Resolved					**15**	**17**	**4**	**2**	**2**	**7**	**1**
Monitoring								**4**	**2**	**4**	**1**

Spirits of Nisswa - February 2026 Council Report

2025 - % of Sales per Month

January	3.9%	July	18.9%
February	4.3%	August	15.3%
March	4.5%	September	8.1%
April	4.7%	October	6.4%
May	9.5%	November	5.5%
June	12.2%	December	6.7%

	2025	2026	+/- from 2025	2026 Budget	% of Budget	Goal %
Feb Sales Comparison	$186,756	$197,315	$10,559	$4,645,585	4.25%	4.3%

	2025	2026	+/- from 2025	2026 Budget	% of Budget	Goal %
YTD Sales Comparison	$392,735	$413,390	$20,655	$4,645,585	8.90%	16.0%

	2025	2026	+/- from 2025	2026 Budget	% of Budget	Goal %
Feb Merchandise for Resale	$91,035	$136,323		$2,999,473	4.5%	4.3%
Payroll	$36,887	$38,172	$1,285	$590,209	6.5%	8.33%
Capital Outlay Expenditure Transfered in January	$15,500					
City Transfer Expenditure in January	$245,000					
February Expenditures	$175,638	$212,591	$36,953	$4,634,361		
YTD Total Expenditures	$628,164	$356,404	-$271,760	$4,634,361		

	2025	2026
Profit	$11,118	-$15,275
YTD Profit	-$235,428	$56,986

Just wanted to let you know that what I'm sharing now are rough draft numbers.

I'll have accurate February numbers in the March report.

Thank you
Brian

Spirits of Nisswa - March 2026 Council Report

2025 - % of Sales per Month

January	3.9%	July	18.9%
February	4.3%	August	15.3%
March	4.5%	September	8.1%
April	4.7%	October	6.4%
May	9.5%	November	5.5%
June	12.2%	December	6.7%

	2025	2026	+/- from 2025	2026 Budget	% of Budget	Goal %
March Sales Comparison	$203,629	$196,035	-$7,594	$4,645,585	4.22%	4.5%

	2025	2026	+/- from 2025	2026 Budget	% of Budget	Goal %
YTD Sales Comparison	$596,365	$609,426	$13,061	$4,645,585	13.12%	25.0%

	2025	2026	+/- from 2025	2026 Budget	% of Budget	Goal %
March Merchandise for Resale	$123,782	$92,886	-$30,896	$2,999,473	3.1%	4.5%
Payroll	$38,350	$40,259	$1,909	$590,209	6.8%	8.33%
Capital Outlay Expenditure Transfered in January	$15,500					
City Transfer Expenditure in January	$245,000					
March Expenditures	$215,240	$178,381	-$36,859	$4,634,361		
YTD Total Expenditures	$843,404	$535,058	-$308,346	$4,634,361		

	2025	2026
Profit	$11,611	$17,381
YTD Profit	-$247,039	$74,368

Just wanted to let you know that, what I'm sharing now are rough draft numbers.

I'll have accurate March numbers in the April report.

Thank you
Brian

CITY OF NISSWA
MINUTES – REGULAR COUNCIL MEETING
TUESDAY, MARCH 17, 2026 – 6:00 P.M.
NISSWA CITY HALL

Members present: Jennifer Carnahan, Bruce London, Joe Hall
Other Members Present: Dave Reese, City Engineer; Tom Peterson, City Attorney
Other Members Present via Zoom: Council Member Jesse Zahn; Mike Humpal SCSC; Flora Delaney and Michael Bitzer, Delaney Consulting; Chris Hoodecheck, Labor Attorney
Members absent: Council Member Mark Froehle
City staff present: Maggi Wentler, Interim City Administrator; Tom Blomer, Public Works Director; Steven Timblin, City Planner; Amber Moon Peterson, Parks & Rec Director; Brian Farrell, Spirits Manager; Terry Wallin, Pickle Manager; Todd Szymanski, Police Chief

Audience members: 15 members of the public were present

A. Call to Order

Mayor Jennifer Carnahan officially called the Nisswa City Council meeting to order at 6:05 PM on Tuesday, March 17, 2026. Councilman Jesse Zahn participated remotely via Zoom.

1. Pledge of Allegiance

Mayor Carnahan led the Pledge of Allegiance.

B. Approve Agenda

Mayor Carnahan requested a motion to approve the agenda.

Council Member Hall made a motion to approve the agenda. Council Member London seconded. Motion carried unanimously.

C. Consent Calendar

Mayor Carnahan explained that all matters listed in the consent calendar are considered routine by the Council and would be enacted by one motion, with no separate discussion unless good cause is shown prior to voting.

Council Member Hall made a motion to approve the consent calendar. Council Member London seconded. Motion carried unanimously.

D. Open Forum

1. Public Comment

Mayor Carnahan opened the floor for public comment, allowing residents to address the Council with a two-minute time limit after stating their name and address.

Andy Schaefer of 23962 Smiley Road expressed frustration about being contacted regarding the liquor committee but receiving no response since February 23rd despite previous Council discussions about connecting him with the committee.

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Ronald Duy Jr. of 26735 Middle Cullen Road echoed similar concerns, stating he had called two different Council members and left three messages over the past month with no return calls. He emphasized that elected officials should return phone calls from constituents.

Bob Feir of 4984 Rubens Way requested to reserve time for comments after the Council discusses the purified water system project later in the meeting, noting he had been out of town and lacked information about the project.

E. Reports

1. City Attorney

Attorney Pearson reported having no items to share at this time, noting he had agenda items to address later in the meeting.

2. City Engineer

City Engineer Reese reported good progress on all active projects currently underway, mentioning several action items for the city Council in the evening's packet.

F. Old Business

1. Administrator/City Clerk Position

Mayor Carnahan provided background on the city's engagement with SCSC, a firm from North Mankato, to source candidates for the city administrator/clerk position. She explained that final interviews were held on February 17th, Council had alignment on a first choice candidate, and had agreed to return to the drawing board if that candidate declined. Unfortunately, the first choice candidate did decline the offer.

Mr. Humpal from SCSC, joining via Zoom, addressed the Council about moving forward. He noted they had five well-qualified candidates initially, with one accepting a position in Tonka Bay before interviews. After the top candidate declined their offer, Humpal suggested possibly re-interviewing Emily Burns in a more casual, around-the-table setting rather than proceeding immediately with a second search.

Council Member Zahn indicated he would be open to re-interviewing Burns if the Council unanimously agreed. Council Member London expressed interest in re-interviewing Emily. Council Member Hall was also open to it but questioned whether other candidates from the original pool were available.

Humpal clarified that Emily Burns was one of the four interviewed candidates, and explained that the declined candidate cited concerns about housing market costs and uncertainty about an upcoming election as reasons for declining.

Council Member Hall revealed that the personnel liaisons had made what he described as a "top tier offer" to the first candidate, who came back asking for significantly more money that was considered far out of bounds for negotiation.

After further discussion, Council Member Zahn withdrew his support for re-interviewing Emily Burns, deferring to the personnel committee to determine a path forward.

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Humpal proposed a revised timeline: re-advertising April 21 to May 21, conducting assessments and background checks from May 22 to June 12, and holding interviews on June 23rd. The additional advertising costs would be approximately $1,734.

Following extensive discussion about the challenges of attracting qualified candidates given current circumstances and whether to proceed or wait until after the November election, the Council decided to table the matter.

Council Member Zahn made a motion to table the city administrator/clerk search until further notice. Council Member London seconded. Motion carried unanimously.

2. Spirits/Pickle – Consultant Services

Mayor Carnahan explained that at the February meeting, Council had motioned for the liquor committee to look into consulting companies to assess the city's liquor businesses. The liquor committee moved forward with Delaney Consulting, whose work commenced the previous Monday. Based on their initial analysis, a rescoped consulting agreement was needed.

Flora Delaney, president of Delaney Consulting, and her business partner Michael Bitzer presented via Zoom. Delaney explained they were initially contacted March 2nd with a request for evaluation of possible expansion of the Spirits liquor store, with urgency to complete the work in six weeks for $22,500. However, after Michael's on-site work the previous week, they realized the scope was insufficient for what the city actually needed.

Michael Bitzer detailed his discoveries during the initial week, finding that both the Spirits and Pickle operations needed more comprehensive analysis than originally planned. He explained they found four POS systems instead of three, capacity constraints within the city to support the work, and a need for broader operational and staffing analysis. The revised scope would take 14 weeks and cost $72,000 total.

The consultants emphasized they could still deliver analysis of the Spirits expansion opportunities within the original 6-8 week timeframe while providing comprehensive analysis of both operations by early June.

Bruce Imholte, a community member, expressed concerns about the city competing with private business through the Pickle operation, suggesting the city might be better served selling the facility to private enterprise rather than spending $70,000 on consulting.

Council Member Hall supported the recommendation, noting this would help answer exactly the types of questions raised by the public comment. Brian Farrell, Spirits manager, provided financial context, reporting that Spirits had earned between $282,000-$450,000 above expenses in recent years, including their $245,000 transfer to reduce the city levy.

Council Member Hall made a motion to move ahead with the proposal as presented. Council Member London seconded. Motion carried unanimously.

Mayor Carnahan then addressed two additional Spirits/Pickle related items. She provided extensive background on the Spirits lease situation with the Schaefers, explaining that in October 2025, the Schaefers approached the city about amending their current lease (which runs through 2029) from $17.85 per square foot to $21 per square foot to reflect property improvements and

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market rates. This matter had been discussed extensively since October through multiple liquor committee meetings and Council meetings without resolution.

Mayor Carnahan noted that according to commercial real estate professionals, lease renegotiations are common when both parties agree, and new construction rates in Nisswa start at $25 per square foot, making the Schaefers' proposed $21 rate reasonable.

The discussion revealed complexities including previous Council approval of 10% expansion contingent on favorable lease rates, current lease terms with favorable CPI-tied renewals, and the need for consulting guidance before making decisions. Council members agreed that a liquor committee meeting should be scheduled for the following week to meet with the Schaefers and work toward resolution.

The Mayor also addressed Lani Thomsen's request from December to shift from full-time to four days per week while maintaining health benefits. Thompson had submitted a letter expressing disappointment at being "put off" month after month and announcing she would use vacation days for Mondays off. The liquor committee indicated this matter was on their agenda for discussion, with legal constraints requiring personnel policy changes to allow part-time employees to receive full-time benefits.

3. EDA Resolution

City Attorney Pearson explained that the enabling resolution to establish an Economic Development Authority for the City of Nisswa could not be passed that evening, as it requires a public hearing that will be scheduled for April. An organizational resolution will also be included in the April packet.

Mayor Carnahan questioned a citation reference in the resolution, noting that section 2a refers to a 3-member authority while the resolution calls for a 5-member authority. Pearson clarified that the reference pertains to appointment procedures, and confirmed the Council had decided on a 5-member authority with 2 Council members as required by statute.

4. Verizon Cell Tower Appeal

City Attorney Pearson explained that this resolution supports the Council's February decision to grant an appeal of permits approved by the Planning Commission Board of Adjustment in 2025. The resolution provides the legal reasoning for that appeal grant, after which the matter will return to Planning Commission for formal rescindment of the original approvals.

Council Member Hall questioned the specific findings of fact listed in the resolution. Pearson explained that since the Council's February motion simply granted the appeal without specific reasoning, staff had to determine what findings supported the decision. The main criticisms were procedural - that the Board of Adjustment used one set of findings for all six variances rather than making separate findings for each, and concerns about the tower height variance exceeding 150 feet.

City Attorney Pearson clarified that Planning Commission had appropriate findings for their original approvals, but the appellants criticized the process. After the resolution is approved, Planning Commission will formally rescind the permits, and the applicant could return with a different proposal, potentially including a tower under 150 feet that wouldn't require a height variance.

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Council Member Zahn made a motion to approve the Verizon cell tower appeal with the proposed findings of fact as presented. Council Member London seconded. Motion carried with Council Member Hall opposing.

5. Collaboration Services

Interim City Administrator Maggi Wentler reported that the League of Minnesota Cities Insurance Trust, initially approached for collaboration services, declined to work with the city at this time and provided a list of alternative vendors. All alternative options would involve costs, unlike the League's services which would have been free as part of membership.

Council Member Zahn proposed an alternative approach rather than spending taxpayer dollars on outside collaboration services.

Council Member Zahn made a motion for the April regular meeting to move into closed session to have a collaboration session among the five Council members to openly discuss issues behind closed doors. Council Member London seconded. Motion carried unanimously.

6. 2027 Community Funding Federal Grant Consideration

City Engineer Blomer explained that he and the City Engineer had applied for federal funding through Congressman Stauber's office with a short application window. They initially applied for $14.4 million for a water system project but were told that amount was too high, with the selection committee suggesting support for projects in the $1-5 million range. They rescaled to a $4-5 million project for a 150 gallon per minute system serving the city's property at the County 77/Highway 371 intersection.

The application required a 20% city match and was submitted March 11th. Blomer noted over 100 applications were submitted with only 20 expected to receive funding.

Council Members discussed the importance of transparency and community engagement for such projects. Council Member Hall emphasized that staff did exactly what Council had directed in looking for qualifying projects within the tight deadline.

Mayor Carnahan shared that she had contacted Congressman Stauber's office and learned the application was submitted past deadline and would not meet the committee's criteria. She emphasized the importance of transparency and community support for federal funding requests, noting that shovel-ready projects with widespread community support are typically required.

Community members Bob Feir and Fred Heidmann raised concerns about the lack of a comprehensive plan and community engagement before pursuing such funding opportunities. They emphasized the need for better communication and planning processes before seeking major federal grants.

G. New Business

1. Roy Access Concerns – Laura Beeth

Laura Beeth of 8010 Whitstrom Road presented concerns about unauthorized lake access across property she has maintained for 25 years. She described safety issues with vehicles using an

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informal road carved through private property to access the lake, including traffic conflicts, environmental damage, and personal safety concerns from people coming off the lake at night.

City Planner Steven Timblin explained the complexity of determining property ownership and enforcement options. The area appears to be a gap in the original plat dedication without clear ownership, making enforcement challenging.

Police Chief Szymanski noted that without clear property ownership, there's no victim for potential trespass violations, though extra patrol could be provided for traffic and parking issues.

City Attorney Pearson and Public Works Director Blomer discussed potential solutions, including the city's ability to protect its rights in Whitstrom Road by placing barriers to block illegal access from the right-of-way, while Ms. Beeth pursues private legal remedies such as quiet title action or adverse possession claims.

Council Member Zahn made a motion to authorize staff to explore options for addressing the access issue. Council Member Hall seconded. Motion carried unanimously.

2. Parks – Contract for Nisswa Lake Park Restroom

Parks Director Amber Moon Peterson presented a straightforward notice of award to Pratt for restroom work at Nisswa Lake Park. City Engineer Reese noted the quote came in within expected range and they have prior positive work experience with Pratt.

Council Member Hall made a motion to approve the park's restroom project as presented. Council Member London seconded. Motion carried unanimously.

3. Parks – Nisswa City Park DNR Outdoor Recreation Grant

Parks Director Moon Peterson requested approval of a resolution to apply for a DNR outdoor recreation grant for playground replacement at City Park. She noted the grant requires specific accessible pathways to all park areas, which increased projected costs due to additional concrete work but enhances scoring criteria through improved inclusivity and accessibility. The grant requires a 50/50 match.

Council Member Hall made a motion to approve Amber pursuing the grant as presented. Council Member London seconded. Motion carried unanimously.

4. PW – 2026 Road Bond Professional Construction Services

Public Works Director Blomer presented a proposal from WSN to provide professional construction services related to the 2026 road bond, including survey work, administrative services, construction observation, and documentation. The estimated cost is $273,600.

Council Member Hall made a motion to move ahead with the proposal for WSN to provide professional construction services for the road bond. Council Member London seconded. Motion carried unanimously.

5. PW – 2026 Road Bond Bid Recommendation

Public Works Director Blomer reported that Anderson Brothers submitted the lowest conforming bid for the 2026 road bond construction work, coming in under the city's estimate. The project

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will repair multiple roads including Edna Lake Road, Roy Lane, East Roy Lake Road, and several others dating back to work planned in 2023.

Council Member Hall expressed satisfaction that the bid came in significantly under budget, representing savings for taxpayers.

Council Member Hall made a motion to approve the bid recommendation as presented. Council Member London seconded. Motion carried unanimously.

6. PW – Proposal to Plat Backage Road LRLR to Cty Rd 77

Public Works Director Blomer explained this $74,200 proposal would define right-of-way along Lower Roy Lake Road to County Road 77 to help developers and the city understand access requirements before development occurs. The cost would initially come from road department reserves and be recovered when Mills properties are sold.

City Engineer Reese explained the importance of preserving corridor access in advance of development, noting similar practices used by other communities like Cross Lake. The proposal aims to provide transparency to developers about city infrastructure expectations.

Mayor Carnahan questioned whether such planning should wait for the Economic Development Authority to be established. Staff explained the urgency of preserving these corridors before development makes them impossible to establish.

Community member Fred Heidmann challenged the proposal, arguing it deviated from the city's traditional developer-driven approach and questioned spending taxpayer money on projects without specific developer requests.

Council Member Hall made a motion to approve WSN working on the platting as presented for the backage road. Council Member London seconded. Motion carried unanimously.

7. PW – Proposal to Plat Backage Road from Cty Rd 13 to Timberwood Church

This similar proposal for $79,900 would define right-of-way for a backage road serving the other side of the intersection area. Discussion included clarification that approval would not automatically assess adjoining properties, with any future assessments requiring separate Council action during development.

Andy Schaefer questioned assessment implications for his property. Staff clarified this was just the planning phase, with property acquisition and assessments coming later if the project proceeds.

Council Member Hall made a motion to approve the proposal for planning as presented. Council Member London seconded. Motion carried unanimously.

8. PW – Proposal to Plat Backage Road Plat New City Property

This $31,300 proposal would define backage road access for the Mills property purchased by the city. Community member Sharla Fillhauer questioned whether there were interested developers and timelines for development, expressing concern about spending money without clear development plans.

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Council Member Hall explained this work relates to MnDOT planning and prepares the property for future marketing. Community member Philhower advocated for waiting until the EDA is established to provide proper guidance.

Following extensive discussion about transparency and planning processes, Council Member Zahn made a motion to table the item until an EDA is established.

Council Member Zahn made a motion to table this specific item until an EDA is in place and can provide recommendations to Council. Council Member Hall seconded. Motion carried unanimously.

Council Member Zahn made a motion to rescind approval for the prior two motions and table them until a further date for consistency. Council Member Hall seconded. Motion carried unanimously.

9. Sewer Line Jetting and Televising

Public Works Director Blomer presented routine maintenance for the sewer system, explaining they haven't televised the system since installation. This $21,600 proposal from Nelson Sanitation would clean and televise the second section of the three-part system to identify pending issues and control inflow and infiltration as required by the PCA. The goal is to televise the system every 10 years for proactive maintenance.

Council Member Zahn made a motion to approve the sewer line jetting and televising proposal. Council Member London seconded. Motion carried unanimously.

10. PW- Reappoint Dil Stachour to the Public Works Committee & add Joe Hall as Second Liaison

Public Works Director Blomer requested a waiver to allow Dil Stachour to serve a third consecutive term, noting his value to the committee. He also recommended adding Council Member Hall as a second Council liaison to provide backup coverage and bring more detailed information back to Council meetings, given the high dollar impact of public works projects.

Mayor Carnahan expressed concerns about the recommendation, noting feedback from citizen committee members who were against adding a second Council member, questioning whether this approaches open meeting law issues, and wondering if it's appropriate to "stack" Council members on citizen advisory committees. She noted the irony of adding Council Member Hall to a third committee while the Mayor had been removed from all committees.

Council Member Hall defended the proposal by referencing missed information from public works presentations that didn't get communicated to the full Council.

Council Member Zahn indicated he wanted clarification from committee members before proceeding, given conflicting information about their support.

Council Member Zahn made a motion to reappoint Dale Stachour to the public works committee and to advertise for the other vacancy on the committee. Council Member Hall seconded. Motion carried unanimously.

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11. Fire Department 2026 Budget and Fire Contracts

Interim City Administrator Wentler explained the annual fire department contracts with local areas and communities, with percentages based on land and building values as vetted by Cass County and Crow Wing County.

Council Member Hall made a motion to approve as presented. Council Member London seconded. Motion carried unanimously.

12. Town Hall Meeting Structure

Council Member Zahn had proposed moving town hall meetings to Council chambers to enable online connectivity and livestreaming for residents who cannot attend in person, including non-full-time residents who contribute significantly to property taxes.

Mayor Carnahan agreed with providing more access but expressed concerns about space limitations in Council chambers compared to the community center, and preferred the community center's setup where elected officials sit equally with residents rather than above them on the dais.

The discussion included the suggestion for pre-submitted questions, enhanced technology setup, and potentially longer time allocations for expanded Q&A sessions.

Council Member Zahn made a motion to have the next town hall in the Council chambers. Council Member London seconded. Motion carried unanimously.

13. Supervisors Union Contract & MOUs 1/1/2026 – 12/31/2028

Labor Attorney Chris Hoodecheck joined via Zoom to present the three-year supervisors unit agreement with 3.5% annual wage increases. The agreement includes insurance increases matching the rest of the city, reopeners for 2027-2028, specific wage increases for the fire chief including additional hourly compensation for meetings, and two MOUs covering paid family medical leave premium split and wage parity provisions.

Interim City Administrator Maggi Wentler requested grace to implement back pay from January 1st on the April 10th payroll to allow time to calculate increases and hours.

Council Member Hall made a motion to approve as presented. Council Member London seconded. Motion carried unanimously.

14. Clerical Union Contract & MOUs 1/1/2026 – 12/31/2028

The labor attorney presented the clerical unit contract covering one employee, with terms mirroring the supervisors unit except for the fire chief specific provisions.

Council Member Hall made a motion to approve as presented. Council Member London seconded. Motion carried unanimously.

15. Teamsters Union Contract & MOU 1/1/2026 – 12/31/2028

The three-year Teamsters agreement includes a 4% increase in 2026 (higher due to law enforcement retention needs), 25-cent shift differential increase, and an MOU allowing employees to supplement wages with other paid leave during Minnesota paid leave usage.

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Council Member Hall made a motion to approve as presented. Council Member London seconded. Motion carried unanimously.

16. Recommendation to move to Closed Session pursuant to MN Statute 13D.03 for Union Negotiations

Labor Attorney Chris Hoodecheck indicated this item was no longer needed since all three union agreements were approved, so the closed session was unnecessary.

H. Council/Liaison Reports

1. Mayor

Mayor Carnahan reported attending the League of Minnesota Cities Elected Leaders Conference in February, a valuable two-day training and networking session with elected officials statewide. She plans to attend the annual League conference in Rochester this summer and encouraged other Council members to participate.

2. Council Members

Council Member London had no report.

Council Member Hall addressed ongoing conflicts with the Mayor, stating he would not tolerate what he described as inappropriate behavior behind the scenes and referencing a staff letter. He emphasized his intent to stand up for city staff and called for changes in behavior and leadership approach.

Mayor Carnahan responded that she would continue advocating for transparency, inclusivity, and overcommunication as promised during her campaign. She noted the exhausting nature of ongoing conflicts and emphasized that policy disagreements should be resolved at the ballot box in the November election.

The exchange escalated with specific accusations about lying, manipulation, and procedural violations, with both parties expressing frustration about working relationships and communication patterns.

Council Member London expressed concern about negative social media activity affecting the city's reputation and questioned where negative information was originating.

Council Member Zahn concluded by emphasizing that the city deserves better and calling for the Council to find a path forward to accomplish positive things in the remaining months, noting the need for collaboration rather than continued conflict.

I. Announcements & Upcoming Meeting Dates

The following meetings were announced:

- March 25, 2026 Public Works Committee Meeting 5:00PM
- April 2, 2026 Parks Commission Meeting 5:00PM
- April 7, 2026 Planning Commission Meeting 5:00PM
- April 21, 2026 Regular City Council Meeting 6:00PM
- April 29, 2026 Public Works Committee Meeting 5:00PM

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J. Adjourn

Motion by Council Member Hall to adjourn. Motion seconded by Council Member Zahn. Motion carried unanimously.

The meeting was adjourned at 10:09 PM.

Respectfully submitted,

_____	_____
Jennifer Carnahan, Mayor	Maggi Wentler, Interim City Administrator

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C10

PERSONNEL UPDATES

April 2026

Hires

Name	Position	Department	Employee Type	Effective	Pay Rate	Notes
Cole Magnuson	Bartender/Waiter	Pickle	Seasonal	4/9/2026	$14.72/17.55	

Position Changes

Name	Position	Department	Employee Type	Effective	Pay Rate	Notes

Departures

Name	Position	Department	Employee Type	Effective	Pay Rate	Notes

Leaves

Name	Position	Department	Employee Type	Leave Start Date	Leave End Date	Notes
Jeremy Rooney	Police Officer	Police	Full Time	1/30/2026		FMLA

Check Issue Date	Check Number	Payee	Amount	
03/16/2026	156617	LOCATORS & SUPPLIES INC	175.56-	V
03/16/2026	156672	ACME TOOLS	180.00	
03/16/2026	156673	AFLAC	434.70	
03/16/2026	156674	AMERICAN WELDING & GAS INC	307.02	
03/16/2026	156675	ARTISAN BEER COMPANY	2,899.54	
03/16/2026	156676	BELLBOY CORPORATION	2,097.79	
03/16/2026	156677	BERNICKS	8,235.10	
03/16/2026	156678	BIG AXE BREWING COMPANY LLC	806.25	
03/16/2026	156679	BOLTON & MENK INC	6,646.97	
03/16/2026	156680	BRAINERD LAKES AREA CHAMBER OF COMMERC	250.00	
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRITS	5,050.28	
03/16/2026	156682	C & L DISTRIBUTING	17,501.16	
03/16/2026	156683	CHELSEA TURNBAUGH	100.00	
03/16/2026	156684	CINTAS CORP	398.80	
03/16/2026	156685	CODY JOSEPH LENDWAY	840.00	
03/16/2026	156686	COLUMN SOFTWARE PBC	83.47	
03/16/2026	156687	CONFITREK INC	540.00	
03/16/2026	156688	CROW WING COOPERATIVE POWER & LIGHT CO	266.45	
03/16/2026	156689	CULLIGAN WATER CONDITIONING	56.70	
03/16/2026	156690	DACOTAH PAPER CO	39.11	
03/16/2026	156691	DELTA DENTAL	937.74	
03/16/2026	156692	F.I.R.E. FIRE INSTRUCTION & RESCUE EDUCA	1,300.00	
03/16/2026	156693	FIDELITY SECURITY LIFE - ATTN: A/R	64.41	
03/16/2026	156694	FINKEN WATER INC	89.98	
03/16/2026	156695	FLAHERTY & HOOD, P.A.	3,557.50	
03/16/2026	156696	FLORA DELANEY	11,250.00	
03/16/2026	156697	FORESTEDGE WINERY	138.00	
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	7,882.50	
03/16/2026	156699	GRANITE CITY JOBBING CO INC	1,981.10	
03/16/2026	156700	H & L MESABI COMPANY	3,382.00	
03/16/2026	156701	HEGGIES PIZZA LLC	655.10	
03/16/2026	156702	INNOVATIVE OFFICE SOLUTIONS LLC	910.01	
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY INC	23,418.50	
03/16/2026	156704	KA MECHANICAL	2,126.74	
03/16/2026	156705	KEVIN BARTOLIC	100.00	
03/16/2026	156706	LAKES PRINTING INC OF BRAINERD	914.00	
03/16/2026	156707	LEAGUE OF MINNESOTA CITIES	50.00	
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	64,978.00	
03/16/2026	156709	MACQUEEN EQUIPMENT, LLC	1,712.21	
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO INC	955.38	
03/16/2026	156711	MEDICA INSURANCE COMPANY	22,687.85	
03/16/2026	156712	MEGAN REHBEIN	100.00	
03/16/2026	156713	MINNESOTA POLLUTION CONTROL AGENCY	1,450.00	
03/16/2026	156714	MINNESOTA POWER	9,762.34	
03/16/2026	156715	MINNESOTA PUBLIC EMPLOYEES ASSOC.	360.00	
03/16/2026	156716	NAPA AUTO PARTS BAXTER	18.29	
03/16/2026	156717	NCPERS GROUP LIF INS.	48.00	
03/16/2026	156718	NISSWA AUTOMOTIVE, INC.	46.96	
03/16/2026	156719	NISSWA CHAMBER OF COMMERCE	130.00	
03/16/2026	156720	NORTHLAND FROZEN PIZZA INC	288.35	
03/16/2026	156721	OXFORD STREET MERCHANTS	100.87	
03/16/2026	156722	PAUSTIS WINE COMPANY	903.25	
03/16/2026	156723	PEOPLES SECURITY COMPANY INC	463.73	
03/16/2026	156724	PHILLIPS WINE & SPIRITS	5,460.22	
03/16/2026	156725	R & J BRAODCASTING, INC.	225.00	
03/16/2026	156726	SCHAEFERS FOODS	118.81	
03/16/2026	156727	SCHLENNER WENNER & CO	20,000.00	

Check Issue Date	Check Number	Payee	Amount
03/16/2026	156728	SOUTH CENTRAL SERVICES COOPERATIVE	14,500.00
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	23,747.15
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	2,205.25
03/16/2026	156731	TAFT STETTINIUS & HOLLISTER LLP	1,850.00
03/16/2026	156732	TAPES PLUS ADVERTISING	240.00
03/16/2026	156733	TEAMSTERS LOCAL UNION #346	490.00
03/16/2026	156734	TERRI FOSTER	100.00
03/16/2026	156735	THE WINE COMPANY	556.16
03/16/2026	156736	U.S. BANK EQUIPMENT FINANCE	204.08
03/16/2026	156737	VERIZON	680.07
03/16/2026	156738	VESTIS GROUP, INC	59.01
03/16/2026	156739	VIKING COCA COLA BOTTLING CO.	623.80
03/16/2026	156740	VINOCOPIA INC	1,442.57
03/16/2026	156741	VOLUNTEER FIREFIGHTERS BENEFIT AS	260.00
03/16/2026	156742	WASTE PARTNERS INC	980.30
03/16/2026	156743	WIDSETH SMITH NOLTING AND ASSOCIATES INC	9,002.75
03/16/2026	156744	WINEBOW INC	1,356.92
03/16/2026	156745	XCEL ENERGY	5,918.80
03/16/2026	156746	D & D BEVERAGE LLC	15,026.28
03/16/2026	156747	OXFORD STREET MERCHANTS	2,056.59
03/19/2026	156748	SCHAEFERS OF NISSWA LIMITED	8,923.40
03/31/2026	156749	METRO TESTING METRO MECHANICAL CONSULT	2,225.00
Grand Totals:			327,572.75

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
GAMMELLO - PEARSON, PLLC						
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	2025-2026 ROAD BOND MATTERS	2,520.00	465-41910-300	PROFESSIONAL SERVICES
Total GAMMELLO - PEARSON, PLLC:				2,520.00		
WIDSETH SMITH NOLTING AND ASSOCIATES INC						
03/16/2026	156743	WIDSETH SMITH NOLTING AND ASSOCIATE	GULL LAKE TRAIL PHASE 4B	787.50	471-45140-300	GLT PROFESSIONAL FEES
Total WIDSETH SMITH NOLTING AND ASSOCIATES INC:				787.50		
Total :				3,307.50		

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
COMMUNITY CENTER						
COMMUNITY CENTER REFUND						
03/16/2026	156683	CHELSEA TURNBAUGH	SECURITY DEPOSIT REFUND	100.00	220-41940-810	CC REFUNDS & REIMBURSEMENTS
03/16/2026	156705	KEVIN BARTOLIC	SECURITY DEPOSIT REFUND	100.00	220-41940-810	CC REFUNDS & REIMBURSEMENTS
03/16/2026	156712	MEGAN REHBEIN	SECURITY DEPOSIT REFUND	100.00	220-41940-810	CC REFUNDS & REIMBURSEMENTS
03/16/2026	156734	TERRI FOSTER	SECURITY DEPOSIT REFUND	100.00	220-41940-810	CC REFUNDS & REIMBURSEMENTS
Total COMMUNITY CENTER REFUND:				400.00		
MINNESOTA POWER						
03/16/2026	156714	MINNESOTA POWER	25628 MAIN ST COMMUNITY CENTER	331.50	220-41940-380	CC UTILITY SERVICES
Total MINNESOTA POWER:				331.50		
WASTE PARTNERS INC						
03/16/2026	156742	WASTE PARTNERS INC	GARBAGE - COMM. CENTER	211.93	220-41940-437	CC OTHER/SALES TAX
Total WASTE PARTNERS INC:				211.93		
XCEL ENERGY						
03/16/2026	156745	XCEL ENERGY	COMMUNITY CENTER	574.83	220-41940-380	CC UTILITY SERVICES
Total XCEL ENERGY:				574.83		
Total COMMUNITY CENTER:				1,518.26		

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FIRE DEPARTMENT						
F.I.R.E. FIRE INSTRUCTION & RESCUE EDUCA						
03/16/2026	156692	F.I.R.E. FIRE INSTRUCTION & RESCUE EDU	FIRE GROUND OPERATIONS	650.00	210-42210-438	FD SCHOOL\TRAINING
03/16/2026	156692	F.I.R.E. FIRE INSTRUCTION & RESCUE EDU	EMR TRAINING	650.00	210-42210-438	FD SCHOOL\TRAINING
Total F.I.R.E. FIRE INSTRUCTION & RESCUE EDUCA:				1,300.00		
LEAGUE OF MN CITIES INSURANCE TRUST						
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP FIRE	6,857.81	210-42210-150	FD WORKER'S COMPENSATION
Total LEAGUE OF MN CITIES INSURANCE TRUST:				6,857.81		
MACQUEEN EQUIPMENT, LLC						
03/16/2026	156709	MACQUEEN EQUIPMENT, LLC	CAIRNS	1,426.21	210-42210-217	FD UNIFORMS & EQUIPMENT
03/16/2026	156709	MACQUEEN EQUIPMENT, LLC	FACE PIECE	286.00	210-42210-240	FD SMALL TOOLS & MINOR EQUIP
Total MACQUEEN EQUIPMENT, LLC:				1,712.21		
MINNESOTA POWER						
03/16/2026	156714	MINNESOTA POWER	25636 MAIN ST FIRE HALL	417.14	210-42210-380	FD UTILITY SERVICES
Total MINNESOTA POWER:				417.14		
NAPA AUTO PARTS BAXTER						
03/16/2026	156716	NAPA AUTO PARTS BAXTER	COMPRESSOR OIL	18.29	210-42210-210	FD OPERATING SUPPLIES
Total NAPA AUTO PARTS BAXTER:				18.29		
VERIZON WIRELESS						
03/16/2026	156737	VERIZON	FIRE DEPARTMENT CELL/TABLET SERVICE	190.05	210-42210-320	FD COMMUNICATION
Total VERIZON WIRELESS:				190.05		
VOLUNTEER FIREFIGHTERS BENEFIT AS						
03/16/2026	156741	VOLUNTEER FIREFIGHTERS BENEFIT AS	ANNUAL RENEWAL	260.00	210-42210-433	FD DUES & SUBSCRIPTIONS
Total VOLUNTEER FIREFIGHTERS BENEFIT AS:				260.00		
XCEL ENERGY						
03/16/2026	156745	XCEL ENERGY	FIRE DEPARTMENT	1,428.25	210-42210-380	FD UTILITY SERVICES

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Total XCEL ENERGY:				1,428.25		
Total FIRE DEPARTMENT:				12,183.75		

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GENERAL FUND						
ACME TOOLS						
03/16/2026	156672	ACME TOOLS	SLEDGE HAMMER	180.00	100-43140-240	SMALL TOOLS & MINOR EQUIPMENT
Total ACME TOOLS:				180.00		
AFLAC						
03/16/2026	156673	AFLAC	AFLAC PREMIUMS	434.70	100-22001	AFLAC
Total AFLAC:				434.70		
COLUMN SOFTWARE PBC						
03/16/2026	156686	COLUMN SOFTWARE PBC	2026 STREET RECONSTRUCTION	38.25	100-43140-340	ADVERTISING
03/16/2026	156686	COLUMN SOFTWARE PBC	LABOR ATTORNEY RFP	45.22	100-41425-300	PROFESSIONAL SERVICES
Total COLUMN SOFTWARE PBC:				83.47		
CONFITREK INC						
03/16/2026	156687	CONFITREK INC	TRAINING SOFTWARE RENEWAL	540.00	100-42110-433	DUES & SUBSCRIPTIONS
Total CONFITREK INC:				540.00		
CROW WING COOPERATIVE POWER & LIGHT CO						
03/16/2026	156688	CROW WING COOPERATIVE POWER & LIGH	UTILITY - WOLF CHASE	154.64	100-43140-402	ROAD REPAIR & MAINT
03/16/2026	156688	CROW WING COOPERATIVE POWER & LIGH	UTILITY - CEMETERY	41.09	100-49010-380	UTILITY SERVICES
Total CROW WING COOPERATIVE POWER & LIGHT CO:				195.73		
CULLIGAN WATER CONDITIONING						
03/16/2026	156689	CULLIGAN WATER CONDITIONING	WATER	56.70	100-43140-210	OPERATING SUPPLIES
Total CULLIGAN WATER CONDITIONING:				56.70		
DELTA DENTAL						
03/16/2026	156691	DELTA DENTAL	DENTAL PREMIUMS	937.74	100-22003	DENTAL
Total DELTA DENTAL:				937.74		
FIDELITY SECURITY LIFE - ATTN: A/R						
03/16/2026	156693	FIDELITY SECURITY LIFE - ATTN: A/R	VISION PREMIUMS	64.41	100-22004	VISION

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Total FIDELITY SECURITY LIFE - ATTN: A/R:				64.41		
FINKEN WATER INC						
03/16/2026	156694	FINKEN WATER INC	WATER RENTAL	89.98	100-41940-437	OTHER
Total FINKEN WATER INC:				89.98		
FLAHERTY & HOOD, P.A.						
03/16/2026	156695	FLAHERTY & HOOD, P.A.	LABOR ISSUES	438.75	100-41610-300	PROFESSIONAL SERVICES
03/16/2026	156695	FLAHERTY & HOOD, P.A.	UNION NEGOTIATIONS	2,777.50	100-41610-300	PROFESSIONAL SERVICES
03/16/2026	156695	FLAHERTY & HOOD, P.A.	DATA REQUEST	97.50	100-41610-300	PROFESSIONAL SERVICES
03/16/2026	156695	FLAHERTY & HOOD, P.A.	PHASED RETIRMENT	243.75	100-41610-300	PROFESSIONAL SERVICES
Total FLAHERTY & HOOD, P.A.:				3,557.50		
GAMMELLO - PEARSON, PLLC						
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	MUNICIPAL REPRESENTAITON	315.00	100-41610-300	PROFESSIONAL SERVICES
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	PZ	198.00	100-41910-300	PROFESSIONAL SERVICES
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	GENERAL MATTERS	2,556.00	100-41610-300	PROFESSIONAL SERVICES
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	VERIZON TOWER SITE LEASE	378.00	100-41610-300	PROFESSIONAL SERVICES
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	CARNAHAN DATA REQUEST	90.00	100-41610-300	PROFESSIONAL SERVICES
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	TROY SCHEFFLER 2025 LAWSUIT	54.00	100-41610-300	PROFESSIONAL SERVICES
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	EDA FORMATION	1,245.75	100-41610-300	PROFESSIONAL SERVICES
Total GAMMELLO - PEARSON, PLLC:				4,836.75		
H & L MESABI COMPANY						
03/16/2026	156700	H & L MESABI COMPANY	CARBIDE INSTERED, BOLTS	3,382.00	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
Total H & L MESABI COMPANY:				3,382.00		
INNOVATIVE OFFICE SOLUTIONS LLC						
03/16/2026	156702	INNOVATIVE OFFICE SOLUTIONS LLC	SUPPLIES	126.88	100-43210-220	REPAIR & MAINTENANCE SUPPLIES
Total INNOVATIVE OFFICE SOLUTIONS LLC:				126.88		
LAKES PRINTING INC OF BRAINERD						
03/16/2026	156706	LAKES PRINTING INC OF BRAINERD	#10 Regular Envelopes	304.65	100-41425-200	OFFICE SUPPLIES
03/16/2026	156706	LAKES PRINTING INC OF BRAINERD	#9 SECURITY WINDOW ENVELOPES	382.25	100-41425-200	OFFICE SUPPLIES

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Total LAKES PRINTING INC OF BRAINERD:				686.90			
LEAGUE OF MINNESOTA CITIES							
03/16/2026	156707	LEAGUE OF MINNESOTA CITIES	CANCELLATION - JENNIFER CARNAHAN	50.00	100-41110-438	SCHOOL\TRAINING	
Total LEAGUE OF MINNESOTA CITIES:				50.00			
LEAGUE OF MN CITIES INSURANCE TRUST							
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP CLERK	920.36	100-41425-150	WORKER'S COMPENSATION	
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP COUNCIL	63.76	100-41110-150	WORKER'S COMPENSATION - COUNCI	
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP POLICE	26,381.66	100-42110-150	WORKER'S COMPENSATION	
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP PUBLIC WORKS	10,791.77	100-43140-150	WORKER'S COMPENSATION	
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP P&Z	429.56	100-41910-150	WORKER'S COMPENSATION	
Total LEAGUE OF MN CITIES INSURANCE TRUST:				38,587.11			
LOCATORS & SUPPLIES INC							
03/16/2026	156617	LOCATORS & SUPPLIES INC	JACKET	175.56-	100-43140-218	SAFETY GEAR	V
Total LOCATORS & SUPPLIES INC:				175.56-			
MADISON NATIONAL LIFE INSURANCE CO INC							
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD POLICE	253.75	100-42110-130	EMPLOYER PAID INSURANCE	
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD CLERK	120.70	100-41425-130	EMPLOYER PAID INSURANCE	
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD ROADS	140.78	100-43140-130	EMPLOYER PAID INSURANCE	
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD P&Z	44.65	100-41910-130	EMPLOYER PAID INSURANCE	
Total MADISON NATIONAL LIFE INSURANCE CO INC:				559.88			
MEDICA INSURANCE COMPANY							
03/16/2026	156711	MEDICA INSURANCE COMPANY	HEALTH INSURANCE	22,687.85	100-22002	HEALTH INSURANCE	
Total MEDICA INSURANCE COMPANY:				22,687.85			
METRO TESTING METRO MECHANICAL CONSULTAN							
03/31/2026	156749	METRO TESTING METRO MECHANICAL CO	ASSE NEW TESTER COURSE/CERTIFICATION - OR	2,225.00	100-43140-438	SCHOOL\TRAINING	
Total METRO TESTING METRO MECHANICAL CONSULTAN:				2,225.00			

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MINNESOTA POWER						
03/16/2026	156714	MINNESOTA POWER	24759 CHARMIN PUBLIC WORKS BLDG	289.85	100-43140-380	UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	LIGHTING LOWER ROY LAKE RD	33.32	100-43140-381	UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	VILLAGE HALL	1,228.04	100-41940-380	UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	25369 NISSWA CIC	11.17	100-43140-381	UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	CR 13 CAMP LINCOLN SIREN	17.26	100-42210-300	PROFESSIONAL SERVICES
03/16/2026	156714	MINNESOTA POWER	25532 MAIN STREET BATHROOMS GAZEBO	309.51	100-41950-380	UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	HWY 371 & MAIN STREET	35.92	100-43140-381	UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	SCHOOL SIGN CTY RD 18	17.13	100-43140-381	UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	25479 STATE HWY 371	62.72	100-43140-381	UTILITY SERVICES
Total MINNESOTA POWER:				2,004.92		
MINNESOTA PUBLIC EMPLOYEES ASSOC.						
03/16/2026	156715	MINNESOTA PUBLIC EMPLOYEES ASSOC.	CLERICAL UNION DUES	48.00	100-22007	UNION DUES
03/16/2026	156715	MINNESOTA PUBLIC EMPLOYEES ASSOC.	SUPERVISORS UNION DUES	312.00	100-22007	UNION DUES
Total MINNESOTA PUBLIC EMPLOYEES ASSOC.:				360.00		
NCPERS GROUP LIF INS.						
03/16/2026	156717	NCPERS GROUP LIF INS.	LIFE INS	48.00	100-22005	LIFE INSURANCE
Total NCPERS GROUP LIF INS.:				48.00		
NISSWA AUTOMOTIVE, INC.						
03/16/2026	156718	NISSWA AUTOMOTIVE, INC.	2025 FORD POLICE WORK	46.96	100-42110-400	REPAIRS & MAINTENANCE - CONTRA
Total NISSWA AUTOMOTIVE, INC.:				46.96		
SCHAEFERS FOODS						
03/16/2026	156726	SCHAEFERS FOODS	SAFETY MEETING	35.14	100-43140-218	SAFETY GEAR
Total SCHAEFERS FOODS:				35.14		
SCHLENNER WENNER & CO						
03/16/2026	156727	SCHLENNER WENNER & CO	2024 AUDIT WORK	20,000.00	100-41530-300	PROFESSIONAL SERVICES
Total SCHLENNER WENNER & CO:				20,000.00		

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SOUTH CENTRAL SERVICES COOPERATIVE						
03/16/2026	156728	SOUTH CENTRAL SERVICES COOPERATIVE	ADMINISTRATIVE SEARCH (GRANT)	14,500.00	100-41425-300	PROFESSIONAL SERVICES
Total SOUTH CENTRAL SERVICES COOPERATIVE:				14,500.00		
TEAMSTERS LOCAL UNION #346						
03/16/2026	156733	TEAMSTERS LOCAL UNION #346	UNION DUES	490.00	100-22007	UNION DUES
Total TEAMSTERS LOCAL UNION #346:				490.00		
U.S. BANK EQUIPMENT FINANCE						
03/16/2026	156736	U.S. BANK EQUIPMENT FINANCE	RICHO WIDE FORMAT COPIER LEASE	204.08	100-43140-410	RENTALS
Total U.S. BANK EQUIPMENT FINANCE:				204.08		
VERIZON WIRELESS						
03/16/2026	156737	VERIZON	CELL PHONES POLICE	490.02	100-42110-320	COMMUNICATION
Total VERIZON WIRELESS:				490.02		
WASTE PARTNERS INC						
03/16/2026	156742	WASTE PARTNERS INC	GARBAGE - MAINT.	175.61	100-43210-220	REPAIR & MAINTENANCE SUPPLIES
03/16/2026	156742	WASTE PARTNERS INC	GARBAGE - CITY	56.62	100-43210-437	OTHER
Total WASTE PARTNERS INC:				232.23		
XCEL ENERGY						
03/16/2026	156745	XCEL ENERGY	CITY HALL	1,302.30	100-41940-380	UTILITY SERVICES
03/16/2026	156745	XCEL ENERGY	MAINTAINANCE BUILDING	718.39	100-43140-380	UTILITY SERVICES
03/16/2026	156745	XCEL ENERGY	WELCOME CENTER	294.44	100-41950-380	UTILITY SERVICES
Total XCEL ENERGY:				2,315.13		
Total GENERAL FUND:				119,833.52		

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MUNICIPAL LIQUOR STORE						
AMERICAN WELDING & GAS INC						
03/16/2026	156674	AMERICAN WELDING & GAS INC	NITROGEN	63.66	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156674	AMERICAN WELDING & GAS INC	FINANCE FEE	1.03	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156674	AMERICAN WELDING & GAS INC	FINANCE FEE	1.00	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156674	AMERICAN WELDING & GAS INC	FINANCE FEE	1.03	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156674	AMERICAN WELDING & GAS INC	NITROGEN	240.30	609-49750-210	PICKLE OPERATING SUPPLIES
Total AMERICAN WELDING & GAS INC:				307.02		
BERNICKS						
03/16/2026	156677	BERNICKS	PICKLE	24.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156677	BERNICKS	PICKLE	64.46-	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156677	BERNICKS	PICKLE	549.40	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156677	BERNICKS	PICKLE	18.00-	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156677	BERNICKS	PICKLE	387.10	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156677	BERNICKS	PICKLE	1,040.15	609-49750-250	PICKLE-MERCH FOR RESALE
Total BERNICKS:				1,918.19		
C & L DISTRIBUTING						
03/16/2026	156682	C & L DISTRIBUTING	PICKLE	372.40-	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	PICKLE	196.00-	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	PICKLE	2,630.80	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	PICKLE	5.00	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156682	C & L DISTRIBUTING	PICKLE	2,317.90	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	PICKLE	2,250.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	PICKLE	5.00	609-49750-330	PICKLE TRANSPORTATION
Total C & L DISTRIBUTING:				6,640.30		
CINTAS CORPORATION NO. 2						
03/16/2026	156684	CINTAS CORP	MATS, TOWELS	199.40	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156684	CINTAS CORP	MATS, TOWELS	199.40	609-49750-210	PICKLE OPERATING SUPPLIES
Total CINTAS CORPORATION NO. 2:				398.80		
CODY JOSEPH LENDWAY						
03/16/2026	156685	CODY JOSEPH LENDWAY	CLEANING PICKLE	280.00	609-49750-400	PICKLE R & M - CONT
03/16/2026	156685	CODY JOSEPH LENDWAY	CLEANING PICKLE	280.00	609-49750-400	PICKLE R & M - CONT

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03/16/2026	156685	CODY JOSEPH LENDWAY	CLEANING PICKLE	280.00	609-49750-400	PICKLE R & M - CONT
Total CODY JOSEPH LENDWAY:				840.00		
D & D BEVERAGE LLC						
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	29.80-	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	138.95-	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	1,547.40	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	246.00	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	63.80-	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	315.60	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	515.90	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	83.33	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	94.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	1,260.15	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	PICKLE	124.90-	609-49750-250	PICKLE-MERCH FOR RESALE
Total D & D BEVERAGE LLC:				3,704.93		
FLORA DELANEY						
03/16/2026	156696	FLORA DELANEY	SPIRITS/PICKLE EVALUATION	5,625.00	609-49750-300	PICKLE PROFESSIONAL SERVICES
Total FLORA DELANEY:				5,625.00		
GRANITE CITY JOBBING CO INC						
03/16/2026	156699	GRANITE CITY JOBBING CO INC	CIGS PICKLE	268.12	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	TOBACCO/CIGARS PICKLE	96.14	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES PICKLE	40.13	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	SHIPPING PICKLE	10.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	CIGS PICKLE	375.39	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	CONFECTIONS PICKLE	128.06	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	GROCERY PICKLE	34.92	609-49750-250	PICKLE-MERCH FOR RESALE
Total GRANITE CITY JOBBING CO INC:				952.76		
HEGGIES PIZZA LLC						
03/16/2026	156701	HEGGIES PIZZA LLC	PIZZA	362.10	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156701	HEGGIES PIZZA LLC	PIZZA	293.00	609-49750-250	PICKLE-MERCH FOR RESALE

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Total HEGGIES PIZZA LLC:				655.10		
INNOVATIVE OFFICE SOLUTIONS LLC						
03/16/2026	156702	INNOVATIVE OFFICE SOLUTIONS LLC	PICKLE SUPPLIES	311.00	609-49750-200	PICKLE OFFICE SUPPLIES
03/16/2026	156702	INNOVATIVE OFFICE SOLUTIONS LLC	PICKLE SUPPLIES	472.13	609-49750-200	PICKLE OFFICE SUPPLIES
Total INNOVATIVE OFFICE SOLUTIONS LLC:				783.13		
JOHNSON BROTHERS LIQUOR COMPANY INC						
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	130.50	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	2.20	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	380.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	8.80	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	37.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	2.20	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	778.12	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	11.74	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	108.66	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	3.31	609-49750-330	PICKLE TRANSPORTATION
Total JOHNSON BROTHERS LIQUOR COMPANY INC:				1,462.53		
KA MECHANICAL						
03/16/2026	156704	KA MECHANICAL	WALK IN FREEZER REPAIRS	2,126.74	609-49750-400	PICKLE R & M - CONT
Total KA MECHANICAL:				2,126.74		
LEAGUE OF MN CITIES INSURANCE TRUST						
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP PICKLE	4,919.77	609-49750-150	PICKLE WORKER'S COMPENSATION
Total LEAGUE OF MN CITIES INSURANCE TRUST:				4,919.77		
MADISON NATIONAL LIFE INSURANCE CO INC						
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD PICKLE STAFF	112.27	609-49752-130	PICKLE EMPLOYER PAID INSURANCE
Total MADISON NATIONAL LIFE INSURANCE CO INC:				112.27		
MINNESOTA POWER						
03/16/2026	156714	MINNESOTA POWER	MUNICIPAL LIQUOR	1,620.18	609-49750-380	PICKLE UTILITY SERVICES

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Total MINNESOTA POWER:				1,620.18		
NORTHLAND FROZEN PIZZA INC						
03/16/2026	156720	NORTHLAND FROZEN PIZZA INC	PIZZA	124.85	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156720	NORTHLAND FROZEN PIZZA INC	PIZZA	163.50	609-49750-250	PICKLE-MERCH FOR RESALE
Total NORTHLAND FROZEN PIZZA INC:				288.35		
OXFORD STREET MERCHANTS						
03/16/2026	156721	OXFORD STREET MERCHANTS	PICKLE	.91	609-49750-330	PICKLE TRANSPORTATION
Total OXFORD STREET MERCHANTS:				.91		
PEOPLES SECURITY COMPANY INC						
03/16/2026	156723	PEOPLES SECURITY COMPANY INC	ANNUAL SERVICE - PICKLE	463.73	609-49750-433	PICKLE DUES & SUBSCRIPTIONS
Total PEOPLES SECURITY COMPANY INC:				463.73		
PHILLIPS WINE & SPIRITS						
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	869.25	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	11.18	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	213.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	2.75	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	456.50	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	9.14	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	83.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	1.00	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	323.80	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	6.97	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	112.55	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	PICKLE	3.20	609-49750-330	PICKLE TRANSPORTATION
Total PHILLIPS WINE & SPIRITS:				2,092.34		
R & J BRAODCASTING, INC.						
03/16/2026	156725	R & J BRAODCASTING, INC.	PL PLAYOFFS	225.00	609-49750-340	PICKLE ADVERTISING
Total R & J BRAODCASTING, INC.:				225.00		

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SOUTHERN GLAZER'S WINE AND SPI, LLC						
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	611.94	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	15.45	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	402.90	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	11.25	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	574.49	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	6.60	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	684.57	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	9.00	609-49750-330	PICKLE TRANSPORTATION
Total SOUTHERN GLAZER'S WINE AND SPI, LLC:				2,316.20		
SYSCO WESTERN MINNESOTA, INC						
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	POULTRY	239.51	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	FROZEN	511.24	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	CANNED & DRY	271.07	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	SHIPPING	6.50	609-49750-330	PICKLE TRANSPORTATION
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	DAIRY	17.85	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	SEAFOOD	188.94	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	POULTRY	199.88	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	FROZEN	220.14	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	CANNED & DRY	202.03	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	PAPER SUPPLIES	309.35	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	SUPPLY & EQUIPMENT	32.16	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156730	SYSCO WESTERN MINNESOTA, INC	SHIPPING	6.58	609-49750-330	PICKLE TRANSPORTATION
Total SYSCO WESTERN MINNESOTA, INC:				2,205.25		
VIKING COCA COLA BOTTLING CO.						
03/16/2026	156739	VIKING COCA COLA BOTTLING CO.	PICKLE POP	87.00	609-49750-250	PICKLE-MERCH FOR RESALE
03/16/2026	156739	VIKING COCA COLA BOTTLING CO.	PICKLE IN HOUSE USE	293.25	609-49750-210	PICKLE OPERATING SUPPLIES
03/16/2026	156739	VIKING COCA COLA BOTTLING CO.	PICKLE POP	14.00-	609-49750-250	PICKLE-MERCH FOR RESALE
Total VIKING COCA COLA BOTTLING CO.:				366.25		
WASTE PARTNERS INC						
03/16/2026	156742	WASTE PARTNERS INC	GARBAGE - PICKLE	324.72	609-49750-210	PICKLE OPERATING SUPPLIES
Total WASTE PARTNERS INC:				324.72		

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XCEL ENERGY						
03/16/2026	156745	XCEL ENERGY	PICKLE FACTORY	611.24	609-49750-380	PICKLE UTILITY SERVICES
Total XCEL ENERGY:				611.24		
Total MUNICIPAL LIQUOR STORE:				40,960.71		

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PARK & RECREATION						
BRAINERD LAKES AREA CHAMBER OF COMMERCE						
03/16/2026	156680	BRAINERD LAKES AREA CHAMBER OF COM	ANNUAL MEMBERSHIP - FONLP	250.00	250-45140-433	PARK DUES & SUBSCRIPTIONS
Total BRAINERD LAKES AREA CHAMBER OF COMMERCE:				250.00		
LEAGUE OF MN CITIES INSURANCE TRUST						
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP PARKS	6,054.90	250-45140-150	PARK WORKER'S COMPENSATION
Total LEAGUE OF MN CITIES INSURANCE TRUST:				6,054.90		
MADISON NATIONAL LIFE INSURANCE CO INC						
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD PARK	82.94	250-45140-130	PARK EMPLOYER PAID INSURANCE
Total MADISON NATIONAL LIFE INSURANCE CO INC:				82.94		
MINNESOTA POWER						
03/16/2026	156714	MINNESOTA POWER	HOCKEY RINK	12.14	250-45140-380	PARK UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	HOCKEY WARMING HOUSE	396.54	250-45140-380	PARK UTILITY SERVICES
Total MINNESOTA POWER:				408.68		
NISSWA CHAMBER OF COMMERCE						
03/16/2026	156719	NISSWA CHAMBER OF COMMERCE	FONLP MEMBERSHIP 2026	130.00	250-45140-433	PARK DUES & SUBSCRIPTIONS
Total NISSWA CHAMBER OF COMMERCE:				130.00		
TAFT STETTINIUS & HOLLISTER LLP						
03/16/2026	156731	TAFT STETTINIUS & HOLLISTER LLP	LOST SERVICES	1,850.00	250-45140-300	PARK PROFESSIONAL SERVICES
Total TAFT STETTINIUS & HOLLISTER LLP:				1,850.00		
WIDSETH SMITH NOLTING AND ASSOCIATES INC						
03/16/2026	156743	WIDSETH SMITH NOLTING AND ASSOCIATE	DNR GRANT	8,215.25	250-45140-300	PARK PROFESSIONAL SERVICES
Total WIDSETH SMITH NOLTING AND ASSOCIATES INC:				8,215.25		
XCEL ENERGY						
03/16/2026	156745	XCEL ENERGY	WARMING HOUSE	289.26	250-45140-380	PARK UTILITY SERVICES

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Total XCEL ENERGY:				289.26		
Total PARK & RECREATION:				17,281.03		

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SEWAGE COLLECTION AND DISPOSAL						
BOLTON & MENK INC						
03/16/2026	156679	BOLTON & MENK INC	LIFT STATION #1 IMPROVEMENTS	6,646.97	602-49450-300	WW PROFESSIONAL SERVICES
Total BOLTON & MENK INC:				6,646.97		
CROW WING COOPERATIVE POWER & LIGHT CO						
03/16/2026	156688	CROW WING COOPERATIVE POWER & LIGH	UTILITY-PINE TRAIL LIFT PUMP	70.72	602-49450-380	WW UTILITY SERVICES
Total CROW WING COOPERATIVE POWER & LIGHT CO:				70.72		
GAMMELLO - PEARSON, PLLC						
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	LIFT STATION #1	36.00	602-49450-300	WW PROFESSIONAL SERVICES
Total GAMMELLO - PEARSON, PLLC:				36.00		
LAKES PRINTING INC OF BRAINERD						
03/16/2026	156706	LAKES PRINTING INC OF BRAINERD	#9 WINDOW ENVELOPES - SEWER	227.10	602-49450-200	WW OFFICE SUPPLIES
Total LAKES PRINTING INC OF BRAINERD:				227.10		
LEAGUE OF MN CITIES INSURANCE TRUST						
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP SEWER	2,578.18	602-49450-150	WW WORKER'S COMPENSATION
Total LEAGUE OF MN CITIES INSURANCE TRUST:				2,578.18		
MADISON NATIONAL LIFE INSURANCE CO INC						
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD WW	74.01	602-49450-130	WW EMPLOYER PAID INSURANCE
Total MADISON NATIONAL LIFE INSURANCE CO INC:				74.01		
MINNESOTA POLLUTION CONTROL AGENCY						
03/16/2026	156713	MINNESOTA POLLUTION CONTROL AGENCY	ANNUAL PERMIT	1,450.00	602-49450-433	WW DUES & SUBSCRIPTIONS
Total MINNESOTA POLLUTION CONTROL AGENCY:				1,450.00		
MINNESOTA POWER						
03/16/2026	156714	MINNESOTA POWER	LIFT PUMP #2	47.27	602-49450-380	WW UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	LIFT PUMP #4	41.00	602-49450-380	WW UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	24757 CHARMIN	2,283.73	602-49450-380	WW UTILITY SERVICES

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03/16/2026	156714	MINNESOTA POWER	LIFT PUMP #5	31.31	602-49450-380	WW UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	LIFT PUMP #1	258.54	602-49450-380	WW UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	INTERLACHEN LIFT PUMP	32.09	602-49450-380	WW UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	PINES LIFT PUMP	47.99	602-49450-380	WW UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	CROSSROADS LIFT PUMP	28.31	602-49450-380	WW UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	LIFT PUMP #6	33.69	602-49450-380	WW UTILITY SERVICES
03/16/2026	156714	MINNESOTA POWER	LIFT PUMP #3	413.07	602-49450-380	WW UTILITY SERVICES
Total MINNESOTA POWER:				3,217.00		
SCHAEFERS FOODS						
03/16/2026	156726	SCHAEFERS FOODS	SAFETY MEETING	35.13	602-49450-218	WW SAFETY GEAR
Total SCHAEFERS FOODS:				35.13		
XCEL ENERGY						
03/16/2026	156745	XCEL ENERGY	WASTEWATER OFFICE	152.32	602-49450-380	WW UTILITY SERVICES
03/16/2026	156745	XCEL ENERGY	LIFT STATION 3	36.38	602-49450-380	WW UTILITY SERVICES
03/16/2026	156745	XCEL ENERGY	WW BLOWER BUILDING	238.69	602-49450-380	WW UTILITY SERVICES
Total XCEL ENERGY:				427.39		
Total SEWAGE COLLECTION AND DISPOSAL:				14,762.50		

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SPIRITS OF NISSWA						
ARTISAN BEER COMPANY						
03/16/2026	156675	ARTISAN BEER COMPANY	SPIRITS	253.70	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156675	ARTISAN BEER COMPANY	SPIRITS	24.60	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156675	ARTISAN BEER COMPANY	SPIRITS	1,094.53	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156675	ARTISAN BEER COMPANY	SPIRITS	837.80	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156675	ARTISAN BEER COMPANY	SPIRITS	409.56	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156675	ARTISAN BEER COMPANY	SPIRITS	219.35	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156675	ARTISAN BEER COMPANY	SPIRITS	60.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total ARTISAN BEER COMPANY:				2,899.54		
BELLBOY CORPORATION						
03/16/2026	156676	BELLBOY CORPORATION	SPIRITS	934.08	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156676	BELLBOY CORPORATION	SPIRITS	784.73	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156676	BELLBOY CORPORATION	SPIRITS	372.98	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156676	BELLBOY CORPORATION	SPIRITS	6.00	610-49750-330	SPIRITS TRANSPORTATION
Total BELLBOY CORPORATION:				2,097.79		
BERNICKS						
03/16/2026	156677	BERNICKS	SPIRITS	132.92	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	4,261.30	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	58.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	34.80-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	30.79	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	280.30	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	18.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	260.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	45.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	881.40	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	99.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	254.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156677	BERNICKS	SPIRITS	30.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total BERNICKS:				6,316.91		
BIG AXE BREWING COMPANY LLC						
03/16/2026	156678	BIG AXE BREWING COMPANY LLC	SPIRITS	152.82	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156678	BIG AXE BREWING COMPANY LLC	SPIRITS	329.76	610-49750-250	SPIRITS MERCHANDISE FOR RESALE

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03/16/2026	156678	BIG AXE BREWING COMPANY LLC	SPIRITS	257.73	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156678	BIG AXE BREWING COMPANY LLC	SPIRITS	65.94	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total BIG AXE BREWING COMPANY LLC:				806.25		
BREAKTHRU BEVERAGE MN WINE & SPIRITS						
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	24.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	1.15-	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	3,210.25	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	28.46	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	1,116.66	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	12.94	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	559.90	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	4.72	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156681	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	142.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total BREAKTHRU BEVERAGE MN WINE & SPIRITS:				5,050.28		
C & L DISTRIBUTING						
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	317.80-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	.08-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	435.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	3,986.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	5.00	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	891.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	5.00	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	17.23-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	3.40	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	3,411.37	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	5.00	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	2,449.20	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156682	C & L DISTRIBUTING	SPIRITS	5.00	610-49750-330	SPIRITS TRANSPORTATION
Total C & L DISTRIBUTING:				10,860.86		
D & D BEVERAGE LLC						
03/16/2026	156746	D & D BEVERAGE LLC	SPIRITS	235.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	SPIRITS	4,453.07	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	SPIRITS	1,208.90	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	SPIRITS	529.11-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
03/16/2026	156746	D & D BEVERAGE LLC	SPIRITS	4,611.10	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	SPIRITS	47.10-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	SPIRITS	44.86-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156746	D & D BEVERAGE LLC	SPIRITS	1,434.35	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total D & D BEVERAGE LLC:				11,321.35		
DACOTAH PAPER CO						
03/16/2026	156690	DACOTAH PAPER CO	SPIRITS SUPPLIES	39.11	610-49750-210	SPIRITS OPERATING SUPPLIES
Total DACOTAH PAPER CO:				39.11		
FLORA DELANEY						
03/16/2026	156696	FLORA DELANEY	SPIRITS/PICKLE EVALUATION	5,625.00	610-49750-300	SPIRITS PROFESSIONAL SERVICES
Total FLORA DELANEY:				5,625.00		
FORESTEDGE WINERY						
03/16/2026	156697	FORESTEDGE WINERY	SPIRITS	138.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total FORESTEDGE WINERY:				138.00		
GAMMELLO - PEARSON, PLLC						
03/16/2026	156698	GAMMELLO - PEARSON, PLLC	SPIRITS EXPANSIO	489.75	610-49750-300	SPIRITS PROFESSIONAL SERVICES
Total GAMMELLO - PEARSON, PLLC:				489.75		
GRANITE CITY JOBBING CO INC						
03/16/2026	156699	GRANITE CITY JOBBING CO INC	CIGS SPIRITS	494.40	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	TOBACCO/CIGARS SPIRITS	219.16	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	CONFECTIONS SPIRITS	17.94	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	VTM MERCHANDISE - SPIRIT	83.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES SPIRITS	132.03	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156699	GRANITE CITY JOBBING CO INC	GM HBC SPIRITS	61.81	610-49750-210	SPIRITS OPERATING SUPPLIES
03/16/2026	156699	GRANITE CITY JOBBING CO INC	SHIPPING SPIRITS	10.00	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156699	GRANITE CITY JOBBING CO INC	SHIPPING SPIRITS	10.00	610-49750-330	SPIRITS TRANSPORTATION
Total GRANITE CITY JOBBING CO INC:				1,028.34		

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
JOHNSON BROTHERS LIQUOR COMPANY INC						
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	3,230.55	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	60.13	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	159.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	6.60	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	276.06-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2.20-	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	24.80-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	3.33-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	4.11-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	494.05	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	4.40	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	176.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	4.40	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2,319.70	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	20.35	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	714.44	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	17.60	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	4,827.84	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	52.80	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	8,677.28	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	194.36	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	1,273.60	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156703	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	33.37	610-49750-330	SPIRITS TRANSPORTATION
Total JOHNSON BROTHERS LIQUOR COMPANY INC:				21,955.97		
LEAGUE OF MN CITIES INSURANCE TRUST						
03/16/2026	156708	LEAGUE OF MN CITIES INSURANCE TRUST	WORK COMP SPIRITS	5,980.23	610-49750-150	SPIRITS WORKER'S COMPENSATION
Total LEAGUE OF MN CITIES INSURANCE TRUST:				5,980.23		
MADISON NATIONAL LIFE INSURANCE CO INC						
03/16/2026	156710	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD SPIRITS STAFF	126.28	610-49752-130	SPIRITS EMPLOYER PAID INSURANC
Total MADISON NATIONAL LIFE INSURANCE CO INC:				126.28		
MINNESOTA POWER						
03/16/2026	156714	MINNESOTA POWER	23962 SMILEY LIQUOR STORE	1,762.92	610-49750-380	SPIRITS UTILITY SERVICES

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
Total MINNESOTA POWER:				1,762.92		
OXFORD STREET MERCHANTS						
03/16/2026	156721	OXFORD STREET MERCHANTS	SPIRITS	99.96	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156747	OXFORD STREET MERCHANTS	SPIRITS	812.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156747	OXFORD STREET MERCHANTS	SPIRITS	5.50	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156747	OXFORD STREET MERCHANTS	SPIRITS	504.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156747	OXFORD STREET MERCHANTS	SPIRITS	8.80	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156747	OXFORD STREET MERCHANTS	SPIRITS	715.84	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156747	OXFORD STREET MERCHANTS	SPIRITS	10.45	610-49750-330	SPIRITS TRANSPORTATION
Total OXFORD STREET MERCHANTS:				2,156.55		
PAUSTIS WINE COMPANY						
03/16/2026	156722	PAUSTIS WINE COMPANY	SPIRITS	884.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156722	PAUSTIS WINE COMPANY	SPIRITS	19.25	610-49750-330	SPIRITS TRANSPORTATION
Total PAUSTIS WINE COMPANY:				903.25		
PHILLIPS WINE & SPIRITS						
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	172.16	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	4.40	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	292.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	13.20	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	252.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	6.60	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	410.53	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	8.94	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	1,546.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	99.00	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	449.95	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	13.20	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	40.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	46.20	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156724	PHILLIPS WINE & SPIRITS	SPIRITS	11.00	610-49750-330	SPIRITS TRANSPORTATION
Total PHILLIPS WINE & SPIRITS:				3,367.88		

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
SCHAEFERS FOODS						
03/16/2026	156726	SCHAEFERS FOODS	LIMES LEMONS SPIRITS	40.18	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156726	SCHAEFERS FOODS	KLEENEX	8.36	610-49750-220	SPIRITS REPAIR & MAINT. SUPPLY
Total SCHAEFERS FOODS:				48.54		
SCHAEFERS OF NISSWA LIMITED						
03/19/2026	156748	SCHAEFERS OF NISSWA LIMITED	2022 RENT	8,923.40	610-49750-410	SPIRITS RENTALS
Total SCHAEFERS OF NISSWA LIMITED:				8,923.40		
SOUTHERN GLAZER'S WINE AND SPI, LLC						
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	171.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2.10	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	119.68	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	3.60	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	4,013.83	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	59.10	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	7,610.73	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	107.10	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	5,368.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	77.40	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	172.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2.25	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	172.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2.25	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2,648.19	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	21.60	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	96.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2.25	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	96.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2.25	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	1.80	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	287.52	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	7.95	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	269.96	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	1.80	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	125.99	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	.60	610-49750-330	SPIRITS TRANSPORTATION
03/16/2026	156729	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	12.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
Total SOUTHERN GLAZER'S WINE AND SPI, LLC:				21,430.95		
TAPES PLUS ADVERTISING						
03/16/2026	156732	TAPES PLUS ADVERTISING	RECEIPT ADS	240.00	610-49750-340	SPIRITS ADVERTISING
Total TAPES PLUS ADVERTISING:				240.00		
THE WINE COMPANY						
03/16/2026	156735	THE WINE COMPANY	SPIRITS	529.01	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156735	THE WINE COMPANY	SPIRITS	27.15	610-49750-330	SPIRITS TRANSPORTATION
Total THE WINE COMPANY:				556.16		
VESTIS GROUP, INC						
03/16/2026	156738	VESTIS GROUP, INC	MATS/MOP SPIRITS	59.01	610-49750-400	SPIRITS R & M CONTRACTUAL
Total VESTIS GROUP, INC:				59.01		
VIKING COCA COLA BOTTLING CO.						
03/16/2026	156739	VIKING COCA COLA BOTTLING CO.	SPIRITS POP	257.55	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total VIKING COCA COLA BOTTLING CO.:				257.55		
VINOCOPIA INC						
03/16/2026	156740	VINOCOPIA INC	SPIRITS	1,422.57	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156740	VINOCOPIA INC	SPIRITS	20.00	610-49750-330	SPIRITS TRANSPORTATION
Total VINOCOPIA INC:				1,442.57		
WASTE PARTNERS INC						
03/16/2026	156742	WASTE PARTNERS INC	GARBAGE - SPIRITS	211.42	610-49750-210	SPIRITS OPERATING SUPPLIES
Total WASTE PARTNERS INC:				211.42		
WINEBOW INC						
03/16/2026	156744	WINEBOW INC	SPIRITS	1,342.92	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
03/16/2026	156744	WINEBOW INC	SPIRITS	14.00	610-49750-330	SPIRITS TRANSPORTATION

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
Total WINEBOW INC:				1,356.92		
XCEL ENERGY						
03/16/2026	156745	XCEL ENERGY	SPIRITS OF NISSWA	272.70	610-49750-380	SPIRITS UTILITY SERVICES
Total XCEL ENERGY:				272.70		
Total SPIRITS OF NISSWA:				117,725.48		
Grand Totals:				327,572.75		

Dated: _____

Mayor: _____

City Council: _____

_____

CITY OF NISSWA
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION NO. 26-__

RESOLUTION ACCEPTING DONATIONS

WHEREAS, The City of Nisswa is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

WHEREAS, The following persons and entities have offered to contribute the cash or property set forth below to the city:

Name of Donor
Faeth Harms

Amount/Property
$200.00 for a donation to the Police Department

WHEREAS, All such donations have been contributed to assist the city in the establishment and operation of recreational facilities and programs either alone or in cooperation with others, as allowed by law; and

WHEREAS, The City Council finds that it is appropriate to accept the donations offered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NISSWA, MINNESOTA, AS FOLLOWS:

1. The donations described above are accepted and shall be used to establish and operate City facilities and programs either alone or in cooperation with others, as allowed by law.

2. The appropriate city department head is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donation received.

Adopted by the City Council of the City of Nisswa on April 21, 2026.

Attest: Approved:

_____ _____
Maggi Wentler, Interim City Administrator Jennifer Carnahn, Mayor

CITY OF NISSWA

SPECIAL EVENTS PERMIT APPLICATION

INSTRUCTIONS: Fill out this form completely, sign it and include all required attachments. If additional space is needed, attach additional sheets. Submit to the City Clerk, 5442 City Hall Street, Nisswa, MN 56468 or kiki@ci.nisswa.mn.us at least 60 days prior to the date of the event along with $50 fireworks permit fee (if applicable). You will be notified by email once the application is approved.

1. Name, purpose and description of event: Mommy+Me Pilates at the Park. Purpose is to support moms through every stage of motherhood through connected movement, core strength and community building with their little ones. The event will focus on check in at 10, pilates from 10:30-11:30 and lunch/playtime from 11:30-12.

Location address: 5380 Merril Ave Nisswa MN 56468

****Please attach route map if for a parade, race, bicycle time trials, or other such event**** Date(s): 6/13/2026

Event Starting Time: 10:30 Event Ending Time: 12:00

Set-up Start Date and Time: 6/13/2025 9:30 AM

Dismantle by Date and Time: 6/13/2026 12:30 PM

Anticipated Number of Participants and/or Spectators: Expected around 30 guests/participants

If there is a fee or donation required as a condition of attendance, please describe: $20?

2. Application Information:

Name: Jami Nelson

Title: Just Juice Owner

Address: 5380 Merril Ave, Nisswa, MN 56468

Phone: 218-839-7383

Cell:

E-Mail: justjuicemn@gmail.com

Affiliation/Organization: Just Juice

Are you an authorized applicant for this organization? Yes No

Will this person have authority to cancel or modify event plans? Yes No

Will this person be present at the event and in charge of the event at all times? No

If no, provide contact information for the person who will be the responsible party on the day of this event:

Name: Title: Cynthia Schoenfelder Pilates Instructor

Address: Phone:

Cell: E-Mail: 1-702-377-1770

3. Entertainment:
Describe entertainment plans. If there will be music, sound amplification or any other noise impact, please describe including the intended hours. There will be music played for the workout but not amplified.

4. Sanitation/Drinking Water:
Describe the toilet and handwashing facilities present on the site (type, number and location) as well as temporary/portable facilities to be provided. Describe the source of drinking water.
Park Public Bathrooms. Drinking fountains.

5. Parking and Traffic Control:
Describe the location and number of parking spaces available. Describe arrangements that have been made for traffic control.
City parking 50-100 spots available.

6. Emergency/Medical Services:
Describe measures that will be taken to ensure emergency vehicle access (police, fire, ambulance) to the event area. Everyone will park in designated parking spots, not blocking any entry ways.

7. Security/Crowd Management:
Describe your proposed procedures and staffing for the event operations and crowd control. We will only have 30 guests at this event. We will have a check in table.

8. Trash/Recycling Event Clean-Up:
Describe the number, type and location of trash/recycling containers to be provided. What provisions have been made for clean-up of the site and surrounding area after the event?
1 trash 1 recycling.

Name of trash/recycling hauler:

9. Noise:

Describe expected type, duration and timing of any noise sources. Describe measures to be taken to ensure compliance with city noise ordinance.

10. Fireworks or Pyrotechnics:
Will any fireworks or pyrotechnics be used at the event? Yes No If yes, describe in detail.

Fire Department approval will be required. **Additional Fee applies.**

11. Food and Beverages:
Will alcoholic beverages be served? Yes No

If yes, describe the type of beverages and the status of the temporary liquor license (must be approved by both the City and the State - Department of Public Safety).

Will food and/or non-alcoholic beverages be served? Yes No

If yes, describe what will be served and any plans for cooking food in the event area, including fuel source to be used.

Food from Just Juice will be served. Boxed lunches. No cooking.

CITY OF NISSWA
SPECIAL EVENT PERMIT APPLICATION
FOR OFFICE USE ONLY

Name of Event:

Date of Event:

Comments and/or Conditions:

Approved by: Dated: City Clerk

~~Police Chief Fire Chief~ (if applicable) Public Works Director

12. Other Concessions:
Describe what vendors or concessionaires you will allow at the event and how you intend to regulate and monitor their activities. NONE

13. Insurance Requirements:
A certificate of insurance must be filed with the city prior to issuance of the Special Events Permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Special Event.

Insurance coverage must be a commercial general liability policy with coverage limits as outlined below. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must also include an endorsement for liquor liability. The city may require additional endorsements depending upon the type of Special Event and the proposed activities.

Liquor Liability	$1,000,000 per occurrence
Comprehensive Liability	$1,000,000 property damage per occurrence $2,000,000 general aggregate $2,000,000 Products – Completed Operations Aggregate $100,000 fire legal liability each occurrence $5,000 medical expenses

I hereby affirm that the statements contained herein are true and correct to the best of my knowledge. I am duly authorized to make such agreements on behalf of the persons or organization sponsoring this Special Event. I agree to pay all fees and meet all other requirements as outlined in the City of Nisswa City Code.

APPLICANT SIGNATURE DATE 3/20/25

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/30/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATIONIS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER ATLAS INSURANCE BROKERS LLC 41715191 5721 BANDEL RD NW ROCHESTER MN 55901	CONTACT NAME: PHONE (A/C, No, Ext): (507) 252-8720 FAX (A/C, No): (651) 304-1511 E-MAIL ADDRESS:
INSURED JUST JUICE, LLC 28478 MAYO HILLS RD PEQUOT LAKES MN 56472-2843	INSURER(S) AFFORDING COVERAGE — NAIC# INSURER A : Hartford Underwriters Insurance Company — 30104 INSURER B : Hartford Accident and Indemnity Company — 22357 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR [X] General Liability GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:	X		41 SBA AV7WN0	02/01/2026	02/01/2027	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$1,000,000 $1,000,000 $10,000 $1,000,000 $2,000,000 $2,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	
	UMBRELLA LIAB EXCESS LIAB OCCUR CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		41 WEC BS0T90	05/12/2025	05/12/2026	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE -EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $500,000 $500,000 $500,000
A	Data Breach - Defense & Liab Covg			41 SBA AV7WN0	02/01/2026	02/01/2027	Limit	$50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations. Certificate holder is an additional insured per the Business Liability Coverage Form SL3032 attached to this policy.

CERTIFICATE HOLDER

City of Nisswa
5442 CITY HALL ST
NISSWA MN 56468

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan L. Castaneda

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CITY OF NISSWA

CITY STREET USE PERMIT APPLICATION

INSTRUCTIONS: Fill out this form completely, sign it and include all required attachments – Certificate of Insurance, and Event/Street Use diagram. If additional space is needed, attach additional sheets. Use of a city street is limited to 10 days per calendar year per property address or business. Submit to the City Clerk, 5442 City Hall Street, Nisswa, MN 56468 or maggi@cityofnisswa.gov at least 30 business days prior to the date of the event along with the **$25 permit fee.** You will be notified by email once the application is approved.

1. Describe purpose or event and how the City Street will be used:

8th Annual Cruisin Night at A+W Nisswa
classic car, bike, trucks
as well as modern!

Location address: A+W 5446 Lakers Lane Nisswa MN 56468

Date(s): July 11th 2026 Saturday

Event Starting Time: 5pm Event Ending Time: 9pm

Set-up Start Date and Time: Road closure of Lakers Lane starting at 2pm

Dismantle by Date and Time: 9pm same evening

Anticipated Number of Participants and/or Spectators: 5k, 200-300 cars

If there is a fee or donation required as a condition of attendance, please describe:

zero, free.

We need the road closure earlier than the event to get all parked cars out of the area to have space for all the cars. Last show was just under 200, some driving from outside of MN!!! (11)

2. Application Information:

Name: Emma Krueger Title: owner

Address: PO Box 939 Nisswa MN 56468 Phone: 218-838-2370

Cell: 218-838-2370 E-Mail: emjolene@gmail.com

Business Name: A&W Nisswa

Are you the property owner? Yes _____ No ✓

Are you an authorized applicant for this business? Yes ✓ No _____

Will this person have authority to cancel or modify event plans? Yes ✓ No _____

Will this person be present at the event and in charge of the event at all times? Yes ✓

If no, provide contact information for the person who will be the responsible party:

Name: _____ Title: _____

Address: _____ Phone: _____

Cell: _____ E-Mail: _____

3. Entertainment:

Describe entertainment plans. If there will be music, sound amplification or any other noise impact, please describe including the intended hours.

Live Music for the same time as car show. Jazz Band.

4. Sanitation/Drinking Water:

Describe the toilet and handwashing facilities present on the site (type, number and location) as well as temporary/portable facilities to be provided. Describe the source of drinking water.

all within as well as public restrooms.

5. Parking and Traffic Control:
Describe the location and number of parking spaces available or being utilized. Describe arrangements that have been made for traffic control.

all within for car owners in show. hence street closure. all within downtown for spectators.

6. Emergency/Medical Services:
Describe measures that will be taken to ensure emergency vehicle access (police, fire, ambulance) to the event area.

TOP priority, clear routes around town.

7. Security/Crowd Management:
Describe your proposed procedures and staffing for the event operations and crowd control.

20-30 staff on event.

We will need the city temp barricades for street closure, !!! please...

8. Trash/Recycling Event Clean-Up:
Describe the number, type and location of trash/recycling containers to be provided. What provisions have been made for clean-up of the site and surrounding area after the event?

all within, I'll clean street.

Name of trash/recycling hauler: Waste Partners

9. Noise:
Describe expected type, duration and timing of any noise sources. Describe measures to be taken to ensure compliance with city noise ordinance.

Car engines, live music
3-9pm

10. Food and Beverages:
Will alcoholic beverages be served? Yes ~~NO!~~ ____ No ✓

If yes, describe the type of beverages and the status of the temporary liquor license (must be approved by both the City and the State - Department of Public Safety).

Will food and/or non-alcoholic beverages be served? Yes ✓ No ____

If yes, describe what will be served and any plans for cooking food in the event area, including fuel source to be used.

all within A+W

11. Other Information:
Describe any other information that is relevant and how you intend to regulate and monitor these items.

8th Annual,
I run an incredible
show. Please attend.

12. Adjacent Property Owner Acknowledgement:
The City will inform all immediately adjacent property owners of this request upon approval. Provide contact information for each immediately adjacent property owner (name and email):

Bob Johnson, Journey Church
first western, Brandon Hedlund
Wellness team, Katie Huser
↳ All 100% support. ♥

13. Diagram of City Street to be used:
Applicant must attach a basic diagram outlining the City Street area to be used.

14. Insurance Requirements:
A certificate of insurance must be filed with the city prior to issuance of the City Street Use Permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds in the description section. Insurance coverage must be maintained for the duration of the City Street Use.

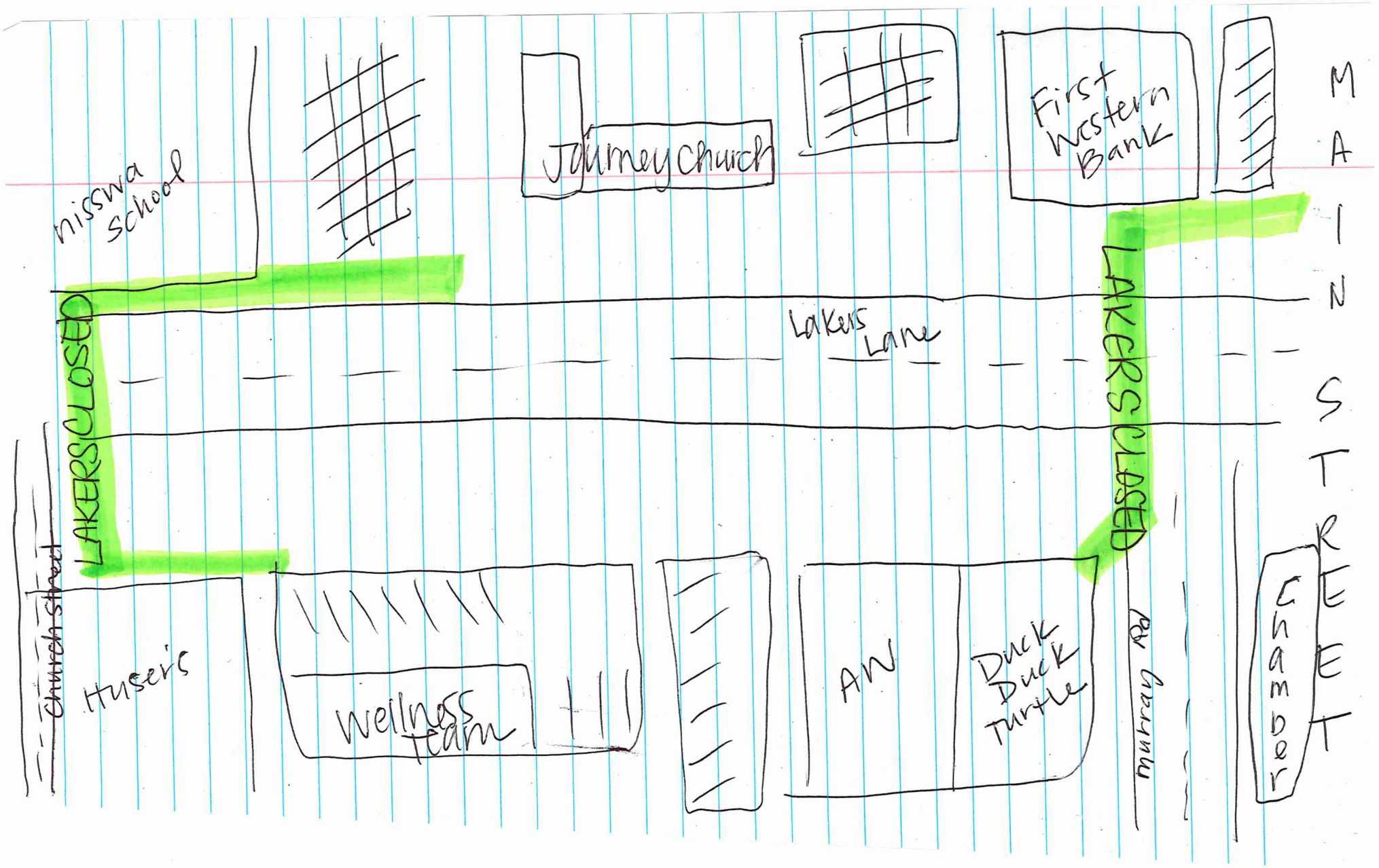
Insurance coverage must be a commercial general liability policy with coverage limits as outlined below. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must also include an endorsement for liquor liability. The city may require additional endorsements depending upon the type of Special Event and the proposed activities.

Liquor Liability	$1,000,000 per occurrence
Comprehensive Liability	$1,000,000 property damage per occurrence $2,000,000 general aggregate $2,000,000 Products – Completed Operations Aggregate $100,000 fire legal liability each occurrence $5,000 medical expenses

I hereby affirm that the statements contained herein are true and correct to the best of my knowledge. I am duly authorized to make such agreements on behalf of the persons or organization sponsoring this request for City Street Use. I agree to pay all fees and meet all other requirements as outlined in the City of Nisswa City Code. I also agree that the City may terminate this application at any time and I will remove all personal property within 24 hours of receiving notice from the City.

Emma J Osmaja — 4/1/24

APPLICANT SIGNATURE — DATE


MAIN STREET
nissiwa school
Journey church
First Western Bank
LAKERS CLOSED
Lakers Lane
LAKERS CLOSED
Church street
Huseis
wellness team
AW
Duck Duck Turtle
Murray Rd
Chamber

CITY OF NISSWA
CITY STREET USE PERMIT APPLICATION
FOR OFFICE USE ONLY

Name of Event: _____

Date of Event: _____

Comments and/or Conditions:

_____

_____

_____

_____

_____

_____

_____

Approved by: **Dated:** _____

_____
City Clerk

_____ _____
Police Chief Fire Chief (if applicable)

_____
Public Works Director

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 04/01/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATIONIS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
FIRST NATIONAL BANK INS SRVCS 41715505 PO BOX 180 PEQUOT LAKES MN 56472	PHONE (A/C, No, Ext): (218) 568-5800	FAX (A/C, No): (218) 568-6419
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC#
	INSURER A : Hartford Underwriters Insurance Company	30104
INSURED	INSURER B :	
EMMA KRUEGER DBA NISSWA A&W PO BOX 539 NISSWA MN 56468-0539	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] General Liability GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC OTHER:			41 SBA AF6Z72	05/01/2025	05/01/2026	EACH OCCURRENCE	$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$1,000,000
							MED EXP (Any one person)	$5,000
							PERSONAL & ADV INJURY	$1,000,000
							GENERAL AGGREGATE	$2,000,000
							PRODUCTS - COMP/OP AGG	$2,000,000
A	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [X] HIRED AUTOS [X] NON-OWNED AUTOS			41 SBA AF6Z72	05/01/2025	05/01/2026	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	
							AGGREGATE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/ A					[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	
							E.L. DISEASE -EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	
A	Data Breach - Defense & Liab Covg			41 SBA AF6Z72	05/01/2025	05/01/2026	Limit	$50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations.

CERTIFICATE HOLDER

For Informational Purposes
PO BOX 539
NISSWA MN 56468-0539

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan L. Castaneda

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City of Nisswa

CITY OF NISSWA

SPECIAL EVENTS PERMIT APPLICATION

INSTRUCTIONS: Fill out this form completely, sign it and include all required attachments. If additional space is needed, attach additional sheets. Submit to the City Clerk, 5442 City Hall Street, Nisswa, MN 56468 or kiki@ci.nisswa.mn.us at least 60 days prior to the date of the event along with $50 fireworks permit fee (if applicable). You will be notified by email once the application is approved.

1. Name, purpose and description of event:

100th Anniversary Party of A+W Nisswa
Live Radio Broadcast, Specials, Celebration
of A+W & more

Location address: 5446 Lakers Ln Nisswa MN 56468

****Please attach route map if for a parade, race, bicycle time trials, or other such event****

Date(s): 6/6/26

Event Starting Time: 11am Event Ending Time: 3pm

Set-up Start Date and Time: 10am to 4pm 6/6/26

Dismantle by Date and Time: 6/6/26 8pm

Anticipated Number of Participants and/or Spectators: 2-3K

If there is a fee or donation required as a condition of attendance, please describe:

no

2. Application Information:

Name: Emma Krueger Title: owner

Address: PO BOX 939 Nisswa MN 56468 Phone: 218-838-2370

Cell: 218-838-2370 E-Mail: emjolene@gmail.com

Affiliation/Organization: A+W Nisswa

Are you an authorized applicant for this organization? Yes ✓ No ____

Will this person have authority to cancel or modify event plans? Yes ✓ No ____

Will this person be present at the event and in charge of the event at all times? Yes ✓ No ____

If no, provide contact information for the person who will be the responsible party on the day of this event:

Name: ____ Title: ____

Address: ____ Phone: ____

Cell: ____ E-Mail: ____

3. Entertainment:

Describe entertainment plans. If there will be music, sound amplification or any other noise impact, please describe including the intended hours.

Radio Broadcast in partner w/ RJ Broadcasting / Lakes Jam

4. Sanitation/Drinking Water:

Describe the toilet and handwashing facilities present on the site (type, number and location) as well as temporary/portable facilities to be provided. Describe the source of drinking water.

all in store

5. Parking and Traffic Control:
Describe the location and number of parking spaces available. Describe arrangements that have been made for traffic control.

12 private, all of Downtown
Church, school, bank

6. Emergency/Medical Services:
Describe measures that will be taken to ensure emergency vehicle access (police, fire, ambulance) to the event area.

100%

7. Security/Crowd Management:
Describe your proposed procedures and staffing for the event operations and crowd control.

15+ staff

8. Trash/Recycling Event Clean-Up:
Describe the number, type and location of trash/recycling containers to be provided. What provisions have been made for clean-up of the site and surrounding area after the event?

Waste Partners
Countless trash bins

Name of trash/recycling hauler: _____

9. Noise:
Describe expected type, duration and timing of any noise sources. Describe measures to be taken to ensure compliance with city noise ordinance.

Radio Broadcast

10. Fireworks or Pyrotechnics:
Will any fireworks or pyrotechnics be used at the event? Yes ____ No ✓

If yes, describe in detail. Fire Department approval will be required. **Additional Fee applies.**

11. Food and Beverages:
Will alcoholic beverages be served? Yes ____ No ✓

If yes, describe the type of beverages and the status of the temporary liquor license (must be approved by both the City and the State - Department of Public Safety).

Will food and/or non-alcoholic beverages be served? Yes ✓ No ____

If yes, describe what will be served and any plans for cooking food in the event area, including fuel source to be used.

all within 90W
Schaefers cupcakes.

12. Other Concessions:
Describe what vendors or concessionaires you will allow at the event and how you intend to regulate and monitor their activities.

none

13. Insurance Requirements:
A certificate of insurance must be filed with the city prior to issuance of the Special Events Permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Special Event.

Insurance coverage must be a commercial general liability policy with coverage limits as outlined below. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must also include an endorsement for liquor liability. The city may require additional endorsements depending upon the type of Special Event and the proposed activities.

Liquor Liability	$1,000,000 per occurrence
Comprehensive Liability	$1,000,000 property damage per occurrence $2,000,000 general aggregate $2,000,000 Products – Completed Operations Aggregate $100,000 fire legal liability each occurrence $5,000 medical expenses

I hereby affirm that the statements contained herein are true and correct to the best of my knowledge. I am duly authorized to make such agreements on behalf of the persons or organization sponsoring this Special Event. I agree to pay all fees and meet all other requirements as outlined in the City of Nisswa City Code.

Gwendolyn Ormen — APPLICANT SIGNATURE

4/1/26 — DATE

CITY OF NISSWA
SPECIAL EVENT PERMIT APPLICATION
FOR OFFICE USE ONLY

Name of Event: _____

Date of Event: _____

Comments and/or Conditions:

_____

_____

_____

_____

_____

_____

_____

Approved by: **Dated:** _____

_____
City Clerk

_____ _____
Police Chief Fire Chief (if applicable)

_____
Public Works Director

CITY OF NISSWA

SPECIAL EVENTS PERMIT APPLICATION

INSTRUCTIONS: Fill out this form completely, sign it and include all required attachments. If additional space is needed, attach additional sheets. Submit to the City Clerk, 5442 City Hall Street, Nisswa, MN 56468 or kiki@ci.nisswa.mn.us at least 60 days prior to the date of the event along with $50 fireworks permit fee (if applicable). You will be notified by email once the application is approved.

1. **Name, purpose and description of event:**

Freedom Days Ski's Exotics Petting Zoo at A+W Nisswa.

Location address: 5446 Lakers Lane Nisswa MN 56468

****Please attach route map if for a parade, race, bicycle time trials, or other such event****

Date(s): July 3rd 2026

Event Starting Time: All Day Event Ending Time: All Day

Set-up Start Date and Time: 7/2/2026 - night

Dismantle by Date and Time: 7/3/2026 - night

Anticipated Number of Participants and/or Spectators: 10,000 ?!!!

If there is a fee or donation required as a condition of attendance, please describe:

none

2. Application Information:

Name: Emma Krueger Title: owner

Address: PO Box 539 Nisswa MN 56468 Phone: 218-838-2370

Cell: 218-838-2370 E-Mail: emjolene@gmail.com

Affiliation/Organization: A & W Nisswa

Are you an authorized applicant for this organization? Yes ✓ No ____

Will this person have authority to cancel or modify event plans? Yes ✓ No ____

Will this person be present at the event and in charge of the event at all times? Yes ✓ No ____

If no, provide contact information for the person who will be the responsible party on the day of this event:

Name: ____ Title: ____

Address: ____ Phone: ____

Cell: ____ E-Mail: ____

3. Entertainment:

Describe entertainment plans. If there will be music, sound amplification or any other noise impact, please describe including the intended hours.

animal noises hahaha!

4. Sanitation/Drinking Water:

Describe the toilet and handwashing facilities present on the site (type, number and location) as well as temporary/portable facilities to be provided. Describe the source of drinking water.

all on site,
hand sanitizer

5. Parking and Traffic Control:
Describe the location and number of parking spaces available. Describe arrangements that have been made for traffic control.

It's a first come first serve Downtown on freedom Day.

6. Emergency/Medical Services:
Describe measures that will be taken to ensure emergency vehicle access (police, fire, ambulance) to the event area.

always. no street closure.

7. Security/Crowd Management:
Describe your proposed procedures and staffing for the event operations and crowd control.

20+ on staff that day.

8. Trash/Recycling Event Clean-Up:
Describe the number, type and location of trash/recycling containers to be provided. What provisions have been made for clean-up of the site and surrounding area after the event?

all on site

Name of trash/recycling hauler: Waste Partners

9. Noise:
Describe expected type, duration and timing of any noise sources. Describe measures to be taken to ensure compliance with city noise ordinance.

yes.

10. Fireworks or Pyrotechnics:
Will any fireworks or pyrotechnics be used at the event? Yes ____ No ✓

If yes, describe in detail. Fire Department approval will be required. **Additional Fee applies.**

11. Food and Beverages:
Will alcoholic beverages be served? Yes ____ No ✓

If yes, describe the type of beverages and the status of the temporary liquor license (must be approved by both the City and the State - Department of Public Safety).

Will food and/or non-alcoholic beverages be served? Yes ✓ No ____

If yes, describe what will be served and any plans for cooking food in the event area, including fuel source to be used.

A + W

12. Other Concessions:
Describe what vendors or concessionaires you will allow at the event and how you intend to regulate and monitor their activities.

none here

13. Insurance Requirements:
A certificate of insurance must be filed with the city prior to issuance of the Special Events Permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Special Event.

Insurance coverage must be a commercial general liability policy with coverage limits as outlined below. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must also include an endorsement for liquor liability. The city may require additional endorsements depending upon the type of Special Event and the proposed activities.

Liquor Liability	$1,000,000 per occurrence
Comprehensive Liability	$1,000,000 property damage per occurrence $2,000,000 general aggregate $2,000,000 Products – Completed Operations Aggregate $100,000 fire legal liability each occurrence $5,000 medical expenses

I hereby affirm that the statements contained herein are true and correct to the best of my knowledge. I am duly authorized to make such agreements on behalf of the persons or organization sponsoring this Special Event. I agree to pay all fees and meet all other requirements as outlined in the City of Nisswa City Code.

Anna J Omeyer
APPLICANT SIGNATURE

4/1/26
DATE

CITY OF NISSWA
SPECIAL EVENT PERMIT APPLICATION
FOR OFFICE USE ONLY

Name of Event: _____

Date of Event: _____

Comments and/or Conditions:

_____

_____

_____

_____

_____

_____

_____

Approved by: **Dated:** _____

_____
City Clerk

_____ _____
Police Chief Fire Chief (if applicable)

_____
Public Works Director

SPECIAL EVENTS PERMIT APPLICATION

INSTRUCTIONS: Fill out this form completely, sign it and include all required attachments. If additional space is needed, attach additional sheets. Submit to the City Clerk, 5442 City Hall Street, Nisswa, MN 56468 or kiki@ci.nisswa.mn.us at least 60 days prior to the date of the event along with $50 fireworks permit fee (if applicable). You will be notified by email once the application is approved.

1. Name, purpose and description of event:

The Nisswa Firecracker Run - 10k, 5k and Kidz Run

Location address: Nisswa Community Center

****Please attach route map if for a parade, race, bicycle time trials, or other such event****

Date(s): 7/4/2026

Event Starting Time: 8:00am Event Ending Time: 11:00am

Set-up Start Date and Time: 7/3/2026 - 8:00am

Dismantle by Date and Time: 7/4/2026 - 3:00pm

Anticipated Number of Participants and/or Spectators: estimated 1500

If there is a fee or donation required as a condition of attendance, please describe:

$25 - $47 Registration Fee (based on when signup occurs and run option chosen)

2. Application Information:

Name: David Janowiec Title: President

Address: PO BOX 598 Erie, CO 80516 Phone: 970-389-0310

Cell: 970-389-0310 E-Mail: david@recessfactory.com

Affiliation/Organization: The Recess Factory

Are you an authorized applicant for this organization? Yes X No ____

Will this person have authority to cancel or modify event plans? Yes X No ____

Will this person be present at the event and in charge of the event at all times? Yes X No ____

If no, provide contact information for the person who will be the responsible party on the day of this event: Secondary Contact

Name: Patrick Haddon Title: VP of Operations

Address: PO BOX 598 Erie, CO 80516 Phone: 301-807-9996

Cell: 301-807-9996 E-Mail: patrick@recessfactory.com

3. Entertainment:

Describe entertainment plans. If there will be music, sound amplification or any other noise impact, please describe including the intended hours.

see attached event plan for details

4. Sanitation/Drinking Water:

Describe the toilet and handwashing facilities present on the site (type, number and location) as well as temporary/portable facilities to be provided. Describe the source of drinking water.

see attached event plan for details

5. Parking and Traffic Control:
Describe the location and number of parking spaces available. Describe arrangements that have been made for traffic control.

see attached event plan for details

6. Emergency/Medical Services:
Describe measures that will be taken to ensure emergency vehicle access (police, fire, ambulance) to the event area.

see attached event plan for details

7. Security/Crowd Management:
Describe your proposed procedures and staffing for the event operations and crowd control.

see attached event plan for details

8. Trash/Recycling Event Clean-Up:
Describe the number, type and location of trash/recycling containers to be provided. What provisions have been made for clean-up of the site and surrounding area after the event?

see attached event plan for details

Name of trash/recycling hauler: _____

9. Noise:
Describe expected type, duration and timing of any noise sources. Describe measures to be taken to ensure compliance with city noise ordinance.

see attached event plan for details

10. Fireworks or Pyrotechnics:
Will any fireworks or pyrotechnics be used at the event? Yes X No ____

If yes, describe in detail. Fire Department approval will be required. **Additional Fee applies.**

1 small firecracker at start line of race

11. Food and Beverages:
Will alcoholic beverages be served? Yes X No ____

If yes, describe the type of beverages and the status of the temporary liquor license (must be approved by both the City and the State - Department of Public Safety).

See attached event plan for details

Will food and/or non-alcoholic beverages be served? Yes X No ____

If yes, describe what will be served and any plans for cooking food in the event area, including fuel source to be used.

see attached event plan for details

12. Other Concessions:
Describe what vendors or concessionaires you will allow at the event and how you intend to regulate and monitor their activities.

Not Applicable

13. Insurance Requirements:
A certificate of insurance must be filed with the city prior to issuance of the Special Events Permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Special Event.

Insurance coverage must be a commercial general liability policy with coverage limits as outlined below. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must also include an endorsement for liquor liability. The city may require additional endorsements depending upon the type of Special Event and the proposed activities.

Liquor Liability	$1,000,000 per occurrence
Comprehensive Liability	$1,000,000 property damage per occurrence $2,000,000 general aggregate $2,000,000 Products – Completed Operations Aggregate $100,000 fire legal liability each occurrence $5,000 medical expenses

I hereby affirm that the statements contained herein are true and correct to the best of my knowledge. I am duly authorized to make such agreements on behalf of the persons or organization sponsoring this Special Event. I agree to pay all fees and meet all other requirements as outlined in the City of Nisswa City Code.



APPLICANT SIGNATURE

3/11/2026
DATE

CITY OF NISSWA
SPECIAL EVENT PERMIT APPLICATION
FOR OFFICE USE ONLY

Name of Event: _____

Date of Event: _____

Comments and/or Conditions:

_____

_____

_____

_____

_____

_____

_____

Approved by: **Dated:** _____

_____
City Clerk

_____ _____
Police Chief Fire Chief (if applicable)

_____
Public Works Director

Event: Nisswa Firecracker Run
Date: Saturday – July 4, 2026
Location: Nisswa, Minnesota
Contact: David Janowiec – 970-389-0310 - david@recessfactory.com

EVENT OVERVIEW & TIMELINE

10K
START: 8:00am
END: 9:45am
START Location: Main Street
FINISH Location: Nisswa City Park

5K
Start: 8:05am
END: 9:15am
START: Main Street
FINISH: Nisswa City Park

KIDZ RUN
START: 9:45am
START: Nisswa City Park
FINISH: Nisswa City Park

EVENT TIMELINE

THURSDAY, JULY 2ND

- Distribute neighborhood / business notices. (attached sample)
- Drop trailer at Community Center
- Pick up keys to Community Center

FRIDAY, JULY 3RD

Registration / Packet Pickup / Finish Line Set Up:

- **8:00am**: Arrive and begin set up
- **1:00pm:** PPU volunteers arrive
- **2:00pm** – PPU/Registration opens at Journey Church Parking Lot (or community center pending weather)
- **8:00pm** – PPU/Registration closes
- **8:00pm** – Construct Start line structure in front of Chamber of Commerce
- **11:00pm** – Cone off downtown parking spaces within starting area on Main Street. Stage fence start chute.

SATURDAY, JULY 4TH

4:30am: Set up PPU area / PA move fencing and start structure into place on Main Street
4:30am: Finish line equipment set up and ready to go
5:00am: Main St/Lower Cullen Rd closed between Park St & Merril Ave for Start Line set up and staging area
5:30am: PPU Volunteers arrive
5:30am: Cones / Signage placed on course
6:00am: Registration / PPU open
6:30am: Volunteer meeting at Nisswa Chamber of Commerce
7:30am: 2 Police stationed at following posts: (if possible per Nisswa Police, otherwise Event Staff Trucks)
A - Start Line for lead-out to Triangle & Paul Bunyan Trail turn
A- Then moves to Paul Bunyan Trail & Poplar Ave
B - Poplar Ave & Centennial Ln
7:00am: Aid station Volunteers report to locations
7:15am: Course marshals report to locations on course

7:40am: Course Active / pre-event traffic diverted and redirected in all course soft-closures
7:50am: Runners moved to Start Line
8:00am: 10K START (chip timed start in front)
8:05am: 5K START: Wave 1 (chip timed start in front wave 1)

Event: Nisswa Firecracker Run
Date: Saturday – July 4, 2026
Location: Nisswa, Minnesota
Contact: David Janowiec – 970-389-0310 - david@recessfactory.com
8:06am: 5K START: Wave 2
8:07am: 5K START: Wave 3
8:08am: 5K START: Wave 4 (walkers, strollers, etc)
8:15am: Start Line / Fencing removed – Main St reopens for normal use
8:20am: First 5K finisher expected at Nisswa City Park
8:32am: First 10K finisher expected at Nisswa City Park
9:00am: Last 5K finisher expected
9:30am: Last 10K finisher expected
9:45am: Kidz run start at Nisswa City Park
10:15am: Course cleared and streets reopen for normal use

MONDAY - JULY 6TH

- All vendor items picked up by **9:00am**

OPERATIONS / FACILITIES / VENUE

PACKET PICK UP & REGISTRATION

Friday, July 3rd
Location: Journey Church Parking Lot (tentative)
Time: 2:00pm to 7:00pm

Saturday, July 4th
Location: Journey Church Parking Lot
Time: 6:00am to 7:30am

START LINE AREA

- **Location: Main St @ Merril Ave. Start line will be moved immediately after start of 5K run at 8:05am**
- Infrastructure:
  - 300ft portable fencing
  - 2 sets of scaffolding
  - Sound equipment
  - 1 generator
  - 10 Porta potties

Event: Nisswa Firecracker Run
Date: Saturday – July 4, 2026
Location: Nisswa, Minnesota
Contact: David Janowiec – 970-389-0310 - david@recessfactory.com

FINISH LINE & FESTIVAL AREA

- **Location: Nisswa City Park / Community Center Lawn**
- Infrastructure:
    - 2 generators / sound equipment
    - 300ft portable fence
    - Slip n Slide
    - Inflatable finish line w/ stage
    - Pools with bottled water
    - Beer garden serving tent
    - 12 Porta potties
    - 1 ADA Porta Potty

STREET CLOSURES

- Run course streets such as Church St, Birch Ave, Poplar Ave, and Centennial Ln will be 'soft' closures with cones, signage, and course marshals. This allows for two-way slow traffic.
    - Runners will be limited to ¼ of the street width in the shoulder areas.
    - Duration: 7:45am to 10:00am
    - Reopen for normal traffic as all runners are cleared from course.
    - Course marshals will be stationed at all intersections as necessary to stop, hold, and caution traffic.

COURSE MARKING

- The course will be marked in several ways:
    - A-Frame signs: These are used at all major turns in the course and managed by a marshal. These are taken down immediately after the event and leave no trace.
    - Cones: Placed on course to block ¼ of road for soft closures and to slow traffic before intersections.
    - 'Runners on Road' signs: A-Frame signs placed around perimeter roads of town and event course.
    - Bright tape will be placed on the ground in the form of arrows directing athletes through the course. Tape comes up easily and will be removed when course is cleared.

MEDICAL

- Volunteer medical personnel will be at the finish line and mobilized via utility vehicle
- Local Fire Department and Police will be notified of event.
- There will be a course leader in a utility vehicle, and course sweep in a motor vehicle.

Event: Nisswa Firecracker Run
Date: Saturday – July 4, 2026
Location: Nisswa, Minnesota
Contact: David Janowiec – 970-389-0310 - david@recessfactory.com

AID STATIONS

- Placed near the following locations and staffed during the duration of event:
  - Finish Line
  - Intersection of Poplar + Centennial Ln
  - Intersection of Poplar + Birch Ave
  - 10K turnaround – just past Wilderness Rd

PARKING

- Parking information will be distributed to all event participants prior to the event.
- Locations: Coordinated with local companies and through Nisswa City public parking locations.

ADDITIONAL NOTES

- Insurance will be provided through Recess Factory for all 'Additional Entities'
- Clean up and on-course trash containers will be provided by Recess Factory
- Finish and start line equipment provided by Recess Factory
- The Nisswa Firecracker requests use of City of Nisswa barricades and cones

ROUTE DETAILS

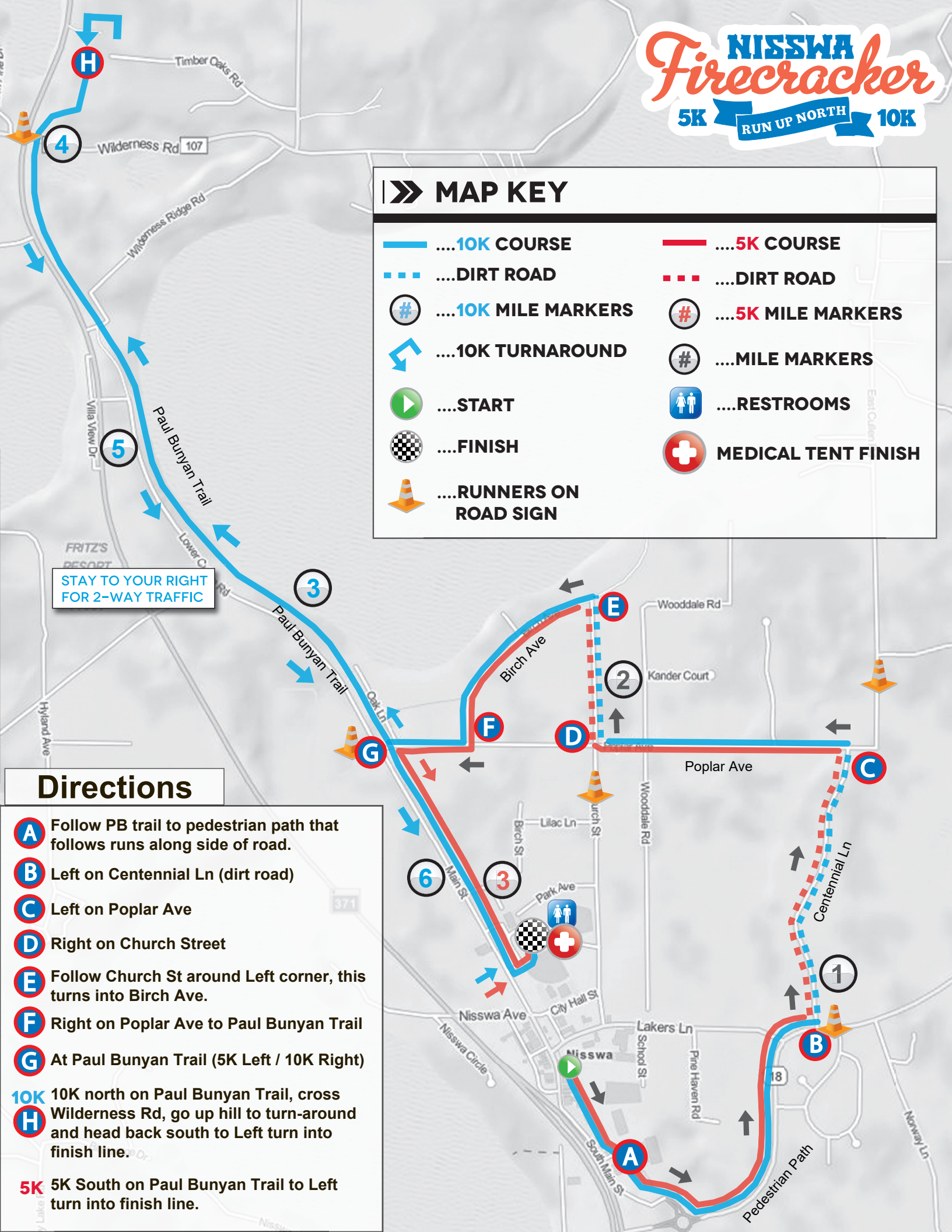
- See attached maps

ALCOHOL (See map for serving location)
Alcohol permits attained under use of City of Nisswa / Pickle . Only official TIPS trained staff will be handling beer.

- **Beer Garden**:
  - Hours of Service: July 4, 8:15am – 12:00pm
  - All participants who are 21+ receive a wristband check-in. Event staff attach wristbands to participant's wrist after ID is shown at check-in.
  - Participants must be present at check-in to receive their 21+ wristband.
  - Servers check all participants for 21+ wristband
  - All servers hold TIPS training certificates and check ID's for all runners who may not have a wristband for any reason. [http://www.tipsalcohol.com/]
  - Each runner receives 1 free beer. Redeemed only through tear-off ticket on bib number
  - Additional beer available for purchase.

- **Temporary Beer License:**
    - Beer is provided by D&D Beverage to City of Nisswa/Pickle Factory, who holds the Temporary Beer License.
        - Received for refrigeration at The Pickle, and then brought to finish line on event morning.
        - Product: Pabst Blue Ribbon 12 oz cans
        - Charity Partner:
            - City of Nisswa/Parks and Recreation Department, served by TIPS trained staff of The Recess Factory.

NISSWA Firecracker 5K RUN UP NORTH 10K



Directions

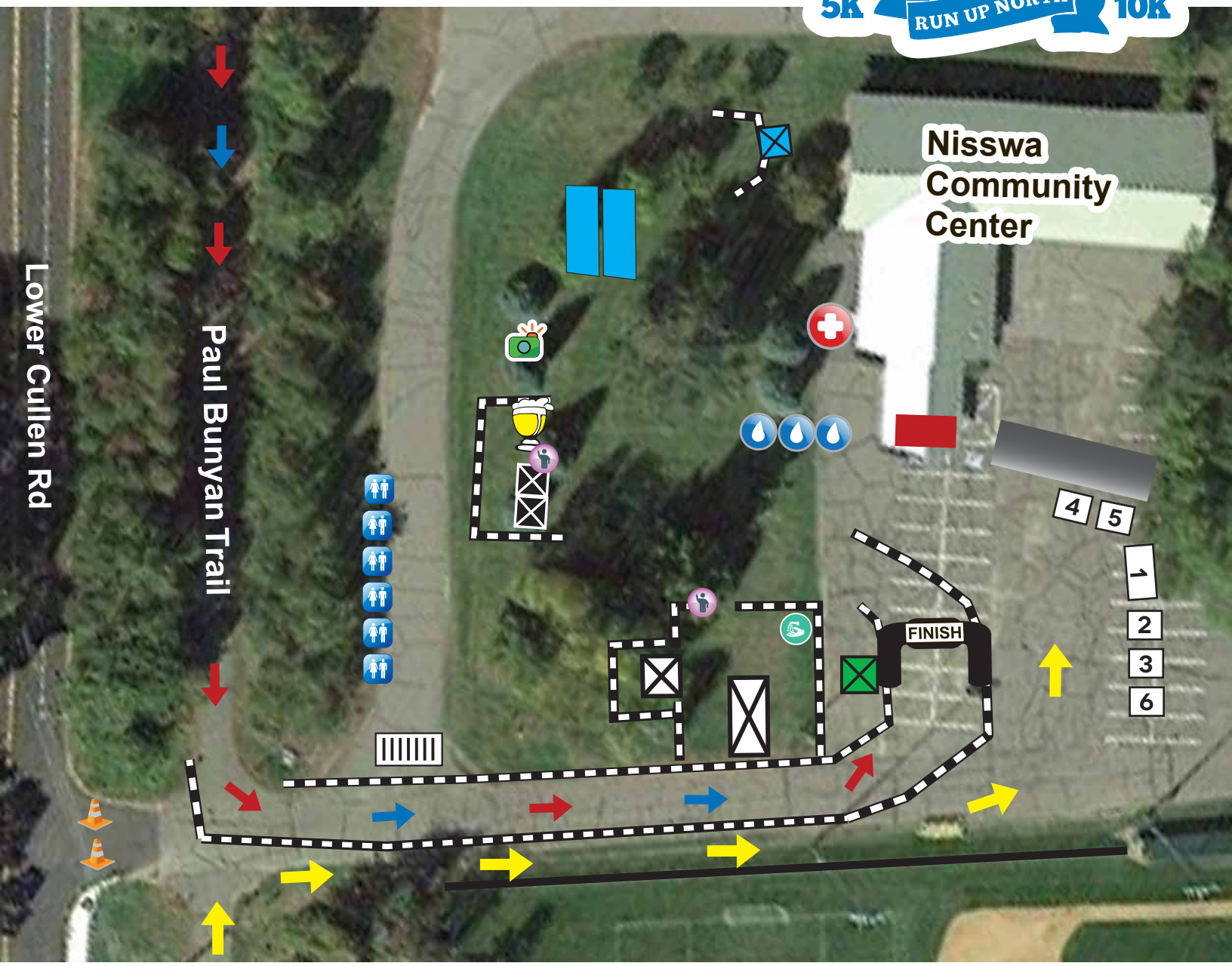
- **A** Follow PB trail to pedestrian path that follows runs along side of road.
- **B** Left on Centennial Ln (dirt road)
- **C** Left on Poplar Ave
- **D** Right on Church Street
- **E** Follow Church St around Left corner, this turns into Birch Ave.
- **F** Right on Poplar Ave to Paul Bunyan Trail
- **G** At Paul Bunyan Trail (5K Left / 10K Right)
- **10K H** 10K north on Paul Bunyan Trail, cross Wilderness Rd, go up hill to turn-around and head back south to Left turn into finish line.
- **5K** 5K South on Paul Bunyan Trail to Left turn into finish line.


START AREA - MAIN STREET
NISSWA
Firecracker
5K
RUN UP NORTH
10K
MAP KEY
....ROUTES
....PORTABLE FENCE
....START LINE
....BARRICADES / ROAD BLOCK
....REGISTRATION
....6 PORTA POTTIES
....Mobile Medical (4wheeler)
Main St.
Paul Bunyan Trail


LEAD OUT - MAIN STREET
NISSWA
Firecracker
5K
RUN UP NORTH
10K
MAP KEY
....ROUTES
....START LINE
....BARRICADES / ROAD BLOCK
LEAD OUT ROUTE:
1. Start Line - Lead Out Run to Triangle & Paul Bunyan Trl
- Truck leads out run to post at Triangle turn until all runners have passed.
Paul Bunyan Trail

FINISH AREA - NISSWA CITY PARK

NISSWA Firecracker 5K RUN UP NORTH 10K



MAP KEY

- ....10K COURSE
- ....5K COURSE
- ....SPECTATOR ROUTE
- ....PORTABLE FENCE
- ....EXISTING FENCE
- ....ROAD BLOCK
- ....SLIP N SLIDE
- ....EVENT TRAILER
- ....MEDICAL
- ....CRAWFISH BOIL
- ....SNACKS
- ....SCAFFOLD & BUBBLE MACHINE
- .....TIMERS TENT
- ....STAGE
- ....TICKET RIPPER
- ....WATER
- ....BEER TENT (I.D. CHECK) – PARTICIPANT BEER
- .... PORTA POTTIES (6)
- ....BLEACHERS
- ....PHOTO BACKDROP
- ....HAND WASH STATION
- 1 ....EXPO VENDOR – TBD
- 2 ....EXPO VENDOR – TBD
- 3 ....EXPO VENDOR – TBD
- 4 ....EXPO VENDOR – TBD
- 5 ....EXPO VENDOR – TBD
- 6 ....EXPO VENDOR – TBD

TEMPORARY BEER LICENSE AGREEMENT

THIS AGREEMENT, made and executed this **23rd** day of **March**, 2026, by and between the City of Nisswa (the "CITY"), and **The Recess Factory** (the "LICENSE HOLDER").

WITNESSETH:

CITY AND LICENSE HOLDER, for the consideration hereinafter stated, agree as follows:

A. LICENSE HOLDER hereby covenants and agrees to perform and execute all the provisions of this Agreement herein and the application for a temporary license and conditions of approval by the City.

B. **License**. Subject to the terms and conditions herein the City agrees to issue to LICENSE HOLDER a temporary on-sale liquor license for **The Nisswa Firecracker Run**.

C. **Insurance.**

1. General Liability. Prior to issuing the temporary license, LICENSE HOLDER shall procure, maintain and pay for such insurance as will protect against claims for bodily injury or death, or for damage to property, including loss of use, which may arise out of operations by LICENSE HOLDER or by any subcontractor or by anyone employed by any of them or by anyone for whose acts any of them may be liable. Such insurance shall include, but not be limited to, minimum coverages and limits of liability specified in this Paragraph, or required by law. The policy(ies) shall name the City as an additional insured for purposes of this Agreement and shall provide that the LICENSE HOLDER's coverage shall be primary and noncontributory in the event of a loss.

2. Liquor Liability. LICENSE HOLDER shall procure and maintain the following minimum insurance coverages and limits of liquor liability:

Liquor Liability	$1,000,000 per occurrence
Comprehensive Liability	$1,000,000 property damage per occurrence $2,000,000 general aggregate $2,000,000 Products – Completed Operations Aggregate $100,000 fire legal liability each occurrence $5,000 medical expenses

3. Miscellaneous. LICENSE HOLDER shall maintain in effect all insurance coverages required under this Paragraph at LICENSE HOLDER's sole expense and with insurance companies licensed to do business in the state in Minnesota and having a current A.M. Best rating of no less than A-, unless specifically accepted by City in writing. In addition to the requirements stated above, the following applies to the insurance policies required under this Paragraph:

    a. All polices shall be written on an "occurrence" form ("claims made" and "modified occurrence" forms are not acceptable);

    b. All policies shall contain a waiver of subrogation naming "the City of Nisswa;"

    c. All policies shall name "the City of Nisswa" as an additional insured;

    d. All policies shall insure the defense and indemnity obligations assumed by LICENSE HOLDER under this Agreement; and

    e. All polices shall contain a provision that coverages afforded thereunder shall not be canceled or non-renewed or restrictive modifications added, without thirty (30) days prior written notice to the City.

    A copy of the LICENSE HOLDER's insurance declaration page, Rider and/or Endorsement, as applicable, which evidences the compliance with this Agreement, must be filed with City prior to the issuance of the temporary license.

4. Indemnification. LICENSE HOLDER agrees to indemnify and hold the City harmless from any claims arising from the event for which the temporary liquor license is issued herein.

5. This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands and seals as of the date first above written.

	CITY OF NISSWA
Dated: _____	_____ By: Jennifer Carnahan Its: Mayor
Dated: _____	_____ By: Maggi Wentler Its: Interim City Administrator

Dated: _____3/23/26_____ Dated: _____	LICENSE HOLDER  _____ By:David Janowiec/The Recess Factory Its:_____President_____ _____ By:_____ Its: _____

CITY OF NISSWA

CITY STREET USE PERMIT APPLICATION

INSTRUCTIONS: Fill out this form completely, sign it and include all required attachments. If additional space is needed, attach additional sheets. Use of a city street is limited to 10 days per calendar year per property address or business. Submit to the City Clerk, 5442 City Hall Street, Nisswa, MN 56468 or kiki@ci.nisswa.mn.us at least 15 business days prior to the date of the event along with the **$25 permit fee**. You will be notified by email once the application is approved.

1. Describe purpose or event and how the City Street will be used:

Extra space for seating and music set up.

Location address: 25435 Main St

Date(s): May 24, 2026, 6/7/2026, 7/11/2026, 7/25/2026, 9/6/2026

Event Starting Time: 5 Event Ending Time: 8

Set-up Start Date and Time: 3:30 PM

Dismantle by Date and Time: 9:30 PM

Anticipated Number of Participants and/or Spectators: 100 - 200

If there is a fee or donation required as a condition of attendance, please describe:

No

2. Application Information:

Name: Chris French Title: Owner

Address: 25435 Main St Phone: 612-239-8541

Cell: 612-239-8541 E-Mail: frenchc@gmail.com

Business Name: Big Axe Brewing Company

Are you the property owner? Yes _____ No X

Are you an authorized applicant for this business? Yes X No _____

Will this person have authority to cancel or modify event plans? Yes X No _____

Will this person be present at the event and in charge of the event at all times? Yes X

If no, provide contact information for the person who will be the responsible party:

Name: _____ Title: _____

Address: _____ Phone: _____

Cell: _____ E-Mail: _____

3. Entertainment:

Describe entertainment plans. If there will be music, sound amplification or any other noise impact, please describe including the intended hours.

Live Music

4. Sanitation/Drinking Water:

Describe the toilet and handwashing facilities present on the site (type, number and location) as well as temporary/portable facilities to be provided. Describe the source of drinking water.

Porta Potty & indoor bathroom

Water provided inside and outside

5. Parking and Traffic Control:
Describe the location and number of parking spaces available or being utilized. Describe arrangements that have been made for traffic control.

Street Parking

6. Emergency/Medical Services:
Describe measures that will be taken to ensure emergency vehicle access (police, fire, ambulance) to the event area.

There will be adequate room for eVS from Main St and Alley.

7. Security/Crowd Management:
Describe your proposed procedures and staffing for the event operations and crowd control.

We will put up barriers to contain crowd and will monitor they are adhered to.

8. Trash/Recycling Event Clean-Up:
Describe the number, type and location of trash/recycling containers to be provided. What provisions have been made for clean-up of the site and surrounding area after the event?

Big Ave will provide garbages and will clean everything up after.

Name of trash/recycling hauler: Waste Management

9. Noise:

Describe expected type, duration and timing of any noise sources. Describe measures to be taken to ensure compliance with city noise ordinance.

Live Music after 5pm, Moderate Noise.

10. Food and Beverages:

Will alcoholic beverages be served? Yes ____ No ____

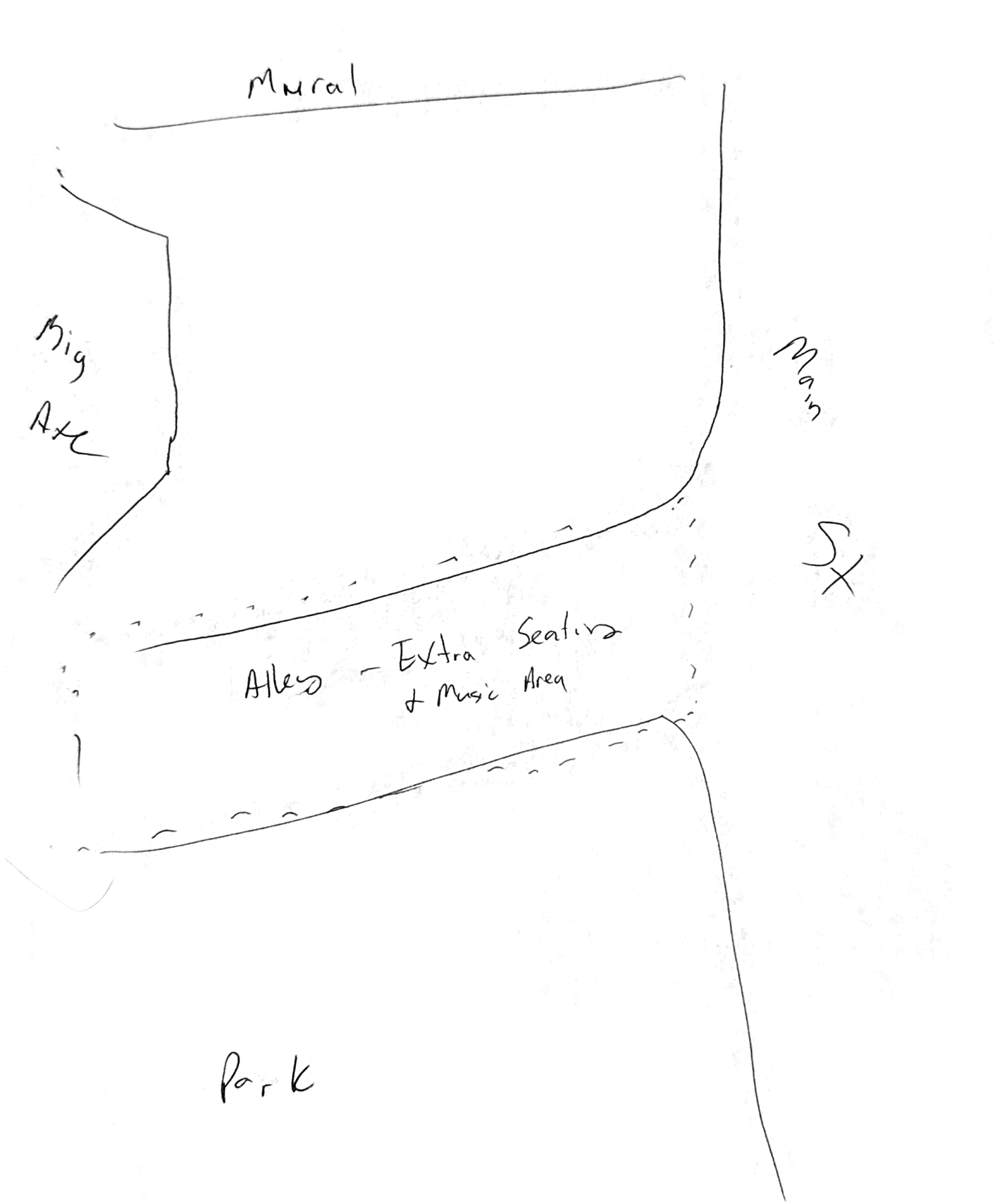
If yes, describe the type of beverages and the status of the temporary liquor license (must be approved by both the City and the State - Department of Public Safety).

Will food and/or non-alcoholic beverages be served? Yes____ No ____

If yes, describe what will be served and any plans for cooking food in the event area, including fuel source to be used.

11. Other Information:

Describe any other information that is relevant and how you intend to regulate and monitor these items.


Mural
Big
Axe
Main
St
Alley - Extra Seating
& Music Area
Park

12. Adjacent Property Owner Acknowledgement:
The City will inform all immediately adjacent property owners of this request upon approval. Provide contact information for each immediately adjacent property owner (name and email):

scoreguymn@yahoo.com

13. Diagram of City Street to be used:
Applicant must attach a basic diagram outlining the City Street area to be used.

14. Insurance Requirements:
A certificate of insurance must be filed with the city prior to issuance of the City Street Use Permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds in the description section. Insurance coverage must be maintained for the duration of the City Street Use.

Insurance coverage must be a commercial general liability policy with coverage limits as outlined below. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must also include an endorsement for liquor liability. The city may require additional endorsements depending upon the type of Special Event and the proposed activities.

Liquor Liability	$1,000,000 per occurrence
Comprehensive Liability	$1,000,000 property damage per occurrence $2,000,000 general aggregate $2,000,000 Products – Completed Operations Aggregate $100,000 fire legal liability each occurrence $5,000 medical expenses

I hereby affirm that the statements contained herein are true and correct to the best of my knowledge. I am duly authorized to make such agreements on behalf of the persons or organization sponsoring this request for City Street Use. I agree to pay all fees and meet all other requirements as outlined in the City of Nisswa City Code. I also agree that the City may terminate this application at any time and I will remove all personal property within 24 hours of receiving notice from the City.

Chris Fee
APPLICANT SIGNATURE

3-16-2026
DATE

SPECIAL EVENTS PERMIT APPLICATION

INSTRUCTIONS: Fill out this form completely, sign it and include all required attachments. If additional space is needed, attach additional sheets. Submit to the City Clerk, 5442 City Hall Street, Nisswa, MN 56468 or kiki@ci.nisswa.mn.us at least 60 days prior to the date of the event along with $50 fireworks permit fee (if applicable). You will be notified by email once the application is approved.

1. Name, purpose and description of event: Notice Festival- A full day of outdoor yoga, live music, mindfulness practices, and local vendors. Event also includes a 5k run/walk on the Paul Bunyan Trail.

Location address:

****Please attach route map if for a parade, race, bicycle time trials, or other such**

event** Date(s): Sat. May 16th

Event Starting Time: Event Ending Time: Set up at 7 am, gates open at 8:30 am. Ends at 5 pm, park cleared by 6pm

Set-up Start Date and Time:

Dismantle by Date and Time:

Anticipated Number of Participants and/or Spectators: 300-350

If there is a fee or donation required as a condition of attendance, please describe:

2. Application Information:

Name: Title: Notice Festival

Address: Phone: 218-831-1454

Cell: E-Mail: danielle@noticewellness.com

Affiliation/Organization: Notice Wellness, LLC

Are you an authorized applicant for this organization? Yes

Will this person have authority to cancel or modify event plans? Yes

Will this person be present at the event and in charge of the

event at all times? Yes

If no, provide contact information for the person who will be the responsible party on the day of this event:

Name: Title:

Address: Phone:

Cell: E-Mail:

3. Entertainment:
Describe entertainment plans. If there will be music, sound amplification or any other noise impact, please describe including the intended hours.

Music will run from roughly 8:30am-5pm.

4. Sanitation/Drinking Water:
Describe the toilet and handwashing facilities present on the site (type, number and location) as well as temporary/portable facilities to be provided. Describe the source of drinking water.

Participants will bring their own refillable water bottles and utilize the Nisswa chamber for drinking water.

We will have additional port-o-potties on site.

5. Parking and Traffic Control:
Describe the location and number of parking spaces available. Describe arrangements that have been made for traffic control.

Parking is anywhere in Nisswa.

6. Emergency/Medical Services:
Describe measures that will be taken to ensure emergency vehicle access (police, fire, ambulance) to the event area.

We have a Dr. who will be onsite in case of emergency.

7. Security/Crowd Management:
Describe your proposed procedures and staffing for the event operations and crowd control.

The crowd is small enough so no need for this.

8. Trash/Recycling Event Clean-Up:
Describe the number, type and location of trash/recycling containers to be provided. What provisions have been made for clean-up of the site and surrounding area after the event?

I would love guidance on how to ask for help in trash and recycling pick up for the event.

Name of trash/recycling hauler:

9. Noise:
Describe expected type, duration and timing of any noise sources. Describe measures to be taken to ensure compliance with city noise ordinance.

Music is only during daytime hours so this is not a concern.

10. Fireworks or Pyrotechnics:
Will any fireworks or pyrotechnics be used at the event? Yes No _If yes, describe in detail.

Fire Department approval will be required. **Additional Fee applies.**

NA

11. Food and Beverages:
Will alcoholic beverages be served? No

If yes, describe the type of beverages and the status of the temporary liquor license (must be approved by both the City and the State - Department of Public Safety).

Will food and/or non-alcoholic beverages be served? Yes

If yes, describe what will be served and any plans for cooking food in the event area, including fuel source to be used.

Permitted drink and food trucks will be present.

12. Other Concessions:
Describe what vendors or concessionaires you will allow at the event and how you intend to regulate and monitor their activities.

Vendors of home goods, pottery, clothing, etc.

13. Insurance Requirements:
A certificate of insurance must be filed with the city prior to issuance of the Special Events Permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Special Event.

Insurance coverage must be a commercial general liability policy with coverage limits as outlined below. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must also include an endorsement for liquor liability. The city may require additional endorsements depending upon the type of Special Event and the proposed activities.

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Comprehensive Liability	$1,000,000 property damage per occurrence $2,000,000 general aggregate $2,000,000 Products – Completed Operations Aggregate $100,000 fire legal liability each occurrence $5,000 medical expenses

I hereby affirm that the statements contained herein are true and correct to the best of my knowledge. I am duly authorized to make such agreements on behalf of the persons or organization sponsoring this Special Event. I agree to pay all fees and meet all other

requirements as outlined in the City of Nisswa City Code.

APPLICANT SIGNATURE DATE Danielle Arnold 2/19/26

CITY OF NISSWA
SPECIAL EVENT PERMIT APPLICATION
FOR OFFICE USE ONLY

Name of Event:

Date of Event:

Comments and/or Conditions:

Approved by: Dated: City Clerk

~~Police Chief Fire Chief~~ (if applicable) Public Works Director

MEET THE SPEAKER

Jon Aga serves as the Associate Vice President of Advancement at Central Lakes College, leading philanthropic strategy, donor engagement, and advancement initiatives that support CLC students and programs. With a background in mental health and master's degrees in educational psychology and business administration, Jon brings both human-centered insight and strategic leadership to his work in philanthropy. An avid outdoorsman, proud husband and father, and Eagle Scout from Baxter's Troop 36, Jon credits his Scouting experience with shaping his approach to leadership - grounded in integrity, generosity, and a commitment to serving others - reflecting this year's theme: Prepared to Lead. Ready to Serve.

Jon Aga

Associate VP of Advancement at Central Lakes College



YOUR GIFT WILL SUPPORT LOCAL YOUTH!



EVENT CONTACTS

Isaiah Anderson
320.339.8299



Friends of Scouting

LAKES AREA LEADERSHIP BREAKFAST

Thursday, Apr. 16, 2026
7:00-8:30 am

Nisswa American Legion
25807 Main St. Nisswa

Central Minnesota Council
Scouting America
scoutingcmc.org

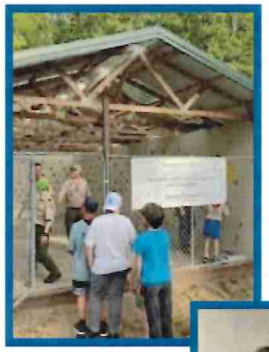
AGENDA

Registration
Welcome
Flags/Scout Oath
Invocation
Breakfast
Speakers
Recognition
Why Scouting is Important
Conclusion

Scan this QR code for online gifting

Donate

LAST YEAR...



Over 1,217 Scouts attended an overnight event at Parker Scout Camp - Nisswa

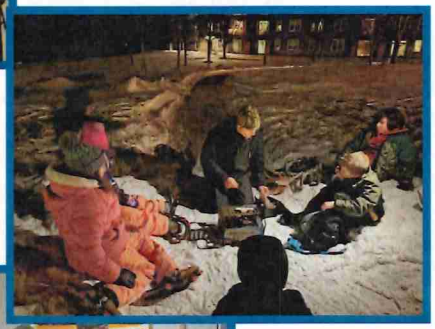
13 total units throughout the lakes area; including a new unit in Crosby/Ironton.





THANKS

for your support



2 Scouts awarded Eagle Scout across Pine Tree District



3,425 Community Service Hours Recorded

2026 Lakes Area Leadership Breakfast

"Prepared to Lead. Ready to Serve."

Donation Form

☐ I am unable to attend. I have enclosed my gift.

Name: _____

Company:_____

Address: _____

_____

Phone: _____

E-mail:_____

Company:_____

Friends of Scouting Gifts

☐ Eagle*..... $1,500
☐ Life*..... $1,000
*Sponsor recognition at event
☐ Star..... $500
☐ First Class $300
☐ Other..... $____

Payment Options

☐ Check (Payable to CMC BSA)
☐ Please send an invoice

ENABLING RESOLUTION
ESTABLISHING AN ECONOMIC DEVELOPMENT AUTHORITY
FOR THE CITY OF NISSWA

WHEREAS, the City of Nisswa is authorized to establish an Economic Development Authority (the "EDA") pursuant to the provisions of Minnesota Statutes Section 469.090 to 469.1082, with specified powers and obligations to promote economic development; and

WHEREAS, an Economic Development Authority formally existed in the City, but it is unclear how it was enabled and if or how it was disbanded; and

WHEREAS, the City Council of the City of Nisswa, Minnesota (the "City Council") has determined that it is in the City's best interest to establish an EDA in order to preserve and create jobs, enhance its tax base, help formulate plans for City owned land and to promote the general welfare of the people of the City of Nisswa; and

WHEREAS, the City has provided public notice and conducted a public hearing on the proposed adoption of this Enabling Resolution on _____ ____, 2026 and has fulfilled all other legal requirements for the establishment of the EDA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NISSWA:

1. Any former Economic Development Authority Enabling Resolution of the City of Nisswa is hereby modified as provided for in Minnesota Statute 469.093, Subd. 2 and the following terms shall govern the enablement of the City of Nisswa EDA.

~~1.~~2. An Economic Development Authority to be known as the "Economic Development Authority of the City of Nisswa" with all of the powers, rights, duties, and obligations as set forth in Minnesota Statutes, Sections 469.090 to 469.1082, except as set forth below, and any other law is hereby established in and for the City.

~~2.~~3. The EDA shall be governed by a board of five (5) Commissioners ~~who may be the~~ two of whom must be members of the City Council, ~~or some members of the City Council.~~ ~~P~~pursuant to Minnesota Statute 469.095, Subd. 2(~~a~~b)~~.~~; ~~t~~The Commissioners shall be appointed by the Mayor with the approval of the City Council. The initial terms of appointees shall be for two, three, four, five and six years, respectively. Thereafter, all commissioner appointments shall be for six year terms.

~~3.~~4. The powers of the EDA and the limitation of powers of the EDA shall be as follows:

a. The EDA must not exercise any specified powers contained in Minnesota

Statutes Sections 469.001 – 469.047, 469.108 and 469.124 – 469.133.

b. The EDA must not exercise any powers without the prior approval of the City Council.

c. That, except when previously pledged by the EDA, the City Council may by Resolution require the EDA to transfer any portion of the reserves generated by activities of the EDA that the City Council determines is not necessary for the successful operation of the EDA to the debt service fund of the City to be used solely to reduce tax levies for bonded indebtedness of the City.

d. That the EDA shall not transact the sale of bonds or obligations for issuance without approval of the City Council.

e. The EDA shall follow the budget process for City Departments as provided by the City and as implemented by the City Council and Mayor.

f. The official actions of the EDA must be consistent with the adopted Comprehensive Plan of the City and any official controls implementing the Comprehensive Plan.

g. The EDA shall submit all planned activities for influencing the action of any other governmental agency, subdivision or body to the City Council for approval.

h. The EDA shall not create economic development districts without City Council approval.

i. The EDA shall not acquire property to purchase, lease, gift or condemnation without the prior approval of the City Council.

j. The EDA shall not develop districts by filling, grading and protecting property without the prior approval of the City Council.

k. The EDA shall not issue revenue bonds without the prior approval of the City Council.

l. The EDA shall not make or guaranty credit enhancements without the prior approval of the City Council.

m. The EDA shall not issue general obligation bonds without the prior approval of the City Council.

n. The EDA shall not provide business assistance.

Adopted by a ___/5th vote of the City Council of the City of Nisswa on this _____ day of _____, 2026.

CITY OF NISSWA

_____
By: Jennifer Carnahan
Its: Mayor

Attest:

_____
By: Maggi Wentler
Its: Interim City Administrator/Clerk

STATE OF MINNESOTA
COUNTY OF CROW WING
CITY OF NISSWA

I, the undersigned, being the duly qualified Interim City Administrator/Clerk of the City of Nisswa, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and forgoing extract of minutes with the original minutes of a meeting of the City Council held on the date therein indicated, which are on file and of record in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to the public hearing on the proposed enabling resolution creating an economic development authority.

WITNESS, my hand and the seal of the City this _____ day of _____, 2026.

_____
By: Maggi Wentler
Its: Interim City Administrator/Clerk

(Seal)

ENABLING RESOLUTION
ESTABLISHING AN ECONOMIC DEVELOPMENT AUTHORITY
FOR THE CITY OF NISSWA

WHEREAS, the City of Nisswa is authorized to establish an Economic Development Authority (the "EDA") pursuant to the provisions of Minnesota Statutes Section 469.090 to 469.1082, with specified powers and obligations to promote economic development; and

WHEREAS, an Economic Development Authority formally existed in the City, but it is unclear how it was enabled and if or how it was disbanded; and

WHEREAS, the City Council of the City of Nisswa, Minnesota (the "City Council") has determined that it is in the City's best interest to establish an EDA in order to preserve and create jobs, enhance its tax base, help formulate plans for City owned land and to promote the general welfare of the people of the City of Nisswa; and

WHEREAS, the City has provided public notice and conducted a public hearing on the proposed adoption of this Enabling Resolution on _____ ____, 2026 and has fulfilled all other legal requirements for the establishment of the EDA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NISSWA:

1. Any former Economic Development Authority Enabling Resolution of the City of Nisswa is hereby modified as provided for in Minnesota Statute 469.093, Subd. 2 and the following terms shall govern the enablement of the City of Nisswa EDA.

2. An Economic Development Authority to be known as the "Economic Development Authority of the City of Nisswa" with all of the powers, rights, duties, and obligations as set forth in Minnesota Statutes, Sections 469.090 to 469.1082, except as set forth below, and any other law is hereby established in and for the City.

3. The EDA shall be governed by a board of five (5) Commissioners, two of whom must be members of the City Council, pursuant to Minnesota Statute 469.095, Subd. 2(b). The Commissioners shall be appointed by the Mayor with the approval of the City Council. The initial terms of appointees shall be for two, three, four, five and six years, respectively. Thereafter, all commissioner appointments shall be for six year terms.

4. The powers of the EDA and the limitation of powers of the EDA shall be as follows:

    a. The EDA must not exercise any specified powers contained in Minnesota Statutes Sections 469.001 – 469.047, 469.108 and 469.124 – 469.133.

b. The EDA must not exercise any powers without the prior approval of the City Council.

c. That, except when previously pledged by the EDA, the City Council may by Resolution require the EDA to transfer any portion of the reserves generated by activities of the EDA that the City Council determines is not necessary for the successful operation of the EDA to the debt service fund of the City to be used solely to reduce tax levies for bonded indebtedness of the City.

d. That the EDA shall not transact the sale of bonds or obligations for issuance without approval of the City Council.

e. The EDA shall follow the budget process for City Departments as provided by the City and as implemented by the City Council and Mayor.

f. The official actions of the EDA must be consistent with the adopted Comprehensive Plan of the City and any official controls implementing the Comprehensive Plan.

g. The EDA shall submit all planned activities for influencing the action of any other governmental agency, subdivision or body to the City Council for approval.

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m. The EDA shall not issue general obligation bonds without the prior approval of the City Council.

n. The EDA shall not provide business assistance.

Adopted by a ___/5th vote of the City Council of the City of Nisswa on this _____ day of _____, 2026.

CITY OF NISSWA

_____
By: Jennifer Carnahan
Its: Mayor

Attest:

_____
By: Maggi Wentler
Its: Interim City Administrator/Clerk

STATE OF MINNESOTA
COUNTY OF CROW WING
CITY OF NISSWA

I, the undersigned, being the duly qualified Interim City Administrator/Clerk of the City of Nisswa, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and forgoing extract of minutes with the original minutes of a meeting of the City Council held on the date therein indicated, which are on file and of record in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to the public hearing on the proposed enabling resolution creating an economic development authority.

WITNESS, my hand and the seal of the City this _____ day of _____, 2026.

_____

By: Maggi Wentler
Its: Interim City Administrator/Clerk

(Seal)

ORGANIZING RESOLUTION
FOR ECONOMIC DEVELOPMENT AUTHORITY
FOR THE CITY OF NISSWA

WHEREAS, on April ____, 2026, the City of Nisswa, Minnesota (the "City"), acting through its City Council adopted an Enabling Resolution establishing the EDA pursuant to Minnesota Statute Sections 469.090 to 469.1082; and

WHEREAS, upon enabling the EDA, it is necessary for the Council needs to organize the EDA to make appointments to the EDA and appoint officers of the EDA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NISSWA:

1. That the following EDA appointees are made:

   a. _____, for a six-year term
   b. _____, for a five-year term
   c. _____, for a four-year term
   d. _____, for a three-year term
   e. _____, for a two-year term

2. Officers of the EDA are appointed as follows:

   a. President _____
   b. Vice President _____
   c. Treasurer _____
   d. Secretary _____
   e. Assistant Treasurer _____

3. The President shall be the chief presiding officer of the EDA and shall have other responsibilities as may be required by law or conferred on the President by Resolution of the City Council. In the absence of the President, the Vice President shall assume all of said responsibilities of the President. The offices of President, Treasurer and Secretary shall be elected annually, by the City Council. The Secretary shall act as the chief recording officer for the EDA and shall maintain a file of minutes of EDA meetings and resolutions.

Adopted by a ___/5th vote of the City Council of the City of Nisswa on this _____ day of April, 2026.

CITY OF NISSWA

_____
By: Jennifer Carnahan
Its: Mayor

Attest:

_____
By: Maggi Wentler
Its: Interim City Administrator/Clerk

STATE OF MINNESOTA
COUNTY OF CROW WING
CITY OF NISSWA

I, the undersigned, being the duly qualified Interim City Administrator/Clerk of the City of Nisswa, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and forgoing extract of minutes with the original minutes of a meeting of the City Council held on the date therein indicated, which are on file and of record in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to the public hearing on the proposed enabling resolution creating an economic development authority.

WITNESS, my hand and the seal of the City this _____ day of _____, 2026.

_____
By: Maggi Wentler
Its: Interim City Administrator/Clerk

(Seal)

REQUEST FOR
COUNCIL ACTION

Department Origination: Liquor Department **Agenda Section:**

Agenda Item: Schaefer's Lease and recommendation for Spirit's building size

Approval Required: Simple Majority of Vote of Council

BACKGROUND

Liquor committee has hired Delaney Consulting to help us determine if Spirits should expand our sq ft or continue doing business at our current sq footage

FINANCIAL IMPLICATIONS

No financial change from our contract

STAFF RECOMMENDATIONS

Liquor committee unanimously recommends no change to our current lease

COUNCIL ACTION REQUESTED

Motion to not make any changes to Spirits of Nisswa Third Amended lease from Schaefer's

ATTACHMENT

See Delaney report

Nisswa Spirits Expansion Recommendation
By Delaney Consulting
April 2026

This analysis evaluates whether expanding the Spirits of Nisswa store will generate incremental profit sufficient to offset increased lease costs. Based on five years of sales performance, declining profit trends, inventory productivity and space utilization, our conclusion is clear: Expansion of leased space is not financially justified under current operating conditions.

- **Do not expand leased space.**
- **Do not accept a rent increase.**
- **Focus on productivity improvements within the current footprint.**

This analysis evaluates 5 year sales, net profits, inventory turns, sell through, and square foot space allocation. We reviewed three leases:

1. the original lease that covered 2002-2017;
2. the second amended lease that covers 2017-2029;
3. the third proposed amendment from Schaefer to change the terms from 2026-2029.

Today, the Spirits of Nisswa pays $17.85/sf for 6,072 sf to Schaefers. This is an annual rental amount that results in the city paying $8923/month. Recently, Schaefers has made improvements and changes to the building. It is offering the City the opportunity to expand space from its current 6,072 sf footprint. The expansion will come at a new rate of $21.00/sf – an increase of +17.6% per square foot from its current rate. Whether the Spirits of Nisswa expands its leased space or not, Schaefers requests a rent increase from $17.85/sf to $21.00/sf for June 2026-March 2029.

The City of Nisswa requested three scenarios to evaluate its choices:

1. An expansion of 1400sf (for a total of 7,400 sf)
2. An expansion of 604sf (for a total of 6,604sf)
3. No expansion – keep the store at 6,072 sf

In each scenario, there would be no expansion of the store's sales floor. The expansion would increase backroom holding capacity, cold sales capacity, and a new staff break room.

Without sales floor expansion, there are two ways a store expansion is accretive:

1. The store is able to buy larger volumes from vendors to qualify for greater "high volume discounts." This reduces the cost of goods and should improve initial gross margins.
2. The store can increase sales of cold goods from the proposed new coolers that surpass the sales rate of the room temperature items in that space today.

To begin, we calculate the breakeven point for each scenario. The net profits must exceed the annual rent for the new space PLUS the increase in rent for the current space in both scenarios:

Scenario #1 An expansion of 1400sf (for a total of 7,472 sf)

1400sf X $21/sf/year = $29,400
PLUS 6,072sf X ($21.00-$17.85)/sf/year = $19,126
INCREMENTAL NET PROFIT BREAKEVEN = $48,526
REQUIRES A SALES INCREASE OF +$764,068
At 2025 margin rates – Spirits has no strategy to increase revenue

Scenario #2 An expansion of 604sf (for a total of 6,676 sf)

604sf X $21/sf/year = $12,684
PLUS 6,072sf X ($21.00-$17.85)/sf/year = $19,126
INCREMENTAL NET PROFIT BREAKEVEN = $31,810
REQUIRES A SALES INCREASE OF +$500,866
At 2025 margin rates – Spirits has no strategy to increase revenue

Scenario #3 No Expansion (for a total of 6,072sf)

NO CHANGE[1] BREAKEVEN - $ 0.00

HIGH LEVEL MATH:
While Total Sales have fluctuated, Net Profits (before City Transfer) have been trending down YOY at Spirits of Nisswa:

	2021	2022	2023	2024	2025
Total Sales	$4,306,967	$4,559,390	$4,514,317	$4,569,783	$4,448,475
Net Profits	$489,979	$425,057	$370,140	$353,919	$282,523
Net GP % of Sales	11.6%	9.8%	8.2%	7.7%	6.4%

The trajectory is continuing downward. Nisswa can expect net profit declines year over year without operating changes. Without making changes, we forecast that profits will decline 200-400 basis points per year.

The required incremental profit to reach breakeven of $31-$48K per year must be achieved in a business currently declining by ($40-50K) annually. Given this, we cannot recommend any option except #3. Do not expand leased space and do not increase rental rates per square foot.

[1] By our reading, the current lease is in force until March 15, 2029. There appears to be no clause within the current lease which allows Schaefers to raise rent to beyond a National Price Index increase every 7 years. However, should the City choose to change the terms of the lease – such as increasing the amount of space it leases – a new lease would have new terms (as indicated in the proposed document titled "Third Amended and Restated Lease Agreement" put forward by Schaefer.) This analysis presumes that should the City pursue option #3 – no expansion – that the current lease at the current rental rate would be in place until March 15, 2029.

DEEPER ANALYSIS:
Shopper demand for cold beer, wine and ready-to-drink cocktails can be met by the current store cooler configuration today. The store has enough space to cover its needs to sell its current mix of products. Shelves may require more frequent refilling during high volume peaks. But more space dilutes productivity. With the proposed rent increase, the city will continue its down trending profit results.

The only credible category growth lever:
Looking at where the Spirits store could change its use of store space to increase sales, the only non-cannibalizing category opportunity within the current model is expansion of THC-related products. Particularly cold THC beverages. There are several operational levers we will recommend in our future work that the store should pursue to improve units per transaction, customer purchase frequency, average selling price, close rates, etc. But this report focuses on the space expansion decision, so we are narrowing our attention to the ways the store could use space differently to improve its results.

Under an optimized execution model, the THC category could generate incremental profit in the range of $63-$121K annually.

The only way Scenario #2 – an expansion of 604 sf is accretive:

1) Use the additional 604 sf to add 18’ of cold reach-in cooler space.
2) Merchandise cold THC beverages in that new space.
3) Create a THC “valley” where THC room temperature products are merchandised across the aisle where “overstock” is today.
4) Create a new destination campaign to support the THC expansion to include marketing, promotions and employee education to sell THC effectively in store.

A THC valley along the eastern side of the store with 18’ of cold THC beverages – along with edibles, gummies, etc. - means that the store could increase total THC sales to $165,000 - $315,000/year. At market-standard profit levels for THC (38.5%), that could return $63,525 - $121,275 in net profits. This is the *best case scenario* for driving new, incremental profits from an expansion.

However, this outcome is contingent on:

1) A dedicated space and merchandising strategy.
2) Capital investments by the city for coolers, secure flocking fixtures, secure locking inventory storage, construction, etc.
3) Loss of sales due to possible business closure during construction.
4) Active promotion and staff engagement. The operation would need to make a firm commitment to compete in THC beyond simply buying the inventory and “putting it in the store.”

Importantly, the THC opportunity can be executed within the existing store footprint, eliminating the need for lease expansion.

AN ARGUMENT AGAINST MORE BACKROOM SPACE

Ideally, stores are constantly increasing their inventory turn by supporting fast-selling products and eliminating slow sellers. Nisswa's overall store inventory turn rate is slowing. Meaning that it is carrying more inventory than it once did to support sales. This can look like a well-stocked store. But cash is locked into inventory that is not being purchased by shoppers. It reduces the store's liquidity and its ability to "pay the bills."

	2023	2024	2025
Inventory Turns	6.48	6.34	5.06
Store Days of Supply	56 days	58 days	72 days

There are many reasons that inventory turns can slow:

1. Stores carry a high quantity of seasonal or limited release products that do not sell through by the end of the season.
2. Stores carry a wide range or large quantity of products with limited shopper appeal.
3. Stores increase pricing above the market and shoppers purchase their needs elsewhere. (Easy to see if transactions or units per transaction decline.)
4. Buyers purchase larger quantities of product to qualify for volume discounts without corresponding sales improvements.
5. New competition takes customers without the store adjusting to new sales levels.

All of these could be contributing to Spirits of Nisswa's situation. The store at its current size supported +6% higher unit throughput in 2023 than 2025. Increasing backroom space does not improve performance – it often masks it. Additional storage enables slower inventory movement, ties up cash and reduces overall productivity. In the current environment, more space is more risk – not more opportunity.

ADDITIONAL NON-MONETARY POINTS TO CONSIDER

We question some of the statements and lease points which indicate that the store will lose access to the loading dock with the new construction. Also, that the changes the landlord intends to make could create less desirable parking conditions and store access for its customers. These should be addressed with the landlord. The store has been operating throughout the current construction with only front door deliveries. Front door deliveries lead to slower, less safe delivery conditions for store employees and disrupts customers. Additionally, there have been statements made that the store may no longer be able to place a dumpster behind the store and may need to keep it in the front. First, would that violate city code? Second, our reading of:

> **10. Common Areas.** The Lessee, its employees, and invitees shall have the non-exclusive right to use the common area along with the other Lessees and customers of the Project.

Seems to mean that the store and its employees are granted access to common areas such as the loading dock and dumpster area behind the store. We highly recommend that the city attorney review the lease clauses, interpret their meaning and that the City ensure that the landlord adheres to the covenants of the current agreement.

Bottom Line:

The constituents of Nisswa need the Spirits store to operate at the lowest possible costs while returning the most possible profits to the city. To make the best decision for them, do not accept the proposed lease expansion and increase in rental rate.

Address the loss of use of the loading dock, parking changes, and any new improvements that the landlord may have implemented (like heated sidewalks) to find a way forward that is fair and reasonable.

However, this expansion introduces fixed costs into a declining and operationally constrained business. The Spirits of Nisswa does not have a space problem. It has a productivity problem.

Expanding space will not solve declining net profits, slowing inventory turns or sales productivity challenges. The path to improve store space performance lies in better assortment discipline, faster inventory turns and focused growth in high-margin categories like THC. Other operational enhancements – to be outlined in the future – can also lead to better results.

All of which could – and should – be executed within the current footprint.

Current Job Descriptions

City Administrator/City Clerk

Dept/Div: *Administration* FLSA Status: *Exempt*

General Definition of Work

Performs complex professional and administrative work directing the programs and operations of the City government; does related work as required. Work is performed under the general direction of the City Council. Supervision is exercised over assigned department heads and administrative staff.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

Planning, directing and coordinating the overall operation of the City government; serving as chief administrative and operating officer; ensuring proper operations, staffing, advising and assisting the City Council on operations and governance.

(The following tasks are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

- Directs the day-to-day operations of the City, including the supervision of appointed department heads and administrative personnel; assists departments with resolution of issues.
- Serves as the City's primary resource person for customer service and general requests for information; and assists with various city activities within all city departments.
- Serves at a key liaison between Mayor, City Council, and staff; proactively connects with the Mayor and all Council members prior to meetings to clarify issues, answer questions, and ensure understanding of all agenda items.
- Assists department heads on department specific and special projects as needed or required, while maintaining high-level communication with the council to ensure alignment with strategic priorities, as needed or required.
- Attends meetings of the City Council; prepares materials and reports for Council.
- Following all Council meetings, debriefs with staff and department heads to ensure clarity of Council direction, develop actionable plans, and coordinate follow-up as needed.
- Prepares and distributes agendas and minutes of the City Council.
- Develops operational plans and evaluation guidelines for City departments.
- Supports Treasurer as needed or required in coordination with the budget process and capital improvement planning.
- Certifies annual levy and associated required reporting.
- Recommends policies to the City Council, in consultation with department heads.
- Establishes and implements the City's personnel policies; represents the City in labor negotiations.
- Handles all city insurance policies (property, mobile, dram, and health/stltd, etc).
- Supports Treasurer with financial consultants, bond counsel, TIF funds, and auditors, as needed or required.
- Supports the City Council on reestablishing a comprehensive plan every two years per council turnover.
- Supports the City Council as needed with economic development authority, and assists with committee meetings.
- Represents the City at meetings, conferences, seminars, and with the news media.
- Prepares a weekly report on city news, work, progress, applicable state legislative actions, citizen feedback, etc. to City Council.
- Functions as custodian for all city records (ordinances, resolutions, policies, etc.); responds to data requests in accordance the MN statues.
- Maintains records for the city cemetery
- Administers elections.
- Issues liquor licenses.
- Human Resource functions to be determined.
- Performs other duties as required.

Knowledge, Skills and Abilities

Comprehensive knowledge of the principles and practices of public administration; comprehensive knowledge of local government finance practices; through knowledge of the laws, ordinances and regulations underlying municipal government; ability to write clear and concise reports, memoranda, directives and letters; ability to analyze complex problems and develop comprehensive plans from general instructions; ability to meet the public and to discuss problems and complaints; ability to plan and direct the work of a large workforce; ability to establish and maintain effective working relationships with department heads, elected officials and the general public.

Education and Experience

Any combination of education and experience equivalent to graduation from an accredited college or university with major course work in public administration or related field, supplemented by extensive increasingly responsible experience in an administrative capacity in local government.

Physical Requirements

This is light work requiring the exertion of up to 20 pounds of force occasionally, up to 10 pounds of force frequently, and a negligible amount of force constantly to move objects; work requires crouching, reaching, standing, walking, fingering, grasping and repetitive motions; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for depth perception, preparing and analyzing written or computer data, use of measuring devices, operating motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is not subject to adverse environmental conditions.

Special Requirements

Possession of an appropriate driver’s license valid in the state of Minnesota.

Nisswa, Minnesota

Council Approved 10/28/2025

Finance Specialist/Treasurer

Dept/Div: *Administration* FLSA Status: *Non-Exempt*

General Definition of Work

The Finance Specialist/Treasurer accurately performs the city's financial transactions including accounts payable and accounts receivable; payroll, budgeting; utility billing and collections in accordance with city policies and procedures. Additional duties include providing administrative support including reception duties, financial filing system maintenance, and customer service.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Enters into accounting software: Accounts Payable bills, cuts payment/checks; processes Accounts Receivable; enters weekly general fund deposits; enters in daily receipts for the Pickle Factory and Spirits of Nisswa; submits monthly sales tax payable.
- Maintains the general ledger chart of accounts including maintenance and reconciliation of sub ledgers.
- Completes month-end bank reconciliations and enters journal entries as necessary.
- Prepares for year-end close of accounts; completes year-end entries as directed, processes and distributes year-end 1099s and assists auditors during annual audit.
- Coordinates the City's budget process and capital improvement planning; recommends budget and fiscal policy to the City Council; and receiving support from City Administrator/City Clerk as needed.
- Prepares the annual budget and levy.
- Works with financial consultants, bond counsel, TIF funds and auditors.
- Prepare and process accurate and timely payroll; verifies time sheets, calculates pay, prints checks and maintains employee payroll records; records employee vacation, sick leave and comp time.
- Prepares and submits Federal, State, PERA and withholding reports to appropriate agencies; completes quarterly 941s and related reports; processes and distributes year-end W-2s and assists auditors during annual audit.
- Administer employee benefits such as health, dental and retirement; Maintains PERA membership records and prepares necessary reports; maintains personnel files; maintains confidentiality of sensitive material.
- Completes utility billing; posts payments to accounts; issues late fees, processes mailings for delinquent accounts; certifies delinquent accounts to the county for collection; compiles sewer reports and information for annual city audit.
- Performs support duties for the Community Center including management of bookings, payments and showings; works with staff to ensure everything is setup and cleaned for upcoming events.
- Performs other duties as required.

Knowledge, Skills and Abilities

Thorough knowledge of municipal government operations and procedures; thorough knowledge of municipal record keeping procedures and requirements; general knowledge of accounting theory and principles; general knowledge of standard office and accounting software and equipment; ability to conduct research and develop concise reports; ability to communicate effectively both orally and in writing; ability to record and maintain detailed minutes, records and files; ability to establish and maintain effective working relationships with various professionals, other employees, department heads, elected officials and the general public.

Education and Experience

Associates/Technical degree with coursework in business administration, accounting, or related field and considerable experience working in a government sector position, or equivalent combination of education and experience.

Finance Specialist

Dept/Div: *Administration* FLSA Status: *Non-Exempt*

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires speaking or hearing, using hands to finger, handle or feel and repetitive motions, frequently requires sitting and occasionally requires standing, walking, climbing or balancing, stooping, kneeling, crouching or crawling, reaching with hands and arms and lifting; work has standard vision requirements; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

Special Requirements

MCFOA designation preferred.

Notary.

Valid MN Driver's License.

Within six months of hire:

Computer training in finance applications.

Nisswa, Minnesota

Council Approved 10/28/2025

Deputy Clerk

Dept/Div: *Administration* FLSA Status: *Non-Exempt*

General Definition of Work

Performs intermediate skilled administrative support work supporting all city staff and departments with a wide variety of administrative procedures and projects, serving as the primary resource person for customer service and general requests for information, performing accounts payable, accounts receivable and related work as apparent or assigned. Work is performed under the general direction of the Administrator/Treasurer.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

Serves as the City's primary resource person for customer service and general requests for information over the telephone, e-mail and in-person to the public; orders supplies, and assists with various city activities with in all city departments.

Assists with accounts payable, accounts receivable, enters in daily receipts for the Pickle Factory & Spirits of Nisswa into accounting software.

Prepares minutes for Planning Commission, Park Commission, Public Works and other commission and committee meetings as needed; completes mailings for notices of public hearings for Planning Commission meetings. Also assists with City Council meeting packets and minutes.

Performs support duties for the Community Center including management of bookings, payments and showings; works with staff to ensure everything is setup and cleaned for upcoming events.

Maintains and indexes official city records, ordinances, resolutions, contracts, and other legal documents.

Assists with the Cemetery scheduling of burials, receiving payments, and selling cemetery plots.

Receives and prepares payments and bank deposits.

Updates the City website and posts on social media platforms as needed.

Coordinates quarterly newsletter with staff and designer.

Schedules the use of City Hall meeting rooms for various department and public meetings.

Supports special projects and performs other duties as required.

Knowledge, Skills and Abilities

Thorough knowledge of standard office practices, procedures, equipment and secretarial techniques; thorough knowledge of business English, spelling and arithmetic; general knowledge of the organization and functions of the city government; general knowledge of standard office and accounting software and equipment, ability to keep involved office records and to prepare accurate reports from file sources; ability to communicate effectively both orally and in writing; ability to perform and organize work independently; ability to prepare effective correspondence on routine matters; ability to establish and maintain effective working relationships with other employees and the public and to deal with public relations problems courteously and tactfully. Ability to work evenings as needed for city meetings.

Education and Experience

High school diploma or GED and moderate experience in administrative office work, accounting, or equivalent combination of education and experience.

Deputy Clerk

Dept/Div: *Administration* FLSA Status: *Non-Exempt*

Physical Requirements

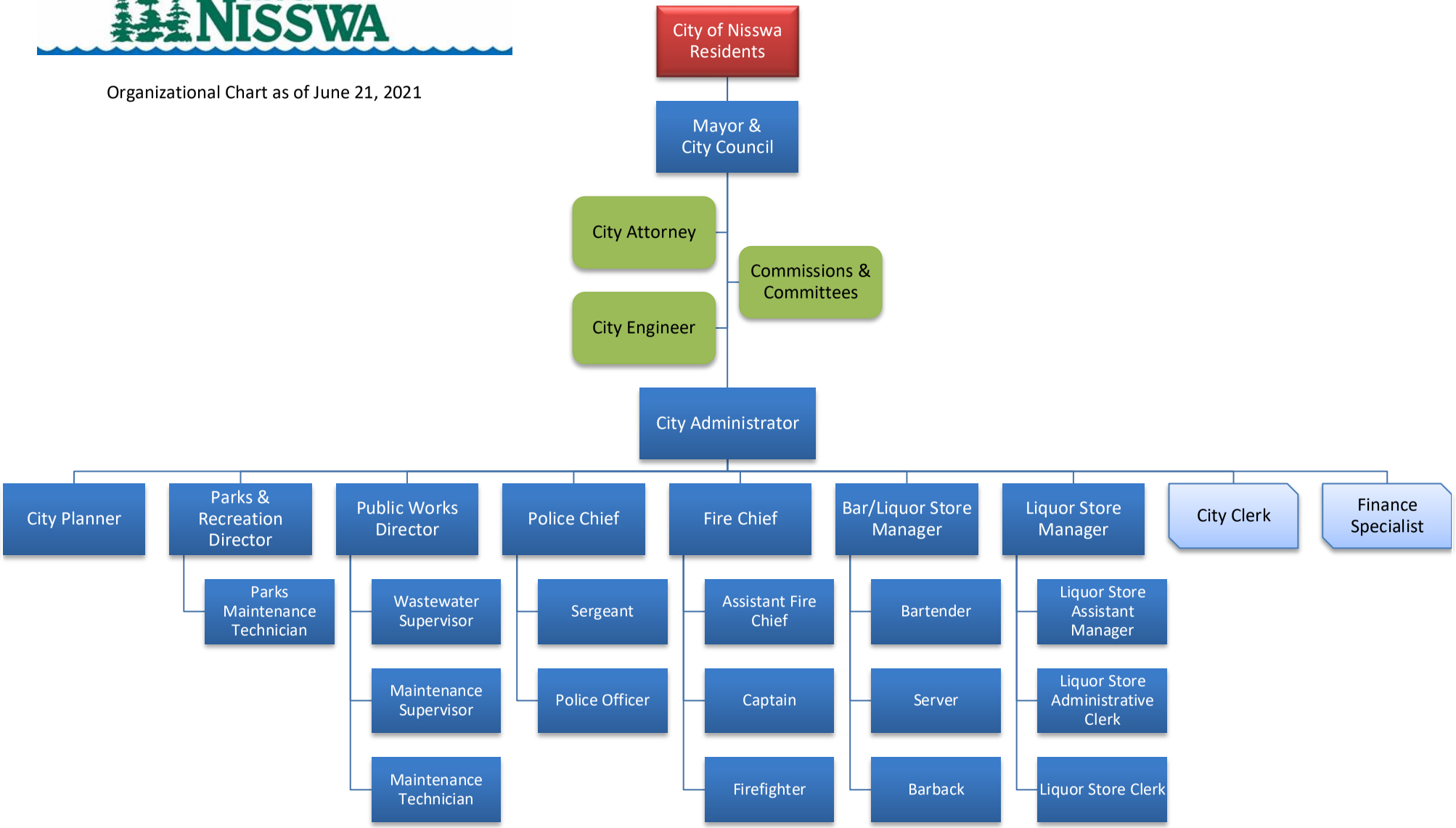
This work requires the occasional exertion of up to 25 pounds of force; work regularly requires standing, sitting, speaking or hearing, using hands to finger, handle or feel and repetitive motions, frequently requires walking and occasionally requires climbing or balancing, stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling and lifting; work has standard vision requirements; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic). May require extended periods of sitting and computer use.

Special Requirements

Within six months of hire:
Notary

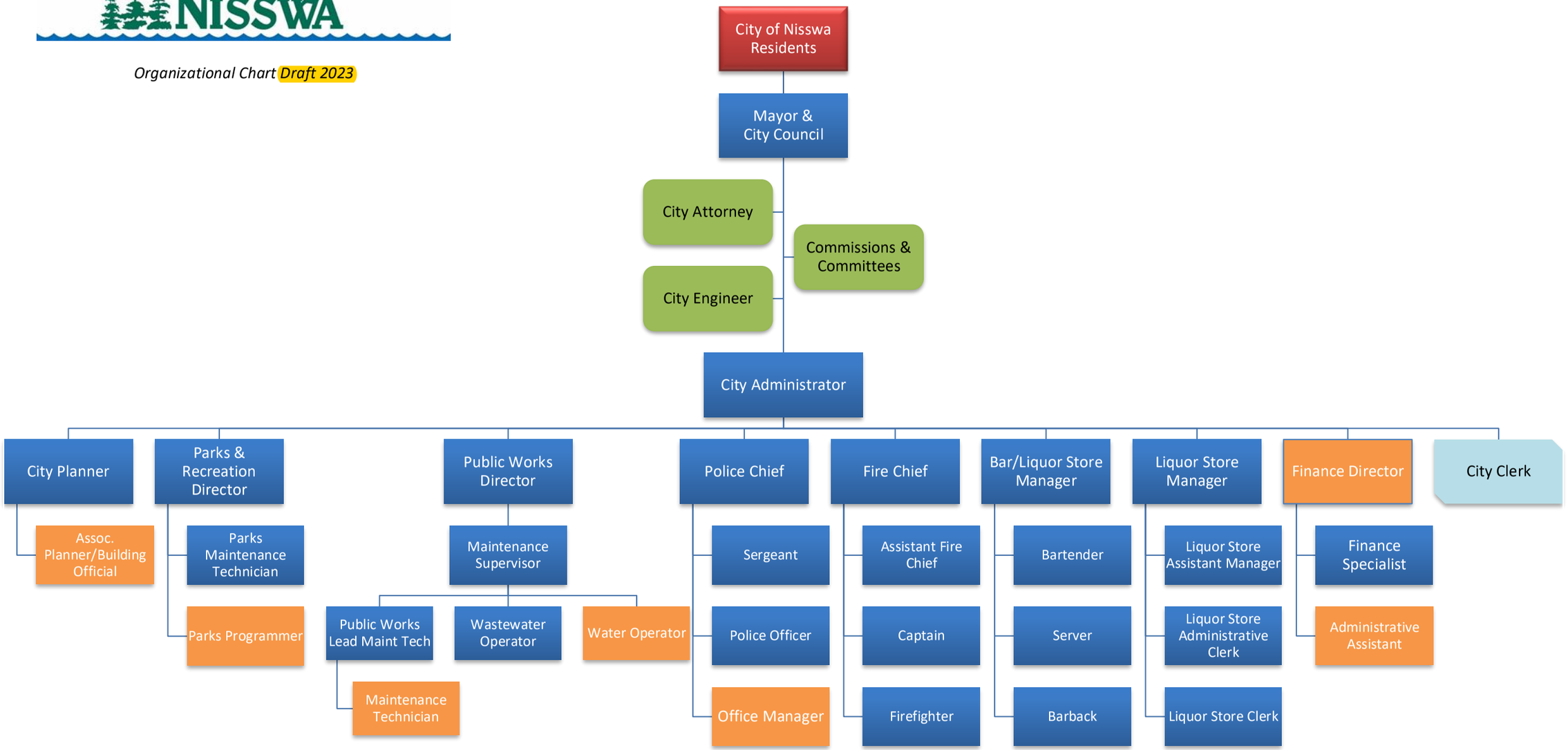
CITY OF NISSWA

Organizational Chart as of June 21, 2021



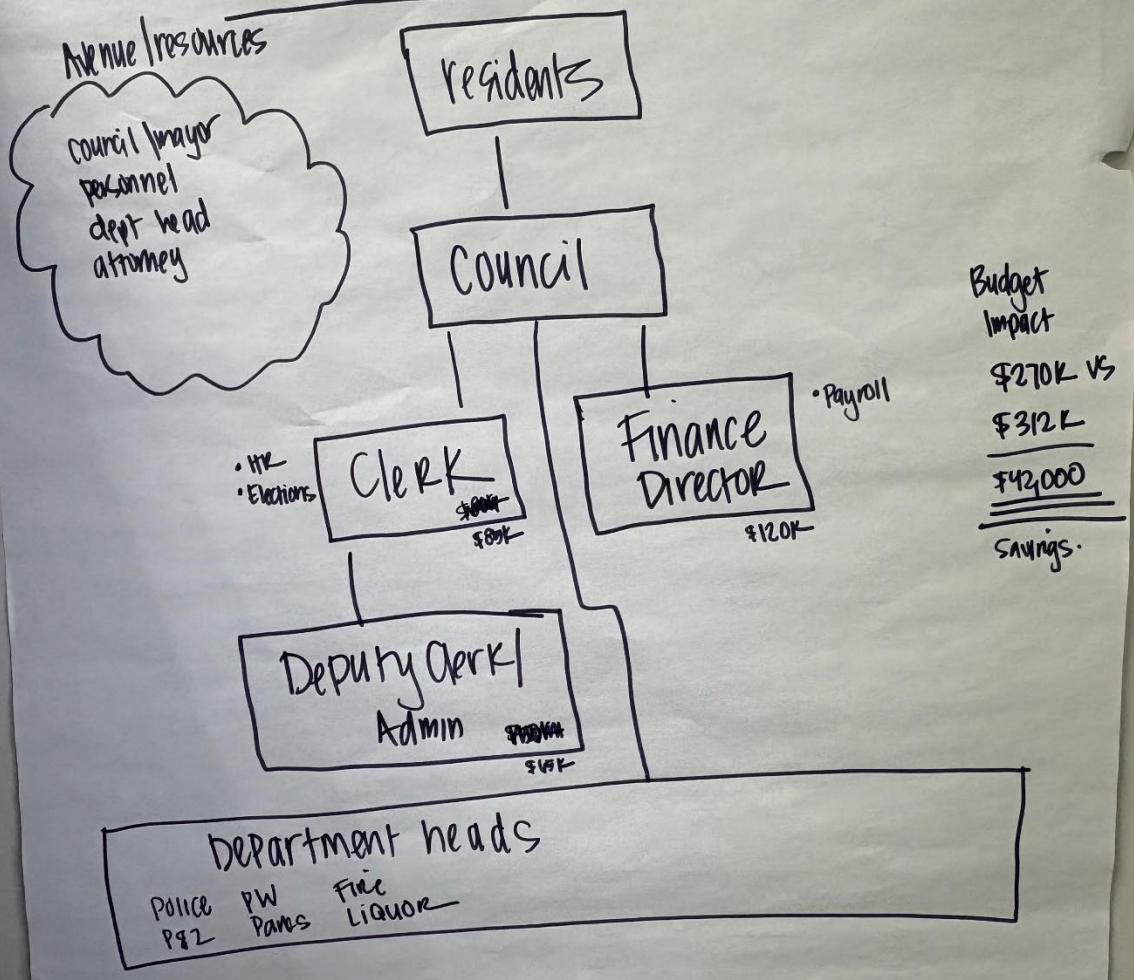
CITY OF NISSWA

Organizational Chart Draft 2023



9/23/25

Possible Structure



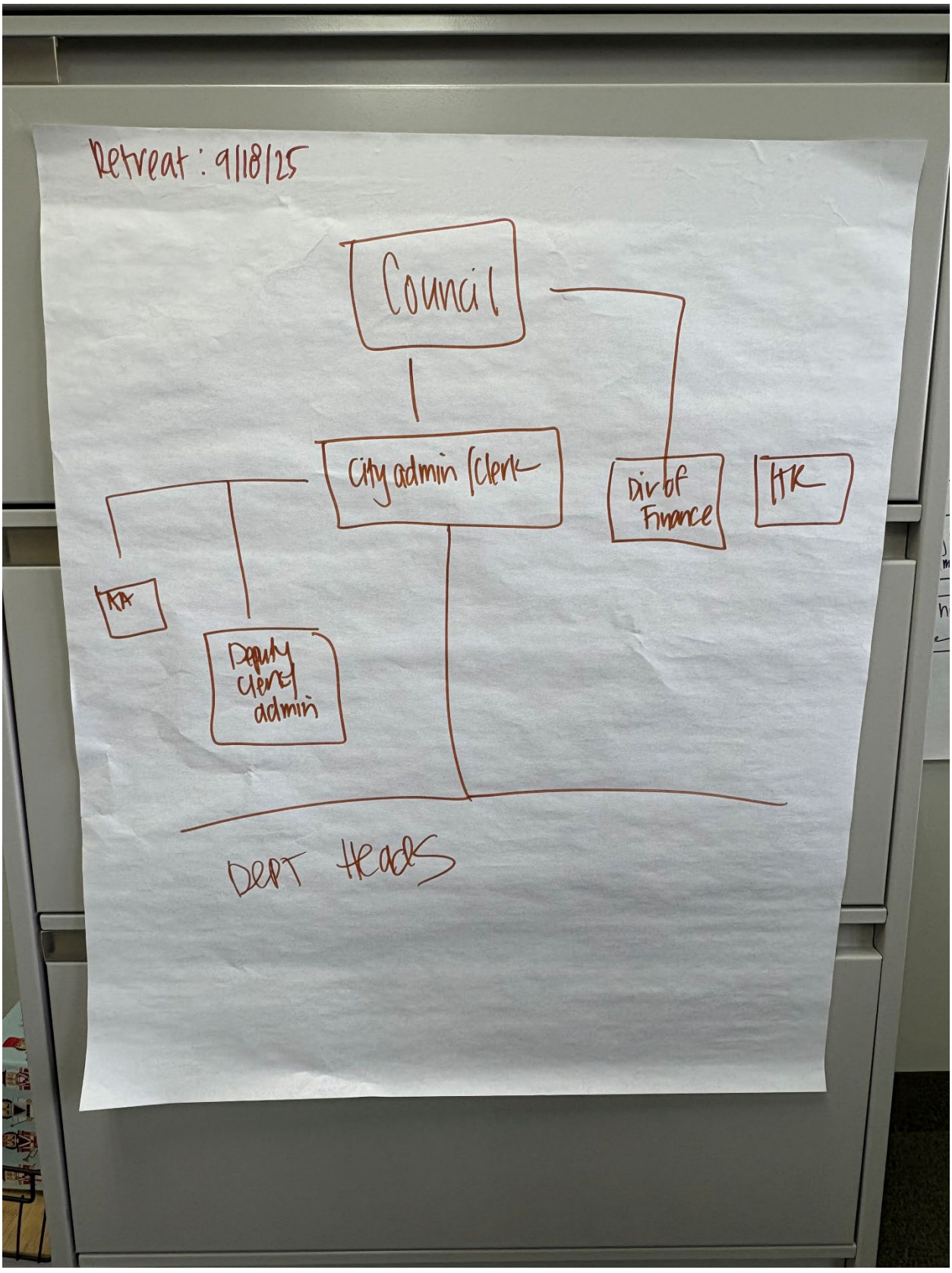
Budget Impact

$270K vs

$312K

$42,000

Savings.


Retreat : 9/18/25
Council
City admin /clerk
Dir of Finance
HR
HR
Deputy clerk/ admin
DEPT Heads

Maggi: Here is a break down of the advertising expenses for the city administrator position. After talking to our Marketing and Communications folks there are two additional sites that have a cost. See below.

Association of Minnesota Counties	$50.00
League of Minnesota Cities (if not a member)	$360.00
Iowa League of Cities	$140.00
Wisconsin League of Cities	$150.00
International City/County Managers Association	$450.00
National Association of Counties	$500.00
Government Jobs.Com	$199.00
Careers in Government	$245.00

Total	If not a member of LMC	$2,094.00
	Member of LMC	$1,734.00

We advertise on several free websites and our social media postings

SCSC South Central Service Cooperative
Quality Through Cooperation Since 1976

Mike Humpal, CEcD

Manager Local Government Solutions

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Thomas Blomer, Public Works Director

Date: 4/21/2026

Item: Add Joe Hall as a Second Committee Liasson, and Advertise for the vacant seat on the Committee.

Action Requested: I am asking to have Joe Hall confirmed as a second Council Liasson to the committee, and I am also looking to have the Council approve advertising to find a new member to appoint to the committee.

Background: We want to advertise to fill a vacant position on the committee. This is a seat that has been filled by Peter Mann and has not been refilled.

Finally, we would like to add a second Council member to the committee. We want to ask the Council to confirm Joe Hall as the second member.

Public Works Committee Recommendation: Recommend adding Joe Hall as a second Council Liaison. They also recommend advertising to add an additional member to the committee.

Budget Impact: None.

Attachments: None.

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Thomas Blomer, Public Works Director

Date: 4/21/2026

Item: Adding Street Lights to Hills Crossing Consideration and Approval

Action Requested: Approve the requested street light additions.

Background: The Hills Crossing Assisted Living Center has contacted the city and requested two street lights be installed. One at the intersection of Lower Cullen Road and Hills Crossing. The second at the intersection of Hills Crossing and Trail Side Run. These lights are located in Minnesota Power's service area. We will install these lights on existing poles close to these intersections. We are going to install these with the lowest Lumens available to prevent light pollution, 4000 Lumens. We can go up from here if this is not bright enough.

Budget Impact: Installation of the lights will be $1,500 each. The monthly charge for the the 4000 Lumen light at each location is $15.86 each/month. If we increase to 8,800 Lumen, it would be $19.88 each/month. We can go as high as 23,000 Lumen for $29.56 each/month. I recommend installing the 4000 Lumen lights to start with.

Attachments: Map showing the location of the light additions.

City of Nisswa



1/13/2026, 11:57:41 AM

Streets

Nisswa_parcels

1:282

0 0 0 0.01 mi

0 0 0.01 0.01 km

Microsoft, Vantor, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

ArcGIS Online Map
Microsoft, Vantor | Esri Community Maps Contributors, MN Dept Natural Resources, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census

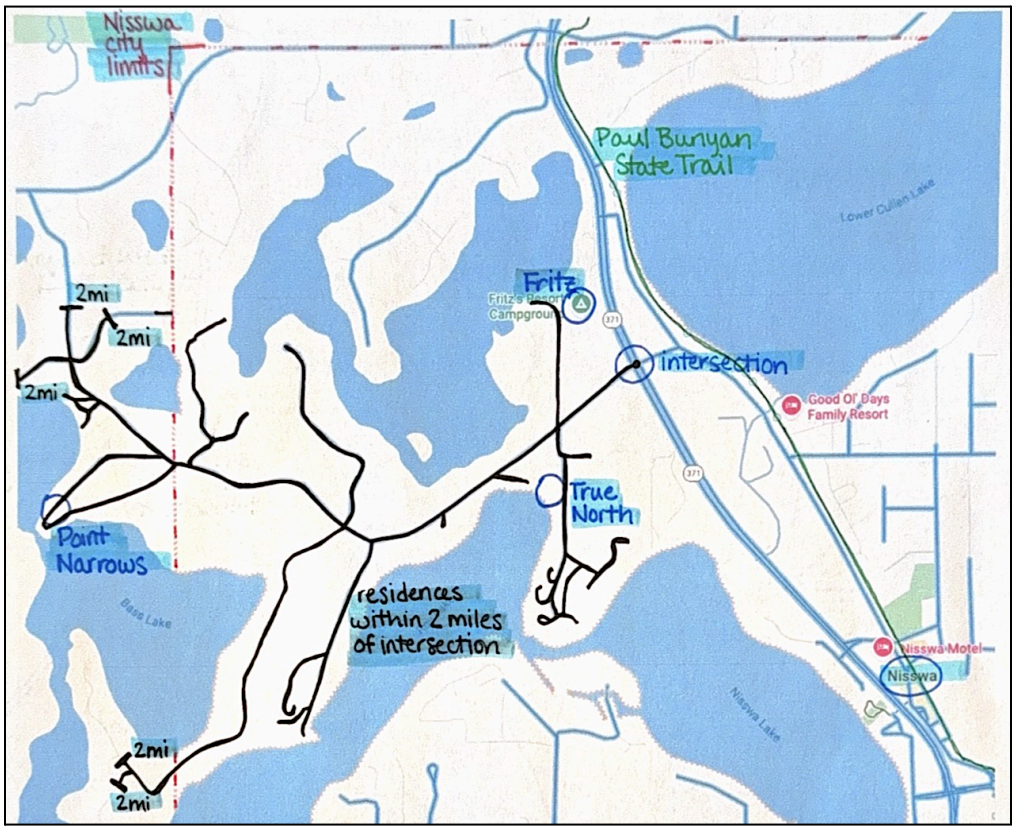
CONSIDERATION POINTS FOR STREET LIGHT ADDITION POLICY

1) Safety Concerns
    a. Street sign visibility.
    b. Blind or difficult intersection?
    c. Children often present?
    d. Crosswalks in the intersection that need to be lit?
    e. Trail or sidewalk in the intersection that needs to be lit?
    f. Personal security is a concern?
2) Traffic Volume Considerations.
    a. Intersects 371?
    b. Intersects a county road?
    c. Two busy streets are intersected?
3) Cost and Budget Considerations
    a. Has this location been budgeted for?
    b. Is there power located close by to connect to?
    c. Can installation wait until it can be budgeted for?
    d. These lights are a lifetime commitment, due to ongoing maintenance and electric bills, is it worth that?
4) Final Considerations
    a. Is the requestor willing to pay for installation and/or utility costs?
    b. Where will the light(s) be placed?
    c. Is there a petition for or against the light addition?
    d. Is there a light pollution concern and does it overwhelm the safety concern?

H1

Highway 371 & Upper Roy Lake Road Pedestrian Crossing

Nisswa City Council – April 2026 Meeting



Summary

Highway 371 currently lacks a safe crossing at Upper Roy Lake Road, leaving residents and visitors west of Highway 371 without a practical way to reach downtown Nisswa or the Paul Bunyan State Trail on foot or by bike. This leaves the following options:

- **Cross at the current intersection.** With four lanes, heavy northbound traffic, and a speed limit of 65 miles per hour, this is incredibly dangerous regardless of the mode of transport.
- **Take an alternative route to cross at the County Road 29 intersection.** There will be a sidewalk after MnDOT completes their J-turn project[1], but a grade-level crossing is still dangerous. Furthermore, this route would add 1.5-2.5 miles each way (3-5 miles roundtrip)[2], making this unrealistic for families with children, older residents, and casual cyclists.

[1] MnDOT County Road 29 intersection improvements: https://www.dot.state.mn.us/d3/projects/hwy371-cr29/

[2] 1.75-3.75 miles to Paul Bunyan State Trail and 3.75-5.75 miles to Nisswa city center, depending on resident's location

- **Drive across the intersection and park.** This adds vehicle trips to a Main Street corridor that already struggles with congestion, which is a burden that would be reduced by giving residents and visitors an alternative mode of transportation.

This isn't a minor inconvenience; it is a barrier that isolates a significant portion of the community and discourages the active, connected life that makes Nisswa special. A pedestrian crossing at the Upper Roy Lake Road intersection would give residents and visitors direct, safe access to two significant destinations; they would be 0.25-2.25 miles from the Paul Bunyan State Trail, and 1.25-3.25 miles from Nisswa city center.

Who Is Affected

Within two miles of the Upper Roy Lake Road intersection, the impacted area includes:

- **190+ residences** (9.7% of Nisswa's population[3])
- Neighborhoods bordering **6 lakes** (Edna, Fawn, Roy, Spider, Bass, and Upper Gull)
- **3 tourist destinations** (Fritz's Resort, Point Narrows Resort, and True North Lodge House)

Justification

Safe pedestrian infrastructure is good for both residents and for business. When guests at the three hospitality businesses mentioned above can easily walk or bike to downtown Nisswa, they will stay longer, spend more money, and leave with a better impression of our town.

Beyond tourism, walkable and bikeable communities consistently attract new residents and support higher property values. A study of over one million home sales found that increased walkability was associated with higher home values by an average of 12 percent.[4] Higher property values mean higher tax revenues, which would mean a direct fiscal benefit to the city. The Citizens' Institute on Rural Design found that access to trails would "seriously influence" 60 percent of homebuyers when looking to move to a new community.[5] In addition, studies have found up to $2.70 in medical benefits alone for every $1 invested in trail or pedestrian infrastructure (not including tourism revenue, property value gains, or tax receipts).[6]

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[3] 2020 census reflected a population of 1,967 people: https://www.cityofnisswa.gov/visitors/about_nisswa/index.php
[4] Redfin study on walkability impact: https://cityobservatory.org/the-economic-value-of-walkability-new-evidence/
[5] Impacts of trail-oriented development: https://www.rural-design.org/stories/riding-the-trail-to-revitalization-rural-and-small-town-trail-oriented-development
[6] Various benefits of trails and crossings: https://www.americantrails.org/resources/faq-our-roads-are-in-bad-shape-why-spend-money-on-trails

It is important to note that many walkability studies are focused on urban areas. However, there are several studies on trail accessibility done in comparable small towns that tell a consistent story:

- Whitefish, Montana is a skiing and biking community with a population of 7,751 people. They found that trail access contributed $6.4 million in annual spending and supported $1.9 million in labor income.[7]
- Gallup, New Mexico is a community along Route 66 with a population of 21,023 people. By developing trails for visitors to access hiking along cliffs and archaeological sites, they generated over $25 million in economic impact over 10 years.[8]

The City of Nisswa has an opportunity to make a modest infrastructure investment that would serve almost 10% of its population, support three local tourism businesses, and strengthen the connection between our neighborhoods and downtown. We also have the opportunity for Nisswa to set an example and be a model for other smaller communities throughout the state facing the same problem. Grade-separated pedestrian crossings in rural settings are uncommon but proven. Increasing the safety of both residents and visitors can lead to a more tight-knit community, and to more people deciding to visit our area and fall in love with our town and culture.

Case Studies

Other Minnesota communities facing similar challenges have found solutions that we could model.

Itasca-Heartland Connection Trail Tunnel[9]

A pedestrian and cyclist tunnel was installed under Highway 71 near the east entrance to Itasca State Park as part of a multi-phase project to connect Itasca State Park to the Heartland Trail in Park Rapids. Construction was completed in 2023 at a cost of approximately $1.1 million. The overall project was funded via Minnesota Legislature bonding bills as well as a Recreational Trail Grant.[10] It received support from the Park Rapids Chamber of Commerce, Heartland Lakes Development Commission, Hubbard County Board, the cities of Park Rapids and Nevis, and local biking and snowmobile clubs. A citizen-led committee championed the project over several years before

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[7] Whitefish study on trail access: https://headwaterseconomics.org/economic-development/trails-pathways/city-trails-improving-equitable-access/

[8] Gallup study on benefits of trails: https://www.trailbuildermag.com/articles/do-you-think-trails-benefit-your-towns-economy

[9] Itasca-Heartland trail completion article: https://www.parkrapidsenterprise.com/news/local/u-s-hwy-71-reopens-with-completion-of-itasca-heartland-connection-trail-tunnel

[10] Itasca-Heartland trail funding article: https://www.parkrapidsenterprise.com/news/itasca-heartland-connection-trail-receives-2m-in-bonding

funding was secured. It is an extremely relevant example because one of the primary reasons given for the tunnel was that Highway 71's high traffic levels made walking and biking too risky.

Crosby/Highway 6 Tunnel[11]

The City of Crosby led the installation of a multi-use trail below Highway 6's current trail crossing near Yawkey Road. Despite already having a trail crossing at grade level, there were concerns about safety and traffic flow.[12] This is directly analogous to the conflict at Upper Roy Lake Road and Highway 371. The City of Crosby worked with MnDOT, MnDNR, the Cuyuna Lakes State Trail Association, snowmobile clubs, and the Cuyuna Country State Recreation Area Advisory Council. The contract was awarded in the amount of $1,302,429, with over 90% of funding coming from MnDOT, MnDNR, the Iron Range Resources and Rehabilitation Board, and the Hallett Trust. State legislature also approved a $600,000 grant in 2015 for the project. The project was addressed through the Local Partnership Program with MnDOT, MnDNR, and the City. Crosby's mayor later said of the project, "It has become a huge economic driver for our community, and you only need to drive down Main Street today to recognize the impact that it's having. We like to point out it's tying the city and community's heritage past to the future."

These two projects prove feasibility as well as provide useful cost benchmarks for what Nisswa might expect when pursuing similar solutions.

Cost Estimates

The Crosby/Highway 6 tunnel completed in 2019 cost approximately $1.3 million for a tunnel roughly 30-40 feet in length beneath a rural state highway. The Itasca/Highway 71 tunnel completed in 2023 came in at approximately $1.1 million for just the tunnel structure. MnDOT's estimate for a full pedestrian bridge replacement in Minneapolis at Crosstown and Highway 62 has a budget of $6 million (this is a project in an urban location with more complex ADA ramp requirements).[13]

National benchmarks from the National Cooperative Highway Research Program (NCHRP) show pedestrian crossings (covering both tunnels and bridges) range from $500,000 to $4 million, with the per-linear-foot range between $900 to $5,600.[14] They note that bridges are best suited where topography allows a structure without long ramps, while tunnels work best when they can feel open and well-lit.

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[11] Crosby/Highway 6 tunnel proposal article: https://www.c-icourier.com/content/tunnel-project-state-highway-6
[12] Crosby/Highway 6 tunnel progress article: https://www.brainerddispatch.com/news/to-get-to-the-other-side-highway-6-tunnel-construction-underway
[13] City of Edina public projects: https://www.bettertogetheredina.org/rosland-park-bridge
[14] NCHRP Report 500: https://trb.org/publications/nchrp/nchrp_rpt_500v10.pdf

A preliminary search for funding options includes the following:

- MnDOT's Local Partnership Program (LPP) is designed for locally initiated projects on state trunk highways that deliver mutual benefit with no required local match specified. This is the same program used to deliver the Crosby/Highway 6 tunnel. The Highway 371 corridor study already underway may help get our foot in the door.
- Greater Minnesota Regional Parks and Trails Commission (GMRPTC) Legacy Funds provide funding for parks and trails of regional significance outside of the Twin Cities metro. Nisswa already has an established relationship with this entity for the Gull Lake Trail from Lake Shore to downtown Nisswa. A safe crossing that connects 190+ residents and the Paul Bunyan State Trail is exactly the kind of project the GMRPTC might support.
- Crow Wing County Long-Range Transportation Plan is designed to identify and prioritize long-term investments focused on vehicle and pedestrian safety, road maintenance, and future growth. [15] The plan is still being shaped, which means getting a pedestrian crossing into the plan early could unlock county cost-sharing funds.
- MnDOT's Transportation Alternatives (TA) Program is available to communities for pedestrian and bicycle facilities, with grants covering 80% of project costs. Applications open each fall through the Central Minnesota Area Transportation Partnership.
- The MnDNR Federal Recreation Trail Grant funds trail infrastructures, including crossings. This is the same program that contributed $150,000 to the Itasca-Heartland tunnel.
- The MnDNR Regional Trail Grant funds construction of regionally significant trail infrastructure. This project may be eligible due to connecting to the Paul Bunyan State Trail.
- The Safe Streets and Roads for All (SS4A) is a federal program for local initiatives to prevent roadway fatalities and serious injuries. Crow Wing County has already applied for SS4A funds, making them a potential co-applicant.
- Highway Safety Improvement Program (HSIP) funds are administered through MnDOT and can be used for pedestrian and bicycle safety projects.

Our Request

We hope the Council will consider this a priority. We respectfully ask the Council to authorize staff to pursue partnerships, grant applications, and whatever else may be needed to make this project a reality.

[15] Long-range transportation plan article:
https://www.brainerddispatch.com/news/local/still-time-to-engage-in-crow-wing-county-long-range-transportation-plan

Highway 371 & Upper Roy Lake Road Pedestrian Crossing

Letter of Support

We, the undersigned residents of Nisswa, write in support of exploring a safe, grade-separated pedestrian crossing at the intersection of Highway 371 and Upper Roy Lake Road.

As it stands, residents and visitors west of Highway 371 have no practical way to reach downtown Nisswa or the Paul Bunyan State Trail on foot or by bike. The intersection's four lanes, heavy traffic, and 65 mph speed limit make crossing genuinely dangerous.

We believe a pedestrian crossing at this location would meaningfully improve safety, strengthen connections between our neighborhoods and downtown, and support the active, connected community that makes Nisswa special.

We respectfully ask the Nisswa City Council to authorize staff to explore this project with the goal of making a safe crossing a reality.

Name (print)	Signature	Address
Ellsworth family	Katie Elsworth	26210 Edna Ln
Leigh-Anne Peterson	Leigh-Anne Peterson	26216 Edna Lane
DARRELL & BARB THOMPSON		26176 EDNA CN NISSWA
GUY JOGEL		4096 UPPER ROY LAKE RD.
Stan Johnson	Steve Johnson	25655 Hyland Ave
MATT GREEN	Matt Green	25528 HYLAND AVE
Keith Soderlund	K Soderlund	25530 Hyland
Pauline Dunn	Pauline Dunn	4521 Lowland
Debbie Krautkremer	Debbie Krautkremer	25884 Hyland Ave
Ross Krautkremer	Ross Krautkremer	25884 Hyland Ave
payton Wilcox	payton WILCOX	4356 Country Lane

Name (print)	Signature	Address
Sheila Augustine	Sheila Augustine	25598 Roy Lane
Paul W. Augustine	Dave Augustine	11
Marit Moberg	Marit Moberg	26087 Edna Lane
Charlie Moberg	Charlie Moberg	11
Diane K Townsend	Diane K Townsend	26424 Hyland Ave N
Rick McCall	Rick McCall	11
Kathryn O'Rourke	Kathy O'Rourke	25789 Hyland Ave
Sandra O'Rourke	Sandra O'Rourke	25789 Hyland Ave
Brian O'Rourke	Brian C. O'Rourke	25789 Hyland Ave
(only had time to visit homes within the first 0.8 miles of the 2 mile focus area)		

NISSWA CHAMBER OF COMMERCE

2026 EVENTS SUMMARY

Turtle Races

WEDNESDAYS
JUNE 3 – AUGUST 12

Event Description: The Turtle Races have been a Nisswa tradition since 1963, bringing in multiple generations of families and visitors from all over the globe for some good, old-fashioned wholesome fun.

Street Use: Access to the Turtle Track parking lot is closed first thing Wednesday morning and reopens following the completion of Turtle Races - typically by 4pm at the latest. Some parking spots are blocked off the day before to reserve for the turtle trailer, etc.

Entertainment/Noise: The Chamber utilizes the sound system on our block to announce the turtle races.

Sanitation/Drinking Water: The Chamber Welcome center will be open for restroom and drinking fountain use.

Parking/Traffic Control: N/A

Trash/Cleanup: The City of Nisswa will handle garbage receptacles and pickup.

Food and Beverages: This event does not typically include food or beverage vendors.

The Chamber carries all proper insurance for our events.

2025: Revenue: $46,344.66 - Expenses: $17,484.70 = $28,859.96

Freedom Days

FRIDAY, JULY 3RD

Event Description: Freedoms Days includes shopping, food, Turtle Races, a parade and fireworks.

Street Use: The Turtle Track is closed all day. Main Street will be closed from the Main Street Ale House to the roundabout for the parade typically around 6:30pm Main Street from Pioneer Village to Poplar Ave. closes at 5pm for parade lineup. The community center parking lot is closed all day for fireworks. Main Street/Lower Cullen Road is utilized for parade lineup. Main Street will be closed to parking starting at 4:30pm for spectators.

We are working with the Nisswa Police Department on a plan to lengthen the parade route. This year we are looking at extending the spectator route on Main Street/Lower Cullen Road to Poplar, and having parade units begin lining up north of Poplar.

Entertainment/Noise: The Chamber will utilize the downtown sound system. Individual floats may include other amplified sound, such as bands, music or announcements. Fireworks will happen at dusk.

Sanitation/Drinking Water: The Chamber Welcome center will be open for restroom and drinking fountain use. The City of Nisswa will provide portable restrooms and handwash station(s).

Parking/Traffic Control: The Nisswa Police Department will handle the management of traffic control. The parade can be stopped/rerouted at any moment to provide access for emergency vehicles. Crowd control has always been a concern and we are working on the best way to manage this effectively. We request to use the City Hall parking lot as permit parking only for our vendors, volunteers and Chamber staff. We would also like to utilize parking in front of City Hall for Handicap parking. We will provide Public Works with a map/instruction on where barricades need to be placed per the Police Department. We plan to utilize offsite parking via shuttles from Timberwood Church to downtown.

Trash/Cleanup: The City of Nisswa will handle garbage receptacles and pickup. The Chamber will be in charge of any other cleanup during and after the event. The Chamber will hire Waste Partners for increased garbage service for this event.

Food and Beverages: Licensed food and/or beverage providers will be set up near the Chamber building. No alcoholic beverages will be served outside of already established restaurants.

The Chamber will stay in contact with all downtown business owners so they are aware of the event happening and any impacts it may have on their business. The Chamber carries all proper insurance for our events.

2025: Revenue: $25,551.00 - Expenses: $24,276.57 = $1,274.43

Nisswa CHAMBER OF COMMERCE

Crazy Days

FRIDAY, AUGUST 14TH – SATURDAY, AUGUST 15TH

Event Description: Crazy Days is an annual event where downtown businesses boast deep discounts and great bargain shopping. Many businesses opt to have a tent in the street to extend the sale footprint.

The Nisswa Lions Club plans to host a Sweet Corn Feed both days outside at The Pickle.

Street Use: The Chamber provides the Street Use Permit information to the businesses. It is up to them to pursue this as they see fit.

The Chamber does not host this event, we just promote it.

Fall Festival & Smokin' Hot BBQ

SATURDAY, SEPTEMBER 19TH

Event Description: Nisswa's Fall Festival & Smokin' Hot BBQ includes a pancake breakfast by the Nisswa Fire Department, a medallion hunt, cornhole tournament, kid's activities, craft sale and live music. The BBQ ribs are judged and open for public eating in the afternoon.

Street Use: The Pickle Parking lot, Turtle Track lot, and City Hall street from the Paul Bunyan Trail to between the Pickle & City Hall are closed starting Friday afternoon for setup through Saturday evening.

Entertainment/Noise: The Pickle books various bands who will play throughout the day using amplified sound. The Chamber will utilize our sound system for the cornhole tournament.

Sanitation/Drinking Water: The Chamber Welcome center will be open for restroom and drinking fountain use. The City of Nisswa will provide portable restrooms and handwash station(s).

Parking/Traffic Control: The Nisswa Chamber will work closely with law enforcement to be sure that street closures are safe & manageable. Barricades will be used to identify closed/no parking areas. Due to the small footprint of this event, no traffic control is typically needed. We request to use the City Hall parking lot as permit parking only for our vendors, volunteers and Chamber staff.

Trash/Cleanup: The City of Nisswa will handle garbage receptacles and pickup. The Chamber will be in charge of any other cleanup during and after the event. The Chamber will hire Waste Partners for increased garbage service for this event.

Food and Beverages: Licensed food and/or beverage providers will be set up near the Chamber building. Alcoholic beverages will be sold by The Pickle, the VIP tent caterer, and the Brainerd Jaycees.

The Chamber will stay in contact with all downtown business owners so they are aware of the event happening and any impacts it may have on their business. The Chamber carries all proper insurance for our events.

2025:
Revenue: $28,410.00
Expenses: $14,085.18
= $14,324.82

City of Lights

FRIDAY, NOVEMBER 27TH

Event Description: Nisswa's City of Lights Festival includes bonfires, train rides, Santa, live reindeer, live nativity, Polar Express readings and more. The evening is capped with a spectacular fireworks display.

Street Use: Main Street will be closed from Big Axe Brewing to Main Street Ale House. Alley access will be available, with the exception of Nisswa Motel guests and Rafferty's Pizza delivery. This includes alleys on both sides of Main Street. The Nisswa Square has authorized their parking lot to be closed as well. All of these No Parking zones are effective at 3:30pm. The Turtle Track will also be closed that day. The Community Center parking lot will be closed all day for fireworks.

Entertainment/Noise: The Chamber will utilize the downtown sound system for announcements, lighting countdown.

Sanitation/Drinking Water: The Chamber Welcome center will be open for restroom and drinking fountain use. The City of Nisswa will provide portable restrooms.

Parking/Traffic Control: The Nisswa Police Department will manage the street closure, towing as necessary, and traffic control that evening. Typically the Crow Wing County Mounted Patrol is hired by the Chamber to assist within the festival. The Chamber has implemented offsite parking and shuttles to downtown from Timberwood Church.

Trash/Cleanup: The City of Nisswa will handle garbage receptacles and pickup. The Chamber will be in charge of any other cleanup during and after the event.

Food and Beverages: Licensed food and/or beverage providers will be set up near the Chamber building.

The Chamber will stay in contact with all downtown business owners so they are aware of the event happening and any impacts it may have on their business. The Chamber carries all proper insurance for our events. The Chamber is currently working on a risk management procedure for all of our events.

We would love for the City to scale up the level of lighting on their properties.

The Chamber installs around 100,000 lights. It has been requested that they stay on from Dusk-Dawn. They will be on until January 31st. We work with a professional lighting company to ensure proper installation and safety.

2025:
Revenue: $36,888.00
Expenses: $31,184.97
= $5,703.03

CITY OF NISSWA

To:	**City Council**
Prepared by:	**Steven Timblin**
Date:	**April 21, 2025**
Item:	**Chapter 20 Ordinance Amendment**

Action Requested: Set Public Hearing for Chapter 20 Ordinance Amendment for next regular meeting of Planning Commission/Board of Adjustment on May 5th, 2026.

Background: The City has been engaged in ordinance amendment to Chapter 20 of the code of ordinances, following comparative analysis from Chris Pence, which staff has synthesized into drafted changes and undergone review with the Planning Commission. Proposed amendments have been noted within this draft, and the Planning Commission has had preliminary discussions resulting in further review and is ready to host the Public Hearing. The DNR has also been provided with an opportunity to review the language, and the City is awaiting review and a letter of conditional approval.

Budget Impact: N/A

Attachments: Memo to Planning Commission, marked up ordinance revision.

Planning Commission/Board of Adjustment Memo
03/03/2026

Subject: **Chapter 20 Ordinance Amendments**

From: Steven Timblin, City Planner

The City has been engaged in ordinance amendment to Chapter 20 of the code of ordinances following comparative analysis from Chris Pence. It was suggested by both PCBOA and City Council to propose changes in line with Chris' suggestions. I have also proposed changes as administrative recommendations through my engagement within the community since the last revision. Proposed amendments have been tracked within this draft, and a summary of changes is provided below:

Article, Division or Section	**Summary of Change**
Sec. 20-08 – 20-20. Reserved	Formatting (Deleted ".")
Sec. 20-45 – Certificate of Compliance	Consultant Consideration
Sec. 20-81- Purpose and Intent of Individual Districts	Added clarity to intents of zoning district designations
Sec. 20-82 – Land Use Chart	General Clarifications: • Added use pathways for existing uses within Public and Recreation and Planned Development Districts • ~~Designating "Mobile Food Units" – See proposed Sec. 20-422 to Sec 20-423~~ • Addressed conflict within table between Dwelling – Multifamily and PUD • Added use pathway for Temporary Commercial Structure in Commercial Waterfront • Formatting (misc)
Sec. 20-89 - Structure Setback (In Feet)	Consultant recommendation regarding wetlands
Sec. 20-91 – Other Setbacks (In Feet)	Formatting (Indentation)

Sec. 20-92 – Buildings – Maximum Height Allowed and Frontage on a Public Road	Strikethrough of elements related to frontage requirements. Language exists in subdivision sections.
Sec. 20-93 – Accessory Structure Size, Setback and Permit Requirements	Consultant recommendations & administrative recommendations. Permitting pathways clarified/introduced
Sec. 20-97 0 Impervious Coverage Limitations (in percent land coverage)	Consultant recommendation for NE lakes, range of allowance introduced for Public and Recreation
Sec. 20-132 – Shoreline Buffer Management Standards and Vegetative Mitigation	Formatting (Indentations)
Sec. 20-135 – Dirt Moving/Grading/Filling Standards	• Formatting (reference clarification) • Consultant Recommendations: 1) Upland Fill in Commercial properties for SIZ1, SIZ2 and RLZ
Sec. 20-136 – Retaining Wall Standards	Clarification around engineering requirements
Sec. 20-137 – Rip Rap Standards	Calibration with County Ordinance/DNR requirements
Sec. 20-138 – Boardwalk Standards	Introduce regulation regarding overhead improvements
Sec. 20-138 – Private Water Access Ramp Standards	Consultant Recommendation
Sec. 20-142 – Water Oriented Accessory Structure Standards	Consultant consideration regarding pitch requirements
Sec. 20-144 – Patios	Corrected reference, consultant recommendation regarding pools
Sec. 20-145 – Swimming Pool Standards	Consultant Recommendation
Sec. 20-171 Commercial Land Use Districts	Same changes as those to Sec. 20-81 – Purpose and Intent of Individual Districts
Sec. 20-172 Purpose and Intent	Introduced section header
Sec. 20-173. Plan Submission Requirements	Formatting (Deleted ".")
Sec. 20-178. Temporary Structures	Added language for Commercial Waterfront
Sec. 20-178. Accessory structures in the CW, HB and CB districts	Added language for Commercial Waterfront
Sec. 20-188. Parking and loading	Clarified language for parking lot landscaping
Article IV. Special Locations and Uses	~~Added "Division 5. Mobile Food Units" with regulations that support economic development while protecting existing land uses through separation and compatibility.~~
Sec. 20-422 to 20-440. Reserved	Updated reserved section range.
Article V. Subdivisions	Conversion of "Title Opinion" requirements to "Title Commitments"

Sec. 20-472 Landscaping plant required for freestanding signs.	Formatting (Deleted “t” in “plant” to become “plan”)
Sec. 20-529. Fencing	Clarified and added standards when houses are in line for fence allowance related to OHW
Sec. 20-630. Lapse of permit; extensions	Consultant recommendation
Sec. 20-656. Variances	Consultant recommendation
~~Sec. 20-700. Definitions~~	~~Added definitions related to “Mobile Food Units”~~

The above summary comprehensively depicts changes proposed in the markup following this memo.

As revisions have been done in the past, certain methods of formatting have evolved in different ways of outlining the various articles, divisions and sections. Early attempts to calibrate them in this versioning revealed the tedious nature of this task (bullet pointing and multilevel listing), and staff requests autonomous permission to rework the outlining to follow a singular style of format such as:

Article I
Division 1
Subdivision I

Sec. 20-01 – Purpose and Intent.

1.
a.
i.
(1)
(a)
(i)

I perceive a reformatting project as outlined above to be a beneficial step towards consistency, however, this project would not at all be a high priority. Instead, it would simply be a goal to work towards as time allows or in future ordinance revisions.

Thank you,

Steven Timblin
City Planner

ORDINANCE NO. 24, FOURTH SERIES
AN ORDINANCE AMENDING CHAPTER XX OF THE CITY OF NISSWA'S ZONING ORDINANCE, REGARDING LAND USE AND DEVELOPMENT
THE CITY OF NISSWA
COUNTY OF CROW WING
STATE OF MINNESOTA

The City of Nisswa ordains:

Section 1. **Purpose and Intent**. The purpose and intent of this Ordinance is to amend the City Zoning Ordinance, Chapter 20 – Land Use and Development.

Section 2. **Amendments**. Note: all ordinance language below supersedes the current Ordinance and upon publication will replace the current language in its entirety.

Chapter 20 LAND USE AND DEVELOPMENT[1]

ARTICLE I. IN GENERAL

Division 1 – General Ordinance Provisions

Sec. 20-01 – Statutory Authorization. The shoreland section of this ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes or Chapter 462.

Sec. 20-02 – Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Nisswa.

Sec. 20-03 – Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 20-84 of this ordinance.

Sec. 20-04 – Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

[1]State law reference(s)—Municipal planning and zoning, M.S.A. ch. 462.

Sec. 20-05 – Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Sec. 20-06 – Reference to First Adoption. Unless another date is specifically stated, any reference in this Ordinance to "the date upon which zoning was first adopted" shall mean July 17, 1970.

Sec. 20-07 – Interpretation and Intent. This ordinance shall be fairly read so as to give effect to the plain meaning of words and the definitions hereinafter set forth, to accomplish the purpose stated in Division 20-02 above and to be in keeping with the constitutions of this State and of the United States. It is not the intent of this ordinance to repeal, abrogate, or impair any existing laws, rules, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

Secs. 20-08—20-20. Reserved.

ARTICLE II. DISTRICTS AND DISTRICT USES

Division 1 – General Zoning Provisions

Sec. 20-21 – Zoning District Map. The incorporated areas of the City of Nisswa, Minnesota are hereby divided into zoning districts shown on the official zoning district map, as amended under Article IX, Division 4, Section 20-688 of this Ordinance, and filed in the Offices of the County Recorder and the Department. The official zoning district map may be in hard copy or electronic format. The map and all explanatory matter thereon are hereby made a part of this Ordinance.

Sec. 20-22 –Conformity with this Ordinance. All land uses shall conform to the provisions of this ordinance as follows:

A. All new structures constructed, converted, enlarged, or moved shall conform to the provisions of this ordinance.

B. The use of structures or lands for any purpose shall conform to the provisions of this ordinance.

C. All subsurface sewage treatment system installed, repaired, or modified shall conform to the provisions of this ordinance.

D. All dirt moving, filling, grading and road construction shall conform to the provisions of this ordinance.

E. No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet all minimum requirements established by this ordinance.

Sec. 20-23 – Conflicting Regulations. For the purpose of determining a zoning district designation, where a parcel lies in two land use districts as outlined in Section 20-81 of this ordinance, the parcel shall be classified in the zoning district which encompasses the larger percentage of the lot area. When a parcel is in the shoreland

area of multiple lakes or rivers, the topographic divide (which way the water flows on the parcel) shall be used to determine which lake or river classification is used.

Sec. 20-24 – Contractor Responsibility. Each contractor shall ascertain that all work done on the property of another person must have the proper permit(s) to do such work. Failure of any such contractor to comply herewith shall be considered a violation of this ordinance and subject to the enforcement provisions of Section 20-57 of this ordinance.

Sec. 20-25 –Applicant Responsibility. Actions taken pursuant to permits granted under this ordinance are the sole responsibility of the property owner or his/her agents. The City of Nisswa assumes no liability for any adverse effects to the property owner, or to third parties, caused by any actions taken pursuant to permits granted under this Ordinance

Secs. 20-26—20-40. Reserved.

Division 2 - Administration

Sec. 20-41 – Purpose. The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.

Sec. 20-42 – Administration. This Ordinance shall be administered by the Planning and Zoning Department through the City Planner hereinafter referred to as "Planner," appointed by and responsible to the City Administrator and the Nisswa City Council. The Planner shall issue all approved permits and certificates under this ordinance, either as authorized or as directed by the Planning and Zoning Commission. The Planner shall interpret this ordinance, subject to appeal. The Planner may delegate responsibilities as appropriate.

Sec. 20-43 – Land Use Permits. A land use permit is required for the construction of buildings or building additions (including construction of decks and signs) and the installation and/or alteration of sewage treatment systems.

Sec. 20-44 – Shoreland Alteration Permits. A shoreland alteration permit is required for dirt moving activities and amounts and the construction of certain structures such as but not limited to water oriented accessory structures, stairways, walkways, lifts, landings, retaining walls, ria rap, shoreline use areas including sand blankets, at grade patios, boardwalks, watercraft access ramps, in the shoreland zoning district with the primary area being shore impact zone 1 and 2.

Sec. 20-45 – Certificate of Compliance. A certificate of compliance on a subsurface sewage treatment system, consistent Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a land use permit, shoreland alteration permit, conditional use permit, variance or plat of any type is required for any improvement on or use of the property, and for all property transfers. ~~This provision of the ordinance is not required if the property is connected to the city sewage treatment system.~~

Sec. 20-46 – Application for Permit. Application for permits and other zoning applications such as variance and conditional use permits shall be made to the Planner on the forms provided. The application shall include the necessary information so that the Planner can evaluate how the application complies with the provisions of this ordinance. No approvals shall be taken on an incomplete application submitted to the Department.

Sec. 20-47 – General Review Proceedings. Pursuant to MN Statutes, Chapter 15.99, the Planner, Planning & Zoning Commission or City Council must approve or deny a completed application within 60 days of a written request relating to zoning, septic system, expansions, permit, license, or other approval action. Failure of the Planner, Planning and Zoning Commission or the City Council to deny a request within 60 days shall constitute approval of the request. No approvals are allowed if the request does not meet the requirements of this ordinance even if the 60-day rule has expired with no action taken. If the Planner, Planning and Zoning Commission or the City Council denies the request, it must state in writing the reasons for denial at the time that it denies the request.

1. The timeline for review begins upon the receipt of a completed application by the Department. An application shall be deemed complete when a written request containing all information required by this Ordinance is submitted to the Department. If the Department receives a written request that does not contain all required information, the 60-day limit shall not start if the Department sends written notice within 15 business days of receipt of the request telling the requester what information is missing.
2. The Planner, Planning and Zoning Commission or City Council may extend the timeline before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notice must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.
3. The applicant may, in writing, waive the 60-day time deadline.

Sec. 20-48 – Scope of Work Subject to Permitting. Prior to engaging in any land use activity regulated under the provision of this ordinance, the owner of the property or their authorized agent shall make application for the necessary permit or permits required by this ordinance. A permit or fee is not required for inside or outside residential maintenance provided the exterior dimensions of the structure remain the same.

Sec. 20-49 – Issuing Authority/Applicant Responsibility. A permit shall be issued by the Planner only when the applicant has met all applicable requirements of this ordinance. An authorized agent of the owner may make application for the permit or permits. Plats, conditional use permits, variances, land use permits and shoreland alteration permits will be processed by the Planning and Zoning Department pursuant to procedures established within this ordinance. The accuracy and completeness of all permit applications and accompanying documents are solely the responsibility of the applicant. No permit application will be approved for property on which there are unresolved violations unless the permit will resolve the violation

Sec. 20-50 – Other Permits. The granting of any land use permit, shoreland alteration permit, conditional use permit or variance under the provisions of this ordinance shall in no way affect the property owner's responsibility to obtain the approval required under any federal or state statute, ordinance or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for, but no approval shall be implied from the granting of any City of Nisswa permits nor from the necessity to apply for a permit described in this ordinance.

Sec. 20-51 – Application Information Requirements. The application for any permit, including public hearing requests, required under this Ordinance shall include:

1. The legal description of the property.
2. Property identification number.
3. Current and proposed land use.
4. A description of the type and scope of construction, use, development, or alteration proposed.
5. A sketch plan showing the location of public waters, wetlands, existing and proposed structures, road rights of way, driveways, parking spaces, water and sanitary facilities, and utility lines and impervious surface calculations.
6. Topographic features including but not limited to wetlands, bluffs, ordinary high-water level designations, or steep slopes.
7. Additional information as may be required by the Department in order to determine compliance with this and other ordinances.

Sec. 20-52 – Certificate of Survey. The Planner may require a certificate of survey with any permit application required by this Ordinance, including land use permits, shoreland alteration permits, variances, zoning map amendments, and conditional use permit applications, upon a determination by the Planner that such a survey will assist in achieving the purposes of this Ordinance.

Sec. 20-53 – Sewage Treatment. The application shall also include a compliance inspection conducted by a MPCA State-licensed inspector indicating the condition of any existing subsurface sewage treatment systems. The Planner may require a site suitability upon determination by the Planner that a site suitability will assist in achieving the purposes of this Ordinance. This provision of the ordinance is not required if the property is connected to the city sewage treatment system.

Sec. 20-54 – Fee. The application shall be accompanied by a remittance, payable to the City of Nisswa. A current Fee Schedule is on file in the Department as approved by the City Council

Sec. 20-55 – Permits. The Planner shall issue a permit upon approval of a permit. Such permit shall be made available upon request and be located on the premises concerned from the time the authorized work is commenced until it is completed.

Sec. 20-56 – Expiration of Permits. All permits are valid for a period of two years from the date of approval, unless otherwise specified.

Sec. 20-57 – Enforcement. The Nisswa Police Department, City Attorney and Department shall have the duty to enforce this ordinance.

1. Any violations of the provisions of this Ordinance or failure to comply with any of its requirements by a property owner, authorized agent, or contractor including violations of or failure to comply with the conditions and safeguards established in connection with the granting of a structure, land use, or shoreland alteration permit, or contained within variances or conditional uses, shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes 462.362. The provisions of this Ordinance may be enforced through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.
2. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Sections 20-43 and 20-44 of this Ordinance.
3. Each day that a violation of this Ordinance continues shall constitute a separate offense.

4. The Planner, or duly authorized representative, may issue cease and desist orders to halt the progress of any property modification, based upon probable cause that a violation of this Ordinance has been committed. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.
5. The City Attorney, in cooperation with the Department may sue for injunctive relief on any violation, including restoration of the premises to its existing condition prior to the violation.
6. The Planner may charge an administrative fee, according to a schedule established by the Nisswa City Council, to compensate for staff time and other expenses incurred during the investigation and prosecution of violations.
7. Any person making application for a permit after the commencement of work requiring a permit may be charged an administrative fee. In the event the application for a permit is denied or the activity permitted does not include all of the work commenced prior to approval of said permit, the Planning and Zoning Commission or the Planner may require restoration of the subject property to its condition before such work commenced, including removal of structures or improvements not approved.
8. The Planner or duly authorized representative may require a certificate of survey prepared when it is determined that said survey will or may assist with the resolution of a violation.

Sec. 20-58 – Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and Article IX Division 3 of City Code and are subject to the following:

1. A variance may not circumvent the general purposes and intent of this ordinance; and
2. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

Sec. 20-59 – Conditional Uses. All conditional use permits in the shoreland area may only be granted in accordance with Article IX Division 2 of City Code and are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. The visibility of structures and other facilities as viewed from public waters is limited;
3. There is adequate water supply and on-site sewage treatment; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

Sec. 20-60 – Mitigation. In evaluating all plats, variances, conditional use permits, land use permits, and shoreland alteration permit applications, the Department may require the property owner to address**,** the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

1. Advanced storm water runoff management treatment;
2. Reducing impervious surfaces;
3. Increasing setbacks from the ordinary high water level;
4. Restoration of wetlands;

5. Limiting vegetation removal and/or riparian vegetation restoration;
6. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
7. Other conditions the Department deems necessary.

Sec. 20-61 – Screening. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

Sec. 20-62 – Nonconformities.

1. All legally established nonconformities including land uses, buildings and lots of record as recorded at the County Recorder as of July 17, 1970, may continue but will be managed according to Minnesota Statutes 462.357 Subd. 1e and Minnesota Rule 6120.3300 Subpart 2 D and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, lowest floor elevations, and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance.

Sec. 20-63 – Notifications to the Department of Natural Resources.

1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Nisswa may submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
2. All notices of public hearings to consider ordinance amendments, plats, variances, or conditional use permits under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
3. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional use permits under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.
4. Any request to change the shoreland management classification of public waters within the City of Nisswa must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
5. Any request to reduce the boundaries of shorelands of public waters within the City of Nisswa must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

Sec. 20-64 – Environmental Review. An environmental review may be required for projects that could result in significant environmental impacts. The Minnesota Environmental Policy Act of 1973 and Minnesota Rules Chapter 4410 allow for the preparation of Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EAW) for mandatory development thresholds or discretionary

environmental reviews, or alternative urban area wide reviews (AUAR) ordered by the responsible government unit (RGU). The RGU is the designated review authority.

1. Once the environmental review process is determined to be necessary, no permits or other final approvals shall be granted until the environmental review process has been completed. No approvals of any application under environmental review shall be issued unless and until all issues identified in the EAW/EIS/AUAR have been addressed.
2. Payment for cost of review. The Department shall prepare or cause to have prepared, at the applicant's expense, any mandated or discretionary EAW or EIS for the project.
3. The City Council shall make all final EAW/EIS decisions after review and recommendation by the Planning and Zoning Commission.

Secs. 20-65—20-80. Reserved.

Division 3 – Land Use District Standards

Sec. 20-81 – Purpose and Intent of Individual Districts

1. **Open Space Residential District (OSR).** The OSR district is designed to preserve open land, sensitive natural features and rural community character that would be lost under conventional development. It is the intent of this district to permit a reasonable amount of residential development in small compact neighborhoods of single-family detached homes in an open space setting, located and designed to reduce the perceived intensity of development, preserve natural features, and provide privacy and neighborhood identity. All areas identified by the city land use map as "open space residential" must be developed in a manner that protects the rural character of the area and that reduces the need for premature extension of municipal sewer services.
2. **Shoreland Residential District (SR):** The purpose of the Shoreland Residential District is to identify land uses that are compatible with the protection and preservation of shoreline resources to conserve the economic and environmental values of shoreland and sustain water quality. New residential subdivisions should consider conservation design principles. New developments may be connected to the municipal sewer system. The city should not encourage maximum density increases within PUDs or multifamily housing styles within this district.
3. **Linden Lakeshore Residential Overlay District (LR):** The LR district is developed and designed to provide specific and unique performance standards for a previously platted and developed neighborhood adjacent to public waters. The district is currently limited to the riparian lots within the neighborhoods along East and West Linden Avenue. Newly created parcels will be required to meet all SR district provisions. As such, existing parcels shall be encouraged to rezone to Shoreland Residential over time, and, for the purpose of zoning amendments, shall be treated as extensions of the Shoreland Residential zoning district boundaries.
4. **Urban Residential District (UR):** The UR district is designed to provide traditional residential neighborhood sites adjacent to downtown and to the Sportland Corner area. Residential densities will vary based on connection to municipal utilities. The district provides for single-family, duplex, triplex, and quad home developments. Building types that incorporate multiple units may be allowed by conditional use permit.
5. **Commercial Waterfront District (CW):** The CW district provides for the development of commercial resorts~~, golf courses and associated~~ and similar water-oriented uses. The use~~s~~ and associated

development shall recognize and address the sensitive relationship ~~that the family resort has had~~ with surrounding residential uses and the impact on water quality. As such ~~all~~ uses shall generally require a conditional use permit for expansion of the development. The district should encourage unique tourism businesses. Properties developed under this designation shall be used primarily as transient lodging spaces and related commercial uses. Uses shall not include privately owned residences.

6. **Central Business District (CB):** The CB district allows and encourages building design and layout for pedestrian access associated with the traditional downtown area, including zero-lot line setbacks, sidewalks, awnings, and other architectural design features. The city should encourage tourism-related businesses, offices, medical facilities, and public uses to locate within this district.
7. **Highway Business District (HB):** The HB district allows and encourages commercial development that provides services and shopping facilities adjacent to Trunk Highway 371. The city should encourage open space design principles for commercial projects within this district.
8. **Public and Recreation District (P):** The P district provides for public recreation areas and structures and allows private recreational uses. Such uses shall include, but not be limited to parks, tot-lots, nature areas, city buildings, sewer facilities and private recreation and open space.
9. **Planned Development District (PDD):** The PDD district provides a regulatory framework to encourage improved environmental design allowing flexibility in the development of land while ensuring compliance with the intent of city zoning regulations and the city comprehensive plan.

Sec. 20-82 – Land Use Chart

1. *Generally.* The land use chart provided in this section applies to city zoning districts as indicated. All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses in the chart below.
2. *Amendments.* An amendment to the land use chart may be initiated by the city council, planning and zoning commission or a resident or property owner within the city in the same manner as provided for other zoning amendments.
3. *Abbreviations.* As used in the land use charter, the letter "P" designates a permitted use, the letter "C" designates a conditional use, the letter "I" designates an interim use. The letter “A” designates an allowed use. This means a permit is not required for an allowed use provided the standards of the ordinance are met. When the letter designation is absent and the charter cell is left blank, the use is prohibited. The district abbreviations used in the land use chart are defined in Section 20-81.

Table 20-01 Land Use Chart

Use	*OSR*	*SR/LR*	*UR*	*CW*	*CB*	*HB*	*P*	*PDD*
Accessory uses	P	P	P	P	P	P	P	P
Accessory structures (See also performance standards.)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Adult use business. (See performance standards)	C							
Daycare	I	I	I		C	C		I
Agricultural use	P							A
Alternative Access Lot	C	C						
Animal husbandry	P							
Assisted Living Facility					C	C		
Auto salvage yard	C							

Bed and breakfast	I	I	I	I	I	I		
Brewery/taproom					C	C		
Business – Commercial/Retail				C	C	C	C	
Cannabis Business (All defined by OCM – excluding low-potency retail)						I		
Cannabis Business – low-potency retail					A	A	A	
Clinic, hospital					-C	C		
Commercial Storage Facilities	C					-C		
Communication Towers							C	
Controlled access lot								
Decks	P	P	P	P	P	P	P	P
Dwelling, duplex	C	C	C	C				C
Dwelling, multifamily (PUD)	C	C	C	C		C		C
Dwelling, single-family homes	P/C	P/C	P/C	C				P
Dwelling units above commercial uses				-C	C	C		C
Essential Services	A	A	A	A	A	A	A	A
Dwelling, guest cabins	P	P	P					P
Dwelling, guest quarters	P	P	P					P
Extractive Use	I							
Home Business	I	I	I					I
-Home Occupations	A	A	A					A
House of Worship	P	P	P	P	P	P	P	P
Industrial Uses					C	C		
Manufactured housing developments			C					
Motels/hotels					C	C		C
Motor fuel stations					C	C		
Motor vehicle sales						C		
Nursing home	C		C		C	C		
Outside storage of products for sale/rent					C	C		
Planned Unit Developments, Mixed Use			C	C	C	C		C
Planned Unit Developments, Commercial - (Shoreland)				C	C	C		C
Planned Unit Developments, Commercial – (Non-Shoreland)					C	C		C
Planned Unit Developments, Residential - (Shoreland)	C	C	C	C				C
Planned Unit Developments, Residential – (Non-Shoreland) *Multifamily in Highway Business	C	C	C			C*		C
Planned Unit Development - Urban Residential (Non-Shoreland)	C		C					C
Office, Business & Professional				-C	C	C	C	
Restaurants				-C	C	C	C	C
School	C	C	C	C	C	C	C	C
State licensed residential facility	P	P	P			I		

Swimming Pools	P	P	P	C	C	C	C	C
-Temporary structures, construction trailers	P	P	P	P	P	P	P	P
Temporary structures/uses, commercial				I	I	I		
Semi-Public Uses	C	C	C	C	C	C	C	C
Theaters				C	C	C		
Vehicle Body Repair					-C	C		
Warehousing						-C		
Water Oriented Accessory Structure		P		P				P

Sec. 20-83 – Principal Residential Structure Size Requirements: All principal residential structures shall meet the following requirements.

1. Principal residential structures shall have a minimum average structure width of 22 feet and a minimum living area of 850 square feet.
2. No residential attached garage or storage area shall exceed 150 percent of the ground floor footprint of living area.
3. Residential dwellings exceeding 4,500 square feet ground cover (including attached storage areas) on less than 2.5 acres require a vegetation screening plan and a stormwater management plan to be approved by City Staff and implemented by the completion of the project.

Sec. 20-84 – Shoreland Classification System and Land Uses

1. Purpose. To ensure that shoreland development on the public waters of the City of Nisswa is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.
2. Lakes are classified as follows:

a. General Development (GD) Table 20-02

General Development Lake Name	DNR Public Waters I.D. #
Gull (Including Bishop's Creek)	*18-305*
Lower Cullen	*18-403*
Nisswa	*18-399*
Roy	*18-398*
Clark	*18-374*
Hubert	*18-375*
Round	*18-373*
West Twin	*18-409*

b. Recreational Development (RD) Table 20-03

Recreational Development Lake Name	DNR Public Waters I.D. #
Fawn/Edna	*18-397/396*
Bass (South of Hubert)	*18-402*

Recreational Development Lake Name	DNR Public Waters I.D. #
Little Hubert	*18-340*

c. Natural Environment (NE) Table 20-04

Natural Environment Lake Name	DNR Public Waters I.D. #
Fishtrap (Bourzak)	*18-400*
Bass (Ray), (Gull Chain)	*11-220*
Hole-In-The-Day	*18-401*
Unnamed	*11-217*
Unnamed	*18-559*
Unnamed	*18-729*

3. Rivers and Streams are classified as follows:

a. Remote Table 20-05

Remote River Name	Legal Description
Cullen Creek	*From Lower Cullen Lake to Nisswa Lake*

b. Forested Table 20-06

Forested River Name	Legal Description
Unnamed	*From Clark Lake to Highway 371*

c. Tributary Table 20-07

Tributary River Name	Legal Description
Unnamed	*From Highway 371 to Nisswa Lake*
Bishop's Creek	*Between Gull and Round Lakes*

Sec. 20-85 – Minimum Lot Sizes and Lot Widths – Shoreland Residential District

1. Lake Minimum Lot Area and Width Standards:

a. General development lake – No sewer. (Square Feet) Table 20-08

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	30,000	100	12,000	40,000	150	20,000
Duplex*	40,000	180	20,000	80,000	265	40,000

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Triplex	**	**	**	**	**	**
Quad	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

b. General development lake – Sewer (Square Feet) Table 20-09

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	20,000	75	10,000	20,000	75	10,000
Duplex*	40,000	135	20,000	40,000	135	20,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

c. Recreational development lake – No sewer (Square Feet) Table 20-10

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	40,000	150	16,000	40,000	150	20,000
Duplex*	80,000	225	30,000	80,000	265	40,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

d. Recreational development lake – Sewer (Square Feet) Table 20-11

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	20,000	75	10,000	20,000	75	10,000
Duplex*	40,000	135	20,000	40,000	135	20,000

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

e. Natural environment lake – No sewer (Square Feet) Table 20-12

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Buildable Area (sf)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	Buildable Area (sf)
Single	80,000	200	40,000	80,000	200	40,000
Duplex*	120,000	300	60,000	160,000	400	80,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

f. Natural environment lake – Sewer (Square Feet) Table 20-13

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)		Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)	
Single	40,000	125	20,000	20,000	125	10,000
Duplex*	80,000	225	40,000	40,000	220	20,000
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP

**Processed as PUD's per Section 20-385

Sec. 20-86 – Other Land Use Districts Minimum Lot Sizes (Square Feet) Table 20-14

Lot Size	*OSR*	*SR/LR*	*UR*	*CWS*	*CB*	*HB*	*P*	*PDD*
Sewered Lots	100,000	*	20,000	20,000		30,000	15,000	*** ****
Unsewered Lots	100,000	*	20,000	20,000		30,000	NA	*** ****
Lot Width	150	*	150	150		150	150	*** ****
Duplex Lot Area (Sewered & Unsewerd) Multiply base size	2.0	*	2.0	2.0				*** ****
Duplex Lot Width (Sewered & Unsewerd) Multiply base size		*	1.8	1.8				*** ****
Triplex/Quad	**	**	**	**	**	**	**	*** ****

*See section 20-85 for SR/LR Standards

**Processed as PUD's per Section 20-385

*** Follow standards in Sec 20-85, Sec 20-87 and Sec 20-88 for Shoreland

**** No Lot Area or Lot Width minimum for nonshoreland

Sec. 20-87 - River/Stream Minimum Lot Width Standards.

Table 20-15

Lot Type	Remote	Forested	Tributary No Sewer	Tributary Sewer
Single	300	200	100	75
Duplex*	450	300	150	115
Triplex**	600	400	200	150
Quad**	750	500	250	190

*Processed as a CUP

**Processed as PUD's per Section 20-385

Sec. 20-88 – River/Stream Lot Area Standards (Square Feet)

Table 20-16

Lot Type	Remote	Forested	Tributary No Sewer	Tributary Sewer
Single	40,000	40,000	20,000	15,000
Duplex*	80,000	80,000	40,000	30,000
Triplex**	120,000	120,000	60,000	45,000

Lot Type	Remote	Forested	Tributary No Sewer	Tributary Sewer
Quad**	160,000	160,000	100,000	60,000

*Processed as a CUP

**Processed as PUD's per Section 20-385

Sec. 20-89 – Structure Setback (In Feet)

1. OHWL Setback for Structures. All lake setbacks shall be measured from the OHWL. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions

Table 20-17

Lake/Other Setbacks	OSR	SR/LR	UR	CWS	CB	HB	P	PDD
General Development OHW	75	75	75	75	75	75	75	75
Recreational Development OHW	100	100	100	100	100	100	100	100
Natural Environment OHW	150	150	150	150	150	150	150	150
Tributary OHW	75	75	75	75	75	75	75	75
Forested – OHW	150	150	150	150	150	150	150	150
Remote – OHW	200	200	200	200	200	200	200	200
Local Road Right of Way	30	20	20	30	0/20*	30	30	30
Lot Line	20	10	10	30	0	10	10	10
Hwy 371 – Frontage Rd	60	60	60	60	60	60	60	60
Hwy 371 – No Frontage Rd	90	90	90	90	90	90	90	90
Bluff – Top & Toe	30	30	30	30	30	30	30	30
Wetland~~~~**	~~30~~15	~~30~~15	~~30~~15	~~30~~15	~~30~~15	~~30~~15	~~30~~15	~~30~~15
County Road Right of Way	50	50	50	50	0	50	50	50

* 0' Setback from other CB and 20' setback from other residential use

~~** No structures, vegetation removal, or excavation allowed in wetland setback. Wetland total size must be a minimum of 400 square feet.~~

Sec. 20-90 – Septic System Setbacks (Septic and Drain field) In Feet

Table 20-18

Septic System/Property Line	OSR	SR/LR	UR	CWS	CB	HB	P	PDD
General Development OHW	75	75	75	75	N/A	100	75	75
Recreational Development OHW	100	100	100	100	N/A	100	100	100
Natural Environment OHW	150	150	150	150	N/A	175	150	150
Tributary – OHW	100	100	100	100	100	100	100	100
Forested – OHW	150	150	150	150	150	150	150	150
Remote – OHW	200	200	200	200	200	200	200	200
Lot Line	10	10	10	10	N/A	10	10	10
Dwelling – Tank	10	10	10	10	10	10	10	10
Dwelling – Drain Field	20	20	20	20	20	20	20	20

Sec. 20-91 Other Setbacks (In Feet)

Table 20-19

Setback From	OSR	SR/LR	UR	CWS	CB	HB	P	PDD
Patio from OHW	*	*	*	*	*	*	*	*
Patio – Side Lot Line	5	5	5	5	0	5	5	5
Unplatted Cemetery	50	50	50	0	50	50	50	50
Parking Lot (to lot line)	5	5	5	5	0	10	25	25
Shared Parking Facility (to lot Line)	0	0	0	0	0	0	0	0
Golf Course Fairway – OHW								
General Development				75		75	75	75
Recreational Development				100		100	100	100
Natural Environment				150		150	150	150
Driveway – side lot line	0	0	0	0	0	0	0	0
Structure to Structure	10	10	10	10	0	10	10	10
Agricultural Use to OHW	150	150						150

*See Section 20-144

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Sec. 20-92 – Buildings – Maximum Height Allowed ~~and Frontage on a Public Road~~

Table 20-20

	OSR	SR/LR	UR	CWS	CB	HB	P	PDD
Building Height	30	30	30	30	30	30	30	30
~~**Frontage on Public Road**~~	~~33~~	~~33~~	~~33~~	~~33~~	~~20~~	~~33~~	~~33~~	~~33~~

Sec. 20-93 – Accessory Structure Size, Setback and Permit Requirements

1. Generally. Accessory structures may only be constructed on a lot containing a principal structure. The footprint of an accessory structure may not be larger than the footprint of the principal structure on the same lot, unless a conditional use permit is obtained. Attached garages, storage buildings, and sheds connected by a roofed walkway at least ten feet long shall be considered detached accessory structures for the purposed of this division. A permit shall not be required for up to two accessory structures up to 120 square feet in size totaling no more than 240 square feet cumulatively, so long as placement meets all setbacks and impervious coverage maximums are not exceeded.
2. Permit required. Accessory structures shall be allowed within all residential districts by permit ("P" in the table below) issued by the city planner or by conditional use permit ("C" in the table below) issued by the planning and zoning commission in compliance with this section.
3. Setbacks; size limitations. Accessory structures must meet OHW setbacks in this ordinance unless otherwise provided in this division and the setbacks required in this section, and the cumulative square footage of all detached accessory structures on a residential property may not exceed 2,500 square feet without a conditional use permit, except in the OSR district~~, where a conditional use permit is required~~. Impervious limits in Section 20-97 apply. The type of permit required based on size, features and district is as follows:
4. Permits Required Based on Structure Size.

Table 20-21

Accessory Structure Size (Square Feet)	Standards	OSR	SR	LR	UR	PDD
Up to 1,200 Square Feet	~~Exterior Color Matches Principal Structure Color~~Must meet all ordinance requirements.	P/C*	P/C*	P/C*	P/C*	P/C*
1,201 – 2,500	Setbacks of 30 feet on all sides. ~~Exterior color matches principal structure.~~ Vegetative screening planted in setback area.	P/C*	P/C*	P/C*	P/C*	P/C*
~~**1,201 – 2,500**~~	~~Setbacks of 30 feet on all sides. Exterior color does not match principal structure. Vegetative screening planted in setback area.~~	~~C~~	~~C~~		~~C~~	~~C~~
Over 2,500	Setbacks of 30 feet on all sides. ~~Exterior color matches principal structure.~~ Vegetative screening planted in setback area.	P/C*	C	C	C	C

Uses in the table above designated as P/C shall be processed as a Conditional Use Permit when the exterior color of the accessory structure is proposed to not match principal structure.

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Sec. 20-94 – Lowest Floor Elevation

1. Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these elevations are not known, the lowest floor, including basement, must be placed or flood-proofed at an elevation determined using the following methodology:
    a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher (see Figure 9).
    b. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high water level (see Figure 9), or by conducting a technical evaluation to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200.
2. Methods for Placement
    a. In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in Section 20-94 (1).
    b. If the structure is flood-proofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.
3. Significant Historic Sites
    a. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Sec. 20-95 – Water Supply and Sewage Treatment

1. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 – 7081.

Sec. 20-96 – Special Land Use Provisions

1. Commercial, Industrial, Public, and Semipublic Use Standards.
    a. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
        i. The use complies with provisions of Section 20-82 of this ordinance.
        ii. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;

iii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

b. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Subdivisions of duplexes are conditional uses on Natural Environment Lakes while triplexes, and quads must be processed as a PUD according to Section 20-385 and must also meet the following standards:

a. Each building must be set back at least 200 feet from the ordinary high water level;

b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

d. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments

Sec. 20-97 – Impervious Coverage Limits (in percent land coverage).

Table 20-22

Impervious Limits	OSR	SR/LR	UR	CWS	CB	HB	P*	PDD
Lot Coverage	15	25~~/20*~~	25	25~~/20*~~	90	50	15-90	20~~/25*~~

~~*25% coverage limit for GD &RD lakes – 20% coverage limit for NE lakes~~

*The allowable impervious coverage for properties zoned Public and Recreation (P) shall mirror the surrounding zoning designations, subject to determination by the City Planner. Within shoreland, this shall not exceed 25%.

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ARTICLE III. PERFORMANCE STANDARDS

Division 1 – Floodplain Standards

Sec. 20-98 – Statutory Authorization

1. This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

Sec. 20-99 – Purpose

1. This ordinance regulates development in the flood hazard areas of the City of Nisswa. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety

hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote public health, safety, and general welfare by minimizing these losses and disruptions.

2. This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
3. This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
4. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Sec. 20-100 Abrogation and Greater Restrictions

1. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Sec. 20-101 -Warning and Disclaimer of Liability

1. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur, and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of Nisswa or its officers or employees for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

Sec. 20-102 – Severability

1. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Sec. 20-103 Land to Which Ordinance Applies

1. This ordinance applies to all lands within the jurisdiction of the City of Nisswa within the Special Flood Hazard Areas (SFHAs) identified on the Flood Insurance Rate maps identified in Sec. 20-104. Areas within the SFHA are within one of three districts: the Floodway, Flood Fringe, or General Floodplain.
    a. The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
    b. These regulations apply to all areas within the SFHA. If areas below the Base Flood Elevation (BFE) extend beyond the mapped SFHA based on actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain and these regulations apply to the outer boundary of the one-percent annual chance floodplain.

c. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning and Zoning Committee to submit technical evidence.

Sec. 20-104 – Incorporation of Maps by Reference

1. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Crow Wing County, Minnesota, and Incorporated Areas, dated August 15, 2017, and the Flood Insurance Rate Map panel numbers 27035C0275C; 27035C0400C, all dated August 15, 2017, all prepared by the Federal Emergency Management Agency. These materials are on file in the Nisswa City Hall.

Sec. 20-105 – Districts

1. Floodway District. Those areas within Zone A as shown on the Flood Insurance Rate Maps referenced in Sec. 20-104 determined to be located in the floodway based on the delineation methods in Sec. 20-116 (5).
2. Flood Fringe District. Those areas within Zone A shown on the Flood Insurance Rate Maps referenced in Sec. 20-104 determined to be located in the flood fringe based on the delineation methods in Sec 20-116 (5).
3. General Floodplain District. Those areas within Zone A that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Sec. 20-104.

Sec 20-106 – Annexations

1. The Flood Insurance Rate Map panels referenced in Sec. 20-104 may include floodplain areas that lie outside of the corporate boundaries of the City of Nisswa at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Nisswa after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Sec. 20-104 require an ordinance amendment in accordance with Sec. 20-123.

Sec. 20-107 – Municipal Boundary Adjustments

1. The Flood Insurance Rate Map panels referenced in Sec. 20-104 apply countywide. If at any point any land comes under the jurisdiction of another local government, the following shall apply:
    a. City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. The city retains jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands

Sec. 20-108 – Requirements for all Floodplain Districts - Permits Required

1. A permit must be obtained from the Planner to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
    a. The erection, addition, modification, maintenance, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Sec. 20-121 (1)(c)
    b. The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.
    c. The change or expansion of a nonconforming use.
    d. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

e. The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
f. The storage of materials or equipment, in conformance with Sec. 20-109 (1) (d).
g. Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high-water level is also to be disturbed.
h. Any other type of "development," as defined in this ordinance.

Sec 20-109 – Minimum Development Standards

1. All development must:
    a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    b. Be constructed with materials and equipment resistant to flood damage;
    c. Be constructed by methods and practices that minimize flood damage;
    d. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
    e. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
    f. Be assured to provide adequate drainage to reduce exposure to flood hazards;
    g. Not be detrimental to uses in adjoining areas; and
    h. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
    i. Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.
2. Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Planner. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Planner prior to issuance of a permit.

Sec.20-110 – Permitted Uses in Floodway District

1. Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Sec. 20-111:
    a. Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.
    b. Roads, driveways, railroads, trails, bridges, and culverts.
    c. Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
    d. Grading, filling, land alterations, and shoreline stabilization projects.
    e. No other structures are allowed in the Floodway District.

Sec. 20-111 –Standards for Permitted Uses in Floodway District: In addition to the applicable standards detailed in Sec. 20-108.

1. The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."
2. Any development that would result in a stage increase greater than 0.00 feet may only be allowed with a permit if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12, and FEMA has issued the CLOMR. Map revisions must follow the procedures in Sections Sec. 20-120 (7) and Sec. 20-123.
3. Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sec.20- 120 (6) and Sec, 20-123
4. Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
5. Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters.

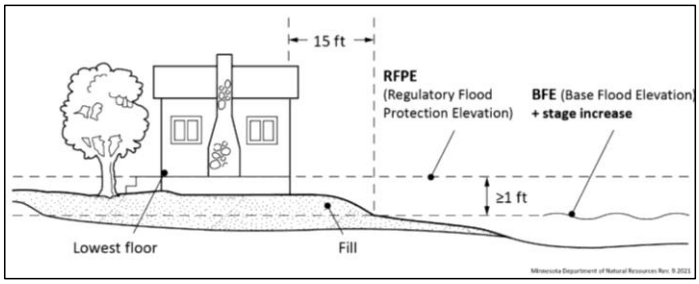
Sec. 20-112 –Standards for Permitted Uses in Flood Fringe District

1. Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sec 20-113.

Sec. 20-113 – Standards for Permitted Uses in Flood Fringe District

1. Residential Structures
    a. Elevation on Fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Planner. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Sec. 20-114 of this ordinance.

Figure 1: Overview of fill standards for residential structures



2. Nonresidential Structures. Nonresidential structures must meet one of the following construction methods:

    a. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Sec. 20-113 of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure

    b. Alternative Elevation Methods. Structures may be elevated using methods alternative to the fill standards in Sec. 20-113 of this ordinance. Such methods include the use of blocks, pilings (Figure 2), filled stem walls (Figure 3), or internally flooded enclosed areas (Figure 4) such as crawl spaces, attached garages, or tuck under garages.

Figure 2: Blocks or Pilings

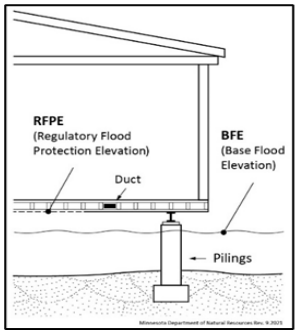


Figure 3: Filled Stem Walls

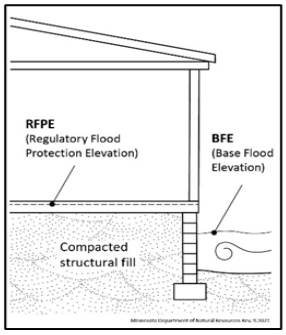
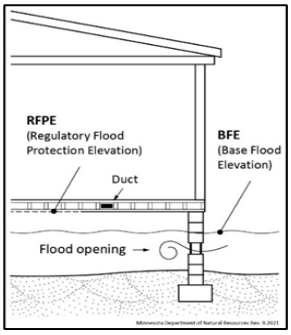


Figure 4: Internally Flooded Enclose Area



    c. Designs accommodating for internally flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in FEMA Technical Bulletin 1, as amended, as well as the following standards:

        i. The lowest floor, as defined in this ordinance, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).

        ii. The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.

        iii. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The

openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

iv. Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed.

3. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

   a. Walls must be substantially impermeable to the passage of water, with structural having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);

   b. Must meet the standards of FEMA Technical Bulletin 3, as amended; and

   c. A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

4. Accessory Structures. All accessory structures must meet the following standards:

   a. Structures shall not be designed or used for human habitation.

   b. Structures will have a low flood damage potential.

   c. Structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage, except as provided under Sec. 20-113 and be designed and constructed in accordance with floodplain management requirements based on whether the structure is residential or non-residential. Residential structures must meet the requirements of Sec. 20-113, and non-residential structures must meet the requirements of Sec. 20-113.

   d. Structures with two or more rigid walls must meet one of the following construction methods:

      i. Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. Portions of structures below the RFPE must be constructed of flood damage-resistant materials. Utilities must be elevated above the RFPE and any utility lines below the RFPE shall be constructed so as to prevent floodwaters from entering or accumulating within them. Wet floodproofed structures must be anchored to resist flotation, collapse, and lateral movement.

      ii. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Sec.20-113 of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.

      iii. Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Sec. 20-113 of this ordinance.

      iv. Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Sec. 20-113 of this ordinance.

e. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, meeting the standards in Sec. 20-109 (1) (d)of this ordinance may be located at an elevation below the Regulatory Flood Protection Elevation, exceed 576 square feet in size, and may include uses as provided under Sec. 20-113.

Sec. 20-114 – Conditional Uses in Flood Fringe - The following uses and activities may be permitted as conditional uses, subject to the standards in Sec. 20-114:

1. Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Sec. 20-113.

Sec. 20-115 – Standards for Conditional Uses in Flood Fringe - In addition to the applicable standards detailed in Secs. 20-116, 20-108 and 20-120 (7):

1. All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Sec. 20-113 of this ordinance.

Sec. 20-116 – General Floodplain District - Permitted Uses in General Floodplain District

1. Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Sec. 20-110.
2. All other uses are subject to a floodway/flood fringe determination as provided in Sec. 20-116 (5), in addition to the standards provided in Secs. 20-116 (3) & (4). Permitted uses shall be determined as follows:
    a. Any development determined to be in the Floodway District is prohibited
    b. If the development is determined to be in the Flood Fringe District, Sec. 20-113 applies
3. Determining Flood Elevations
    a. All development requires a determination of the Base Flood Elevation (BFE). Proposed developments of more than 50 lots or 5 acres, whichever is lesser, must use detailed methods for determining the BFE. This may include use of supporting A Zone modeling and the "shoreland method," when eligible, on lakes. Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).
    b. The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.
4. Encroachment Analysis
    a. Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Secs 20-120 (6) and 20-123. This evaluation must include the cumulative effects of previous encroachments and must be documented with hydrologic and hydraulic analysis performed by a professional engineer or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.
    b. Alterations or changes that result in stage decreases are allowed and encouraged.
5. Standards for the Analysis of Floodway Boundaries
    a. Requirements for Detailed Studies. Any development, as requested by the Planner, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in

Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:

i. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and

ii. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

6. Other Acceptable Methods. For areas where a detailed study is not available or required:
   a. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

Sec. 20-117 – Subdivision Standards

1. Subdivisions: All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
   a. All lots within floodplain districts must be suitable for a building site outside of the Floodway District.
   b. Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of Nisswa.
   c. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of Nisswa.
   d. The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

Sec. 20-118 – Public and Private Utilities, Service Facilities, Roads, Bridges and Railroads

1. Public Transportation Facilities. Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

2. Public Utilities. All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage and be designed to eliminate infiltration

of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

3. Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities. Private facilities shall be subject to applicable provisions detailed in Sec 20-118 (2) In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

Sec. 20-119 – Manufactured Homes and Recreational Vehicles

1. Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:
    a. New and replacement manufactured homes must be placed and elevated in compliance with Sec. 20-113 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors.
    b. New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Sec. 20-117 of this ordinance.
2. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:
    a. Meet the requirements for manufactured homes in Section 20-119 (1) or
    b. Be travel ready, meeting the following criteria:
        i. The vehicle must be fully licensed.
        ii. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
        iii. No permanent structural type additions may be attached to the vehicle.
        iv. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Secs 20-108 and 20-113 (4).

Sec. 20-120 – Administration

1. Duties. The Planner or other official must administer and enforce this ordinance.
2. Permit Application Requirements. Permit applications must be submitted to the Planner. The permit application must include the following, as applicable:
    a. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
    b. Location and detail of grading, fill, or storage of materials.

c. Copies of any required local, state or federal permits or approvals.

d. Other relevant information requested by the Planner as necessary to properly evaluate the permit application.

3. Recordkeeping. The Planner must maintain applicable records in perpetuity documenting:
    a. All certifications for dry floodproofing and alternative elevation methods where applicable.
    b. Analysis of no-rise in the Floodway District, as detailed in Sec 20-118 (1), and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Secs. 20-116 (3) & (4)
    c. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Planner.
    d. Substantial damage and substantial improvement determinations, as detailed in Sec. 20-121 (2) including the cost of improvements, repairs, and market value.
    e. All variance actions, including justification for their issuance, must report such variances as requested by the Federal Emergency Management Agency.
4. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Planner stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.
5. Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Planner must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
6. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Nisswa must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, a map revision is only required if development results in stage increases greater than 0.5 feet.
7. Conditional Uses and Variances
    a. An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.
    b. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, Section 462.357, Subd. 6(2) and this ordinance.
8. Additional Variance Criteria. The following additional variance criteria must be satisfied:
    a. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
    b. Variances from the provisions of this ordinance may only be issued by a community upon:
        i. A showing of good and sufficient cause;
        ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

e. The Planner must notify the applicant for a variance in writing that:

i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

ii. Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.

f. Considerations for Approval. The City of Nisswa must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits.

g. Conditions of Approval. The City of Nisswa may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance.

9. Notifications to the Department of Natural Resources

a. All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

b. A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

Sec. 20-121 – Nonconformities

1. Continuance of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

a. Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Sec. 20-116 (4) or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.

b. Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

c. If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Sec. 20-121.1 it may not be reconstructed except in conformity with the provisions of this ordinance.

d. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

2. Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Planner is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:
    a. Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
    b. Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
        i. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
        ii. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
3. Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in this ordinance.
4. Based on this determination, the Planner shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

Sec. 20-122 – Violations and Penalties

1. **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
2. **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of Nisswa or the Department of Natural Resources.
3. **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Planner may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of Nisswa must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Sec. 20-123 – Amendments

1. **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Sec. 20-104 of this ordinance.
2. Required Approval. All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

Secs. 20-124-130 Reserved

Division 2 – Residential and Shoreland Performance Standards

Sec. 20-131– Stormwater Management Standards

ii. The purpose of this part is to protect surface waters and private property from damage resulting from storm water runoff and erosion, ensure the annual storm water runoff rates and volumes from post development site conditions mimic the annual runoff rates and volumes from predevelopment site conditions, ensure site development minimizes the generation of storm water and maximizes storm water treatment and infiltration, and protect water quality from nutrients, pathogens, toxins, debris, and thermal stress.

iii. The Department shall evaluate the storm water management needs of each lot in doing all reviews, approvals, and permit issuances.

iv. Treated storm water runoff shall use existing natural drainage ways and vegetated soil surfaces to convey, store, further filter, and retain storm water runoff before discharge to public waters. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

v. Shoreland Residential District--Shoreland Protection Zone. Impervious surface coverage shall not exceed the limits in Section 20-97.

   a. On lots with total impervious surface coverage that does not exceed 15%, a stormwater management plan shall not be required for permit approval provided that the Department shall consider proper stormwater management and recommend to the applicant best management practices as set forth in the Minnesota Stormwater Manual

   b. On lots with total impervious surface coverage that exceeds 15% but does not exceed 20%, a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to this section of the ordinance, the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject the following:

      i. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.

      ii. The Department shall conduct an on-site inspection of stormwater management system to ensure compliance with the approved stormwater management plan.

      iii. The Planner shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Planner that an engineered stormwater plan is necessary shall be made in writing on a form approved by the City Council for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Planner, shall be forwarded to the Planning and Zoning Commission.

   c. On lots with total impervious surface coverage that exceeds 20% a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject to the following:

      i. A no maintenance shoreline buffer shall be created on riparian lots pursuant to Section 20-55 (3) of this ordinance.

      ii. A permitted path not exceeding 15 feet and a new shoreline recreation use area shall be allowed pursuant to this section of the ordinance.

iii. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.

iv. The Department shall conduct an on-site inspection of stormwater management systems to ensure compliance with the approved stormwater management plan.

i. The Planner shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Planner that an engineered stormwater plan is necessary shall be made in writing on a form approved by the City Council for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Planner, shall be forwarded to the Planning and Zoning Commission.

d. Maximum impervious surface coverage in the Shoreland Protection Zone shall not exceed the standards in Section 20-97 of this ordinance.

5. Shoreland Residential District--Shoreland Buffer Zone. Impervious surface coverage shall not exceed the limits in Section 20-97 of this ordinance.

a. The Department shall consider proper stormwater management for all permits in the shoreland buffer zone and recommend to the applicant best management practices as set forth in the Minnesota Stormwater Manual.

6. Non-Shoreland Districts. Impervious surface coverage outside the Shoreland District shall not exceed the limits in Section 20-97 in this ordinance.

7. Stormwater Management General Standards

a. All Stormwater plans shall be designed for permanent on-site treatment of one inch of stormwater runoff on all impervious surface coverage on the lot. This means that a volume of water equal to one inch multiplied by the area of impervious surface must be treated. Preference should be given to volume reduction techniques that include infiltration basins, rain gardens, enhanced infiltration swales, filter strips, disconnected impervious areas, soil amendments, bioretention, and other approved volume reduction techniques. The plan shall be approved by the Department and effectively implemented.

b. For approved permits that create over 10,000 square feet of new impervious surface on a lot in the Shoreland Residential District and for all plats, the Department shall require the applicant to submit a plan for permanent on-site treatment of one inch of stormwater runoff designed by a Minnesota-licensed professional engineer.

c. All stormwater management systems shall be capable of safely passing a 100 year-24-hour storm event, including grassed swales, grit chambers, vegetated filter strips, bioretention areas, off-line retention areas, and natural depressions for infiltration, is required before the runoff leaves the project site or enters surface waters. Constructed storm water outfalls to public waters and non-incidental wetlands must provide for filtering or settling of suspended solids and skimming of surface debris before discharge into said waterbody or basin.

d. All management technologies must be consistent with the most current version of the Minnesota Stormwater Manual, which is incorporated herein by reference.

e. For engineered designs, certification that installation meets the design standards must be received from the design engineer after the stormwater plan is effectively implemented.

f. A minimum 12-foot wide driveway from the nearest road right-of-way to the principal structure must be included in the impervious surface coverage calculation. The Department shall use actual on-site driveway dimensions if such data is provided by the applicant.

g. The Department may give credit for up to 100% of the area covered by a permeable surface system as a pervious surface if it is designed and inspected by a Minnesota-licensed professional engineer and is certified annually to the Department that it is functioning as a pervious surface. Best management practices shall be followed in design, installation, and maintenance as found in the latest Minnesota Stormwater Manual, subject to the following standards:

i. No credit may be given for a permeable pavement system in the shore impact zone 1, 2, or a bluff impact zone, except as otherwise allowed for watercraft access ramps;

ii. The base of the installed permeable surface system must have a minimum of three feet separation from the seasonally saturated soils or from the bedrock; and

iii. The design of a permeable pavement system must allow the infiltration of one inch of stormwater on the permeable surface.

iv. Permeable surface systems for projects 400 square feet in size or smaller shall not require an engineered design provided that the manufacturer's specifications, industry standards, the Minnesota stormwater Manual and all other aspects of this ordinance are followed.

8. Management of Stormwater Facilities
    a. All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures effective removal of pollutants carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. The Planning and Zoning Commission may require a developer to enter into a contract providing for access to perform maintenance and inspection to public or private storm water management facilities.
    b. Newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse grained material as specified by the Department. Such basins shall be cleaned when sediment or other material has accumulated to occupy 25% percent of the basin's original volume.
9. Minnesota Pollution Control Agency Permit
    a. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency (MPCA). Construction activity that results in the disturbance of less than one acre may also require a MPCA permit depending on the nature of the activity. Permit applicants are responsible to contact MPCA to determine if a permit is required.

Sec. 20-132 – Shoreline Buffer Management Standards and Vegetative Mitigation

1. To protect water quality and safeguard sensitive areas, on-site vegetative mitigation shall be required for:
    a. A variance granted to the standards of this ordinance;
    b. Issuance of any conditional use permit where evaluation and assessment by the Planning and Zoning Commission determines the need for additional environmental protection;

~~c.~~2. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 20% total lot impervious coverage subject to the Shoreline Rapid Assessment Model as defined by this ordinance.

~~d.~~3. Mitigation shall be proportional to the impact of the proposed project.

~~e.~~4. Required mitigation shall be determined by the Department according to the City of Nisswa Shoreline Rapid Assessment Model approved by the City Council.

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Sec. 20-133 - Shoreline Vegetation Standards

1. Removal or alterations of vegetation is allowed according to the following standards:
    a. Intensive vegetation clearing within shore impact zone 1 is not allowed except as provided under Section 20-135 of this ordinance with an approved shoreland alteration permit.

b. To accommodate a permitted path not to exceed a cleared width of 15 feet to access a shoreline recreation use area.
c. Limited clearing of trees and shrubs and cutting, pruning, and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach, and watercraft access areas, and permitted water oriented structures or facilities, as well providing a view to the water from the principal dwelling site, in shore impact zone 1 is allowed provided that:
    i. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf on conditions, is not substantially reduced;
    ii. Along rivers, existing shading of water surface is preserved; and
    iii. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose a safety hazard.

Sec. 20-134 – Bluff and Steep Slope Vegetation Standards

1. A vegetation buffer consisting of trees, shrubs, and ground cover plants and understory in a natural state is required in bluff impact zones and on areas with steep slopes. Vegetation clearing and removal of ground cover is not allowed, except as follows:
    a. Only removal of vegetation necessary to accommodate the placement of a stairway and associated landing, lift, and access path is allowed. Trees, shrubs, and a low ground cover consisting of plants and understory must be maintained in a natural state within these areas. An access path within this area requires a shoreland alteration permit and shall not exceed a cleared width of eight feet; and
    b. Removal of trees or branches that pose a safety hazard or are diseased is allowed.
    c. The Department shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other alterations on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state, and screen structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf on vegetation.
    d. Shoreline vegetation buffers in areas of forestry use. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

Sec. 20-135 – Dirt Moving/Grading/Filling Standards

1. The standards in this Section shall apply to all dirt moving activities within Shoreland. For the purpose of this ordinance, dirt moving activities include dirt movement, grading and filling and shall be totaled cumulatively for the purpose of permit requirements. Dirt moving that occurs as cut/spread within the same zone from OHW as depicted in sections below shall be interpreted to be counted as a single amount and not cumulated. Except as specified in 20-135 (2) below, dirt moving, grading, and filling activities shall require shoreland alteration permits and shall require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, engineered grading plans with profile view, engineered drainage plans including erosion and sediment control and stormwater management plans according to Section 20-131 of this ordinance.
2. The following activities shall not require a shoreland alteration permit but must meet the provisions of this section.

a. Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate shoreland alteration permit.
b. Placement of up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill or dirt moving is not located within a bluff impact zone or shore impact zone 1.
c. Private roads or driveways. The construction of a driveway, access road, or parking area provided that they:
    i. Meet the structure setback from the ordinary high-water level from public waters
    ii. Are properly screened from public waters
    iii. Are not located in a bluff impact zone or shore impact zone 1 or 2
d. Wetland Replacement Plan. A shoreland alteration permit is not required if a wetland replacement plan, exemption, or no-loss has been approved pursuant to Minnesota Rules Chapter 8420.
e. Existing Sand Blankets / Beaches. A shoreland alteration permit shall not be required to place 10 cubic yards of sand annually on an existing sand blanket / beach on residential parcels located in the shoreland district. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to Section 20-135 (3) (b) of this ordinance.

3. Activities in the Shore Impact Zone (SIZ1)
    a. Dirt moving, grading and fill activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to this section.
    b. Sand Blanket
        i. The maximum dimensions shall not exceed 30 percent of the total lot width by 25 feet landward from the OHWL and shall be located within the shoreline recreation use area. The maximum width of a sand blanket created under this section shall not exceed 200 feet. A sand blanket may also be located in shore impact zone 2 and the rear lot zone.
        ii. The slope of the area to be covered by the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.
        iii. Sand blankets shall be limited to 10 cubic yards annually.
    c. Shoreline Recreation Use Areas
        i. Intensive vegetation clearing for the purpose of creating a new shoreline recreation use area within shore impact zone 1 is allowed with an approved shoreland alteration permit.
        ii. Only one shoreline recreation use area is allowed on each lot and the recreation use area must not exceed 30% of the total lot width and 25 feet landward from the ordinary high-water level in depth. The maximum width of a shoreline recreation use area created under this Article shall not exceed 200 feet.
        iii. Sand Blankets pursuant to Section 20-135 3 b shall be located in the shoreline recreation use area;
        iv. Stairways, lifts, landings, and walkways pursuant to Section 20-141 of this ordinance shall terminate or be adjacent to the shoreline recreation use area;
    d. Upland Fill.
        i. For residential properties within shoreland, the following standards shall apply:
            1. A maximum of 30 cubic yards of dirt moving may be permitted, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
        ii. For commercial properties within shoreland, the following standards shall apply:

1. General Development Lakes: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
2. Recreational Development Lakes: 30 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
3. Natural Environment Lakes: 30 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
4. Tributary River/Stream: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
5. Forested River/Stream: 30 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
6. Remote River/Stream: 30 cubic yards of dirt moving may be permitted for each 300 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses

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e. Wetland Fill
    i. No wetland fill shall be allowed in SIZ 1 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
f. Annual ice ridges. Annual ice ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:
    i. There shall be no topsoil or vegetative matter deposited in the lake.
    ii. Any dirt moving from re-grading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.
    iii. Depositing any sand below the OHWL is subject to DNR public waters permit rules.
    iv. Temporary erosion and sediment control best management practices shall be implemented.
g. Historic Ice Ridges. On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
    i. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
    ii. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.
    iii. On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.

iv. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
v. A stormwater management plan meeting the standards of Section 20-131 of this ordinance must be approved by the Department prior to any dirt moving.
vi. All disturbed material shall be graded landward or removed from the site.
vii. Any alteration below the OHWL may require approval from the Department of Natural Resources and / or U.S. Army Corps of Engineers.

4. Activities in Shore Impact Zone 2 (SIZ2) -
   a. Dirt moving, grading and fill activities in shore impact zone 2 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to this section.
   b. Upland Fill.
      i. For residential properties within shoreland, the following standards shall apply:
         1. A maximum of 50 cubic yards of dirt moving may be permitted. Applications to move larger quantities shall be processed as conditional uses.
      ii. For commercial properties within shoreland, the following standards shall apply:
         1. General Development Lakes: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
         2. Recreational Development Lakes: 50 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
         3. Natural Environment Lakes: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
         4. Tributary Rivers/Streams: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
         5. Forested Rivers/Streams: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
         6. Remote Rivers/Streams: 50 cubic yards of dirt moving may be permitted for each 300 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses
      ~~i.~~iii.
   c. Wetland Fill
      i. No wetland fill shall be allowed in SIZ 2 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
5. Activities in the Rear Lot Zone (RLZ)

a. Dirt moving activities in the rear lot zone shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to this section.

b. Upland Fill

i. For residential properties within shoreland, the following standards shall apply:

1. A maximum 100 cubic yards of dirt moving may be permitted per calendar year. Applications to move larger quantities shall be processed as conditional uses.

ii. For commercial properties within shoreland, the following standards shall apply:

1. General Development Lakes: 100 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
2. Recreational Development Lakes: 100 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
3. Natural Environment Lakes: 100 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
4. Tributary Rivers/Streams: 100 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
5. Forested Rivers/Streams: 100 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
6. Remote Rivers/Streams: 100 cubic yards of dirt moving may be permitted for each 300 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses

~~i.~~iii.

c. Wetland Fill

i. No wetland fill shall be allowed in RLZ except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

6. General Standards

a. Not more than one shoreland alteration permit for dirt moving, grading or fill activities shall be allowed on the same property in any three-year period. This limitation shall apply to each of the SIZ1, SIZ2 and RLZ areas separately

b. Soil used as fill shall be free of state-regulated contaminates.

c. Exposure of bare ground

i. Dirt moving must be designed to ensure that the smallest amount of bare ground is exposed for the shortest period of time.

ii. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.

iii. Permanent vegetative coverage shall be established within 21 days of the completion of construction, or when vegetation establishment is not possible, other protective measures such as erosion control fabric or mulch blankets shall be installed until permanent vegetation can be established.
iv. Dirt moving, grading or fill activities in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under Section 20-141 of this ordinance.
v. Steep slope stabilization. Dirt moving on steep slope may be permitted with a stormwater and erosion control plan approved by the Department.
vi. Lake access across wetlands in the shore impact zone shall be by boardwalk according to Section 20-138 of this Ordinance.

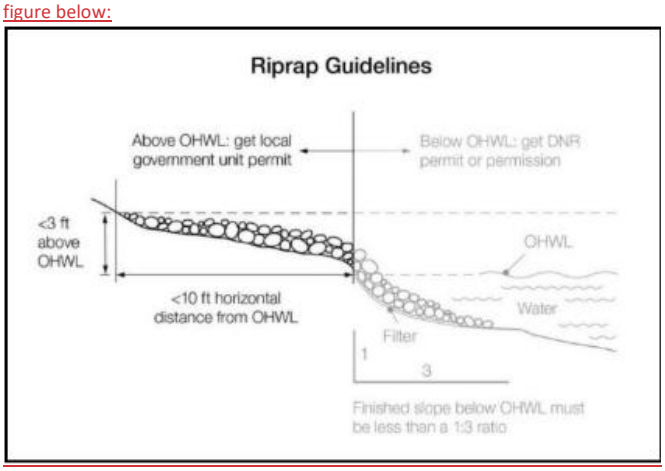
Sec. 20-136– Retaining Wall Standards

1. A. Retaining walls may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:
    a. The Department determines that there is no other alternative to control erosion.
    b. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota licensed professional engineer. Natural rock boulder walls shall be exempt from this engineering requirement.
    c. Construction complies with all provisions of Sections 20-131 and Section 20-135 of this ordinance.
2. Retaining walls may be installed without a permit behind the structure setback provided that:
    a. It does not significantly alter the character of the property or does not create runoff or erosion problems.
    b. Construction complies with all provisions of Section 20-131 and 20-135 of this Ordinance.

Sec. 20-137 – Rip Rap Standards

1. Placement of natural riprap, including associated grading of the shoreline requires a shoreland alteration permit and shall be done according to the following:
    a. Riprap will only be allowed in situations where active erosion problems exist and are documented by the Department or Crow Wing Soil and Water Conservation District.
    b. Riprap may be used to correct an existing established erosion problem that cannot be controlled using suitable vegetation or slope stabilization approved by the Department.
    c. The use of riprap must be no more than 200 linear feet of shoreline along lakes and wetlands or along shoreline of streams, must be less than five times the average width of the affected watercourse unless a permit is obtained from the DNR. If a DNR permit is required, a permit from the City is not required according to this ordinance.
    ~~d. A vegetative buffer is required landward of the riprap and will be subject to and size determined by the Shoreline Rapid Assessment Model according to Section 20-132 of this ordinance.~~
    ~~e.~~d. The placement of natural riprap where approved shall comply with MN Statutes 103G.245.
    ~~f.~~e. Natural rock must be used as riprap and cannot average less than 6 inches or more than 30 inches in diameter and shall be free of debris that may cause pollution or siltation.
    ~~g.~~f. A filter of crushed rock, gravel, or filter fabric material may be placed under the riprap.
    g. The minimum finished slope waterward of the riprap shall be no steeper than 3 to 1 (horizontal to vertical).
    h. The landward extent of the riprap is within ten feet of the ordinary high water level.

i. The height of the riprap above the ordinary high water level does not exceed three feet. See figure below:



~~h.~~

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Sec. 20-138 – Boardwalks Standards

1. Boardwalks shall be the preferred method to accessing public waters across riparian wetlands and;
2. Boardwalks shall not be considered fill pursuant to MN Rules 8420.0111 Subpart 26 and;
3. Boardwalks shall be constructed to be perpendicular to the shoreline to the greatest extent possible and;
4. Boardwalks shall not extend into adjoining riparian use areas and;
5. Boardwalks shall meet property line setbacks and;
6. The maximum width of a boardwalk shall be 6 feet and;
7. Boardwalk supports shall be constructed above the wetland surface and decking shall be constructed a minimum of 12" above the wetland surface and;
8. Boardwalks may be placed on temporary or permanent pilings and;
9. Boardwalks may incorporate railings and;
10. Boardwalk construction activity below the OHWL is not regulated by this ordinance~~.~~ and;
~~10.~~11. Boardwalks shall not be allowed a roof or canopy.

Sec. 20-139 – Private Water Access Ramp Standards

1. Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:
    a. Are permitted for private residential lots only on lakes without public accesses.
    b. May be permitted for ~~Conservation Design Development~~Planned Unit Development ~~Lake~~ lake access, if authorized, or water-oriented commercial uses on any lake classified General Development or Recreational Development. Private water access ramps are not allowed on Natural Environment Lakes.
    c. Shall not include asphalt in shore impact zone 1.
    d. Shall not exceed 15 feet in width from the lake to the structure setback line.
    e. Construction complies with all provisions of Section 20-131 and 20-135 of this Ordinance
    f. The maximum impervious surface limits for the lot are not exceeded.

Sec. 20-140 – Controlled and Alternative Access Lot Standards

1. Controlled access lots, or any lot, tract, or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of non-riparian lots within new subdivisions or plats, are prohibited.
2. Alternative access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, shall be used where the Planning and Zoning Commission determines that direct riparian access for each individual is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat and shall be processed as a conditional use permit. The lot that provides the alternative access shall meet all lot size and width requirements of this ordinance.

Sec. 20-141 – Stairways, Walkways, Lifts and Landings Standards

1. Stairways, walkways, lifts, and landings for public water access shall require shoreland alteration permits and comply with the following standards:
2. Stairways, walkways, and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shoreline areas.
3. Only one stairway or walkway shall be allowed within a shore or bluff impact zone. The combination of stairways and walkways to traverse a shore or bluff impact zone shall be allowed, provided they are constructed in a continuous manner without diverting in different directions. A parcel may contain one lift in addition to any allowed stairway/walkway. The lift and the walkway/stairway must be located within the allowable cleared vegetation standards in Section 20-134 and be adjacent to each other.
4. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight foot wide stairways may be permitted on water-oriented commercial lots.
5. Construction complies with all provisions of Section 20-131 and 20-135 of this Ordinance
6. The maximum impervious surface limits for the lot shall not be exceeded.
7. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and be integral to the function of the stairway and not constitute a deck.
8. Canopies or roofs are not allowed on stairways, lifts, or landings.
9. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
10. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions.
11. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
    a. The department determines that there is no other reasonable way to achieve access; and,
    b. The dimensional and performance standards of this section are met; and
    c. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

Sec. 20-142 – Water Oriented Accessory Structures Standards

1. One water oriented accessory structure on riparian residential lots not meeting the structure setbacks in Section 20-89 of this ordinance may be placed with a shoreland alteration permit provided the following standards are met:

a. The structure or facility must not exceed 10 feet in height and cannot occupy a combined area greater than 120 contiguous square feet (e.g., a patio and storage structure may both be constructed but must be located contiguously and cannot exceed 120 combined square feet);
b. The setback of the structure or facility from the OHWL must be at least 20 feet;
c. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions;
d. Construction complies with all other provisions of this ordinance;
e. The maximum impervious surface limits for the lot are not exceeded;
f. The structure shall not be located within a bluff impact zone;
g. The structure shall not be used for human habitation; and
h. The structure shall not include bathroom facilities.
~~i. The roof shall have a minimum 4/12 pitch.~~

2. One water oriented accessory structure on Waterfront Commercial lots not meeting the structure setbacks in Section 20-89 of this ordinance may be placed with a shoreland alteration permit provided the following standards are met:
    a. The structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 250 square feet (e.g., a patio and storage structure may both be constructed but must be located contiguously and cannot exceed 250 combined square feet);
    b. The minimum setback of the structure facility from the OHWL level shall be 20 feet,
    c. The structure is treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions;
    d. The structure shall not be used for human habitation;
    e. The structure shall not be located within a bluff impact zone;
    f. Construction complies with all other provisions of this Ordinance; and
    g. The maximum impervious surface limits for the lot are not exceeded.
    h. ~~The roof shall have a minimum of a 4/12 pitch. Flat roofs are prohibited.~~

Sec. 20-143 – Boathouses

1. New boathouses and boat storage structures that do not meet the setback requirements in Section 20-89 of this ordinance are prohibited.
2. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. §462.357. A flat roof may be replaced provided it does not exceed a 4/12 pitch.

Sec. 20-144 – Patios

1. Patios placed within the lake, river or stream structure setback shall require a shoreland alteration permit.
2. Patios within the lake, river or stream structure setback shall comply with the following standards:
    a. Shall not be located in shore impact zone 1 except as a water-oriented accessory structure according to Section ~~20.66~~20-142 0f this ordinance;
    b. Be free standing;
    c. Have no railings;
    d. Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented Stormwater Management Plan according to Section 20-131 of this ordinance;

~~d.~~e. The combined footprint of patios, swimming pools and hot tubs in shore impact zone 2 may not exceed 400 square feet.

~~e.~~f. Not be more than one foot below or above natural ground level;

~~f.~~g. Construction complies with all other provisions of this ordinance; and

~~g.~~h. The maximum impervious surface limits for the lot shall not be exceeded.

~~h.~~i. Patios are allowed behind the structure setback without a permit provided that all setbacks are met, and the property does not exceed the maximum allowable impervious surface standards.

Sec. 20-145 – Swimming Pool Standards

1. Swimming pools and hot tubs located above or below the ground ~~and below-ground hot tubs shall require a shoreline alteration permit and must meet all applicable setbacks in Section 20-89 of this ordinance. Above ground hot tubs~~ shall not require a permit but shall meet setbacks applicable to accessory structures. Swimming pools and hot tubs located in the ground are prohibited in shore impact zone 1 but shall be allowed in shore impact zone 2 with a shoreline alteration permit. The combined footprint of patios, swimming pools and hot tubs in shore impact zone 2 may not exceed 400 square feet.

Sec. 20-146 – Guest Cabin/Guest Quarter Standards

1. A guest cabin in the Shoreland Residential District shall comply with the following standards;
    a. All required setbacks shall be met.
    b. The maximum impervious surface limits for the lot shall not be exceeded.
    c. The maximum building footprint and livable area for a guest cabin does not exceed 700 square feet.
    d. A guest cabin shall not exceed 15 feet in building height.
    e. A guest cabin or guest quarter shall be located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.

2. A guest quarters in the Shoreland Residential District shall comply with the following standards;
    a. All required setbacks shall be met
    b. The maximum impervious surface limits for the lot shall not be exceeded.
    c. The maximum livable area for a guest quarter does not exceed 700 square feet.
    d. A guest quarter shall not exceed 30 feet in building height.
    e. A guest cabin or guest quarter shall be located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.

3. There shall be an analysis of existing shoreland vegetation according to the Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Section 20-132 of this ordinance.
4. Lots which contain a duplex(s), triplex(s), quad(s) or other multi-family dwellings shall not be allowed a guest cabin or guest quarter.

Sec. 20-147 – Decks

1. Construction of new decks or replacement of existing decks shall require a land use permit and comply with the following standards:

a. Decks adjacent to dwellings shall meet structure setbacks in Section 20-89 except as provided under this section
b. A 4-foot walkway located beyond the minimum required setback required for dwellings, or within said setback when attached or immediately adjacent to a building, constructed for the purpose of providing access to an entrance door on a dwelling, may be added without a permit and without regard to its setback to the ordinary high water level.
c. Deck construction shall comply with all provisions of this ordinance

2. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.
3. Decks that do not meet required setbacks from public waters may be allowed without a variance to structures in existence prior to July 17, 1970, if the following criteria are met:
    a. An evaluation of the property and structure reveals no reasonable location for a deck meeting the OHWL setback;
    b. The deck encroachment toward the OHWL does not exceed 15% of the existing public water setback and does not encroach any closer than 30 feet, whichever is more restrictive;
    c. The deck is constructed as a pervious surface and is not roofed or screened; and
    d. Maximum size of the deck is 250 square feet.

Sec. 20-148. Temporary structures.

(a) Temporary structures for residential uses, including the use of construction trailers or travel trailers, shall be allowed for a period not to exceed 7 consecutive days without a permit. A permit shall be required and may be issued by the city planner when the temporary structure is on the parcel for more than 7 consecutive days and all other provisions of this ordinance are met including but not limited to setbacks and impervious coverage limitations.

(b) Minimum facilities for temporary structures shall include provisions for wastewater, water supply and solid waste.

(c) Permits for temporary structures will only be allowed when a principal dwelling is located on the lot

(d) Travel trailers that are stored on the property and not used as a dwelling are exempt from this section.

(e) A permit may be issued for the use of a temporary travel trailer in conjunction with a valid permit for a dwelling.

Sec. 20-149. – Use of Fertilizer

(a) The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Minnesota Pollution Control Agency.

Sec. 20-150. Agricultural uses and animal husbandry in the OSR district.

(a) The keeping of horses, cattle or other large domestic animals shall be allowed in the OSR district. The maximum animal density shall be a fenced area containing one acre per animal unit.

(b) Adequate provisions for disposal of manure, control of flies, and an adequate buffer to adjoining properties left natural or screened shall be provided by the owner.

(c) The fenced area shall be enclosed with wire, pipe fencing, board fencing, or other decorative or non-obtrusive material and shall be no closer than 150 feet to any stream, lake or well.

Sec. 20-151. Multifamily dwellings to comply with building codes; visual screening required.

Buildings with four or more units shall be designed by a licensed architect, who shall certify that the building complies with the city's building and construction codes. Visual screening shall be provided in the side yard setback area if adjacent to any other residential district.

(Code 2016, § 4.7.7; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Sec. 20-152. Manufactured housing developments.

(a) Development of this type creates a heavy demand and reliance on municipal type facilities including roads, sewer, water, and fire protection. In addition, these developments are often the densest in a community requiring heavier streets, more public recreational facilities and nearby shopping.

(b) Manufactured housing developments are generally considered compatible with the UR district only and requires public sewer. A State Department of health permit is also required. All new manufactured housing developments shall be processed as a planned unit development.

(c) The minimum standards for manufactured housing developments are set forth in the chart below. The city may further restrict the developments in order to comply with the criteria for the issuance of a conditional use permit.

Table 20-145. Minimum Standards for Manufactured Housing Developments*

Category	*Minimum Requirement*
Minimum parcel size for a new use	5 acres
Minimum parcel width for a new use	400 feet
Minimum lot size for each dwelling unit	6,000 square feet
Minimum lot width	50 feet
Maximum impervious coverage (lot)	50 percent
Front yard setback (interior)	25 feet
Rear yard setback (interior)	10 feet
Side yard setback (interior)	10 feet
Exterior lot line setback	30 feet
Minimum land in common ownership or not used in lots.	50 percent
Minimum road width	40-foot corridor; 24-foot surface
Minimum on-lot parking	Two vehicles
Maximum density	See PUD standards for UR district.
Other requirements	All requirements of a planned unit development as applicable to the UR district shall apply except as noted herein.
Landscaping buffer	A 20-foot landscaping buffer shall be required on the perimeter of the subject property. A

	minimum of two trees shall be planted on each individual site within the development.
Public sewer and water	All manufactured housing developments shall require public sewer and water service.
Pave parking	A permanent paved parking space shall be provided at each site. The city, as part of the conditional use permit review process, may require additional parking sites.
Storm safety shelter	A permanent storm safety shelter shall be provided for the residents of the park. The shelter shall be sized adequately and shall meet the requirements of this Code and state law.
Winterized utility connections	Individual winterized sewer, water, and electrical connections for each site shall be provided.

*Density to be determined by lake classification found in this ordinance.

(Code 2016, § 4.7.8; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

(Code 2016, § 4.7.9; Ord. No. 16 (Third Series) , § 2, 8-15-2018; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Sec. 20-154. Standards for Linden Lakeshore Residential District (LR).

(a) *History; purpose and intent.* The Linden Lakeshore Residential District (LR) was created to address specific concerns over the redevelopment of properties adjacent to Grand View Lodge on the East and West Linden Avenue Neighborhood. This area was developed early in the history of the city and the riparian lots do not meet the current development standards for shoreland residential neighborhoods. This neighborhood is unique since it was platted early in the history of the city and most of the riparian lots are very near 20,000 square feet in area and the properties are connected to the municipal sewer system. As such specific development standards for the district are established.

(b) *Additions to nonconforming principal structure.* On one occasion, an addition to nonconforming principal structures without the need for a variance is allowed if the following conditions are met:

(1) The addition shall not allow the ground covered by principal structure to increase by more than 50 percent of the existing ground cover, inclusive of decks and patios.

(2) The addition is one-story or 15 feet in height, whichever is less.

(3) The total impervious coverage on the property does not exceed 25 percent for all structures and 30 percent including sidewalks, driveways and patios.

(4) The addition does not encroach closer to the OHW than the existing principal structure.

(5) The principal structure and the proposed addition are entirely outside of the shore impact zone.

(6) The applicant shall provide adequate provisions for stormwater management and drainage on their property and shall provide improved vegetative screening.

(c) *Additions to nonconforming accessory structure.* No addition to a nonconforming accessory structure is permitted.

(Code 2016, § 4.7.10; Ord. No. 10 (Third Series) , § 2(4.7.10), 2-15-2017; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Sec. 20-155. RESERVED

(Code 2016, § 4.7.11; Ord. No. 10 (Third Series) , § 2(4.7.11), 2-15-2017; Ord. No. 17 (Third Series) , § 4, 10-17-201

Sec. 20-156. Sale of motor vehicles.

The sale or display for sale of motor vehicles, motorcycles or recreational vehicles or equipment that is owned by the property owner shall be allowed within all residential districts. The sale of such vehicles shall not be allowed if the vehicles are not owned by the property owner. At no time shall any property owner display for sale more than two motor vehicles, motorcycles, recreational vehicles or equipment.

(Code 2016, § 4.7.14; Ord. No. 17 (Third Series) , § 4, 10-17-2018)

Secs. 20-157—20-170. Reserved.

DIVISION 3. COMMERCIAL

Subdivision I. In General

Sec. 20-171. Commercial Land Use Districts

a. **Commercial Waterfront District (CW):** The CW district provides for the development of commercial resorts~~, golf courses and associated~~ and similar water-oriented uses. The use~~s~~ and associated development shall recognize and address the sensitive relationship ~~that the family resort has had~~ with surrounding residential uses and the impact on water quality. As such ~~all~~ uses shall generally require a conditional use permit for expansion of the development. The district should encourage unique tourism businesses. Properties developed under this designation shall be used primarily as transient lodging spaces and related commercial uses. Uses shall not include privately owned residences.

b. **Central Business District (CB):** The CB district allows and encourages building design and layout for pedestrian access associated with the traditional downtown area, including zero-lot line setbacks, sidewalks, awnings, and other architectural design features. The city should encourage tourism-related businesses, offices, medical facilities, and public uses to locate within this district.

c. **Highway Business District (HB):** The HB district allows and encourages commercial development that provides services and shopping facilities adjacent to Trunk Highway 371. The city should encourage open space design principles for commercial projects within this district.

(Code 2016, § 4.8.1)

Sec. 20-172 Purpose and Intent

(a) The purpose and intent of this article is to support the development of commercial and commercial/industrial districts that will accommodate a wide range of commercial goods and services and maintain the up-north character of the area without degrading the natural resources and to:

(1) Promote business property by enhancing the appeal and attraction of the commercial and commercial/industrial districts to residents, visitors and tourists with uniform lot width and area, and setbacks;

(2) Promote the improvement of appearance through good landscaping emphasizing natural occurring trees for screening;

(3) Encourage lighting that provides safety, utility, and security without glare onto public roads, private residences, and atmospheric light pollution;

(4) Manage storm water runoff and its associated effects and to provide for the protection of natural and artificial water storage and retention areas, and public waters;

(5) Alleviate potential traffic congestion on local streets and adjacent highways by the provision of adequate off-street parking, traffic circulation patterns and arrangement of uses;

(6) Treat wastewater to protect public health and safety, and to protect ground and surface water; and

(7) Establish reasonable regulation for design, construction, installation, and maintenance of all exterior signs.

(Code 2016, § 4.8.2)

Sec. 20-173. Plan Submission Requirements

(a) No site development, structure construction, or vehicular use area modifications are allowed, unless the information requirements of this Ordinance are met. The property owner or developer shall provide:

(1) Development plan according to format and standards established by the Department;

(2) A landscaping/grading plan with elevations (proposed and final) including building locations, setbacks, impervious coverage and wetlands are identified;

(3) A screening plan meeting the standards in Sec 20-189 of this ordinance;

(4) A lighting plan meeting the standards in Sec 20-177 of this ordinance;

(5) An off-street loading and parking plan meeting the standards in Sec 20-188 of this ordinance;

(6) A sign plan meeting the standards in Articles Sec 20-177 of this ordinance;

(7) A stormwater management plan meeting the requirements in Sec 20-131 of this ordinance.

(8) A wastewater treatment plan to properly dispose of all wastewater generated according to Sec 20-xxx of this ordinance.

(9) A solid waste disposal plan consistent with local, state, and federal requirements including Sec 20-176 of this ordinance;

(10) Evidence that plans comply with the Americans with Disabilities Act Accessibility Code (MN Statute 326B.16) as certified by an Accessibility Specialist licensed by the State of Minnesota. The project must also be certified following completion of construction such that the "as-built" project conforms to the Accessibility Code as well; and

(11) Where bleachers are being constructed, evidence of plans that comply with all applicable state and federal regulations.

Sec. 20-174. Exterior Building Finish

(a) *Generally.* All exterior wall finishes on any principal or accessory building shall be one of or a combination of the following:

(1) Face brick.

(2) Natural or cut stone, wood or log.

(3) Specially designed, precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture (excluding raw concrete block painted or unpainted).

(4) Glass, fiberglass or similar non-metal materials.

(5) Stucco and other cementation coating applied in a manner so as to create a harmonious design in conjunction with the materials.

(b) *New materials.* The planning and zoning commission may approve other new materials that are equal to or better than the materials listed in subsection (a) of this section.

(c) *Neighboring structures.* All structures shall be compatible with neighboring structures in mass, color and exterior materials.

(d) *Formula restaurants.* All formula restaurants shall meet the requirements set forth below:

(1) Outdoor storage areas, mechanical equipment, and utility vaults shall not be visible from adjacent streets and pedestrian walkways.

(2) Site services should be located on the least visible side of the structure or site or within interior building spaces.

(3) All signs shall use natural materials such as wood, metal masonry or stone.

(4) There shall be no exterior vending machines such as soft drink dispensers, ice cube freezers and the like.

(5) Trash receptacles shall be placed at the entrances to any building containing formula restaurants and shall be maintained by those businesses. Exterior receptacles shall not exhibit logos or advertising.

(6) The planning and zoning commission may restrict formula restaurants or revise design standards to ensure the preservation of the unique, small-town character of the city.

(e) *Site development requirements along Highway 371.* In addition to the general site requirements for all construction projects, commercial developments within 500 feet of State Trunk Highway 371 shall utilize the following site design requirements:

(1) When feasible, the development shall design backage roads as part of the internal road network.

(2) Developers shall provide for safe pedestrian movement between buildings and between adjacent uses.

(3) No permanent new access points shall be allowed on to Highway 371. When no frontage or backage road is available, a temporary access point may be allowed providing future alternate access is planned. The removal of the temporary access shall be regulated by the conditional use permit.

(4) Driveways shall be located outside of the functional area of intersections or turn lanes.

(5) Adequate vehicle stacking at the driveway shall be provided.

(6) If an existing use is intensified or changed, the city may require the elimination of access points on to Highway 371. If removal is not possible, the city, in consultation with the state department of transportation may work with the property owner to move the access to a safer location.

(7) No backing movements of patrons or service vehicles shall be allowed on to or off the public road system.

(f) *Site development requirements for commercial structures in the CB district.* All new or reconstructed structures shall be placed within 15 feet of the right- of-way. Adequate provisions for pedestrian movement (sidewalks) between properties shall be included in all site plans.

(g) Subsequent additions, exterior alterations and accessory buildings constructed after the erection of an original building or buildings shall be of the same materials or better than those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program involving all structures on the property.

(Code 2016, § 4.8.4)

Sec. 20-175. Rooftop equipment.

(a) *Screening required.* Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose.

(b) *Exception for solar energy equipment.* Equipment for the capture and transfer of solar energy shall be exempted from subsection (a) of this section, provided that the equipment is designed and located to blend with the overall design of the structure.

(Code 2016, § 4.8.6)

Sec. 20-176. Trash handling equipment.

All waste materials, debris, refuse or garbage shall be kept in an enclosed building or enclosed within a container. The container shall be completely screened by a wall or equivalent visual screen. The screen or enclosed building shall be architecturally compatible with the principal building it serves.

(Code 2016, § 4.8.7)

Sec. 20-177. Exterior lighting.

(a) *Lighting fixtures.* Fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare and spilling into residential areas. Lighting levels at contiguous residential property lines shall not exceed one-half footcandle.

(b) *Parking lot and security lighting.* All parking lot and security lighting shall be directed away from adjoining residential uses.

(c) *Energy efficient system required; minimum lighting levels.* Energy efficient lighting systems shall be employed for all exterior lighting. Lighting levels for covered and open parking facilities shall be installed at a height of five feet minimum and shall have a minimum lighting level of nine-footcandle in general parking and pedestrian areas (high pedestrian activity), and one footcandle in vehicle use areas (low pedestrian activity).

(d) *Maximum lighting levels.* Any light or combination of lights used for exterior illumination on a commercial or industrial property that cast light on a public street shall not exceed one footcandle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on residential property shall not exceed one-half footcandles (meter reading) as measured from the property.

(e) *Height restrictions.* Lighting fixtures mounted on poles or structures shall have a maximum height of 25 feet when the commercial property is adjacent to a residentially zoned property, except that no lighting shall be placed higher than 12 feet within 50 feet of a residentially zoned property. Exceptions to these height requirements may be granted when the lighting is located in an area otherwise screened or blocked from view from the residential property, such as lighting on the side of a commercial building opposite the residential property.

(Code 2016, § 4.8.8)

Sec. 20-178. Temporary structures.

(a) Temporary construction trailer structures shall be allowed for a period not to exceed 90 days, unless extended in writing by the city planner. A land use permit shall be required and issued by the city planner with conditions to ensure the health safety and welfare of the public. Minimum facilities for temporary structures shall include provisions for water supply and wastewater.

(b) Temporary commercial structures and uses within the CW, CB and HB districts may be allowed by an interim use permit with appropriate conditions to ensure the health safety and welfare of the public. The following requirements will apply to all temporary commercial structures and uses within the CB and HB districts:

(1) Temporary commercial structures and uses shall not be permitted in the public realm, including, but not limited to, public sidewalks, public streets, parks, right-of-way and parking spaces.

(2) An interim use permit may be granted with appropriate conditions for temporary commercial structures on private property.

(3) Adequate measures to control power, noise and waste shall be provided. A copy of an electrical inspection stating the power source is state electric code compliant shall be provided to the city.

(4) Temporary commercial structures and uses that include food handling shall provide the city with a copy of all required permits, inspections and or licenses from the state health department and or other applicable state agencies.

(5) Temporary commercial structures must comply with city sign regulations including off-site advertising signs.

(6) The planning and zoning commission may restrict temporary commercial structures and uses to ensure the preservation of the unique, small-town character of the city.

(7) All temporary commercial structures shall be removed from the property once the interim use permit expires.

(8) These uses shall not require stormwater mitigation.

(Code 2016, § 4.8.9)

Sec. 20-179. Developer agreements and bonds.

(a) As part of any permitting or review process, the planning and zoning commission may require the developer of any commercial property to enter into a developer agreement. The agreement shall be in a format that is acceptable to the city attorney and shall be recorded. The terms of the developer agreement may include the conditions approved by the city, bonding requirements and other items deemed necessary by the city.

(b) Prior to construction of any public utility or roadway, the developer shall post a bond or other security satisfactory to the city attorney, in the amount of between 125 percent and 200 percent of the cost of off-site and on-site sewer, water, storm sewer, other utilities and street improvements required for the project as estimated by the engineer. The actual percentage will be determined by the city engineer and be based on the reasonable anticipated costs for the city to complete the required improvements if the developer would fail to complete them.

(c) The city shall hold the bond as security to ensure the timely and satisfactory installation of the improvements listed in subsection (a) of this section and the timely completion of any building and shall use the proceeds, if the developer defaults on his or her plans for any reason, to remove or complete the construction. The city may, at its discretion, allow construction and approval of the utilities and street after preliminary approval, but before final approval of a plat or condominium plat in lieu of the bond.

(d) Such financial guarantees as may be required may be reduced in increments as construction or installation is completed to the satisfaction of the city engineer and city administrator.

(Code 2016, § 4.8.10)

Sec. 20-180. Bed and breakfast inns.

(a) Because of changes in the character of the community and tourism trends across the region, the city recognizes the need to allow bed and breakfast developments within the city within certain districts and with performance standards that protect the integrity of the surrounding district and the health, safety and welfare of the general public. The following minimum standards shall apply to all bed and breakfast uses within the city:

(1) The bed and breakfast must be operated in the principal residence on the subject property and not in an accessory structure.

(2) The bed and breakfast must be owner occupied and must be operated by the owner, his or her family and up to two additional employees.

(3) The bed and breakfast shall not provide more than six guest rooms to the traveling public for compensation.

(4) No cooking facilities shall be provided in any guest room and the bed and breakfast shall only provide meals and food service to registered overnight guests.

(5) Prior to opening, the structure shall be inspected by the city planner for compliance with any and all conditions established by the planning and zoning commission in granting a conditional use permit.

(6) Off-street parking shall be provided and shall include a minimum of one-off street parking space per guest room, one for each non-family employee and two for the principal residence. parking shall be effectively screened from adjoining residences by wood fencing or plantings and shall not be located any closer than five feet from any property line. All off-street parking areas shall be paved or hard surfaced.

(7) One on-premises advertising sign per street frontage shall be allowed not exceeding two square feet per sign. The sign shall be placed on the principal structure and shall not be lighted.

(8) No other commercial enterprises shall be operated in the facility during the term of the conditional use permit.

(9) The interim use permit shall be reviewed by the planning and zoning commission upon sale or transfer of the property from the owner or operator.

(Code 2016, § 4.8.11)

Sec. 20-181. Accessory structures in the CW, HB and CB districts.

(a) *Size limitation.* In the CW and HB district, accessory structures with a cumulative square footage not exceeding 200 square feet shall be allowed by issuance of a land use permit from the city planner. In the CW and HB district, a conditional use permit is required for any structures with a cumulative size exceeding 200 square feet. In the CB districts, the cumulative square footage for all accessory structures shall not exceed 200 square feet.

(b) *Exterior finish.* All accessory structures shall have an exterior finish that matches the finishing materials on the principal structure.

(Code 2016, § 4.8.12)

Sec. 20-182. Additions to residential structures in commercial districts.

In all commercial districts, an addition may be placed to the side and rear of an existing nonconforming residential structure, provided the structures and any additions meet all other setback requirements.

(Code 2016, § 4.8.13)

Sec. 20-183. Commercial structure size requirements.

(a) Except public buildings (such as city hall, community center, schools or churches), no structure within the CB district shall exceed 10,000 square feet in ground cover. Any structure or combination of structures located on a single parcel of land within the CB district that exceeds 10,000 square feet in ground cover shall require a conditional use permit and be subject to the following additional design requirements:

(1) All uses shall be required to provide a pedestrian walkway to any adjacent property.

(2) At least 35 percent of any building face that fronts a public road shall consist of windows.

(3) Building façades should be organized vertically and shall have a clearly defined base, middle and top.

(4) A building more than 50 feet in width should be divided into increments of no more than 40 feet through articulation of the façade. This could be achieved through the combinations of the following techniques:

a. Divisions or breaks in materials;

b. Window bays;

c. Separate entrances and entry treatments;

d. Use of architectural details such as parapets.

(5) The color of buildings should complement the adjacent buildings' colors and include a complementary mix of colors.

(6) Parking areas shall be located on the side or rear of the principal structure.

(7) No merchandise shall be stored within any required yard area.

(b) Any structure or combination of structures located on a single parcel of land within the HB district that exceeds 10,000 square feet in ground cover shall be subject to the following additional design requirements:

(1) All retail or office uses shall be required to provide a pedestrian walkway to any adjacent property.

(2) At least 35 percent of any building face that fronts a public road shall consist of windows.

(3) No merchandise shall be stored within any required yard area.

(Code 2016, § 4.8.14)

Sec. 20-184. Change in character of business.

If a previously permitted or legally existing commercial use changes character to a degree where the performance standards are no longer met, a new conditional use permit shall be required.

(Code 2016, § 4.8.15)

Sec. 20-187. Commercial storage units.

Commercial storage units shall comply with the following standards:

(1) Commercial storage units shall not exceed 50 percent of the parcel area.

(2) Approved commercial storage parking areas must be paved with an all-weather surface. Class 5 pavement is not permitted.

(3) Commercial storage unit parcels shall maintain a setback of 50 feet on all sides.

(4) Commercial storage unit structures shall not be located in designated parking areas or areas striped for parking.

(5) Commercial storage units are to be screened on all sides, and 20 feet linear footage facing the road may be visible for placement of a driveway.

(6) Screening may consist of double or triple deep staggered dense evergreen and coniferous plantings eight feet or more in height to be approved by the city planner prior to the issuance of a land use permit.

(7) All lighting is to be in compliance with section 20-176 regarding exterior lighting.

(8) No commercial storage unit business may be placed on a parcel located within 1,000 feet of a dwelling, house of worship, or school parcel.

(9) No commercial storage unit business may have more than five buildings or 100 rental units, whichever is less.

(10) Commercial storage units are limited in use to that of storage of materials. No workshop activities, social gatherings, habitation or the like is allowed. No living accommodation is permitted.

(11) Water is permitted for irrigation only.

(12) Storage pods, boats, recreational vehicles, fish houses and similar storage items (in the sole discretion of the planning and zoning commission and city council) not permitted outside of the enclosed storage unit.

(13) Commercial storage units located in the OSR zone are to be on parcels no less than 20 acres.

(14) Commercial storage units are permissible in the OSR zones and HB districts with a conditional use permit.

(Ord. No. 34 (Third Series) , § 2(4.8.18), 7-15-2020)

Sec. 20-188. Parking and loading.

(a) *Generally.* To reduce impervious coverage, the minimum number of parking stalls required to meet the needs of the development, while still complying with the ordinance, are encouraged.

(b) *On-site parking.* On-site parking or garage space shall be provided in all in all districts, except as exempted by the planning and zoning commission, including the following:

(1) For lots fronting a highway or collector street, on-site parking lots and driveways shall be designed in manner which will allow vehicles to enter the street in a forward-facing direction. On-site parking spaces shall not be used for storage.

(2) In the Central Business District (CB), on-site parking is required. Exceptions shall be granted at the discretion of the planning and zoning commission.

(c) *Parking location and design.* On-site parking shall meet the setback requirements of this chapter and the additional requirements:

(1) All parking shall be paved with an all-weather surface and be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge into public waters.

(2) Commercial or industrial parking lots shall be located in the side or rear yard area of the development as seen from Highway 371, or the collector and or backage road system. When no frontage road exists parallel to Highway 371, parking will be allowed up to 40 feet wide in front of the building if a landscaping plan which completely screens the parking lot from the highway is provided and approved by the planning and zoning commission. Screening shall consist of trees, bushes or similar native vegetation, including non-deciduous vegetation to provide screening during leaf-off seasons.

(d) *Parking stall size.* Parking stalls shall be a minimum of 20 feet long and nine feet wide except in commercial districts, where 9.5 feet is required, and as required by other state or federal regulations.

(e) *Landscaping in parking lots.* The following landscaping requirements shall apply:

(1) Parking lots with more than ten parking stalls shall have five percent of the surface area of the parking lot landscaped with grass, shrubbery, trees and/or other approved ground cover. The City Planner may

grant credit for up to 100% of proposed area in the perimeter, to a maximum width of 10 ft, where the applicant demonstrates screening and/or landscaping in their proposal, The owner shall be responsible for maintaining any landscaped areas ~~within the parking lot~~hereto.

(2) More than five parking stalls contiguously located and any commercial or business/industrial parking adjacent to residential zoning shall be landscaped according to a plan approved by the planning and zoning commission.

(f) *Shared parking facilities.* The planning and zoning commission may recommend that a shared parking facility is in the best interest of the district in which the proposed use is located. A shared parking facility shall be allowed by a conditional use permit.

(g) *Loading berths.* All required loading berths shall be off street and shall be located on the same lot or adjoining lot as the principal use served. Loading shall not occupy the front yard space. Berths shall not be used for storage in excess of eight hours. Loading berths shall be no less than 15 feet in width and 50 feet long with 14 feet of vertical clearance. Berths shall have all weather surfaces and be well drained.

(h) *Lighting.* Parking lot lighting must comply with section 20-177.

Sec 20-189 – Screening

(a) Residential Areas: Commercial and industrial uses shall be screened from residential areas and shall screen the business activity on commercial property from adjacent residential areas. Screening shall be provided where a business or industry is across the street from a residential use, but not on any side of a business or industry considered to be the frontage as determined by the Planner, unless specifically required as part of a conditional use permit or as otherwise required by this ordinance. Screening shall be equally effective in the winter and summer and may be accomplished by the use of one or more of the following:

(1) The placement of the building on the lot or the placement of a building on an adjacent lot.

(2) The use of berms and landscaping.

(3) Planting of vegetative screens.

(4) Construction of walls or fences.

(5) Screening Design Standards:

i. Vegetative screens shall consist of healthy, hardy plant materials that provide effective visual screening year-round.

ii. A minimum of a 6-foot wall or fence may be utilized as an alternative to vegetative screening.

iii. Screening and fences shall be maintained and repaired.

(6) Screening between adjacent commercial uses.

i. No screening is required between adjacent commercial uses, unless specifically required as part of a conditional use permit or as otherwise required by this ordinance.

Secs. 20-190—20-212. Reserved.

Subdivision II. Reserved

Sec. 20-213. Reserved.

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Secs. 20-218—20-242. Reserved.

Secs. 20-251—20-278. Reserved.

ARTICLE IV. SPECIAL LOCATIONS AND USES

DIVISION 1. GENERALLY

Secs. 20-279—20-304. Reserved.

DIVISION 2. PLANNED UNIT DEVELOPMENTS

Subdivision I. In General

Sec. 20-305. Purpose, intent and summary of requirements.

(a) To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses

(b) Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Sections 20-85-88 of this ordinance is allowed if the standards in this Section are met.

(c) There are 4 types of PUDs allowed as described below. All PUDs require a conditional use permit and are allowed in certain land use districts according to Section 20-82. PUDs will require a plat if each unit is to have its own lot with a legal description.

(1) Shoreland District - Residential PUD

(2) Shoreland District - Commercial PUD – Includes Resorts

(3) Urban Residential PUD

(3) Nonshoreland District PUD

(d) Planned Development District – Shoreland

(1) Development proposed in any Planned Development District (PDD) in the Shoreland shall follow all requirements found in Sec.20-83 – Sec. 20-154.

(2) All Planned Unit Developments (PUD) shall be subject to Secs. 20-381 – 20-392.

(3) All development in the PDD - Shoreland shall be served by City Sewer.

(e) Planned Development District – Nonshoreland

(1) The PDD located in the Nonshoreland has no set standards and specifications. Developers can propose uses or a combination of uses and configurations of intensity and density of development.

(2) Through a process of planning and zoning commission review, public hearing and city council review and approval, accompanied by discussions with developers and, as appropriate, with other interested parties, an agreement is reached between the property owner and the city. The details of this agreement constitute the zoning controls of the property. These controls have the same legal force and effect as to standard zoning requirements.

(3) To achieve the community benefits of PDD -Nonshoreland it is generally true that the project size should be large enough to allow clustering and to establish a coherence of design. Mixed use may be allowed to an extent that no land use conflicts will result.

(4) It is a basic public expectation that landowners requesting PDD – Nonshoreland will develop designs that reflect the comprehensive plan. The extent of variation or exception that will be allowed by the planning and zoning commission will be dependent on how well the above stated planning expectations are expressed in the proposed development plan.

(5) The minimum acreage required for a PDD – Nonshoreland is 85 acres, and shall be served by city sewer.

(Code 2016, § 4.10.7(A))

Secs. 20-306—20-328. Reserved.

Subdivision II. Reserved

Sec. 20-329. Reserved.

Sec. 20-330. Reserved

Sec. 20-331. Reserved.

Sec. 20-332. Reserved.

Sec. 20-333. Reserved.

Sec. 20-334. Reserved.

Secs. 20-335—20-356. Reserved.

Subdivision III. Reserved

Sec. 20-357. Reserved

Sec. 20-358. Reserved.

Sec. 20-359. Reserved.

Sec. 20-360. Reserved.

Sec. 20-361. Reserved.

Secs. 20-362—20-380. Reserved.

DIVISION 3. PLANNED UNIT DEVELOPMENT STANDARDS

Sec. 20-381. Features of development generally; purpose and intent.

(a) Planned unit developments (PUD's) require the assistance of professional planning consultants and usually involves the approval of multiple agencies or other governmental bodies.

(b) When circumstances are favorable, PUDs provide more latitude in land use than normal development to allow for planning, clustering facilities, consolidating open space, and internal recreation amenities.

(c) While densities higher than normal are often allowed, they must be justified by the preservation and consolidation of open space, increased screening and landscaping, increased setbacks, increased recreational amenities, and other significant improvements and design features beneficial to the residents, neighbors, and the general public.

(Code 2016, § 4.10.1(intro. ¶))

Sec. 20-382. Mixed uses permissible; restrictions.

Mixed use PUDs where appropriate may be allowed, provided the use not normally allowed in the district does not exceed 45 percent of the building floor area density.

(Code 2016, § 4.10.1(A))

Sec. 20-383. Review criteria; conditional use permit required.

The city shall require a conditional use permit for all PUDs including expansions to existing PUDs. In addition to the criteria for the granting of a conditional use permit generally, the city must consider the following criteria in the examination of a parcel for suitability as a PUD:

(1) Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;

(2) Physical and aesthetic impacts of increased density;

(3) Suitability of lands for the planned unit development approach;

(4) Level of current development in the area;

(5) Amounts and types of ownership of undeveloped lands; and

(6) Size of the parcel and amount, if any, of shoreline, provided that a resort in existence prior to June 16, 1982, though undersized, may be considered for subdivisions, but increase of units is prohibited.

(Code 2016, § 4.10.1(B))

Sec. 20-384. Standards and specifications generally.

(a) New multifamily buildings, four units or larger, shall be designed by an architect, shall be compatible in color, character and mass with surrounding land use.

(b) New multifamily buildings shall have one-hour fire-rated party floors and party walls.

(c) All PUDs shall be connected to municipal sewer. If it is determined that the extension of municipal sewer is not feasible according to the public works director, the city council may allow the use of a subsurface sewage treatment system in compliance with Minn. R. 7080-7083 and Sec 28 of this ordinance.

(d) A winterized central water system shall be required.

(e) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor.

(f) The PUD parcel must directly abut on a public road maintained by the city.

(g) Covenants and incorporating documents providing for a homeowners' association shall be submitted to the city prior to final approval of the PUD.

(h) Vegetation removal shall be limited to select cutting as defined in Section 20-133 of this ordinance.

(i) Maintenance of all commonly owned facilities shall be by the homeowners' association.

(k) Storage areas for recreational equipment (boats, personal watercraft, etc.) shall be required for residential PUDs.

(l) Commercial PUDs are prohibited from having garages and basements to ensure transient nature of development.

(m) Subdivision may be allowed a common interest community plat as part of a PUD.

(n) Recreation facilities may be provided if approved by the planning and zoning commission.

(o) Screening and landscaping shall be provided as required by the planning and zoning commission and Section 20-61 and Section 20-172 of this ordinance. At a minimum, any PUD within the shorelands district shall provide screening and plantings to reduce visibility of any structures from the public waters.

(p) Unless otherwise provided in this section, all new PUDs shall have a minimum of five acres in the project area and a minimum of 400 feet of lot width at the OHW and building setback line. PUDs shall be limited to a maximum of three tiers.

(q) Not fewer than three units or sites shall be required to utilize the PUD process.

(Code 2016, § 4.10.1(C))

Sec. 20-385. Density evaluation and minimum requirements.

(a) *Applicability.* Proposed new or expansions to existing PUDs must be evaluated using the standards set forth in this section.

(b) The density evaluation for shoreland residential planned unit development steps and design criteria are outlined below.

(1) *Division of parcel into tiers.* The project parcel must be divided into tiers according to the following table20-385.1 by locating one or more lines approximately parallel to a line that identifies the ordinary highwater level at the following intervals, proceeding landward:

Table 20-385.1 PUD Tier Dimensions

Shoreland Tier Dimensions	*Feet*
General development lakes—First tier	200
General development lakes—Second tier	267
Recreational development lakes—First tier	267
Recreational development lakes—Second tier	267
GD and RD—Third tier	Remaining lot area in shoreland
Natural environment lakes—All tiers	400
All river classes	300

(2) **Density evaluation steps**. To determine the allowable density of residential dwelling units or sites, the suitable area within each tier is divided by the single-family residential lot size standard for lakes (see district requirements), which shall then be used to yield a base density of dwelling units or sites for each tier.

(3) **Step one**. Calculate the suitable area for development in square feet within each tier by identifying all limiting factors such as land below the OHW, wetlands, and bluffs and subtracting it from the total land area in each tier.

(4) **Step two.** Divide the suitable area identified in step one by the minimum single shoreland residential lot area for the lake classification in Sec 20-85.

(c) The following increases to the dwelling unit or dwelling site base densities in sec 20-385 (c) are allowed if the design criteria in sec 20-386 of this ordinance are satisfied, one or more of the performance standards in table 20-385.3 are satisfied and all restrictions in sec 20-385 d are adhered to.

Table 20-385.3. Performance Standards Chart

Performance Standard	*Base density increased by up to:*
Impervious coverage in tier 1 is reduced to 20 percent**	10 percent
Impervious coverage in tier 1 is reduced to 15 percent**	10 percent
Remove all nonconforming structures	10 percent
Approved shoreline restoration plan*	10 percent

*Shoreline Restoration Plan to restore vegetation along the shoreline designed by a landscape architect or other person with experience in shoreline restoration as reviewed and approved by the Soil and Water Conservation District.

**Reductions in impervious coverage is cumulative. For example, if the impervious is reduced to 20%, the base density is increased by 10%. If the impervious is reduced to 15%, the base density is increased by 20%.

(d) The above chart is subject to the following restrictions:

a. No density increases will be allowed unless the setback is increased to 150 feet for GD and RD lakes and 225 feet for NE lakes.

b. Density increases are maximums and must be approved by the planning and zoning commission.

c. The density increases in the above table are cumulative.

d. Density increases in tier 1 cannot exceed 50 percent.

e. Allowable densities may be transferred from any tier to any other tier farther from the shoreland, lake or river, but must not be transferred to any other tier closer.

(e) **Commercial (shoreland) planned unit development density evaluation.** The density evaluation steps and design criteria for commercial planned unit developments are outlined below.

(1) **Step one.** Calculate the suitable area for development in square feet within each tier by identifying all limiting factors such as land below the ordinary highwater mark, wetlands and bluffs and subtracting it from the total land area in each tier.

(2) **Step two.** Determine the average inside living area size of dwelling units or sites within each tier (if applicable), including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

(3) **Step three.** Select the appropriate floor area ratio from table 20-385.2:

(4) **Step Four.** Divide the total floor area or dwelling site area calculated in step 2 by the average inside living floor area for dwelling units or dwelling site area determined. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier. Allowable densities may be transferred from any tier to any other tier further from the waterbody but must not be transferred to any tier closer to the waterbody."

Table 20-385.2. Commercial and Resort PUD Floor Area Ratios

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
< 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
> 1,500	.150	.075	.038

Note: For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational campsites vehicles, campers, or tents, use the ratios listed at 400 square feet.

Sec. 20-386. PUD design criteria.

(a) *Application.* An application for a conditional use permit for a proposed PUD shall be filed with the city planner. A filing fee as established, from time to time, by city council resolutions shall accompany the application. The application with accompanying statements shall be submitted in the number of copies that are indicated on the application, and shall include:

(1) A vicinity map at a scale, acceptable to the planning and zoning commission, showing property lines, streets, easements, existing zoning, and such other items as the planning and zoning commission may require showing the relationship of the proposed PUD to the comprehensive plan of the city, to existing schools and other community facilities and services, and to the surrounding area;

(2) A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets and off-street parking system;

(3) A written statement explaining in detail and with supporting documentation the specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of nonresidential development and the resulting traffic generated, and parking demands created;

(4) The proposed time schedule for the development site;

(5) A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUDs.

(6) A certificate of survey shall be required with the following information:

i. Surface water features (for riparian lots only);

ii. Existing and proposed structures and other facilities;

Iii. Land alterations;

IV. Sewage treatment and water supply systems (where public systems will not be provided);

V. Topographic contours at two-foot intervals or less; and

Vi. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).

(b) *Intent; developer's responsibilities.* PUDs shall be proposed and approved in accordance with this section. The burden of justification for any planned unit development project shall be the exclusive responsibility of the developer. The developer shall be responsible for providing the information and data required in this section. In addition, as the planned unit development is an innovative approach, the developer shall provide any other data or information as may be required by the planning and zoning commission or the city council. It is the intent of this division to require subdivision of property according to city subdivision regulations simultaneous with the application of the PUD.

(c) *Preapplication meeting.* Before submitting a formal application for a PUD, the developer shall meet with the planner and / or the planning and zoning commission. The purpose of this meeting is to discuss early informally, the purpose and effect of this division and the criteria and standards contained in this division and to familiarize the developer with the city's comprehensive plan, including the land use plan, the major thoroughfare plan, and the parks and open space plan, the subdivision regulations and the drainage, sewer, and water systems of the city.

(b) *Minimum number of dwelling units or sites.* All planned unit developments (PUDs) must contain at least three dwelling units or sites.

(b) Open space *requirements.* In lieu of traditional platting and lot size requirements, open space must be provided, including at least 50 percent of the total project area. open space is subject to the following additional restrictions:

(1) The area must be owned by the homeowners' association and provide adequate recreational opportunities for residents of the PUD.

(2) Open space shall not include dwelling units or sites, road right-of-way, or land covered by road surfaces, parking areas, or structures or developed areas.

(3) Open space must include areas with physical characteristics unsuitable for development in its natural state, and areas containing significant historic sites or unplatted cemeteries.

(4) Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites or the public.

(5) Open space must not include commercial facilities or uses but may contain water-oriented facilities and private golf courses, trails, tennis facilities, and similar uses.

(6) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

(c) *Impact zones.* The shore and bluff impact zones, based on normal structure setbacks, must be included as open space. At least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. Shore and bluff impact zones that do not meet the 50 percent threshold for existing developments or 70 percent for new developments shall be effectively restored using a Shoreline Restoration Plan. The plan shall restore vegetation along the shoreline designed by a landscape architect or other person with experience in shoreline restoration as reviewed and approved by the Soil and Water Conservation District.

(d) *Method of preservation of* open space *and other common areas.* The appearance of open space and other common areas, including areas of unique topography, vegetation, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means. The instruments must include provisions prohibiting commercial uses, vegetation and topographic alterations other than maintenance, construction of additional buildings or storage of vehicles and other materials, and uncontrolled beaching. In addition, unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners' association according to Minnesota Statutes 515.

(1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.

(2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.

(3) Assessments must be adjustable to accommodate changing conditions.

(4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(5) Changes in the association documents must receive prior approval by the city.

(e) *Centralization and design of facilities and structures.* PUDs must be connected to publicly owned water supply and sewer systems, if available per the determination of the Public Works Director. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the state health department and pollution control agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

(f) *Dwelling unit locations.* Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary highwater level, elevation above the surface water features, and maximum height. Setbacks from the ordinary highwater level must be increased for developments with density increases.

(g) *Recreation facilities.* Shore recreation facilities, including, but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading boats and equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

(h) *Reduction of visibility.* Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the planning and zoning commission, assuming summer, leaf-on conditions.

(i) *Erosion control and stormwater management.* An erosion control and stormwater management plan shall be required for each PUD and follow Section 20-131 of this ordinance.

Sec. 20-387. Resorts

(a) *Purpose.* It is the purpose of this section to provide standards for new resorts, structure replacement within an existing resort, expansions of existing resorts and resort conversions. Resorts are allowed for new projects on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and land.

(b) *Application*. Applications for resort developments shall be processed as a commercial planned unit development according to section 20-385 (e) unless exempted in this section.

Sec.20-388. Structure replacement within an existing resort.

Resorts are allowed to maintain and replace their structures, without regard to available density, so long as the establishment continues to operate as a resort and all of the following standards are met:

(1) Structures, including lodges, shall not be replaced any closer to any water body or setback than the existing structure. Replacement structures must meet elevation and maximum height requirements for the relevant shoreland classification. For resorts established prior to the date of local adoption of these standards, structures not meeting the structure setbacks in section 20-65 must only be replaced with structures with the same or lesser height of building, except as noted in the following. There shall be no increase in structure footprint, except as follows:

a. An increase in the structure footprint or height of structure may be permitted to minimally meet federal, state, or local dwelling standards or codes, provided there is no increase in structure footprint lake ward. To minimally meet such standards or codes means that the replacement structure shall not add new architectural elements, such as more bedrooms than the original structure.

b. A structure within the first tier that is moved or replaced outside the shore impact zone and landward to meet the structure setback requirements to the maximum extent feasible within the tier with regard to wetlands, bluffs, land below the ordinary highwater level of public waters, and sewage treatment systems, may be permitted a larger building footprint provided it conforms with the allowable total land surface area that can be covered by structures in each tier as calculated in section 20-385.2 and the impervious surface coverage within the first tier shall not exceed 25 percent.

(2) A specified area within the development may be required to be restored and maintained in a natural state to the following standards:

a. For developments with less than 50 percent of shore impact zone currently in a natural state, at least ten percent of the shore impact zone and shoreline shall be restored to its natural state or, alternatively, in front of each replacement structure for its entirety, a buffer strip consisting of native vegetation of trees, shrubs, understory plants extending from the shoreline landward 35 feet shall be created according to a plan approved by the planning and zoning commission.

b. For developments with at least 50 percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained according to a plan approved by the planning and zoning commission.

Sec. 20-389. Resort expansion.

Existing resorts may be allowed to expand so long as the establishment continues to operate as a resort and all of the following standards are met:

(1) Expansions to resorts with 20 or more dwelling units shall require a conditional use permit, be processed as a PUD and shall meet the requirements of this ordinance. A stormwater plan shall be required and designed by a licensed engineer according to Sec 20-131 of this ordinance.

(2) Expansions to resorts with less than 20 dwelling units may be allowed via land use permit provided that the base density according to table 20-385.2 allows for more dwelling units and the expansion is limited to 5 dwelling units or less. Any further expansion of the resort shall require a conditional use permit, be processed as a PUD and shall meet the requirements of this ordinance.

(3) For developments that exceed or will exceed the allowable density as calculated in Sec. 20-385.2, a variance shall be required before the conditional use permit is considered by the Planning and Zoning Commission.

(4) The impervious surface coverage shall not exceed 25 percent within the total project area and in any tier

(5) Expansions shall be designed and managed such that there are no garages or storage structures associated with dwelling units and sites and other amenities that would encourage long-term residential use.

(6) On-site water supply and sewage treatment systems shall be designed and installed to meet or exceed applicable standards or rules of the state department of health and the state pollution control agency.

(5) If required, a marina permit has been obtained for the development.

(Code 2016, § 4.8.18(B); Ord. No. 27 (Third Series) , §§ 2, 3, 4(4.8.18), 1-16-2019; Ord. No. 27 (Third Series) , § 4, 1-16-2019)

Sec. 20-390. Shoreline recreation facilities for resorts.

(1) Shoreline recreation facilities, including, but not limited to, swimming areas, docks and watercraft mooring areas, and launching ramps shall be clustered or grouped in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors.

(2) Boating facilities shall be located adjacent to the deepest water available and avoid or minimize impacts to aquatic vegetation.

(3) Continuous docking space shall only be used by transient, short-term lodgers at the resort. The resort licensee may also have one dock for personal use. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

(4) Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by lodgers or the public not lodged.

(5) Non-lodger vehicles shall be parked so they are screened by vegetation or topography as much as practical from view of the public water.

(6) Resorts providing services to the general public, such as restaurants, bars, spas or other service-oriented facilities may provide a limited number of short-term watercraft mooring spaces for patrons that are not over-night lodging guests for the resort. The planning and zoning commission must make a finding, based on applicant's detailed description of the facilities and associated occupancies, that the number of additional mooring spaces is the minimum quantity needed to address the needs of the resort.

Sec. 20-391. Resort Conversions

(1) *Conversions.* The city may allow existing resorts or other land uses and facilities to be converted to Shoreland residential PUDs if all of the following standards are met:

(a) conversions must be evaluated using the same procedures for residential PUDs involving new construction according to this ordinance. Inconsistencies between existing features of the development and these standards must be identified.

(b) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as much as is possible as part of the conversion or as specified in the conditional use permit.

(c) Shore and bluff impact zone deficiencies must be evaluated, and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
2. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
3. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Dwelling unit or dwelling site densities that exceed standards in Sec. 20-385.2 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Sec. 20-392. Urban residential planned unit development (PUD).

(a) *Objectives.* It is the policy of the city to promote progressive development of land and construction by encouraging urban residential PUD to achieve:

(1) A maximum choice of living environments by allowing a variety of housing building types, including single and multifamily developments and permitting an increased density per acre and a reduction in lot dimensions, yard, building setbacks and area requirements;

(2) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of mixed residential uses;

(3) A development pattern, which preserves and utilizes natural features, trees and other vegetation, and prevents the disruption of natural drainage patterns;

(4) A more efficient use of land and a resulting substantial savings through shorter utilities and streets;

(5) A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

(b) *Intent; developer's responsibilities.* PUDs shall be proposed and approved in accordance with this section. The burden of justification for any planned unit residential development project shall be the exclusive responsibility of the developer. The developer shall be responsible for providing the information and data required in this section. In addition, as the planned unit development is an innovative approach, the

developer shall provide any other data or information as may be required by the planning and zoning commission or the city council. It is the intent of this division to require subdivision of property according to city subdivision regulations simultaneous with the application of the PUD.

(c) *Preapplication meeting.* Before submitting a formal application for a PUD, the developer shall meet with the planning and zoning commission. The purpose of this meeting is to discuss early informally, the purpose and effect of this division and the criteria and standards contained in this division and to familiarize the developer with the city's comprehensive plan, including the land use plan, the major thoroughfare plan, and the parks and open space plan, the subdivision regulations and the drainage, sewer, and water systems of the city.

(d) *Application.* An application for approval of a preliminary plan for a proposed PUD shall be filed with the city planner. A filing fee as established, from time to time, by city council resolutions shall accompany the application. The application with accompanying statements shall be submitted in the number of copies that are indicated on the application, and shall include:

(1) A vicinity map at a scale, acceptable to the planning and zoning commission, showing property lines, streets, easements, existing zoning, and such other items as the planning and zoning commission may require to show the relationship of the proposed PUD to the comprehensive plan of the city, to existing schools and other community facilities and services, and to the surrounding area;

(2) A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets and off-street parking system;

(3) A written statement explaining in detail and with supporting documentation the specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of nonresidential development and the resulting traffic generated, and parking demands created;

(4) The proposed schedule for the development site;

(5) A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUDs.

(e) *Minimum lot size and density.* The minimum lot size requirements in this division do not apply to a PUD. The maximum dwelling unit density shall be determined by the area remaining after wetlands, setbacks and steep slopes have been removed from the PUD area. The maximum dwelling unit density shall be one unit per 10,000 square feet of useable land area for single-family and duplex, triplex or quadplex housing styles. Individual lot sizes may be smaller than this, but the density may not exceed one unit per 10,000 square feet.

(f) *Setback requirements.* Notwithstanding other provisions of this division, every individual residential lot must be a minimum of 15 feet from the perimeter of the PUD. Structures must be a minimum of 50 feet from the perimeter of the site.

(g) *Access.* Every PUD must have adequate direct access to a publicly maintained road. Internal roads within the PUD shall be public roads unless due to slopes or other features, the city engineer recommends that a private road network is preferred. Connections to adjoining parcels of land should be included in the development plans.

(h) *Utilities.* Each PUD within the UR district must be connected to municipal sewer, and shall provide for a common, not individual, water supply.

(i) *Open space.* A minimum of 50 percent of the PUD must remain in permanent open space, to be used consistent with the applicable minimum standards of the homeowners' association, recorded declarations and covenants that require the open space to be preserved in perpetuity, development restrictions, or any city, county or other governmental agency requirements.

Sec. 20-393. Non-shoreland planned unit developments (PUDs).

Density in non-shoreland PUDs shall conform to the requirements of the appropriate district, impervious coverage and conditional use permit. Design criteria shall be the same as above for residential PUDs and for commercial PUDs, and as determined in the conditional use permit. See the specific district for land and use requirements.

(Code 2016, § 4.10.1(F))

Secs. 20-394—20-417. Reserved.

DIVISION 4. COMMUNICATION TOWERS

Sec. 20-418. Purpose and intent; adoption of federal siting policy.

(a) The purpose of this performance standard is to establish predictable and balanced regulations for the siting, screening, construction and engineering of wireless communication equipment in order to accommodate the growth of wireless communication systems within the city, while protecting the public from adverse impacts on the city's aesthetic resources, and protecting the public welfare by:

(1) Providing for the appropriate location and development of communication towers to serve the residents and businesses in the city;

(2) Minimizing adverse visual impact of towers through careful design, siting, and vegetation screening;

(3) Avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of the tower structure; and

(4) Maximizing the use of any new tower structure to reduce the number of towers needed.

(b) The city adopts by reference section 704 of the Telecommunications Act of 1996, 47 USC 609 et seq. to the extent applicable within the city.

(Code 2016, § 4.12.1)

Sec. 20-419. Towers prohibited in CB district and encouraged on certain city property.

Towers shall not be located on any non-city owned residentially zoned or CB (Central Business District) zoned parcel of property within the city. First preference for siting towers should be given to the city-owned parcel of property currently containing the municipal sewer ponds.

(Code 2016, § 4.12.2)

Sec. 20-420. Standards and specifications.

All towers erected, constructed or located within the city shall comply with the following requirements:

(1) *Co-location capability.* Any proposed tower shall be designed structurally, electrically and in all respect to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower to accept antennas mounted at varying height. Since the number of opportunities to construct a tower is limited by this division, the applicant should demonstrate to the satisfaction of the planning and zoning commission or the city council that opportunities will be made available for co-locating other antennas on the structure.

(2) *Area-wide analysis; proof of need.* The applicant shall demonstrate by providing a coverage and interference analysis that the location of the antenna as proposed is necessary to meet the frequency use and spacing needs of the wireless telecommunication facilities and to provide adequate coverage and capacity which cannot currently be adequately served.

(3) *Proof of non-interference.* Each application for construction of a wireless telecommunication facility shall include a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with radio, television or public safety telecommunications.

(4) *Setbacks.* Towers shall meet minimum setbacks of the tower height from side property lines, rear property lines, road rights-of-way, and other structures. Under no circumstance will towers be allowed within one-quarter mile from the OHW of any lake which is located within the city. Towers will also meet a minimum setback of 500 feet from the nearest property line of a residentially zoned parcel.

(5) *Lighting.* No illumination of towers will be allowed, unless specifically required by another governmental agency. If lights are required, all lights will meet minimum requirements of the subject agency. Lights will be shielded to prevent glare or illumination onto neighboring properties and to prevent distraction of the traveling public.

(6) *Maximum height.* Maximum tower height is limited to 150 feet above ground upon which antenna is placed.

(7) *Self-supporting structure required.* The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams or other means. The design should utilize an open framework or monopole configuration. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.

(8) *Maximum base area.* The base of the tower shall occupy no more than 500 square feet and no part of the tower shall be larger than the base.

(9) *Minimum spacing between towers.* Minimum spacing between tower locations is one mile.

(10) *Screening and visibility.* Tower locations should provide the maximum amount of screening possible and shall preserve on-site vegetation to the maximum extent possible for off-site view of the facility.

(11) *Landscaping.* The base of the tower and any accessory structure shall be landscaped.

(12) *Accessory structures.* Accessory structures will be designed to be architecturally compatible with the principal structures on the site. Accessory structures shall meet all of the requirements of the underlying district.

(13) *Tower color; advertising and identification on tower prohibited.* The tower shall be painted light blue or other color that is demonstrated to minimize visibility. No advertising or identification shall be placed on the tower or antenna.

(14) *Security fencing required.* Towers shall be provided with security fencing to prevent unauthorized entry.

(15) *Antennas to comply with state and federal law and rule as amended.* Antennas placed on the tower shall be subject to state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new, more restrictive standards are adopted, the antennas shall be made to comply, or the planning and zoning commission may restrict continued operations. The cost of verification of compliance shall be borne by the owner and operator of the tower. Antennas exceeding 36 inches in diameter shall meet all setback requirements but shall not be subject to height restrictions. The square footage of an accessory structure shall be the area enclosed within the foundation and the base area of any cantilevered section, with allowance for no more than three- foot roof overhang, regardless of the number of floors.

(16) *Conditional use permit required for certain antenna.* Antennas mounted on roofs and walls of existing structures may be approved as a conditional use permit by the planning and zoning commission, provided the antennas meet the requirements of this division.

(17) *Reduced setback for certain base mounted antenna.* Those antennas rigidly attached to the building, and whose base is on the ground, may reduce the required setback by the amount equal to the distance from the point of attachment to the ground.

(Code 2016, § 4.12.3)

Sec. 20-421. Obsolete or unused towers.

Property owners shall remove all obsolete or unused towers and accompanying accessory structures on their properties within six months of cessation of use.

(Code 2016, § 4.12.4)

Secs. 20-422—20-440. Reserved.

ARTICLE V. SUBDIVISIONS

Sec. 20-441. Sketch plan content.

(a) *Existing conditions.* A sketch plan shall contain the existing conditions.

(1) Approximate exterior boundary drawn to a scale of not less than one-inch equals 100 feet with the scale and northerly direction shown thereon.

(2) Indication of floodplains, wetlands, slopes over 12 percent, bluffs, tree cover and ordinary highwater mark.

(3) Use of adjoining properties including street locations, structure locations and property lines.

(4) Significant historical sites.

(5) Approximate locations of existing structures.

(6) Approximate locations of existing wells and sewage treatment systems.

(7) Location by section, town, and range with small scale sketch showing location within the city.

(8) The existing district and the district of adjacent parcels.

(b) *Proposed design.* A sketch plan shall also contain the following proposed design elements:

(1) Proposed roads and walkways.

(2) Proposed lots with building setbacks and bluff impact zones.

(3) Proposed open space

(4) Proposed city sewer and water system connections or sewage treatment systems and well locations.

(Code 2016, § 4.11.1)

Sec. 20-442. Preliminary plat content and approval process.

A preliminary plat, preliminary condominium plat or metes and bounds subdivision resulting in at least one parcel less than ten acres shall contain the following data (except as waived in advance by the planning and zoning commission), along with other reasonable information required by the commission needed to make a proper evaluation of the proposal:

(1) *Existing conditions.*

a. Boundary lines with lengths and bearings drawn to exact scale of no less than one-inch equals 100 feet taken from a boundary survey by a registered land surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor, north arrow and scale.

b. Topography consisting of two-foot contour intervals, or, at the discretion of the planning and zoning commission during the sketch plan review, ten-foot contour intervals taken from USGS mapping with additional field determined spot elevations added to define drainageways, 100-year floodplains, wetlands, slopes and the OHW.

c. Near shore aquatic conditions, including depths, types of bottoms, sediments and aquatic vegetation.

d. Tree cover limits.

e. Soils as determined by hand borings on a random basis, to determine depth to groundwater at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the planning and zoning commission.

f. Location of adjoining streets, wetlands, structures and property lines within 200 feet of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat.

g. Significant historical sites.

h. Significant wildlife habitat areas.

i. Endangered, threatened, rare or critical species, both flora and fauna.

j. Date of boundary survey, topography and proposed plat.

k. Layout of existing streets, walkways, driveways, blocks, lots, and structures drawn to the same scale.

l. Locations of existing wells and sewage treatment systems.

m. Location by section, town, and range with small scale sketch showing location within the city.

n. The existing district and the district of adjacent parcels.

(2) *Proposed design.*

a. Layout of proposed streets, walkways, driveways, blocks, lots, buildings, if known, drawn to same scale as existing data.

b. Dimensions scaled to nearest five feet of all lot lines, street widths, easement widths and lakeshore lengths.

c. Buildable areas of proposed lots.

d. Structure setback lines from streets, lot lines and OHW and a designation of the buildable area on the parcel.

e. Proposed open space with area shown.

f. Proposed public dedication areas other than streets or walkways with the area shown.

g. Proposed city sewer or water system connections and extensions existing and proposed with grades shown.

h. Potential locations and estimated depth to water table for all proposed on-site sewage disposal systems, two per lot.

i. Information regarding adequacy of domestic water supply.

j. Proposed storm drainage system and erosion control, both during and after construction activities.

k. Proposed street standards and profiles.

l. Potential principal structure and accessory structure locations and elevations.

m. Extent of anticipated vegetation and topographic alterations.

n. Proposed covenants.

o. Name of subdivision and proposed street names, which shall not duplicate or be alike another plat previously recorded.

p. Stages of development proposed.

(3) *Evidence of authority to subdivide.* Evidence of authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

(4) *Cost analysis.* An analysis of the ongoing cost to the city to provide services and maintenance to the development shall be prepared using a form provided by the city. This cost shall be compared on the same form to the estimated increased valuation of the property and the corresponding tax revenue. The development shall not be approved if public subsidy is required for ongoing services and maintenance.

(5) *Lapse of approval.* Failure of the subdivider to act after an approval of the preliminary plat or preliminary condominium plat within one year shall void the approval, unless extended by the planning and zoning commission. A second extension shall require a new public hearing.

(6) *Subdivision by metes and bounds.* Any division of real estate resulting in two or more parcels which are not platted but divided by legal description prepared and signed by a registered land surveyor. All subdivision by metes and bounds resulting in residential parcels less than 20 acres or 500 feet in width; and commercial parcels less than five acres or 300 feet in width shall be considered for approval by the planning and zoning commission. Subdivision by metes and bounds shall be limited to no more than one split of a parcel into two parcels, including the remnant parcel, in a three-year period of time.

(7) *Subdivision of a result of the expansion or extension of a road right-of-way.* Any division of real estate resulting in two or more parcels which are not platted or divided by metes and bounds description but

are divided as a result of the expansion or extension of a road right-of-way as a result of city council or county board action, the resulting parcels of land may be considered buildable if all minimum design standards can be met and the resulting lots are at least 100 feet, or 80 percent of the required lot width, whichever is less.

(8) *Applicability; required filings and approvals.* The provisions of this article shall be applicable to any subdivision of property within the city after the effective date of the ordinance from which this article is derived. In addition:

a. Subdivision by plat or condominium plat shall be approved by the planning and zoning commission and council.

b. Subdivision by metes and bounds shall be approved by the planning and zoning commission with any necessary reasonable conditions, if the resulting parcels are less than 20 acres and 500 feet of width for residential lots or five acres and 300 feet of width for commercial lots and shall be limited to no more than one split of a parcel into two parcels, including the remnant parcel, in a three-year period of time. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.

c. The proposed legal description for subdivision of land by metes and bounds shall be prepared and certified by metes and bounds shall be prepared and certified by a registered land surveyor. Approval by the planning and zoning commission shall be indicated by the signature of the planning and zoning commission chair, upon approval of the commission, and attached to the legal description. The county recorder or registrar of deeds may accept each such certificate for filing and recording upon compliance with these provisions.

d. When subdivided parcels are the result of a court orders; adjustment of a lot line by relocation of a common boundary; cemetery lots; or lots created for the sole purpose of public utilities, including lift stations, step stations, manholes, and related structures, the lot split may be approved administratively by the city planner upon presentation to the city planner of all information required by this article.

(9) *Metes and bounds lot split approval.* When appropriate under the provisions of subsection (8) of this section, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth of a foot, and bearings computed to equivalent accuracy, to the planning and zoning commission for approval. The approval process shall include and be subject to the following:

a. Subdivision by metes and bounds shall be approved by the planning and zoning commission with any necessary reasonable conditions, if the resulting parcels are less than 20 acres and 500 feet of width for residential lots or five acres and 300 feet of width for commercial lots and shall be limited to no more than one split of a parcel into two parcels, including the remnant parcel, in a three-year period of time.

b. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.

c. The subdivider shall submit four copies of his or her proposal to the city planner 14 days prior to the normal planning and zoning commission meeting.

d. The city planner shall review the proposed lot split for compliance with city zoning regulations including a field review at his or her discretion.

e. The planning and zoning commission shall decide the approval of the lot split within a reasonable time based on the resulting lots complying with this article, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements as provided in subsection (8) of this

section. No more than one split into two parcels shall be allowed in a three-year period of time. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.

f. The resulting land descriptions shall be prepared and signed by a registered land surveyor and shall comply with this section.

g. Upon approval of the subdivision, the subdivider shall pay the required park dedication fee to the city and present a signed and notarized deed incorporating the legal descriptions from the certificate of survey including a ~~current title opinion or~~ title insurance commitment. Failure to pay the park dedication fee and record a signed deed within one year shall void approval of the unless such time is extended by the planning and zoning commission.

(Code 2016, § 4.11.2)

Sec. 20-443. Final plat or final condominium plat content and approval process.

A final plat or final condominium plat shall contain all elements required by this article and M.S.A. ch. 505 regarding plats, coordinates and surveys, the Uniform Condominium Act, M.S.A. ch. 515A, or the Minnesota Common Interest Ownership Act, M.S.A. ch. 515B, and the state plat manual, including, but not limited to, the following:

(1) Conformance with approved preliminary plat or agreed upon portion thereof.

(2) Design standards in conformance with the city of city zoning and subdivision regulations.

(3) Preparation by a registered land surveyor. Signatures of mayor, clerk, county auditor, county treasurer and all parties with legal interest in the fee ownership of the land.

(4) Dedication to the public of easements, rights-of-way, walkways and land to become public.

(5) Drainage and utility easements over natural drainageways and significant wetlands.

(6) Reservation of private streets in outlots.

(7) Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system, common roads, a private trail system or other shared facilities are proposed for the subdivision.

a. The association shall consist of all benefited lot owners.

b. The association shall be responsible for all costs of maintenance and replacement.

c. The costs is uniformly divided by lots served.

d. The costs shall be lienable against the lots by the association if payment is not forthcoming.

e. The status of the facility shall be clearly stated as subject to perpetual private maintenance.

f. Provisions shall be made for emergency access or emergency maintenance by the city with subsequent reimbursement by the association.

(8) Concurrent documents:

a. Title ~~opinion~~commitment, less than 60 days old, acceptable to the city attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.

b. Financial security acceptable to the city attorney in the amount of 125 percent of the cost estimated by the city engineer for the uncompleted required improvements.

c. Development contract acceptable to the city attorney, if required.

(9) Upon signature, the subdivider shall file all pertinent documents with the county recorder. Failure to file a final plat or plan within two-years shall void the approval, unless extended by the city council.

(Code 2016, § 4.11.3)

Sec. 20-444. Minimum design layout standards.

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the city planner, city attorney, city engineer, planning and zoning commission and council, except as waived by variance approved by the board of adjustment:

(1) The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land below the ordinary highwater mark, wetlands, bluffs, road right of way and road easements shall not be considered when determining buildable area on a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(2) All nonconforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the planning and zoning commission.

(3) Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.

(4) When near shore aquatic conditions are unsuitable for direct access, alternative provisions for water-based recreation shall be specified.

(5) Lot areas and dimensions shall conform to the requirements of city zoning regulations, without variance.

(6) Lot layouts shall be compatible with the existing layout of adjoining properties or shall not constrain the future development of adjacent properties if those properties were to be developed as per city zoning regulations.

(7) Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, unless determined otherwise by the planner that strict adherence to this section is not feasible or prudent. Existing structures shall not be construed to be a topographic condition.

(8) Each lot shall be required to have a minimum of a 33 foot easement or dedication that provides access to a designated right-of-way. Commonly owned property or open space used for access in a planned unit development shall have a minimum of 33 feet of frontage on a public right-of-way.

(9) Proposed streets shall conform to the adopted road standards of the city, county and state highway plans and existing boundary conditions and shall be in conformity with the following standards:

a. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of ten percent for collector roads and 12 percent for minor roads.

b. Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.

c. When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed, unless access points are created not less than 500 feet apart in which case there shall be no limit on the number of accessed allowed.

d. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.

e. Streets shall be designed as collectors or local streets in accordance with the city road plan.

f. The number of streets that terminate without a through connection shall be minimized and a street connected to a cul-de-sac (turnaround) shall not exceed 1,200 feet in length.

g. Access shall be given to all adjacent properties when required by the planning and zoning commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the city. Landlocked areas shall not be created.

(10) Right-of-way shall be dedicated to the public as shown in the table below. Additional rights-of-way may be required to promote public safety and convenience if special conditions require, such as intersections, sight lines on corners or excessive cut or fill sections.

Table 20-444.1. Public Right-of-Way Dedications

Public Way	*Right-of-Way Dedication*
Cul-de-sac (turnaround)	68-foot radius
Arterials	100 feet or as determined by the county.
Collectors	66 feet
Local streets	66 feet

(11) Intersections shall comply with the following standards:

a. Street centerlines shall intersect at not less than 75 degrees.

b. Street jogs shall be no less than 200 feet from centerline to centerline.

c. Gradients at intersections and for 50 feet approaching on each side of an intersection shall not exceed two percent. The approach shall contain no grades greater than seven percent for 200 feet on each side of the intersection.

(12) Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones.

(13) Street names shall conform to the pattern of the city and continue an existing name on the same alignment, where determined applicable by the planning and zoning commission. Street names shall be coordinated with the county surveyor's office.

(14) Easements shall be provided for public utilities or drainage where required by the planning and zoning commission and shall be following widths minimum:

Table 20-444.2. Easement Minimum Widths

Utility/Drainage	*Easement*
Water main	20 feet
Sanitary sewer	40 feet
Storm sewer	20 feet

Electrical, telephone or cable television	10 feet
Drainageway	10 feet

(15) Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

(Code 2016, § 4.11.4)

Sec. 20-445. Survey standards.

Survey standards shall be those required by M.S.A. ch. 505, including the placement of all monuments including block corners, lot corners, curve points and lake survey line points on lot lines. All federal, state, county and other official benchmarks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

(Code 2016, § 4.11.5)

Sec. 20-446. Street improvement standards.

All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a development contract between the subdivider and the city council with all expenses borne by the subdivider. Local streets and collector streets shall be constructed according to the established minimum standards and shall be approved by the city engineer.

(Code 2016, § 4.11.6)

Sec. 20-447. Sanitary provision standards.

(a) No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming on-site sewage treatment system, or the subdivider constructs a cluster system serving the lots, to be owned and maintained by a property owners' association, or the lot is provided with sanitary service by a municipal sewer system at the expense of the subdivider.

(b) A municipal sewer system shall be extended to the lot at the subdivider's expense by agreement in a developer agreement between the subdivider and the city council if the existing system is adjacent to the parcel being subdivided or reasonably close, in the opinion of the engineer and planning and zoning commission, or if the density of the proposed development necessitates a municipal sewer connection. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the engineer.

(c) On-site systems or cluster on-site systems shall conform to Minn. R. ch. 7080 and provide for two treatment sites for drain fields.

(d) Municipal sewage facilities shall be designed by a registered engineer, approved by the city engineer, approved by the state pollution control agency and installed according to the most recent edition of the Standard Specifications (or equivalent publication) published by the City Engineers Association of Minnesota.

(Code 2016, § 4.11.7)

Sec. 20-448. Water supply standards.

(a) The subdivider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, on-site sewage disposal sites, and potential well locations to allow the well installations to conform with the city zoning regulations requirements or the sub-divider shall provide the lot with a cluster water supply system to be owned and operated by a property owner's association.

(b) On-site wells or cluster water systems shall conform to the Water Well Construction Code, Minn. R. ch. 4725, and the cluster system shall receive the approval of the city engineer.

(Code 2016, § 4.11.8)

Sec. 20-449. Drainage and grading standards.

(a) The subdivider shall consider the retention of natural stormwater and snowmelt drainage patterns in the design of his or her proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilities for his or her development and upstream properties.

(b) All subdivisions shall demonstrate provisions for adequate surface or subsurface runoff of stormwater and snow melt directed to natural drainageways.

(c) All natural drainageways draining properties upstream from the subject property shall be identified and preserved, and no structures shall be less than one foot above the water level in the drainageway created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour, rain event shall be allowed.

(d) Additional runoff for a 100-year, 24-hour rain event from all streets and building sites at build-out shall be accounted for and maintained within the development.

(e) Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the sub divide. All storage areas shall be vegetated and designed to lower naturally after a storm.

(f) All drainage structures or improvements provided shall be sufficient in size to pass a 100-year, 24-hour storm event through the natural drainageway.

(g) All areas disturbed by grading, street construction or structure installation shall be covered with a minimum of three-inches natural topsoil and seeded. Drainageways over two percent in gradient shall, at a minimum, be sodded.

(h) All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway.

(i) There shall be no discharge of untreated stormwater to a water body.

(j) Erosion control measures shall be provided as needed to prevent or contain erosion.

(Code 2016, § 4.11.9)

Sec. 20-450. Dedication to the public.

(a) In accordance with the provisions of M.S.A. § 462.358, the subdivider shall dedicate, to the public, lands for highway rights-of-way, street rights-of-way, utility easements, wetland easements, and similar lands required for perpetual and public improvements.

(b) The city finds it in the public interest and necessary to provide future parks, trails and other public open and recreational spaces for the city's citizens. As such, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the city council, with the recommendation of the planning and zoning commission, shall require a payment or dedication to the city of any one of the following:

(1) A reasonable portion of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space, up to 0.016 acres per resident expected in the proposed development, using the most recent average household size as determined by the state demographer's office and the U.S. Census Bureau.

(2) A payment of up to $416.00 per expected resident in the proposed subdivision, using the most recent average household size as determined by the state demographer's office and the U.S. Census Bureau.

(3) A combination of land dedication and cash payment to the city for parks and open space purposes that reflects the values contained herein, and in the city's comprehensive plan.

(c) The amount of land or payment shall be set by the city council, from the recommendation of the planning and zoning commission, after taking into consideration the open space, park, recreational, or common areas facilities which the applicant proposes to reserve for public use within the subdivision. Park space offered by a developer shall be subject to the approval of the parks commission.

(d) The city shall grant preference to payment in lieu of land dedication unless an area within the land to be platted has been identified by the city for park acquisition. The following factors shall be taken into consideration when reviewing potential lands for park dedication:

(1) The suitability of the land for its intended purpose.

(2) The future needs of the community regarding parks, trails, and open spaces.

(3) The amount of any fees imposed, consistent with the requirements and limitations contained in this section.

(4) Whether the land is adjacent to or near other public recreation lands.

(5) Whether there is an opportunity to extend an existing or proposed trail or to enlarge an existing or proposed park or recreational facility.

(6) Whether the land dedication would protect environmentally or historically significant or sensitive sites.

(7) Whether the land dedication provides a unique public benefit or contains unique natural features.

(e) When private open space for park or recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision or owners of the development, the planning and zoning commission may consider granting a credit for park dedication. A credit of up to 2.5 percent of the buildable area of the proposed open space may be given, provided that the following conditions are met:

(1) The land area designated as open space and used in the calculation of the 2.5 percent-credit shall not include any area that is otherwise considered unbuildable, including, but not limited to, wetlands, steep slopes exceeding 12 percent, and the area within setbacks from property lines, required buffer zones, bluffs, and the ordinary highwater mark, among others.

(2) The land area designated as open space within the development is not occupied by non-recreational buildings, such as maintenance or caretaking buildings, and is available for use to all residents of the proposed subdivision.

(3) The use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the development and which cannot be defeated or eliminated without the consent of the city.

(4) The area required to obtain increased densities shall not be included in the computation of such private open space.

(f) Funds received by the city, in lieu of land dedication, shall be placed in a special fund in accordance with M.S.A. § 462.358(2b).

(g) All land dedication pursuant to this section shall be conveyed to the city through a warranty deed drafted by the city attorney.

(Code 2016, § 4.11.10)

Secs. 20-451—20-468. Reserved.

ARTICLE VI. SIGNS

DIVISION 1. GENERALLY

Sec. 20-469. Findings, purpose and intent.

(a) *Findings.* Exterior signs have a substantial impact on the character and quality of the environment. Signs provide an important medium through which individuals may convey a variety of messages. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(b) *Purpose and intent.* It is not the purpose or intent of this article to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign that is located inside a building. The purpose and intent of this article is to:

(1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

(2) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

(3) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

(4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

(Code 2016, § 4.9.1(A); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-470. Required permits; permits conditions and restrictions.

(a) Except for signs listed in section 20-473 and signs placed by the city, county or state to relate the laws or ordinances, all other signs require a sign permit issued by the city planner, unless otherwise stated in this article.

(b) The city planner may require planning and zoning commission review of any sign permit. The planning and zoning commission may restrict signs or revise design standards to ensure the preservation of the unique small-town character of the city.

(Code 2016, § 4.9.1(B)(1), (2); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-471. Substitution of noncommercial messages.

For every sign that is allowed, any noncommercial message can be substituted.

(Code 2016, § 4.9.1(B)(3); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-472. Landscaping plan~~t~~ required for freestanding signs.

All permanent freestanding signs must have a landscaping plan submitted with the application to be approved by the city planner.

(Code 2016, § 4.9.1(B)(4); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-473. Signs exempt from permit requirements.

The following signs can be erected without a permit:

(1) All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election and 13 weeks prior to any special election until ten days following the special election.

(2) Signs that are the same dimensions, in the same location, and use the same type of materials as a previously, legally existing sign. In these situations, the city planner must be contacted to verify that a permit is not required. If the previously permitted sign has been removed for over a year, a new sign permit is required.

(3) Signs in the public and recreation district; provided, however, these signs may only be placed by the city.

(4) Temporary signs within the Central Business, Highway Business and Commercial Waterfront zoning districts.

(Code 2016, § 4.9.1(C); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1); Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-474. Prohibited signs.

The following signs shall not be allowed within the city:

(1) Signs not authorized by a local unit of government.

(2) Signs located within the city right-of-way. City staff has the authority to immediately remove any sign that is placed in the public right-of-way. Signs will be stored at city hall for 30 days upon removal to allow the owner an opportunity to retrieve the sign.

(3) Flashing or rotating signs resembling emergency vehicles.

(4) A sign that obstructs any window, door, fire escape, stairway or opening intended to provide air or access to any building or structure.

(5) Illuminated blinking and flashing signs or devices giving off an intermittent or rotating beam consisting of a collection or concentration of rays of light.

(6) A sign on private property placed without the permission of the property owner.

(7) Freestanding signs supported by guy wires, braces or other means of non-base support.

(8) Signs on parked vehicles. Signs placed on or affixed to vehicles or trailers which are parked on a public right-of-way, private property, or public property so as to be visible from a public right-of-way. Such vehicle or trailer or other portable structure shall not remain parked for longer than 72 consecutive hours on the same property. This is not in any way intended to prohibit signs placed on or affixed to vehicles or trailers such as lettering on motor vehicles where the sign is incidental to the primary use of the motor vehicle or trailer, or signage intended to convey a message to the motoring or pedestrian public while in operation on public roadways.

(9) Obsolete signs.

(10) A sign that is declared to be illegal, unsafe, deteriorated, or abandoned.

(11) Large portable signs.

(Code 2016, § 4.9.1(D); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-475. Repair or removal of signs.

(a) *Illegal, prohibited, obsolete, unsafe signs.* Upon notification by the city that a sign is illegal, prohibited, obsolete, unsafe or abandoned:

(1) The owner of the sign or owner of property there under shall remove same.

(2) Ten days' notice, in writing, shall be given to the owners of such sign, or the owner of the building, structure or premises on which sign is located, to either bring the sign into compliance with this article or cause its removal.

(3) Upon failure to remove the sign or to comply with this notice, the city shall remove the sign immediately and without notice, if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public.

(4) Any cost of removal incurred by the city shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.

(b) *Abandoned signs.* If a business moves to another location, or ceases to operate, the permittee or property owner has 30 days to remove the sign. If the sign remains for longer than 30 days after the business ceases operations or moves to another location, with ten days' notice to the permittee, the city may remove the sign and charge the permittee the costs of removal and storage of the sign.

(c) *Deteriorated signs.* Any sign or sign structure which may be, or may hereafter become, rotted, unsafe, unsightly or otherwise deteriorated shall be repaired or removed by the lessee, licensee, owner or agent of the owner of the property upon which the sign is located after receipt of written notice from the city. Structural repair of a nonconforming sign shall not be permitted.

(Code 2016, § 4.9.1(E)(1)—(3); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-476. Residential district standards.

Tables 20-486.1 and 20-486.2 indicate the types of signs that are allowed in residential districts and the standards relating to the number, size, height, type, and permitted illumination for the signs allowed in the OSR, SR and UR districts.

(Code 2016, § 4.9.1(F); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-477. Commercial district standards.

(a) *Generally.* Tables 20-486.1 through 20-486.6 indicate the types of signs that are allowed in commercial districts generally and the standards relating to the number, size, height, type, and illumination for the signs allowed in the CB, HB and CW districts.

(b) *Additional standards for CW district.* In the CW district, outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights. No signs or supporting facilities for signs may be placed in on or upon public waters, except as authorized by the DNR or the county sheriff's office for purposes of public safety.

(Code 2016, § 4.9.1(G), (H)(1), (2); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , 2-15-2017, § 2(4.9.1); Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-478. Dynamic display signs.

(a) *Location and number restricted.* Dynamic display signs are allowed in the highway business district only and require a conditional use permit. Only one contiguous dynamic display area is allowed on a sign face.

(b) *Minimum display duration.* The full sign image or any portion thereof must have a minimum duration of 15 seconds.

(c) *Image characteristics.* The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement. No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe, or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.

(d) *Serial images and messages prohibited.* The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

(e) *Hardwiring required.* A dynamic display may only be placed on a freestanding sign that is hardwired (one is allowed per property).

(f) *Maximum total sign area.* The total amount of area of a dynamic display shall not exceed 50 percent of the total sign size or 50 square feet, whichever is smaller.

(g) *Brightness standards.* Dynamic display signs must comply with the following brightness standards:

(1) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

(2) The luminance values of 5,000 nits (daytime limit) and 500 nits (nighttime limit) shall not be exceeded by the dynamic display sign manufacturer.

(3) All permitted dynamic display signs shall be equipped with a photoelectric cell that automatically determines the ambient illumination and is programmed to automatically dim the sign according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. If the photoelectric cell fails, the dynamic display sign must automatically go to the nighttime setting.

(4) The illuminance of a dynamic display sign shall be measured with an illuminance meter set to measure footcandles accurate to a least two decimals. Illuminance shall be measured with the dynamic display sign off, and again with the dynamic display sign displaying a white image for a full color-capable dynamic display sign, or a solid message for a single-color dynamic display sign. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance in feet determined by the following formula:

SQUARE FOOTAGE OF SIGN EQUATION

$$\sqrt{Square\ footage\ of\ sign\ x\ 100}$$

(5) The difference between the off and solid-message measurement shall not exceed 0.3 footcandles at night.

(6) These signs must also be equipped with an on/off switch so that the sign can be immediately turned off if it malfunctions. A malfunction shall be defined as more than one panel failing to work correctly. The sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

(7) No dynamic display sign may be located within 100 feet of any residentially zoned property.

(8) The architectural design for freestanding signs that include a dynamic display shall be that of high quality. The base shall be landscaped, and the sign structure shall use natural materials such as wood, stone, or brick to fit the "up north" character of the city. The planning and zoning commission shall approve the design of the sign as part of the CUP process.

(9) Nonconforming signs are not allowed to add a dynamic display.

(10) Properties that have a dynamic display sign are allowed two fewer banners, feather flags, yard signs than they normally would be allowed. (See also section 20-482.)

(Ord. No. 7 (Third Series) , § 2(4.9.1(I)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-479. Illuminated digit display standards.

(a) Only motor fuel stations are allowed illuminated digit displays to be incorporated into their freestanding sign. This display shall only use seven-segment displays, as shown in the image below. The display must be static and may not exceed 20 square feet.

(b) The size of an illuminated digit display shall count towards the maximum allowable dynamic display area of 50 percent of the total sign size or 50 square feet. Illuminated digit displays shall comply with the same brightness standards as dynamic display signs. If an illuminated digit display malfunctions, it must be immediately turned off.



(Ord. No. 7 (Third Series) , § 2(4.9.1(J)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-480. Off-site advertising signs.

(a) *Generally.* The city recognizes that the size of off-site advertising signage can have a detrimental impact on surrounding land uses. It is the policy of the city to restrict the size, location and height of off-site advertising signs so as to minimize those impacts. New off-site advertising signs are not allowed, but existing ones may continue their use.

(b) *District prohibition.* Off-site advertising signs shall not be allowed in the OSR, SR, LR, UR, CB, HB, CW and PDD districts within the city.

(c) *Preexisting off-site signs.* Existing off-site signs shall not be added to but shall be maintained at the present size and location. Off-site signs shall display in a conspicuous manner the owner's name, permit number, and registration number or both and date of construction. In the case where there is at least a 50 percent reduction in the sign area, the supports of the sign may be replaced upon notification of the city planner. Materials for supports shall be made of similar material as the original supports.

(d) *Removal and replacement of nonconforming signs.* Commercial nonconforming off-site signs shall not be replaced. Residential off-site signs shall be removed upon the placement of a directional assistance sign at the same intersection.

(e) *New on-site signs take precedence over off-site signs.* New on-site sign will take precedence over off-site signs and will require the removal of the off-site sign.

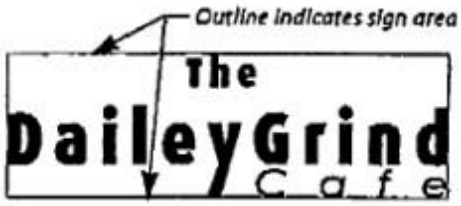
(f) *Minimum construction standards.* Off-site signs shall be securely built, constructed and erected on posts sunk at least three feet below the natural surface of the ground. All wood posts shall be treated to protect them structurally when they enter into the ground. The owner of any off-site sign shall be required to have it properly maintained, as determined by the city planner.

(g) *Lighting provided by city.* Directional assistance signs may be provided by the city at other locations, with the costs borne by the parties named.

(Code 2016, § 4.9.1(I); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(K)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

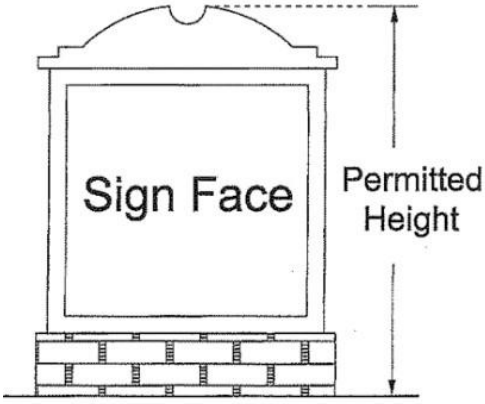
Sec. 20-481. Sign area measurement.

(a) The area of a sign shall be measured as the square feet enclosed by the exterior perimeter of a sign not including the structural supports. For cut-out letter signs, draw the smallest rectangle that encloses the limits of sign.

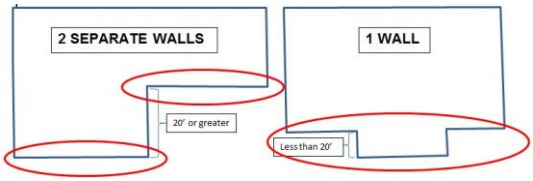


(b) Only the largest side of a double-faced sign or a vee-shaped sign with no greater than a 30-degree angle between faces shall be considered. If the angle between faces is greater than 30 degrees, the area of both faces shall be considered.

(c) Height of a freestanding sign shall be measured from the top of the sign structure to the top of the ground surface.



(d) When two walls facing the same direction are 20 feet or greater from each other, they shall be counted as two separate walls.



(e) Wall size measurement shall be in accordance with the graphic below.



(Code 2016, § 4.9.1(J); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(L)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-482. Temporary signs in commercial districts.

(a) Temporary signs in commercial districts shall conform to the following standards:

(1) Temporary signs must not interfere with pedestrian traffic or sight lines for vehicular traffic.

(2) No temporary sign may be specifically illuminated.

(3) No temporary sign may use fluorescent colors.

(4) All temporary signs must present a professional appearance and must be maintained in good condition.

(5) Sidewalk signs must be removed each night and must be in compliance with OSHA egress standards (28 inches).

(6) Properties that are currently for sale or rent may have one additional sign per street frontage, provided that it does not exceed 18 square feet when the speed limit of the abutting road is under 45 miles per hour and does not exceed 32 square feet when the speed limit of the abutting road is 45 miles per hour or greater. The sign must be removed within 30 days of the sale or rental. No permit is required.

(b) Tables 20-486.5 and 20-486.6 show the temporary signage that developed properties in each commercial district may display on their property. Inflatables, air puppets, large portable signs, pennants, streamers, and any other forms of temporary signage, are prohibited.

(Code 2016, § 4.9.1(K); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(M)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-483. Shielding of illumination other than neon lighting.

Lighting shall be downcast or backlit and illuminate the sign only. External and indirect illumination of signs shall be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible from and does not cast glare on any adjacent public right-of-way, motorists' vision or adjacent residential property. Such illumination shall also be so directed and shielded so as to prevent casting illumination out across public waters. This section does not apply to neon lighting.

(Code 2016, § 4.9.1(L); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(N)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-484. Sign permit applications to documented sign location.

The location of all signs must be documented as part of the sign permit application. This documentation may be with photographs, sketches or a written description that is clear and correct.

(Code 2016, § 4.9.1(M); Ord. No. 3 (Third Series) , § 2(4.9.1), 7-20-2016; Ord. No. 7 (Third Series) , § 2(4.9.1(O)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

Sec. 20-485. Ground sign area maintenance required.

The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.

(Code 2016, § 4.9.1(E)(1))

Secs. 20-486—20-508. Reserved.

DIVISION 2. SIGN STANDARD CHARTS

Sec. 20-509. Minimum sign standard requirements.

The following tables cover the minimum sign standards for each district:

Table 20-509.1 Residential District Sign Standards

Type of Sign	Number Allowed	Maximum Size (square feet)	Maximum Height (feet)	Illumination
Area identification	1 per development entrance	32	8	Downcast or backlit*
Home occupation	1 per dwelling	6	6	Downcast or backlit
Multifamily building	1 per building	10	8	Downcast or backlit
Residential nameplate	1 per building or dwelling	3	12	Downcast or backlit
Internal directional	2 per site	4	6	Prohibited
Internal identification	2 per site	4	6	Prohibited

* These signs that are 50 square feet or less, with a height less than eight feet from the ground, may use ground lighting, provided that the light and fixture are not visible from a public right-of-way and the light does not extend beyond the sign.

Table 20-509.2. Central Business District Sign Standards

Type of Sign	Number Allowed	Maximum Size (square feet)	Maximum Height (feet)	Illumination
Area identification	By IUP	By IUP	By IUP	Downcast or backlit[2]
Internal directional	2 per site	4	6	Downcast or backlit
Internal identification	2 per site	4	6	Prohibited
Business signs:				
Wall	2 per street frontage[1]	Cumulatively 5 percent of building face (one side) up to 100 square feet maximum	Height of building	Downcast or backlit
Roof-mounted	By IUP	By IUP	By IUP	Downcast or backlit
Protruding	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited
Hanging	1	4	Must maintain 7 feet clearance form sidewalk	Prohibited
Freestanding	1	32	12	Downcast or backlit[2]
Wall—Along Paul Bunyan Trail	1	16	Height of building	Downcast or backlit
Protruding—Along Paul Bunyan Trail	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited

[1] The allowable wall signage of one street fronting wall may be transferred to one wall that does not front a public street, but which fronts a parking area and contains pedestrian entry, as long as no more than five percent of the face of the building (one side), 100 square foot maximum, is cumulatively used for signage.

[2] These signs that are 50 square feet or less, with a height less than eight feet from the ground, may use ground lighting, provided that the light and fixture are not visible from a public right-of-way and the light does not extend beyond the sign.

Note: For multi-tenant buildings, each tenant is allowed wall signage in accordance with the table above.

Table 20-509.3. Highway District Sign Standards

Type of Sign	Number Allowed	Maximum Size (square feet)	Maximum Height (feet)	Illumination
Area identification	By IUP	By IUP	By IUP	Downcast or backlit[2]
Internal directional	3 per site	4	6	Downcast or backlit
Internal identification	3 per site	4	6	Downcast or backlit
Business signs:				
Wall	2 per street frontage[1]	Cumulatively 5 percent of building face (one side) up to 100 square feet maximum	Height of building	Downcast or backlit
Roof-mounted	1	By IUP	By IUP	Downcast or backlit
Protruding	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited
Freestanding	1	Lesser of 128 square feet or 1 square foot per linear foot of road frontage	20	Downcast or backlit[2]
Wall—Along Paul Bunyan Trail	1	16	Height of building	Downcast or backlit
Protruding—Along Paul Bunyan Trail	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited

[1] The allowable wall signage of one street fronting wall may be transferred to one wall that does not front a public street, but which fronts a parking area and contains pedestrian entry, as long as no more than five percent of the face of the building (one side), 100 square feet maximum, is cumulatively used for signage.

[2] These signs that are 50 square feet or less, with a height less than eight feet from the ground, may use ground lighting, provided that the light and fixture are not visible from a public right-of-way and the light does not extend beyond the sign.

Note: For multi-tenant buildings, each tenant is allowed wall signage in accordance with the table above.

Table 20-509.4. Waterfront District Sign Standards

Type of Sign	Number Allowed	Maximum Size (square feet)	Maximum Height (feet)	Illumination
Business identification	1 per site	32 non-illuminated or 16 illuminated	10	Downcast or backlit
Business entrance	1	100	15	Prohibited
Internal Identification	3 per site	4	6	Downcast or backlit
Business Signs:				
Wall	2 per street frontage[1]	Cumulatively 5 percent of building face (one side) up to 100 square feet maximum	Height of building	Downcast or backlit
Roof-mounted	1	By IUP	By IUP	Downcast or backlit
Protruding	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited
Freestanding	1	Lesser of 128 square feet or 1 square foot per linear foot of road frontage	20	Downcast or backlit[2]
Wall—Along Paul Bunyan Trail	1	16	Height of building	Downcast or backlit
Protruding—Along Paul Bunyan Trail	1	24 and may project up to 5 feet from building face	6 feet above roofline	Prohibited

[1] The allowable wall signage of one street fronting wall may be transferred to one wall that does not front a public street, but which fronts a parking area and contains pedestrian entry, as long as no more than five percent of the face of the building (one side), 100 square feet maximum, is cumulatively used for signage.

[2] These signs that are 50 square feet or less, with a height less than eight feet from the ground, may use ground lighting, provided that the light and fixture are not visible from a public right-of-way and the light does not extend beyond the sign.

Note: For multi-tenant buildings, each tenant is allowed wall signage in accordance with the table above.

Table 20-509.5. Central Business District Temporary Signs

Type of Temporary Sign	Number Allowed	Maximum Size

Banners	2 total	32 square feet cumulatively
Feather flags		
Yard signs		
Sidewalk signs		
Flags	Any	15 square feet

Note: For multi-tenant buildings, each tenant is allowed the signage in the table as if it were a separate property.

Table 20-509.6. Highway Business and Commercial Waterfront District Temporary Signs

Type of Temporary Sign	Number Allowed	Maximum Size
Banners	2 total*	50 square feet
Feather flags		32 square feet
Yard signs		6 square feet
Sidewalk signs	1 per tenant	8 square feet, 5 feet tall
Flags	Any	15 square feet

* Properties with at least 400 linear feet of frontage on a public road are allowed three at one time.

* Properties with at least 600 linear feet of frontage on a public road are allowed four at one time, and one of those may be an inflatable, provided that it does not exceed 90 square feet, 20 feet in height, is located within 50 feet from the building, and is displayed no more than 90 days in one calendar year.

* CW parcels that do not abut a county road or a state highway may display these signs in any number.

(Code 2016, § 4.9.1(H)(tables))

Secs. 20-510—20-526. Reserved.

ARTICLE VII. OTHER STANDARDS AND SPECIAL USES

DIVISION 1. GENERALLY

Sec. 20-527. Nuisances.

(a) *Compliance required.* Every use permitted by this article shall be so established and maintained as to comply with the provisions of this section.

(b) *Investigation and testing; costs.* The council may require the complaining party to provide such tests or investigations by an independent testing organization satisfactory to the council as are necessary to show noncompliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose noncompliance with these standards in which event the entire cost shall be borne by the owner or operator of the noncomplying use. This provision does not preclude the

city from making any investigations and tests it finds appropriate to determine compliance with these standards.

(c) *Noise.* Noise shall be measured on any property line of the tract on which the source of the noise is located and shall meet the following requirements:

(1) Noise shall be so muffled as not to become objectionable due to intermittence, beat, frequency, shrillness, or intensity.

(2) At the property line of the parcel on which the source of noise is located, the sound pressure level of noise is located, the sound pressure level of noise radiated shall not exceed the limits set forth in the decibel level chart below measured for ten percent (L10) and 50 percent (L50) of a one-hour period, using a sound level meter having the characteristics as specified in the latest standards S1.4-1983 of the American National Standards Institute, specification for sound level meters, and using procedures approved by the state pollution control agency.

Table 20-527.1. Decibel Level Chart

Adjoining Property Zone	*Day 7:00 a.m.—10:00 p.m.*		*Night10:00 p.m.—7:00 a.m.*	
Level	L-10	L-50	L-10	L-50
Residential	60	55	50	45
Commercial/industrial	65	60	65	60

(3) In addition, no persons shall make or cause to be made, any impulsive and loudly audible noise that injures or endangers the comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

(d) *Odor.* No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.

(e) *Glare.* Direct or reflected glare, such as from floodlights, spotlights or high temperature process illumination, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line. Any lights used for exterior illumination shall be directed away from adjacent properties. Lights used for externally lighting of signs shall be shielded from any roadway.

(f) *Vibration.* Vibration at any property line shall not be discernible to the human sense of feeling for three minutes or more duration in a one-hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII, United States Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.

(g) *Smoke; open burning.* Smoke shall be measured at the point of emission by using the Ringelmann Smoke Chart published by the United States Bureau of Mines in Circular No. 7718. Smoke not darker or more opaque than No. 3 on the chart may be emitted for a period not longer than four minutes in any 30 minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an equivalent opacity. Open burning shall require a DNR burning permit.

(h) *Dust.* Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

(i) *Fumes and gases.* Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in the tables in chapter 5, Physiological Effects of the Air Pollution Abatement Manual, published by the Manufacturing Chemists' Association, Inc., Washington, D.C. (in the most recent edition that includes such tables), are established as guides for the determination of permissible plans for the elimination of fumes or gases before the issuance of a land use permit:

Table 20-486.2. Guides for Determination of Permissible Plans

Table 1	Industrial hygiene standards (maximum allowable concentration for 8 hours per day, five days per week)
Table 3	Odor thresholds
Table 4	Concentrations of substances causing pain in the eyes
Table 5	Exposure to substances causing damage to vegetation

(j) *Fire hazards.* Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.

(k) *Air quality.* Every activity shall conform to state regulations relating to air quality standards and air pollution control.

(l) *Erosion.* No activity shall be carried on in such a way that water, soil or any objectionable substance is carried on to any adjacent property.

(m) *Radioactivity or electrical disturbance.* No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point beyond the property line containing the activity. Adverse effects shall be measured by FCC standards.

(n) *Abandoned buildings.* No person shall allow a building, mobile home or manufactured home, or other structure to be abandoned, deteriorate and become a safety hazard. The city planner shall determine if a structure is a safety hazard and if so, shall make a recommendation for corrective action to the planning and zoning commission and the city council. Such removal shall take place within 30 days of the order. If the owner fails to remove the structure, the city may do so and assess the cost against the property through the county taxation method.

(Code 2016, § 4.9.2)

Sec. 20-528. Historic site alteration or expansion.

A significant historical site, as defined by state law, may not be modified, altered or built upon in a manner that affects the historical value or nature of the site and without consultation with and approval by the state historical society.

(Code 2016, § 4.9.3)

Sec. 20-529. Fencing.

Fencing shall comply with the following standards:

(1) Fences shall not exceed 72 inches in height.

(2) Fences shall not be erected where they create a visual safety hazard.

(3) No fence shall be erected within ten feet of the shoulder of any public road or within one foot of the right-of-way whichever distance from the road surface is greater.

(4) All fences must meet the OHW setback or, if houses are in line, no closer than the front of the house~~, whichever is greater~~. Fences in the latter case shall not exceed 48 inches in height.

(5) No barbed wire fencing shall be used within the city, except in OSR district when used for agricultural purposes.

(6) Fences shall require a land use permit, and fences not meeting the requirements of this section shall require a conditional use permit.

(Code 2016, § 4.9.4)

Sec. 20-530. Storage.

(a) *Exterior storage.* All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, construction and landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, and off-street parking except as otherwise regulated herein. Boats, recreational vehicles and fish houses are permissible if stored in the rear yard not less than ten feet distant from any property line. Fish houses shall not be used as a dwelling.

(b) *Abandoned vehicle storage.* Abandoned vehicles shall not be stored outside in any district. Existing abandoned vehicles shall be removed within 30 days after the adoption of the ordinance from which this article is derived.

(c) *Bulk storage.* All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the state fire marshal, the state pollution control agency and state department of agriculture and when in excess of allowed domestic requirements shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing diking and an impervious basin.

(Code 2016, § 4.9.5)

Sec. 20-531. Solid waste, sewage and other sanitation standards.

(a) *Solid waste.* All solid waste materials, debris or refuse shall be kept within a completely enclosed building or properly contained in a closed container designed for such purposes. Liquid wastes containing any organic or toxic matter shall be either discharged into a public sanitary sewer with permission of the city of treated in a manner prescribed by the health officer. Solid waste shall be disposed of in accordance with this section and county standards. Brush piles, yard wastes and compost piles containing no put risible materials are permitted, provided they do not become a fire hazard or visual nuisance.

(b) *Domestic sewage.* Domestic sewage is subject to the following standards and specifications:

(1) All structures shall discharge into a municipal sanitary system if available.

(2) All other structures shall have an individual or common sewage treatment system meeting the requirements the state health department well code setbacks, Minn. R. ch. 7080 (individual sewage treatment systems standards) and this Code. Further, all systems shall be constructed by installers

certified by the state to install on-site disposal systems. All applications for an on-site treatment system shall be submitted in accordance with the state pollution control agency regulations and this Code.

(3) All nonconforming systems shall be brought into conformance as provided in this article.

(4) Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.

(5) Maintenance of individual or common sewage treatment systems shall be in accordance with Minn. R. ch. 7080 and this Code.

(6) The city may authorize a time extension for the installation of a conforming sanitary sewer system to allow for winter weather delays, provided no imminent health threat is posed to the general public.

(c) *Agriculture or animal wastes.* Within the shoreland area, 1,000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited at any greater rate than the plant and soil system can absorb the nutrients. No wastes shall be allowed to accumulate when surface waters flow directly to public waters or watercourses. No livestock shall be allowed to water directly in a stream or public water.

(d) *Water supply.* All structures shall be connected to a municipal water supply if made available. All water systems shall meet the requirements of the state health department standards for water systems.

(e) *Domestic and agricultural wells.* All domestic and agricultural wells shall conform to the state health department standards for wells. A licensed well driller shall drill all domestic wells. The driller shall submit a log to the city.

(f) *Well abandonment.* All wells being abandoned shall be sealed according to state health department standards and reported to the state health department and the city.

(g) *Shallow wells.* Shallow wells such as sand points not exceeding 50 feet in depth or penetrating at least ten feet of impervious material, may be used only for non- domestic, non-potable water usage such as for lawn watering or for livestock. The well shall be sealed with concrete around the casing and shall not be located in a pit, basement, or any location subject to flooding.

(Code 2016, § 4.9.6)

Sec. 20-532. Pets and livestock.

(a) *Domestic pets.* Domestic pets shall be properly cared for, shall not be allowed to become a nuisance, and shall be maintained in sanitary conditions. Domestic pets include normal household pets and other animals, birds, and reptiles normally kept caged.

(b) *Wild animals.* Animals normally considered wild shall require a conditional use permit and appropriate state permits.

(c) *Livestock.* Keeping of livestock may be permitted in the OSR district. Livestock shall be properly cared and maintained in sanitary conditions.

(d) Chickens. The keeping of chickens may be allowed in residential districts UR, SR, and LR provided that the following performance standards are met:

1. Minimum lot size for the keeping of chickens is .5 acres (21,780 sq. ft.).

2. No more than 7 hen chickens shall be allowed. Roosters are prohibited.

3. Chickens must be kept confined on the residential parcel at all times in a chicken coop or chicken run. Chickens must be secured in a chicken coop from sunset to sunrise each day.

4. Chicken coops and runs require a permit and must meet the following standards:

a. Coops and runs must be located in the rear yard or side yard. Screening is required for all coops and runs located in the side yard. Coops and runs are not allowed in the shoreland impact zone (SIZ).

b. Coops and runs must maintain a minimum 30' setback from any adjacent property and must not be located in a residential structure; including porches, garages, or sheds.

c. Coops shall be elevated or rodent proof.

d. Must be a minimum of 4 sq. ft. per chicken in size, must not exceed 10 sq. ft. per chicken in size and must not exceed 8 ft. in height. Attached fenced in runs must not exceed 20 sq. ft. per chicken and 6 ft. in height. Chicken runs may be enclosed with wood and or welded wire materials.

5. Chicken feed shall be kept in rodent proof containers.

6. Accumulation of animal wastes or manure shall not be allowed.

7. Animal husbandry is prohibited.

(Code 2016, § 4.9.7)

Sec. 20-533. Tree removal, woodland preservation, and soil erosion prevention.

(a) Diseased trees shall be removed immediately and disposed of as firewood or by other burning. Branches shall also be burned.

(b) Vegetation removal and clear-cutting, if allowed, must be complete including removal of all debris. Soil erosion must be prevented, and replanting of native species is encouraged.

(c) Vegetation removal and select or open cutting, if allowed, must provide for removal of debris. Replanting of native species is encouraged.

(d) Natural areas designated by conditions on conditional use permits for screening or woodland preservation purposes shall be left natural except for removal of diseased trees. Replanting or thickening with native species is encouraged.

(e) Any area disturbed during any grading operation shall have the native topsoil replaced and be seeded with perennial grasses.

(f) Vegetation alterations necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities are exempt from the above standards except those provided in subsection (e) of this section. All debris shall be removed.

(g) Open cutting and clear cutting within the city shall require the issuance of a conditional use permit by the planning and zoning commission. In all districts, clear cutting is prohibited in the shore or bluff impact zone and on steep slopes.

(Code 2016, § 4.9.8

Sec. 20-534. Short term rentals.

The city operates its short-term rental licensing through the county. All licensing, permitting, complaints, and enforcement will be in the jurisdiction of the county pursuant to Chapter 8; Article I. Sec. 8-1.

Secs. 20-535—20-559. Reserved.

DIVISION 2. SPECIFIC USES

Sec. 20-560. Auto salvage yards.

Because of the sensitive environmental features of the city, including lakes, wetlands, highwater tables, auto salvage yards are only allowed within the city by conditional use permit in the OSR district.

(Code 2016, § 4.10.5)

Sec. 20-561. Campgrounds.

(a) *Generally.* Campgrounds are recreational in nature, but the use is generally not compatible with shoreland development of the city due to the density at peak usage. Campgrounds shall be limited to CW and UR districts. Certain allowances are made for campsites as a part of resorts in the CW district, which sites shall have similar or lower standards than provided below. Campsites may be allowed as an accessory use to an approved commercial planned unit development.

(b) *Procedure.* The submission requirements for a campground shall be the same as planned unit development conditional use permit except as determined not applicable by the city planner. Evidence shall be provided prior to final approval that the license and approval process of state health department has been adhered to.

(c) *Basic standards.* The following standards shall apply to all campgrounds in the city:

Table 20-561. Campground Standards

Minimum parcel size	5 acres
Minimum parcel width	400 feet
Minimum campsite or lot size	3,000 square feet
Minimum width	40 feet
Maximum density	6 units/acre
Minimum road width	
40-foot corridor	24-foot surface two way
30-foot corridor	18-foot surface one way
Minimum on lot parking	One vehicle with trailer
Additional off-road parking	One space per each 10 campsites
Setback, side exterior	50 feet
Setback, side interior	10 feet
Setback, road exterior	75 feet
Setback, rear exterior	50 feet
Maximum building height	25 feet
Maximum floors	2

Campsite and building height above highest known water table	3 feet

(d) *Other performance standards.* In addition, the following performance standards shall apply to all campgrounds in the city:

(1) Recreational facilities will be provided as determined by the conditional use permit.

(2) Campsites for recreational vehicles shall have sewer connection, water connection, and electrical connection, or recreational vehicles shall be self- contained and a wastewater disposal station for each 100 such vehicles at least 50 feet from the nearest campsite shall be provided.

(3) A water system capable of providing 100 gallons per site per day at a rate of 1,000 gallons per day at 20 psi residual pressure at the most remote fixture and on-site sewage collection and disposal system sized for 100 gallons per campsite per day is required.

(4) Drinking water and restroom facilities with showers shall be provided, all within 400 feet of every site not served with full facilities.

(5) Solid waste facilities shall be provided consisting of one 30 gallon can for each four campsites or one dumpster for each 20 sites, constructed to prevent overturning or cover removal by animals and screened.

(6) There shall be a fire pit for each campsite.

(7) The exterior setback area shall be screened to obstruct 50 percent vision from the boundary line, assuming leaf-off conditions.

(8) Grass or other complete ground cover shall be maintained except in parking areas and roads.

(9) Recreation vehicles shall be moved off site, moved into a designated storage area or is unoccupied for at least four consecutive months of every year.

(Code 2016, § 4.10.2)

Sec. 20-562. Home occupation.

(a) *Generally.* Each home occupation established or substantially changed after the effective date of the ordinance from which this division is derived shall be allowed as a use with no permit required provided the standards of the ordinance are met.

(b) *Minimum requirements.* Each home occupation shall be subject to at least the following minimum conditions:

(1) All business activities shall be clearly incidental to the use of the property for residential purposes.

(2) The business owner must be a resident of the dwelling. Additional family member employees are allowed.

(3) Onsite retail sales are strictly prohibited.

(4) All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes, or litter.

(5) Parking adequate for all activities related to the home occupation shall be provided on-site.

(Code 2016, § 4.10.4)

Sec 20-563 – Home Business.

(a) *Generally.* Each home business established or substantially changed after the effective date of the ordinance from which this division is derived shall be considered an interim use. Due to the normal difference in operation, no interim use permit shall be transferable to a new owner or renter, thus the permit will not run with the property, nor be transferable to a different property. An interim use permit will need to be obtained by subsequent new owners of the property.

(b) *Minimum requirements.* Each home business shall be subject to at least the following minimum conditions:

(1) All business activities shall be clearly incidental to the use of the property for residential purposes.

(2) Business activities may occur in the dwelling or associated accessory structures

(3) The business owner must be a resident of the dwelling. Additional family members and non-family members may be allowed as employees. Numbers of employees will be limited by the interim use permit to be compatible with residential use.

(4) Hours of operation shall be limited by the interim use permit to be compatible with residential use.

(5) Retail sales will be allowed and shall be limited in size and scope to be compatible with residential use.

(5) All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes, or litter.

(6) Parking adequate for all activities related to the home occupation shall be provided on-site~~,~~ including parking for a non-family member employees.

(7) Screening may be required to protect adjacent residential property from the impacts of the home business and shall be determined as part of the interim use permit.

Sec. 20-564. Landfills.

No landfills are allowed in the city due to the close proximity to the lakes and streams. The county has the responsibility for solid waste disposal. Disposal of trees, stumps, rock, brush, and other natural products by burning or burying is allowed on construction sites as determined by the land use permit and a DNR burning permit, if applicable.

(Code 2016, § 4.10.6)

Sec. 20-565. Mining.

(a) *Excavation and extractive activities permitted.* Mining, either metallic mineral or other extractive use, shall be allowed within the city by conditional use permit as indicated in this section. All excavation and extraction shall conform to the following:

(1) *Distance from property lines.* No quarrying operation shall be carried on or any stockpile placed closer than 50 feet from any property line unless a greater distance is specified by the conditional use permit where such is deemed necessary for the protection of adjacent property.

(2) *Distance from public right-of-way.* If the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right-of-way.

(3) *Equipment.* Equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Power drives or power producing machinery not including vehicles shall not be housed or operated less than 1,000 feet from any residence. A new residence shall take precedence over any existing extractive use operation. No machinery shall be placed or operated within 200 feet of a lake.

(4) *Processing.* Crushing, washing and refining or bituminous production or other similar processing may be authorized by the conditional use permit as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use of regulations of the district in which the operation is located. Processing shall only be permitted in the OSR district.

(5) *Rehabilitation.* To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit shall furnish a performance bond running to the city in an amount of not less than $1,000,000.00 and not more than $10,000,000.00 as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land and haul road shall, within a reasonable time and to the satisfaction of the city meet the following minimum requirements:

a. *Surface rehabilitation.* Excavation shall be made either to a water-producing depth, with a water depth of not less than five feet or the surface of such area which is not permanently submerged shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level. Haul roads will be restored to their condition prior to the beginning of the extraction operation.

b. *Vegetation restoration.* Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of the mining area where such area is not to be submerged underwater as hereinabove provided.

c. *Banks of excavations not backfilled.* The banks of all excavations not backfilled shall be sloped not steeper than three feet horizontal to one foot vertical and the bank shall be seeded.

d. *Haul roads.* Haul roads shall be periodically restored to grade, cross-section and surface present at the beginning of operation. Upon completion of operations, or upon order of the city council, an evaluation shall be made based on the normal anticipate life of the roadway, the early diminution of that life by summation of equivalent nine-ton axle loads and the anticipated cost of upgrading to a newly overlaid roadway. The operator shall pay the city or forfeit his or her bond in the determined amount.

(b) *Permit may impose additional requirements.* In addition to the foregoing, the conditional use permit may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operation of such extraction/mining sites as the city may deem necessary for the protection of adjacent properties and the public interest. The city prior to issuance of the permit shall determine the conditions and the amount of the performance bond.

(c) *Application content.* An application for such operation shall set forth the following information, in addition to those outlined in the submittal requirements for a conditional use permit:

(1) Name of the owner or owners of land from which removal is to be made;

(2) Name of the applicant making request for such a permit;

(3) Name of the person or corporation conducting the actual removal operation;

(4) Location, description and size of the area from which the removal is to be made;

(5) Location of processing plant use;

(6) Type and amount of resources or materials to be removed;

(7) Proposed method of removal and whether or not blasting or other use of explosives will be required;

(8) Description of equipment to be used;

(9) Method of rehabilitation and reclamation of the borrow area;

(10) Identification of haul roads;

(11) Type of hauling equipment;

(12) Haul road restoration plan;

(13) Time frame for material removal and completion of rehabilitation plan;

(14) Traffic control plan; and

(15) Site survey completed by a licensed surveyor.

(Code 2016, § 4.10.3)

Secs. 20-566—20-591. Reserved.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 20-592. City planner.

The city planner shall be appointed by the city council. The duties of the city planner shall be as provided in the city planner job description on file in the office of the city clerk.

(Code 2016, § 4.13.1)

Sec. 20-593. Planning and zoning commission and board of adjustment.

The planning and zoning commission and the board of adjustment established in chapter 2 of this Code shall have the duties prescribed in chapter 2 of this Code, and by state law.

(Code 2016, § 4.13.2)

Sec. 20-594. City council's role in administering and enforcing chapter.

In the administration and enforcement of this chapter, the city council shall:

(1) Decide to accept, modify, or reject within the allowable time recommendations from the planning and zoning commission for changes in district boundaries or amendments to this article and acceptance of final plats, condominium plats, or other recommendations.

(2) Initiate an appeal proceeding upon review of the planning and zoning commission or board of adjustment actions if it finds the actions to deviate from the ordinance. The instigation shall be started

at the next normal council meeting, following the planning and zoning commission or board of adjustment action. All original parties shall be notified by mail of the appeal hearing.

(3) Hear appeals from the actions of the board of adjustment or the planning and zoning commission where the planning and zoning commission has the authority for final decision.

(Code 2016, § 4.13.4)

Sec. 20-595. Fees, costs, violations, penalties and other remedies.

(a) Violation of any provision of this chapter shall be considered either an administrative offense subject to an administrative fine; a criminal offense; or a civil offense subject to enforcement through civil remedies. Each act of violation in every calendar day upon which the violation occurs or continues may be considered a separate offense. The owner of the subject property and any contractor involved may be considered jointly liable in appropriate circumstances.

(b) The council shall adopt a schedule of fees for all permits. No permit shall be issued, or request brought before the board of adjustment or planning and zoning commission until the fees are paid. All late applications or after the fact applications shall require an additional fee whether the permit is issued or not.

(c) In all cases where the city reviewing, investigating, or administering a land use application for purposes of enforcing compliance with this chapter, the offending party, real estate owner, or permit holder shall be required jointly and severally to reimburse the city for the city's fees and costs associated with enforcing compliance with this chapter. Fees and costs include, but are not limited to, attorney's fees, engineering fees, consultant fees, and other professional services deemed necessary by the city. The city also reserves the right to record a lien against real estate that is the subject of a land use enforcement action pursuant to M.S.A. § 514.67 for any unpaid fees and services.

(d) The city shall not accept applications where the applicant has past due fees or charges due to the city or the county until the account is made current.

(e) No applications shall be accepted by the city planner from a contractor or property owner having outstanding violations. Permits can only be issued to contractors or property owners with outstanding violations by majority vote of the planning and zoning commission after the violation has been addressed to the satisfaction of the planning and zoning commission.

(f) In the event of a violation or threatened violation of any provision of this article or the conditions of any permit issued pursuant to the ordinance, the city in addition to other remedies, may act or institute civil action to prevent, restrain, correct, or abate such violation or threatened violation.

(Code 2016, §§ 4.14.1, 4.14.3, 4.13.9)

Sec. 20-596. Liability of city officials.

The failure of any officer of the city or board or committee or commission or employees of the city to act pursuant to this article, except as an individual acting in his or her own behalf, shall not be an offense and shall not subject the officer, board or employee to any penalty except that provided for under performance of city personnel under the city personnel policies. The city shall not be liable for problems arising from reliance on lot corners, legal description or other information provided by the property owner.

(Code 2016, § 4.14.2)

Secs. 20-597—20-625. Reserved.

DIVISION 2. CONDITIONAL USE PERMITS

Sec. 20-626. Procedure.

(a) *Authority of planning and zoning commission.* Pursuant to M.S.A. ch. 462, the planning and zoning commission shall issue conditional use permits to the property for structures or other specified uses upon approval after a public hearing where it makes findings of fact that the proposal is consistent with the terms of this section.

(b) *Application for permit; fees.* All applications for a conditional use permit shall be submitted to the city planner by the application deadline published on the annual planning and zoning commission meeting schedule, accompanied by the required submission, along with the appropriate fee. The fee or contract owner of the property shall sign the application.

(c) *Notice to adjacent property owners and the DNR.* The city planner shall notify all property owners within 350 feet by regular mail and shall advertise the sharing once in the legal section of the official newspaper at least ten days ahead of the public hearing. If the proposed use is in shoreland, the city planner shall send the same notice postmarked at least ten days in advance of the hearing to the DNR.

(d) *Sketch plan review.* At his or her option, the proposer may request a sketch plan review with no action by the planning and zoning commission and with no fee by giving at least ten days' notice thereof to the city planner if meeting time permits.

(e) *Access to property for inspection.* In applying for a conditional use permit the owner of the property is agreeing to allow representatives of the city to access their property to confirm conditions are being followed through with until such time that all conditions have been met.

(f) *Submissions required.* As a minimum, the following items shall be submitted along with the appropriate application fees:

(1) Legal description of site;

(2) A survey reflecting the current conditions, completed by a registered land surveyor, indicating impervious surface coverage, setbacks and all improvements. Survey must show parcel and existing building dimensions and two-foot contours for all commercial projects and surface water features and any wetlands that are on the national wetland inventory or are greater than 400 square feet in its entirety;

(3) Location of all existing and proposed buildings and their square footage. All proposed buildings shall be staked on-site;

(4) Existing and proposed curb cuts, driveway, access roads, parking, off street loading and sidewalks;

(5) Proposed landscaping and screening plans;

(6) Proposed stormwater management plan;

(7) Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day;

(8) Soil data;

(9) Proposed signing and lighting;

(10) Current survey showing existing iron pipe boundary monuments marked with proof of survey with stakes visible on-site;

(11) Floor plans indicating dimension of all proposed rooms and areas identifying the proposed uses;

(12) Elevations of the proposed buildings identifying exterior treatments and materials to be used and color;

(13) For all commercial buildings exceeding 1,500 square feet in area, plans signed by an architect, licensed in the state, indicating conformance with applicable regulations and codes;

(14) Other information where it is determined by the city planner or the planning and zoning commission to be necessary to determine whether or not the application meets the criteria for issuance of a conditional use permit.

(g) *Additional information.* In evaluating all conditional use requests, the planning and zoning commission shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(h) *Waiver of submittal requirements.* The city planner shall have the authority to waive submittal requirements on a case-by-case basis, subject to the approval of the planning and zoning commission and board of adjustment, where the information submitted is, in the judgment of the city planner, not required to make an informed decision on the application. If an item waived by the city planner is required by the planning and zoning commission upon the commission's first review, the application shall be deemed incomplete until the information is provided.

(i) *Findings and determination to be provided to the DNR.* The findings and determinations shall be provided to the DNR postmarked within ten days, if in shorelands.

(j) *Filing with county recorder.* The conditional use permit shall be filed with the county recorder within 15 days of approval with the filing fee paid by the applicant.

(Code 2016, § 4.13.5(A), (B), (E), (I); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-627. Applicant to bear professional review costs.

The applicant shall be responsible for all the city's professional costs in reviewing the proposal, including, but not limited to, legal, engineering, planning, and financing assistance.

(Code 2016, § 4.13.5(J); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-628. Evaluation criteria.

(a) The following criteria shall be used in reviewing a proposed conditional use permit application. The use with conditions will:

(1) Ensure that the use and enjoyment of other property in the immediate vicinity for the purposes already permitted is not impaired.

(2) Not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

(3) Ensure that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

(4) Provide adequate measures sufficient off-street parking and loading spaces to serve the proposed use.

(5) Ensure that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

(6) Not depreciate property values within the immediate vicinity.

(7) Not cause the local, county or state road systems to exceed their safe carrying capacity.

(b) For projects within the shoreland district additional review criteria shall be considered and a thorough evaluation of the proposal, the water body, and the topographic, vegetation and soils condition on the site must be made to ensure:

(1) The prevention of soil erosion or other possible pollution of public waters both during and after construction.

(2) The visibility of structures and other facilities as viewed from public waters is limited.

(3) The site is adequate for water supply and on-site sewage treatment if necessary.

(4) The types, uses and numbers of watercrafts that the project will attract are compatible in relation to the suitability of public waters to safely accommodate those watercrafts.

(5) The use or development is an appropriate conditional use in the land use district.

(6) The use or development with conditions, conforms to the comprehensive plan for land use.

(7) The use with conditions is compatible with the existing neighborhood.

(8) The use with conditions would not be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

(Code 2016, § 4.13.5(C); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-629. Conditions may be imposed.

In permitting a new conditional use or alteration of an existing conditional use, the planning and zoning commission may impose, in addition to the standards and requirements expressly specified by this division, additional conditions which the planning and zoning commission considers necessary to protect the best interest of the surrounding area or the city as a whole. These conditions may include, but are not limited to, the following:

(1) Increasing the required lot size or yard dimension.

(2) Limiting the height, size or location of buildings.

(3) Controlling the location and number of vehicle access points.

(4) Increasing the street width.

(5) Increasing the number, size, location, or lighting of signs.

(6) Limiting the number, size, location, or lighting of signs.

(7) Requiring diking, fencing, screening, landscaping, or other steps to protect adjacent or nearby property.

(8) Designating sites for open space.

(9) Restricting the number of access points on to the county road system or Highway 371.

(10) Increasing setbacks from wetlands to ensure protection of the resource.

(11) Restricting formula restaurant or revising design standards to ensure the preservation of the unique small-town character of the city.

(Code 2016, § 4.13.5(D); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-630. Lapse of permit; extensions.

Failure by the owner to act in reliance on a conditional use permit within ~~twelve~~ 24 months or failure to complete the work under a conditional use permit within three-years, unless extended by the planning and zoning commission, shall void the permit. Extension requests to the Planning Commission shall be made prior to the expiration of the conditional use permit. A second extension shall require a new public hearing. This provision shall apply to any conditional use permit outstanding at the time of the adoption of the ordinance from which this division is derived. Conditional use permits for planned unit developments are exempt from this provision.

(Code 2016, § 4.13.5(G); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019; Ord. No. 46 (Third Series) , § 2, 9-21-2021)

Sec. 20-631. Appeal to city council.

Appeals from the action of the planning and zoning commission shall be filed with the city clerk within 30 days after planning and zoning commission or board of adjustment action, or at the next regular meeting of the city council, whichever is later. The city council shall hear the appeal.

(Code 2016, § 4.13.5(H); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-632. Permits may be transferred to new property owners.

Conditional use permits shall be transferable to new property owners.

(Code 2016, § 4.13.5(F); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Sec. 20-633. Reserved.

(Code 2016, § 4.13.5(H)—(N); Ord. No. 21 (Third Series) , § 2(4.13.5), 6-19-2019; Ord. No. 30 (Third Series) , § 2, 9-18-2019)

Secs. 20-634—20-654. Reserved.

DIVISION 3. INTERIM USES, VARIANCES AND LAND USE PERMITS

Sec. 20-655. Interim uses.

(a) *Defined.* An interim use, as defined in M.S.A. § 462.3597, is a use that for a brief period will be compatible with existing or anticipated uses, or a use that is presently judged acceptable for an area until such time it will not be acceptable given anticipate growth patterns.

(b) *Review by planning and zoning commission; procedure.* Interim uses are allowed by the city after appropriate review by the planning and zoning commission. An interim use will be reviewed in the same manner as a conditional use permit. All submittal requirements in division 2 of this article shall be required for interim use permits.

(c) *Review criteria.* In addition to the review criteria for conditional use permits, the following criteria shall be used for Interim use permits. The findings of fact shall include that:

(1) The use conforms to zoning regulations;

(2) The date or event that will terminate the use;

(3) The permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

(4) The user agrees to any conditions deemed appropriate by the city for the permission of the use.

(d) *Termination by change in district.* Any interim use may be terminated by a change in the district.

(Code 2016, § 4.13.6)

Sec. 20-656. Variances.

(a) *Authority of board of adjustment.* When the literal interpretation of the terms of this division causes hardship to a property owner, the board of adjustment may grant a variance from a standard or dimensional requirement as set forth in the procedures outlined below.

(b) *Application.* Variances shall be issued for structures or uses as approved by the board of adjustment after a public hearing. All applications for a variance shall be submitted to the city planner by the application deadline published on the annual planning and zoning commission meeting schedule, accompanied by a professionally prepared survey, unless waived by the city planner, along with the appropriate fee. The application shall be judged as a complete application if it contains the information required in this section. The fee or contract owner or his or her authorized agent shall sign the application.

(c) *Notice to adjacent property owners.* The city planner shall notify all property owners within 350 feet of the property that is the subject of the variance application by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten days ahead of the public hearing.

(d) *Notice to the DNR for shoreland property variances.* If the proposed use is in shorelands, the city planner shall send the same notice to the DNR, postmarked at least ten days prior to the date of the hearing. The city planner shall provide the findings and determination to the DNR postmarked within ten days, if in shoreland.

(e) *Sketch plan review.* At his or her option, the proposer may request a sketch plan review with no action taken by the board of adjustment and with no fee by giving ten days' notice thereof to the city planner if meeting time permits.

(f) *Additional information required.* In evaluating all variance requests, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation designed actions.

(g) *Criteria for approval.* Variance shall be granted if the board of adjustment finds that the application meets the following criteria:

(1) Has the applicant established that there are practical difficulties, as defined in this article, in complying with the official control?

(2) Will the deviation from this article still be in harmony with the general purposes and intent of this article and comprehensive plan?

(3) Is the plight of the property owner due to circumstances unique to the property and not caused by the property owner?

(4) Do the terms and conditions of the variance protect the essential character of the neighborhood?

(5) Is the variance based on findings of fact other than economic considerations?

(6) Is the variance for a land use that is allowed under the terms of this chapter?

(h) *Decision to be rendered within 60 days of application; exception.* Variances shall be decided within 60 days of the receipt of a completed application as determined by the city planner, unless extended pursuant to M.S.A. § 15.99.

(i) *Lapse of variance; extensions.* Failure by the owner to act in reliance ~~on the variance within six months~~ or failure to complete the work under a variance within ~~one~~five years unless extended by the board of adjustment shall void the variance. A second extension shall require a new public hearing. This subsection shall apply to any variance outstanding at the time of adoption of the ordinance from which this article is derived.

(j) *Appeal of decision to city council.* Appeals from the action of the board of adjustment shall be filed with the city clerk within 30 days after planning and zoning commission or board of adjustment action, or at the next regular meeting of the city council, whichever is later. The city council shall hear the appeal.

(k) *Copy of variances to be filed with county recorder.* The city planner shall file a copy of all approved variances with the county recorder within 15 days of approval at the expense of the applicant.

(l) *Conditions of variance.* Variances shall not allow or create a use not provided for in a district. Variances shall run with the land and are transferable with the real estate to a new owner. Violation of the conditions on a variance shall void the variance.

(Code 2016, § 4.13.7; Ord. No. 21 (Third Series) , § 2(4.13.7), 6-19-2019)

Sec. 20-657. Land use permits.

(a) *When required.* No person shall assemble, install, remove, or construct any structure prior to applying for and receiving a land use permit. Land use permits shall be issued for all new structures, driveways, patios, any change in structure exterior dimensions, and any construction or repair of sewage systems, and any grading and filling in shorelands not exempted by this article.

(b) *Sewage system update and certificate of compliance required.* In order to obtain a permit for any improvement of any type it shall be necessary to upgrade or replace any nonconforming sewage treatment to meet the standards for conforming systems. No land use permit shall be issued without a valid certificate of compliance.

(c) *Prerequisite reviews and approvals.* When a proposed use requires action of the board of adjustment, planning and zoning commission or council, or posting of financial security, or filing restriction with the county recorder, the action shall occur and the conditional use permit, variance, district change, final plat

plan approval, or approval of metes and bounds division shall be issued or security posted or restriction filed before the land use permit is issued.

(d) *Permit application; survey.* The land use permit application shall contain the legal description of the property and the signature of the fee or contract owner of the property or his or her authorized agent. Lot corners shall be visible on the lot. The city planner may require a new survey when stakes are not visible or have been removed through erosion, construction, or other action, and a new certificate with existing and record dimensions.

(e) *Additional information may be required.* In evaluating all land use permit applications, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(f) *Proof of restriction recordation.* When a restriction is required by this article, the city shall provide evidence that such a restriction has been recorded to the city planner prior to issuance of the permit.

(g) *Lapse; extensions.* Unless extended by the city planner, where a land use permit has been issued but no action in reliance on it has occurred within 24 months, the land use permit shall be null and void. The city planner may extend the time limits for good cause. A second extension shall require a new fee.

(h) *Time for completion of work authorized by permit.* Once action on a permit has commenced, all work on the project, including the exterior finish, shall be completed within 24 months, unless otherwise approved by the planning and zoning commission.

(i) *Reservations.* Granting of a land use permit shall not be considered a statement of compliance with regional, state or federal codes, statutes, or laws, or approval of the design of the structure or accessories, or description or survey of the property. Subsequent actions of the city planner shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with this article.

(j) *Violations terminate permit; appeal.* If the city planner determines, in writing that any violation of the permit or any section of the ordinance has occurred, the permit shall immediately become null and void. Such a determination shall be appealable to the board of adjustments, which shall consider the matter at its next meeting.

(Code 2016, § 4.13.8; Ord. No. 4 (Third Series) , § 2(4.13.8), 7-20-2016)

Secs. 20-658—20-687. Reserved.

DIVISION 4. AMENDMENTS

Sec. 20-688. When appropriate; procedure.

(a) *Generally.* The city council may adopt amendments by majority of the full council to either city zoning regulations or zoning map in relation to the land uses within a district or the boundaries of the districts. Such amendments shall not be issued indiscriminately but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the city.

(b) *Initiation.* An amendment may be initiated by the council, the planning and zoning commission or by the property owner. The city planner shall review the proposed amendment and make a recommendation to the planning and zoning commission.

(c) *Notice to adjacent property owners and the DNR.* The planning and zoning commission shall cause all property owners within 350 feet of the proposed district change to be notified by regular mail and shall publish a hearing notice for either a change in city zoning regulations in the legal section of the official newspaper and if the proposed change is in shorelands, shall provide notice to the DNR postmarked at least ten days ahead of the public hearing.

(d) *Hearing before planning and zoning commission; exception for map amendments.* The planning and zoning commission shall hold the hearing and make a recommendation to the city council within 60 days of the date of application. Adoption of a new zoning map shall require published notice only.

(e) *Review of recommendation by city council.* The city council shall review the recommendations and shall make a timely decision. An amendment requires a majority vote of the full council to be enacted.

(f) *Review criteria.* The planning and zoning commission and city council shall consider the following criteria prior to deciding on any rezoning of land.

(1) Preservation of natural sensitive areas;

(2) Present ownership and development;

(3) Shoreland soil types and their engineering capabilities;

(4) Topographic characteristic;

(5) Vegetative cover;

(6) In-water physical characteristics;

(7) Recreational use of surface water;

(8) Road and service center accessibility;

(9) Socio-economic development needs of the public;

(10) Availability of public sewer;

(11) The necessity to preserve and restore certain areas having significant historical or ecological value;

(12) Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties;

(13) Alternatives available for desired land use;

(14) Prevention of spot zoning; and

(15) Conformity to the city land use plan.

(g) *Publication of amendment; copy to the DNR.* The city clerk shall publish a summary of the text of the change or description of boundary change or a new zoning map whichever is appropriate in the official newspaper within one week after action by the council and shall send a copy to the DNR if the change affects shorelands.

(Code 2016, § 4.15.4)

Sec. 20-689. Lake classification amendments.

The city council may adopt multiple shoreland classifications to a single body of water by resolution. Such resolution shall not be passed indiscriminately but shall only be adopted upon a determination that such action is

necessary to address a unique situation. The procedure for making a determination on the necessity of a multiple lake classification is as follows:

(1) *Study of water body; notice.* A study of the water body shall be initiated by the city council. The planning and zoning commission or any property owners may petition the council for such a study. A petition shall not compel the council to proceed. Prior to commencing a study of the water body, the commission shall be notified of the city's intent to commence the study.

(2) *Study oversight; features examined.* The study shall be prepared by the city planner and overseen by the planning and zoning commission. The study shall determine whether the lake has an irregular natural shoreline configuration, possesses two or more bays, arms, islands, peninsulas or points, or the lake has been artificially segmented by roadways, railways, bridges or levees. If none of these conditions exist, multiple shoreland classification shall not be applied to the lake.

(3) *Recommendation; references.* If the conditions listed in subsection (2) of this section exist, a recommendation shall be made as to the appropriate lake classification for each segment identified. The recommendation shall be based on references to the following:

a. The records and files of the DNR, including maps, lists, and other products of the protected waters inventory;

b. Data and publications of the DNR Shoreland Update Project, DNR Bulletin No. 25 (1968);

c. Supplementary Report No. 1, Shoreland Management Classification System for Public Waters (1976), by the DNR Division of Waters;

d. Minnesota's Lakeshore, Part 2, Statistical Summary, Department of Geography, University of Minnesota;

e. Any additional supporting data supplied by the DNR.

(4) *Notice of hearing to adjacent property owners and the DNR.* Upon receipt of the study, the planning and zoning commission shall cause all property owners within a minimum of 500 feet of the shoreline proposed to be reclassified to be notified by regular mail and shall publish a hearing notice for in the legal section of the official newspaper and shall provide notice and proposed reclassification to the DNR at least ten days ahead of the public hearing.

(5) *Commission hearing and recommendation.* The planning and zoning commission shall hold the hearing and make a recommendation to the city council.

(6) *Reviewing and determination by city council.* The city council shall review the recommendation and shall make a decision within 60 days of receiving the recommendation from the planning and zoning commission. A majority vote to reclassify shall be done by resolution.

(7) *Review by the DNR; copy of resolution to be provided to the DNR.* When a resolution to reclassify is adopted, the city clerk shall forward the resolution to the DNR for review and approval.

(8) *Publication or reclassification.* When approved by the DNR, the city clerk shall publish a description of reclassified area or a map showing the change, whichever is appropriate, in the official newspaper within 30 days of a response from the DNR.

(9) *Notice of denial by the DNR.* When a reclassification is denied, the city clerk shall notify property owners of the DNR's decision.

(Code 2016, § 4.15.5)

Sec. 20-690. Form of notices; effect of failure to receive notice.

Notices for all public hearings required, as part of this notices shall include the legal description for the subject property, the description of the proposed action under consideration, the location, time and date for the public hearing. All notices shall be given in accordance with the requirements set forth in state law. Failure to receive notice called for by this article shall not invalidate any action taken by the city so long as the city acted reasonably in its attempt to provide such notice.

(Code 2016, § 4.15.6)

Secs. 20-691—20-699. Reserved.

Section 20-700. Definitions.

1. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

Abandoned building means a building on public or private property which no longer serves a practical use and is considered a safety hazard in the opinion of the city planner due to its location or structural condition.

Abandoned motor vehicle means a motor vehicle, as defined in M.S.A. § 168B.011, that:

(1) Has remained on public property in an inoperable condition for more than 48 hours;

(2) Has remained illegally on private property, for a period of time as determined under M.S.A. § 168B.04(2), without the permission of the owner; or

(3) Lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions unless it is kept in an enclosed garage or storage building.

Accessory use or *accessory structure* means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, including tower antennas, dish antennas exceeding 36 inches in diameter, swimming pools, wind generators, garages, sheds, boathouses, and similar structures. The terms "accessory use" or "accessory structure" does not include a guest cabin or guest quarters.

Agricultural use means the use of land for the growing or production of crops, or livestock products for the production of income, including incidental retail sales of produce and animal products.

Air puppet means a dynamic inflated device or sign intended to advertise or draw attention, and made of lightweight material supported by helium, hot or pressurized air, and greater than 11 inches in diameter.





Allowable dwelling unit means a dwelling unit that would be allowed as per a planned unit development density analysis.

Alternative access lots are parcels of land that provide access to public waters for owners of riparian lots within subdivisions where direct riparian access is likely to result in significant damage to protected vegetation, wetlands, or other critical fish or wildlife habitat.

Animal husbandry means the care and breeding of domestic animals such as cattle, hogs, sheep, horses, and poultry.

Animal unit means a unit of measure based on the approximate production of wastes, as follows:

Table 20-2. Approximate Production of Animal Wastes

Animal	*Animal Unit*
One slaughter weight steer or heifer	1.0
One mature dairy cow or horse	1.4
One swine over 55 lbs.	0.4
One sheep	0.1
One dog	0.1
One goose	0.1
One duck	0.02
One turkey	0.018
One chicken	0.01
One cat	0.05

Antenna means a device used to transmit or receive telecommunication, television or radio signals, or electromagnetic waves between terrestrially or orbit ally-based structures directly or indirectly related to wireless personal communication services and cellular services.

Assisted Living Facility means a housing facility for people with disabilities or for adults who cannot or who choose to not live independently

Auto salvage yard means an area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with the construction or a manufacturing process are not included. Three or more automobiles without current licenses constitute a junkyard. The term "junkyard" shall not include accumulations of putrescent wastes such as garbage.

Banner means a rectangular sign made of vinyl, canvas, or similar flexible material that is not intended to be permanently mounted to a pole or a building.



Base Flood means the flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

Base Flood Elevation (BFE) means the elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

Basement means any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all sides, regardless of the depth of excavation below ground level.

Bed and breakfast inn means a dwelling other than a resort or hotel where nightly accommodations, including food services, are provided for compensation, containing up to six separate rental rooms.

Block means an area of land bounded by streets, exterior boundary lines or bodies of water.

Bluff means a topographic feature such as a hill, cliff, or embankment having all the following characteristics:

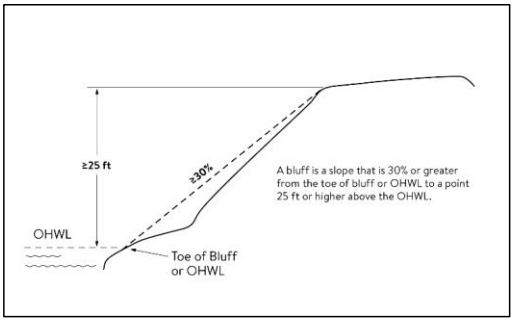
(1) Part or all of the feature is located in shoreland area;

(2) A slope rises at least 25 feet above the ordinary highwater level of the water body;

(3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary highwater level averages 30 percent or greater; and

(4) The slope drains toward the water body.

An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.



Bluff impact zone means the area of a bluff between the toe of the bluff and the top of the bluff and land located within 30 feet from the top of a bluff.

Bluff, Toe - For the purpose of measuring setbacks, the point at the bottom of a bluff that is the lower end of a 50 foot segment with an average slope exceeding 18 percent or is the OHWL, whichever is higher

Bluff, Top - For the purpose of measuring setbacks, the point at the upper end of a bluff that is the higher end of a 50 foot segment with an average slope exceeding 18 percent

Buffer, Shoreline - Riparian land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat.

Boathouse means a structure designed and used solely for the storage of boats or boating equipment.

Boardwalk – an elevated walkway used to access public waters over riparian wetlands. For the purpose of this ordinance, this definition applies to land above the OHWL of a public water.

Board of adjustment means the Planning and Zoning Commission, appointed by the city council, to hear appeals from actions of the city planner or zoning inspector and variance requests.

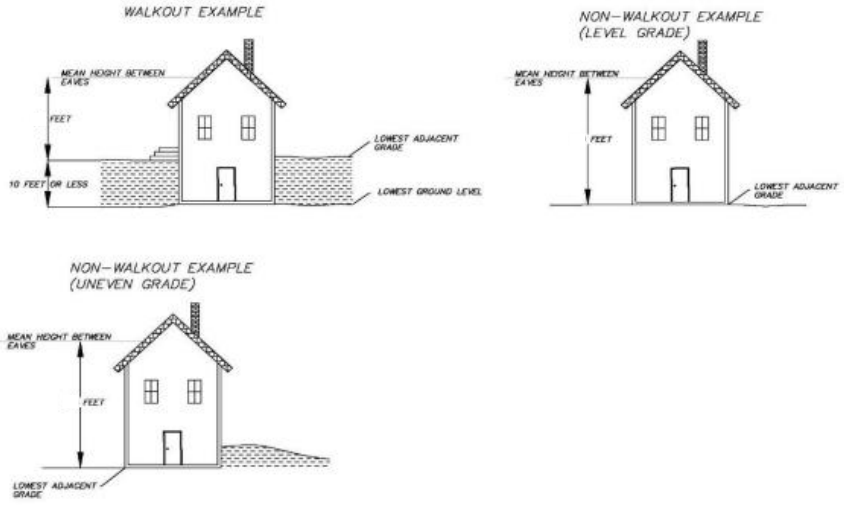
Brewery/Taproom - A facility on the premises of and accessory to a licensed brewery intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minnesota statutes section 340A.

Buildable area The minimum required area remaining on a newly created parcel of land or platted lot after all public road rights-of- way, road easements, setbacks, and wetlands are subtracted. In the Shoreland, all land below the ordinary high water level (OHWL) of public waters and bluffs, and wetlands shall also be subtracted.

Buildable lot means a preexisting lot for which a deed, recorded contract for deed or other legal conveyance or plat has been recorded prior to the effective date of the city zoning regulations or a lot legally created under the provisions of this Code.

Building - See Structure

Building Height – The vertical distance between the lowest adjacent grade at the structure or ten feet above the lowest ground level whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel, or other pitched or hipped roofs.



Building line means a line parallel to a lot line or the ordinary highwater level at the required setback beyond which a structure may not extend.

Building official means the person authorized by the state building code to administer building permits and appointed by the city council (who may be the same person as the city planner).

Building width means the smallest dimension of the major portion of the building.

Campground means a land use consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with single ownership, management services and with site rentals.

Business, Commercial Retail means any establishment, employment, or enterprise wherein merchandise is manufactured, exhibited, stored, or sold, or where services are offered for compensation.

Campsite means a parcel or site within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.

Cannabis Business (All defined by OCM – excluding low potency retail) see Chapter VIII of Nisswa's Code of Ordinances and MN Chapter 342 - Cannabis

Cannabis Business – low-potency retail see Chapter VIII of Nisswa's Code of Ordinances and MN Chapter 342 - Cannabis

Channel means a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

CIC plat means a final common interest community plat.

City sewer or *water systems* means a system of municipally maintained utilities approved by the state and serving more than one building or property.

Clinic, hospital: A building designed and used for the diagnosis and treatment of human patients that may include overnight care facilities.

Clustering or *clustered* means a development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

Commercial storage facility means a use of land for storage buildings including racking that may be leased or sold individually. Said buildings cannot be used as dwellings or contain livable area.

Commercial use means the principal use of land or buildings for the sale, lease, rental, trade of products, goods, or services.

Commissioner Is the Commissioner of the Department of Natural Resources or his/her authorized representative.

Communication Tower means structures 35 feet or more in height and that may include a tower, antenna(s), equipment building(s), anchor points and other related equipment used by broadcast services and/or wireless telecommunications services.

Comprehensive plan means a compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development of the city.

Conditional use means a land use or development as defined by ordinance that would not be appropriate without restriction, but may specifically be allowed with appropriate restrictions or conditions as determined by the planning and zoning commission upon a finding that:

(1) The use or development is an appropriate conditional use in the land use district;

(2) The use or development with conditions conforms to the comprehensive plan;

(3) The use with conditions is compatible with the existing neighborhood; and

(4) The use with conditions would not be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

Condominium ownership means a form of ownership within a multi-owner building or complex wherein the boundaries are defined by a condominium plat in accordance with the Uniform Condominium Act, M.S.A. ch. 515A.

Controlled access lot means a privately owned riparian lot meeting the standards for a buildable lot, owned by more than one owner in undivided interest, provided with facilities and used for access, and not containing a dwelling.

Cul-de-sac means the circular turn around at the end of a street with only one outlet.

*Daycare Facility means a*ny facility, public or private, which, for gain or otherwise, regularly provides one or more persons with care, training, supervision, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day in a place other than the person's own home, including, but not limited to, family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, preschool programs, daytime activity centers, day treatment programs and day services. Daycare facilities are pursuant to Minnesota statutes chapter 245A as amended.

Deck means a horizontal, unenclosed platform with or without attached railings, seats or trellises or other attached features, attached or functionally related to a principal use or site and at any point extending above ground level.

Development means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dirt Moving/Grading/Excavation - Any movement, excavation, grading, or filling of dirt on a lot.

DNR means the Minnesota Department of Natural Resources.

Driveway means a private or public roadway providing access for vehicles to a street or highway from a structure.

Duplex, triplex, or *quad* means a dwelling structure on a single lot having two, three, or four dwelling units respectively attached by common walls with each unit being equipped with separate sleeping, cooking, eating, living, and interior sanitation facilities.

Dwelling, guest cabin, means a free-standing structure, not for sale or lease, that contains sleeping spaces and functioning bathroom facilities in addition to those provided in the primary dwelling on the lot. A guest cabin shall not be permitted if guest quarters exist on the lot.

Dwelling, guest quarters, means the second story of a detached accessory structure, not for sale or lease, that contains sleeping spaces and bathroom facilities in addition to those provided in the primary dwelling on the lot. Guest quarters shall not be permitted if a guest cabin exists on the lot.

Dwelling, multifamily, means two or more dwelling units attached together by any point including duplexes, triplexes, townhouses, and multi-level units regardless of type of ownership.

Dwelling, single-family, a detached residence designed for or occupied by one family only.

Dwelling site means a designated location for residential use by one or more persons using temporary or movable shelter including camping and recreational vehicle sites. The term "dwelling site" includes campsites.

Dwelling unit means a structure or portion of a structure or other shelter designed as short- or long-term living quarters for one or more persons including rental or time share accommodations such as motel, hotel, resort rooms, and resort cabins, including accommodations for one family.

Dwelling Unit above Commercial Use means a dwelling unit or units that are located above an established commercial use.

Easement means a grant by a property owner for the use of a strip of land for the purpose of construction and maintenance of utilities including, but not limited to, sewers, water mains, electric lines, telephone lines, storm sewer, or drainageways and gas lines.

EAW means environmental assessment worksheet.

EIS means environmental impact statement.

Engineer means the engineer duly appointed by the council to perform technical services for the city.

Equal Degree of Encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Essential Services: Underground, on ground or overhead gas, electrical, phone, cable, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings

Expansion - Any increase in a dimension such as number of units, size, area, volume, or height, or increase in the area of use, or placement of a structure.

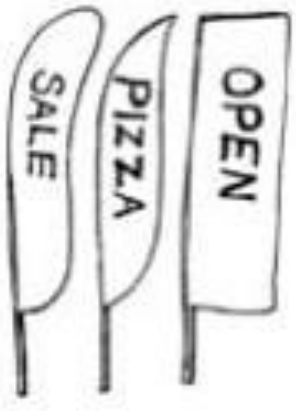
Exterior finish means the final exterior covering of a structure including, but not limited to, brick, natural stone, glass, specialty concrete block such as textured, burnished block or rock faced block, architecturally pre-cast textured concrete panels, masonry stucco, vinyl, steel siding, exterior finish installation system (EFIS), ceramic, glass block or wood (exterior finished grade).

Exterior storage means storage of goods, materials, equipment, manufactured products outside of a fully enclosed building.

Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, metallic or nonmetallic minerals or peat.

Family means an individual, or two or more persons related by blood, marriage or adoption, living together in a dwelling unit or a group of not more than six persons, not so related, maintaining a common household.

Feather flag means a portable sign that contains a harpoon-style pole or staff driven into the ground for support, supported by means of an individual stand, or attached to a building.



FEMA means Federal Emergency Management Agency.

Farm Fence means an open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

Fence means a partition, wall, or gate erected as a divider, marker, barrier, or enclosure on a property boundary, or a barrier, screed, or enclosure within the property.

Final common interest community plat means a drawing prepared by a registered professional land surveyor or registered professional architect as to the parts of a plat prepared by each, depicting the condominium subdivision of real estate and related information conforming to the requirements of the Minnesota Common Interest Ownership Act, M.S.A. ch. 515B.

Final condominium plat means a drawing prepared by a registered architect, registered engineer, or registered land surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of M.S.A. § 515.A.2-110.

Final plat means a drawing prepared by a registered land surveyor depicting the subdivision of real estate and related information conforming to the requirements of M.S.A. ch. 505 (plats, coordinates and surveys) or the Minnesota Condominium Act, M.S.A. ch. 515.

Flag means any fabric or similar lightweight material attached at no more than two corners of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices or text. Flags more than three times as long as any other dimension are considered banners and specifically excluded from this definition. In addition, the term "flag" includes only flags attached to a building and not flags attached to a pole anchored in the ground.





Flood means a temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

Flood Fringe means the portion of the one-percent annual chance floodplain located outside of the floodway.

Flood Insurance Rate Map (FIRM) means *an* official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) means the study referenced in Section 3.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Floodplain means the beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

Floor area means the sum of the gross horizontal areas to the several interior floors of a building excluding basements not used for occupancy.

Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stands.

Foundation means a concrete, concrete and block, or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the super structure and penetrates the ground to provide frost protection.

General Floodplain means those floodplains designated on the Flood Insurance Rate Maps referenced in Sec. 20-112 but that do not have a delineated floodway.

Open space means privately owned property permanently dedicated by covenant to vegetative ground coverage with allowance for recreational facilities, tree coverage or watercourses, water supply, sewage disposal and drives or public property dedicated to park, vegetative buffer, tree coverage, or similar uses.

Half street means a street containing half of the required right-of-way, with the intention of adding the additional right-of-way at a future date from an adjacent property.

Home Business - A use of a commercial nature conducted by occupants of a single family dwelling and/or employees that do not reside in the dwelling which may be conducted inside as well as outside the dwelling or accessory buildings, where the use is clearly incidental and secondary to the use of the dwelling for residential purposes. This includes but is not limited to people coming to the property for the purposes of conducting business activities, day care activities, salons, retail sales and any space open to the public for commercial use.

Home occupation means a use of commercial nature conducted by occupants of a single family dwelling entirely within the dwelling or accessory structures, of which the use is clearly incidental and secondary to the use of the dwelling or accessory structures for residential purposes. For the purposes of this ordinance, on-site retail services are not allowed as well as use of any space open to the public for commercial use.

House of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious activities or worship and related activities.

Ice Ridge, Annual - A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

Ice Ridge, Historic -A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice over a period of two or more years upon which well-established herbaceous and woody vegetation is growing.

Impervious surface A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; sidewalks; patios; parking lots; storage areas; concrete, asphalt, or gravel driveways; and other similar surfaces.

Industrial uses means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items that may produce impacts such as noise, odor, or vibration.

Inflatable means a static inflated device or sign intended to advertise or draw attention, and made of lightweight material supported by helium, hot or pressurized air, and greater than 11 inches in diameter.







Intensive vegetation clearing means the complete removal of trees or shrubs in a continuous path, strip, row, or block.

Interim uses means a temporary use of a property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it. Interim uses may be granted in accordance with M.S.A. § 462.3597 and are processed in the same manner as conditional uses.

Interval ownership means a form of ownership of real property, condominium land or space further defined by time interval reoccurring each year, resulting in more than one owner of the same property, also known as timeshare.

Lake classification means the formal classification by the DNR of each body of public waters within the city.

Landscaping means the placement of trees, shrubs, grass, and walls and earth mounds or the utilization of existing natural vegetative cover equal thereto.

Land use permit means a permit issued by the city planner to allow the construction of a structure or to allow a land use when the provisions of this chapter have been met, when approval of any conditional use permits or variances has been granted and when the fees are paid. A land use permit may have administrative conditions specific to the subject site when provided by the ordinance.

Large portable sign means a portable sign, made of rigid material, larger than eight square feet which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign.







Leaseback by owner means an arrangement between an owner of property and a leasing agent or resort, to promote and operate the property for rental purposes.

LEED means the Leadership in Energy and Environmental Design rating system promulgate by the United States Green Building Council.

Litter means waste materials including, but not limited to, cans, bottles, plastic, and paper wrappings or containers.

Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat or other accepted means and separated from other parcels or portions by the description for the purpose of use, occupancy, sale, lease, mortgage, building, or separation.

Lot area - square footage or acreage included within the boundaries of a parcel or platted lot. For riparian lots, land above the Ordinary High Water Level.

Lot, corner, means a lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point deflection in alignment of one street with the internal angle less than 135 degrees.

Lot, front, means the boundary of a lot which abuts on a public right-of-way, or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lakeside shall be considered the lot front.

Lot, preexisting, means a lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds, any of which has been recorded in the office of the county recorder prior to the effective date of the ordinance from which this chapter is derived.

Lot line means the property lines bounding a lot except that where the description extends into a public right-of-way, the right-of-way line shall be considered the lot line.

Lot – Riparian – A lot that abuts a public waters.

Lot – Non-Riparian -A lot that does not abut public waters.

Lot tier depth means the lot depth of a normal lot conforming to the shoreland requirements:

(1) General development lake, first tier, 200 feet;

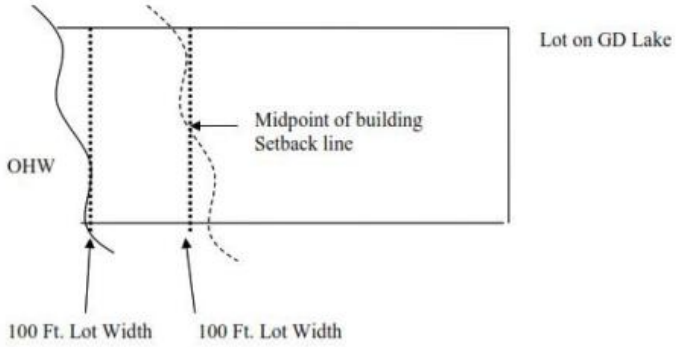
(2) Second and additional tiers, 267 feet;

(3) Recreational development lake, all tiers, 267 feet; and

(4) Natural environment lake, all tiers, 400 feet.

Lot tiers means successive strips of land parallel with the ordinary highwater line, each one-tier depth wide, and extending across the parcel.

Lot width means the shortest distance between lot lines measured and at the midpoint of the building line and at the OHW for all riparian lots.



Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term "manufactured home" includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by state law and complies with the standards established under the state Manufactured Home Building Code, M.S.A. ch. 327. The term "manufactured home" does not include the term "recreational vehicle."

Manufactured housing development means a form of planned unit development designed for manufactured homes and including two possible types of ownership: single ownership with site rentals or individual site ownership with a homeowner's association owning common property.

Metes and bounds means descriptions of property and descriptions of lots other than lots in recorded subdivision plats.

Motel or *hotel* means a commercial business with a central management to provide lodging which may provide related facilities such as restaurants, bars, and other recreational amenities but not including bed and breakfast inns.

Motor Fuel Station: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

Motor Vehicle Sales means any person, firm, or corporation who engages in the business of selling or offering for sale a vehicle, boat or recreational vehicle and receives or expects to receive money, profit, or any other item of value.

New Construction means structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation and includes any subsequent improvements to such structures.

Nonconformity or *nonconforming* means any legal use, structure or parcel of land already in existence, recorded or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Nuisance means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact, and other similar interferences or offenses.

Nursing Home means a place of residence for people who suffer from physical or mental disabilities, and who require constant nursing care to perform their daily living activities. Nursing home services include the services of nurses, nursing aides and assistants; physical, occupational and speech therapists; and service of social workers and recreational assistants

NWI means National Wetland Inventory.

Official signs and notices means signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility.

Office, Business and Professional means a room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is conducted.

Open space means land area designated as reserved from development.

Ordinary highwater level (OHWL) means the boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. The ordinary highwater level of a watercourse is the level determined by the DNR or, in the absence of a DNR determination, the elevation of the top of the bank of the channel or, for reservoir and flowages, the operating elevation of a normal summer pool.

OSND means an open space neighborhood design.

Outdoor Storage of Products for sale/rent means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Outlot means a lot remnant or any parcel of land included in a plat, which may be used as open space. An outlot may be a large tract that could be subdivided in the future or a tract too small to comply with the minimum size requirements of zoning and subdivision regulations or otherwise unsuitable for development and, therefore, not usable as a building site as it currently exists.

Parking space means a site off public right-of-way, maintained and sized to be occupied by one automobile.

Party wall or floor means the structural divider between dwelling units vertically or horizontally, respectively.

Passive recreation means outdoor activities that include walking, hiking, cross-country skiing, horseback riding, and other non-motorized recreational activities that do not materially alter the landscape, degrade environmental quality, or involve commercial recreational use.

Patio means an uncovered, unscreened platform that is adjacent to a dwelling, or free standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material with ground level being its highest point.

Pennant means a series of typically polygonal shaped flexible material attached along a canvas or rope line, hung at either end, to attract attention.



Permitted use means a land use conforming to the character of a district, which is permitted by ordinance requiring only a land use permit or shoreland alteration permit issued by the city planner.

Personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal wireless service facilities means facilities for the provision of personal wireless services.

Pet means an animal, bird, reptile or fish commonly associated with human habitation, not considered under the category of animal husbandry and not raised for production of income.

Planned unit development (PUD) means a land use or development pattern characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also

involving clustering of these units or sites to provide areas of common open space, density increase, and mix of structure types and land uses. These developments may be organized and operated as condominiums, time share condominiums, cooperatives, full free ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential, condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. An OSND pattern is a planned unit development.

Planner - the duly appointed person responsible for the enforcement and administration of this chapter of city code.

Pool - any in ground structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools.

Practical difficulties Pursuant to MN Statutes 462.357 Subd. 6(2) when used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the property owner is due to circumstances unique to the property not created by the property owner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

Preliminary plan and *preliminary condominium plat* mean plans prepared in accordance with the city's subdivision regulations depicting the proposed subdivision of property by final plat or condominium plat.

Principal structure or use means the single primary structure or use on a lot, as distinguished from accessory uses or accessory structures.

Protective covenants mean restrictions placed on the property by the owner and duly filed with the county recorder. Protective covenants may also be used in planned unit developments to establish homeowners' associations, restrict shoreline development and provide for common facilities.

Public utility means persons, corporations or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. Commercial wireless telecommunication services are defined separately and shall not be considered public utility uses under this definition.

Public waters. Lakes, rivers, streams and wetlands as designated under M.S.A. § 103G.005(15 & 15a) including any lakes or wetlands listed in the DNR Public Waters Inventory as well as any lake, river or stream listed in this ordinance. However, that no lake, pond, or flowage of less than ten acres in size within the city need be regulated for the purposes of the shoreland management rules and regulations.

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreational vehicle means a vehicle that is built on a single chassis, is 320 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

Regulatory Flood Protection Elevation (RFPE) means an elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

Replacement tree means a tree (independent of species) that has a trunk diameter of two inches or more, measured three feet from the ground and has a height of eight feet or more. The species selected shall be capable of growing to a height of at least 15 feet.

Residential real estate means a new or existing building constructed for habitation by one to four families and includes detached garages.

Resort means a commercial establishment, regardless of ownership arrangement, that includes buildings, campgrounds, lodges, structures, dwelling units or sites, enclosures or any part thereof that are kept, used, maintained or advertised as or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

Resort, fractional ownership, means a resort where the ownership is divided amongst multiple property owners, typically through the direct sale of individual resort units or a share of an individual resort unit.

Restaurant means an establishment having facilities for serving meals at tables to the general public, in consideration of payment therefore, and which employs adequate staff to provide the usual, customary and suitable service to guests.

Restaurant, formula, means a restaurant or establishment that is contractually required to offer standardized menus and ingredients and where the exterior or interior design and which serves or delivers food or beverages in disposable containers.

Retaining Wall - a structure designed to contain, support or prevent the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another.

Right-of-way means a parcel of property dedicated to the public, connecting to other public right-of- ways, which afford primary access by pedestrians and vehicles to abutting properties.

Riparian property means land that abuts the edge of a lake, river, stream or wetland adjacent to the edge of a lake, river or stream.

Riparian rights mean the rights of access for navigation, withdrawal of a reasonable amount of water and similar activities, which belong to the owner of land adjacent to a lake or stream.

Riparian Use Area -the surface water including the bottom of a lake, river or stream adjacent to riparian property that is determined by extending the property lines over the surface water at the same angle on land.

Sand Blanket – a layer of sand placed on land that is considered non-wetland for the purpose of creating a recreational use area. This definition applied to riparian and non-riparian parcels of land.

School means a building or space that is principally used as a place where persons receive educational instruction.

Semi-public use means the use of land by private nonprofit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization, including, for this chapter, a PUD.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

Semipublic use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization

Setback means the minimum horizontal distance between a structure, sewage treatment system, well or other facility and an ordinary highwater level, sewage treatment system, well, top of bluff, road, highway, property line or other facility. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Setback, interior lot, in a PUD, means the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three feet of roof overhand, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Setback, road, means the closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Setback, side, exterior, means the closest horizontal distance between the exterior boundary side lot line and foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

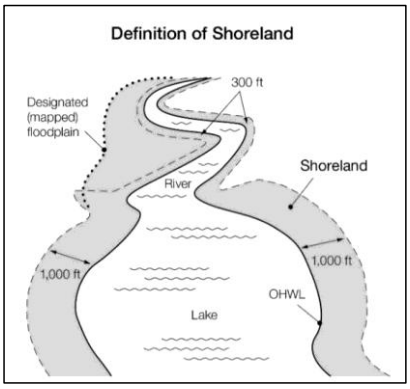
Setback, waterfront, means the closest horizontal distance between the ordinary highwater mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Sewer system (Public) means pipelines or conduits, pumping stations and force mains and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.

Shore impact zone 1 means land located between the ordinary highwater level of a public water and a line parallel to it at a setback of 50 percent of the normal structure setback.

Shore Impact Zone 2 - Land located between shore impact zone 1 and the structure setback line.

Shoreland means land located within the following distances from public water: 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater.



Shoreland Alteration Permit – A permit approved by the Planner that is required for dirt moving activities and amounts and the construction of certain structures such as but not limited to water oriented accessory structures, stairways, walkways, lifts, landings, retaining walls, ria rap, shoreline use areas including sand blankets, at grade patios, boardwalks, watercraft access ramps in the shoreland zoning district with the primary area being shore impact zone 1 and 2

Shoreland Buffer Zone (SBZ) – The area between the shoreland protection zone and the 1,000 foot end of the shoreland residential district for lakes and the 300 foot end of the shoreland residential district for streams and rivers.

Shoreland Protection Zone (SPZ) - The area between the ordinary high water level (OHWL) of a public water and a line parallel to the OHWL at:

a. 500 feet from a lake or pond, or;

b. 150 feet of a river or stream

Shoreline property means a lot directly abutting a public water, generally located in the first lot tier adjoining the public water.

Shoreline Rapid Assessment Model (SRAM) - A process and criteria incorporated herein by reference and used by the Department to determine the extent of natural vegetation present on a lot, the degree of natural protection that a shoreline has, and options for property owners to bring their shoreline into compliance in conjunction with permit or variance applications.

Sidewalk sign means a portable sign, made of rigid material, no larger than eight square feet on one side that is capable of standing without support or attachment, such as sandwich boards and A-frame signs.





Sign means a name, identification, description, display, illustration, advertisement, or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution, or business. Signs also include, but are not limited to:

(1) Banners: a canvas, fabric, cloth, plastic or other flexible material hung to display a message;

(2) Streamers: a canvas, fabric, cloth, plastic or other flexible material typically attached to a vertical pole to attract attention and display a message;

(3) Pendants: a series of typically triangular shaped flexible material attached along a canvas or rope line, hung at either end, to attract attention; and

(4) Temporary signs: typically consisting of plastic, metal, aluminum or wood materials on wheels or supports that is intended to be set in place for a temporary period of time.

Sign, area identification, means any sign identifying the name of a neighborhood, residential subdivision, PUD or similar area.

Sign, business, means sign which directs attention to a business, commodity, service, activity or entertainment sold or offered upon the premises where such sign is located.

Sign, construction, means a temporary sign erected during construction on the premises of the site where the construction is taking place indicating the names the architects, engineers, landscape architects, contractors or similar artisans, or the owners, financial supporters, sponsors and similar individuals for firms having a role or interest with respect to the structure or project.

Sign, dynamic display, means any sign capable of displaying words, symbols, figures or images that can be electronically or mechanically moved or changed by remote, automatic, or electronic means but not including merely the ability to turn the sign on and off.

Sign, freestanding, means any permanent sign and its supporting framework that is anchored in the ground, and which is independent from any building or other structure but not including large portable signs.

Sign, home occupation, means any sign designating a home occupation when such sign is located on the premises of the residential property where the business is being conducted.

Sign, internal directional, means a sign which serves solely to designate the direction of any place or area located on the same lot as the place or area necessary for the orderly movement of traffic or providing necessary

direction to users of the site. Examples include parking lot entrance and exit signs, directional signs to holes within a golf course, and similar signs.

Sign, internal identification, means a sign that has a purpose secondary to the use of the lot on which it is located, such as "telephone," "drive-up window," "cash machine," "air" and similar directives.

Sign, multifamily building identification, means a sign indicating information related to the name, address, ownership, and other incidental property information for a multifamily dwelling complex located on the premises of the complex.

Sign, obsolete, means a sign which identifies or advertises an activity, business, product, service or special event no longer produced, conducted, performed or sold on the premises upon which sign is located, except signs of historical character.

Sign, off-site, means any sign not located on the contiguously owned property with the use which is advertised.

Sign, on-site, means any sign located on the contiguously owned property with the use which is advertised.

Sign, nameplate, means any sign indicating the name, address and other noncommercial messages on a residential property.

Sign, political, means a temporary sign advertising election issues or the candidacy of a person running for office.

Sign, portable, means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed, and the remaining chassis or support converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign.

Sign, protruding, means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface or such building wall or face.



Sign, real estate, means any sign which announces the sale, rental or lease of property by the owner of the property or real estate company when such sign is located on the site of property being advertised.

Sign, semi-public directional, means a sign displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses (excluding office of commercial establishments) not necessarily located on the site of the use being advertised.

Sign, semi-public identification, means a sign displaying identification information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar uses when located on the site of the use for which the sign is intended.

Sign, temporary, means a sign affixed, erected or maintained on a premise or lot for a limited amount of time, including, but not limited to, banners, pennants, streamers, feather flags, flags, sidewalk signs, large portable signs, inflatables, yard signs, or similar displays.

Sign, wall, means a sign attached parallel to, painted on the surface of, or erected within the limits of an outside wall of any building or structure, which is supported by such wall or structure and projects six inches or less from the surface, and which displays only one sign surface.

Sign, waterfront business entrance, means a sign located at the principal entrance for a resort, golf course or other recreational facility within the CW district.

Sign, waterfront business identification, means a sign placed within the shore impact zone conveying only information relating to the location of, general types of goods and services available at, and name of an establishment in the CW district that depends on patrons arriving by boat. Other detailed information such as product brands and prices are prohibited on a waterfront business sign.

Significant historical site means any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the state register of historical sites or is determined to be an unplatted cemetery that falls under the provisions of M.S.A. § 307.08. A historical site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archeologist or the director of the state historical society. All unplatted cemeteries are automatically considered to be significant historical sites.

Sketch plan review means a preliminary discussion and review of a proposal in sketch plan form between the proposer and the planning and zoning commission to educate the commission as to the intent of the proposer, and to provide the proposer with feedback regarding concerns of the commission.

Special flood hazard area (SFHA) means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

Stage Increase means any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

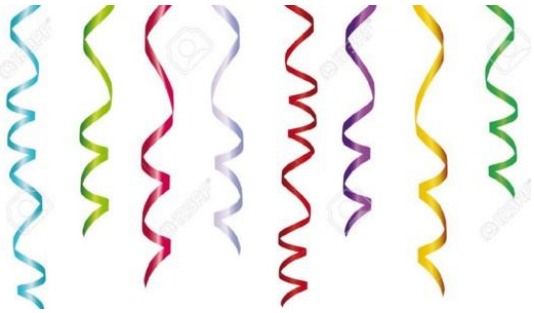
Start of Construction Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State-licensed residential facility means any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24 hours per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Such facilities include, but are not limited to, state institutions under the control of the state department of human services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for disabled children.

Steep slope Land located in the Shoreland District having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that is not a bluff and drains to a public water.

Stoop means an entrance or exit of a building with steps.

Streamer means a long relatively narrow strip of any type material that is free hanging.



Street means a public right-of-way which affords primary vehicular access to abutting property including avenues, roads, or highways, boulevards, drives and similar public ways.

Structure means anything constructed, placed, or erected on the ground or to the ground by humans, with or without a roof including but not limited to homes, cabins, buildings, factories, sheds, detached garages, accessory buildings, manufactured housing, recreational vehicles left on a site for 14 consecutive days, signs, storage buildings, decks, fences, pergolas, ground-mounted solar energy systems, fish houses, gas or liquid storage tanks and other similar items except the following:

(1) Aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines;

(2) Walks or steps on grade not more than four feet wide;

(3) Stoops not exceeding 30 square feet; and

(4) Fences, temporary furniture, planters.

Subdivider means the owner, agent, person, corporation, partnership, or legal entity proposing to subdivide property under his or her control.

Subdivision means the division of real estate into two or more parcels for the purpose of sale, rent, or lease, or mortgage, including planned unit development, and includes the following:

(1) *Subdivision by plat.* The subdivision into two or more parcels of any size by the authority of M.S.A. ch. 505 (plats, coordinates and surveys), with documents prepared by a registered land surveyor and duly approved by the planning and zoning commission and council.

(2) *Subdivision by condominium plat.* The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of the Uniform Condominium Act, M.S.A. ch. 515A with documents prepared by a registered land surveyor and duly approved by the planning and zoning commission and council.

(3) *Subdivision by metes and bounds.* Any division of real estate resulting in two or more parcels which are not platted but divided by description prepared and signed by a registered land surveyor. All subdivision by metes and bounds resulting in residential parcels less than 20 acres or 500 feet in width and commercial parcels less than five acres or 300 feet in width shall be considered for approval by the

planning and zoning commission. Subdivision by metes and bounds shall be limited to no more than one split of a parcel into two parcels, including the remnant parcel, in a three-year period.

(4) *Subdivision as a result of the expansion or extension of a road right-of-way.* Any division of real estate resulting in two or more parcels which are not platted or divided by metes and bounds description but are divided as a result of the expansion or extension of a road right-of-way as a result of city council or county board action. The resulting parcels of land may be considered buildable if all minimum design standards can be met and the resulting lots are at least 100 feet or 80 percent of the required lot width, whichever is less.

(5) *Subdivision by common interest community.* The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of the Minnesota Common Interest Ownership Act, M.S.A. ch. 515B, with documents prepared by a registered land surveyor and duly approved by the planning and zoning commission and city council.

Substantial Damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

Subsurface Sewage Treatment System (SSTS) - A sewage treatment system, or part thereof, serving a dwelling, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Subsurface sewage treatment system includes holding tanks and privies.

Surface water oriented commercial use means the use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal operation of business. Marinas, resorts, and restaurants with transient docking facilities are examples.

Swimming Pool means any structure intended for swimming or recreational bathing that contains water over 18 inches deep and includes inground and above ground structures.

Temporary commercial structure or use means a structure of a temporary character, including, but not limited to, sell food, services, or retail.

Temporary structure means a structure placed on a lot that is limited to 7 consecutive days in a calendar year and that complies with setbacks and other regulations of the land use district in which the lot is located.

Theater means an establishment containing audience seating and at least one screen or facility to view movies or used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance-money is received.

Tower means any pole, spire, or structure or combination thereof, to which an antenna is attached, or which is designated for an antenna, meteorological device or similar apparatus to be attached, and all supporting lines, cables, wires and braces, which is intended to be used for commercial purposes.

Trailer, Travel - A recreational vehicle built on a single chassis with a rigid walled shelter, mounted on wheels and have a gross trailer area not exceeding 400 square feet. For the purposes of this ordinance, the term travel trailer is synonymous with the term "recreational vehicle."

Variance means a legally permitted deviation as provided in M.S.A. § 462.357(6)(2) and 44 CFR § 59.1 from the requirements of this chapter, including restrictions placed on nonconformities, as determined by the Planning and Zoning Commission.

Vegetation removal, clear cutting, means the removal of more than 75 percent and up to 100 percent of a stand of trees and brush on a lot or parcel of land up to 40 acres.

Vegetation removal, open cutting, means the removal of more than 25 percent and up to 75 percent of a stand of trees and brush on a lot or parcel of land up to 40 acres including the removal of more than 50 percent of the under-story trees and brush from the property.

Vegetation removal, select cutting, means removal of dead, diseased or damaged trees or shrubs, or removal of trees for placement of structures and drives, and further removal of only individual trees to uniformly thin up to 25 percent of a stand on a lot or parcel of land up to 40 acres. Up to 50 percent of the under-story and brush may be removed.

Vehicle Body Repair means any person, firm, or corporation who engages in the business of repairing the body (physical exterior) of a vehicle, boat or recreational vehicle and receives or expects to receive money, profit, or any other item of value.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation of until such time as that documentation is provided.

Walkway A continuous path no wider than four feet created of a material other than natural groundcover vegetation at grade level.

Warehousing: The principal use is storage of materials or equipment within an enclosed building.

Watercourse means a channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

Water-oriented accessory structure means a small above ground building which because of the relationship of its use to a surface water feature is located closer to public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, gazebos, screen houses, free-standing pergolas, fish houses, pump houses, patios, and detached decks.

Wetland means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. In addition, a wetland has distinct hydrologic feature with characteristics of wetlands surrounded by non-wetland and including all contiguous wetland types, except those connected solely by riverine wetlands. Wetland area means a portion of a wetland or the entire wetland. Wetlands do not include public water wetlands and public waters that are designated on the public water inventory maps prepared under M.S.A. § 103G.201. Wetlands must:

(1) Have a predominance of hydric soils;

(2) Be inundated or saturated by surface or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) Under normal circumstances, support a prevalence of hydrophytic vegetation.

Wireless telecommunications services mean licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), special mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to businesses and the general public.

Yard sign means a temporary sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building that is no larger than six square feet.







Zoning district or *district* means an area of the city defined on the zoning map showing the boundaries of the districts.

Zoning map means the map of the city, as amended from time to time, which defines the boundaries of the districts.

Section 3. **Repeal**. This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section 4. **Effective Date**. This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City of Nisswa Council this 18th day of February, 2025, by a 5/5ths vote.

Jennifer Carnahan, Mayor

Attest:

Jenny Max, City Administrator

City Council Memo
4/21/2026

Subject: Zoning Map Amendment 008-26

From: Steven Timblin, City Planner

Property owner, Richard G. Lord Jr, and their authorized agent, Fred Heidmann, are seeking to rezone parcels 28220715 & 28220716 from Open-Space Residential to Shoreland Residential. I have supplied you with a Staff Report that details answers to the questions our Ordinance requires consideration of and I would be happy to answer any questions that you may have.

Staff Recommendation: With its non-riparian status within the shoreland boundary (<1,000 feet from the shore of Gull Lake, along with the future land use map (Comprehensive Plan; page 35) encouraging shoreline residential zoning in this area, staff recommends approving the zoning map amendment request. In keeping with the current residential zoning along W. Linden Blvd., the request lends itself to be consistent with those adjacent properties and the Shoreland Residential District:

Shoreland Residential District: A purpose of the Shoreland Residential District is to identify land uses that are compatible with the protection and preservation of shoreline resources to conserve the economic and environmental values of shoreland and sustain water quality. New residential subdivisions should consider conservation design principles. New developments may be connected to the municipal sewer system. The city should not encourage maximum density increases within PUDs or multifamily housing styles within this district.

City Staff recommended to the Planning Commission that they forward a recommendation of approval to the Mayor and City Council for the subject request to change the Zoning District from "Open-Space Residential" to "Shoreland Residential District".

The Planning Commission recommended approval at the April 7th, 2026 regular Planning Commission meeting.

Thank you,

Steven Timblin
City Planner

CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT MINUTES
TUESDAY, APRIL 7, 2026, 5:00 PM

Members Present: Josh Young, Sean Weldon, Aaron Baseman, Gary Harris and Joe Hall
Members Absent: John Taylor
Others Present: Dave Reese, City Engineer; Tom Pearson, City Attorney
Staff Present: Steven Timblin, Maggi Wentler, Jane Michaud

Zoning Map Amendment Application 008-26 to rezone parcels 28220715 & 28220716 from Open Space Residential (OSR) zoning district to Shoreland Residential (SR) zoning district. Subject property located at : 4026 W Linden Blvd, Nisswa, MN 56468 (PID 28220715 & 28220716). Owner/Applicant: Lord, Richard G. Jr/Heidmann Fred.

This application seeks to rezone parcels 28220715 and 28220716 from Open Space Residential zoning district to Shoreland Residential zoning district. The subject property is located at 4026 West Linden Boulevard, land owner Richard Lord and represented by Fred Heidmann, 4794 Central Avenue, Brainerd.

Mr. Heidmann stated this is a simple rezoning request and was available to answer questions.

City Planner Timblin explained this zoning map amendment would change the properties from Open Space Residential to Shoreland Residential zoning. The impact would change pervious surface coverage from 15% to 25%. The entirety of the parcel is within shoreland jurisdiction. Staff has drafted the following findings of fact with 15 criteria that the city must review for zoning map amendments.

FINDINGS OF FACT:

DIVISION 4. AMENDMENTS: Sec. 20-688 (f): The Planning and Zoning Commission and City Council shall consider the following Criteria prior to deciding on any rezoning of land.

1. **Preservation of natural sensitive areas;**
   The entirety of both parcels is located within 1,000 ft. of public water and is subject to MN Rule 6120.

2. **Present ownership and development;**
   The parcel is owned by Lord, Richard G Jr and has a single-family residential structure and garage developed upon it.

3. **Shoreland soil types and their engineering capabilities;**
   The soil types according to websoilsurvey.nrcs.usda.gov are:

   a.D74B Wurtsmith-Meehan-Beach complex, 1 to 8 percent slopes, 98.2% of area
   b. D77D Graycalm-Grayling complex, 12 to 25% slopes, 1.8% of area

4. **Topographic characteristic;**
   The parcels are flat, with topographic elevations ranging from 1198 to 1200

5. Vegetative cover;

The parcel has a combination of vegetation and open space outside of that space occupied by the primary structure and driveway.

6. In-water physical characteristics;

N/A

7. Recreational use of surface water;

N/A

8. Road and service center accessibility;

Currently the parcels are accessed from W. Linden Boulevard, with approximately 231 feet of road frontage.

9. Socio-economic development needs of the public;

"Nisswa's abundance of natural resources, numerous lakes, and eclectic downtown bring tourists and second homeowners to the area especially during summer months" – Nisswa's Comprehensive Plan. Residentially zoned properties, especially those within Shoreland as defined by MN Rule Chapter 6120, should encourage density allowances and land uses that are compatible as much as possible.

10. Availability of public sewer;

Public sewer is available along W. Linden Blvd.

11. The necessity to preserve and restore certain areas having significant historical or ecological value;

No historical sites or ecological values are currently known for the subject parcels.

12. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties;

The proposed shift from Open Space Residential to Shoreland Residential would not create any new residential-commercial boundaries. Open Space Residential has pathways for land uses within the land use charter that may not be as compatible with surrounding uses as Shoreland Residential.

13. Alternatives available for desired land use;

Currently zoned Open Space Residential, an alternative residential zoning districts would be Linden Lakeshore Residential Overlay District (LR), which is not viable considering the limitation in its purpose and intent clause "The district is currently limited to the riparian lots within the neighborhoods along East and West Linden Avenue". Urban Residential (UR) holds a statement within its Purpose and Intent preferring proximity to downtown and the Sportland Corner area. It should be noted that the Shoreland Residential district holds Purpose and Intent information encouraging "… uses that are compatible with the protection and preservation of shoreline resources to conserve the economic and environmental values of shoreland and sustain water quality."

DRAFT

14. Prevention of spot zoning;

These parcels are already effectively spot zoned as Open Space Residential, with surrounding district designations of Linden Residential (limited to riparian properties) and Commercial Waterfront.

15. Conformity to the city land use plan;

The proposed rezoning aligns with current zoning in the area. Additionally, the future land use map of the Comprehensive Plan shows the proposed parcels, as well as other LR properties to be zoned Shoreline Residential; a designation for shoreline properties to be developed residentially.

Staff recommended the change.

Commissioner Harris asked about the purpose of the rezoning and whether different structures could be built under the new zoning. City Planner Timblin confirmed that pervious surface coverage would increase from 15% to 25%, which was the primary change.

With its non-riparian status within the shoreland boundary (<1,000 feet from the shore of Gull Lake, along with the future land use map (Comprehensive Plan; page 35) encouraging shoreline residential zoning in this area, staff recommends approving the zoning map amendment request. In keeping with the current residential zoning along W. Linden Blvd., the request lends itself to be consistent with those adjacent properties and the Shoreland Residential District.

City Planner Timblin noted that the planning Commission functions in an advisory capacity to City Council for zoning map amendments, so this would proceed to Council for final action. While this is more of an acknowledgment, related to the 2005 petition to the City of Nisswa to rezone this property from Open Space Residential to Linden Residential, this approval would thus supersede and replace that petition, and rescind the approval.

No public comments were received.

Motion by Commissioner Harris to recommend approval to City Council for Zoning Map Amendment Application 008-26 to rezone parcels 28220715 and 28220716 from Open Space Residential to Shoreland Residential Zoning District at 4026 West Linden Boulevard, according to the findings of fact and staff report, with the condition that this approval supersedes and replaces the 2005 petition. Commissioner Weldon seconded. Motion carried unanimously.

DRAFT

ORDINANCE NO. 28, FOURTH SERIES
AN ORDINANCE AMENDING THE ZONING ORDINANCE TO REVISE THE ZONING MAP WITHIN THE CITY OF NISSWA, COUNTY OF CROW WING, STATE OF MINNESOTA
THE CITY OF NISSWA, COUNTY OF CROW WING, STATE OF MINNESOTA

The City Council of the City of Nisswa does ordain as follows:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to amend the Nisswa Zoning Ordinance to revise the Zoning Map.

Section 2. Zoning Map Revised. The Zoning Ordinance is hereby amended and the Official Nisswa Zoning Map is hereby revised to reclassify the property described in the attached **Exhibit A** from **Open-Space Residential to Shoreland Residential.**

Section 3. Repeal. This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith.

Section 4. Effective Date. This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City of Nisswa Council this 21st day of April, 2026 by a ___/5ths vote.

_____
Jennifer Carnahan, Mayor

Attest: _____
Maggi Wentler, Interim City Administrator

Exhibit A

Legal Description

The East 100 feet of the West 220 feet of that portion or part of Government Lot Two (2) of Section twenty-two (22), Township one hundred thirty-five (135) North of Range twenty-nine (29) West of the 5th P.M., described as follows: beginning at the southwest corner of Lot 114 of Gull Lake Park, according to the plat thereof on file and of record in the office of the Registrar of Deeds in and for said County of Crow Wing, Minnesota: thence running north along the west line of Lots 114 to 119 inclusive of said Gull Lake Park to the northwest corner of said Lot 119; thence running due west a distance of 15.5 feet along the south line of Hiland Avenue as originally platted as Gull Lake Park; thence running in a northwesterly direction along the south line of the said Hiland Avenue to a point on that west line of Said Government Lot 2 which point would be 269.8 feet south of the northwest corner of Lot 143 Gull Lake Park as originally platted or the same distance from the northwest corner of Lot 13 of Rearrangement of Lots in said Gull Lake Park according to the plat of said Rearrangement of Lots on file and of record in said County and State; thence running south along the west line of said Government Lot 2 to Linden Boulevard of Gull Lake Park; thence easterly along the north line of said Linden Boulevard to point of beginning; subject to mineral rights as of record and subject to and reserving an easement for roadway over the west 20 feet of the premises herein conveyed, which roadway starts at Linden Boulevard and runs north a distance of 120 feet along the west line of said Government Lot 2.

AND

The West 120 feet of that portion or part of Government Lot two (2) of Section twenty-two(22), Township one hundred thirty-five (135) north of Range twenty-nine (29) West of the 5th P.M., described as follows: beginning at the southwest corner of Lot 114 of Gull Lake Park, according to the plat thereof on file and of record in the office of the Registrar of Deeds in and for said County of Crow Wing, Minnesota; thence running north along the west line of Lots 114 to 119 inclusive of said Gull Lake Park to the northwest corner of said Lot 119; thence running due west a distance of 15.5 feet along the south line of Hiland Avenue as originally platted as Gull Lake Park; thence running in a northwesterly direction along the south line of the said Hiland Avenue to a point on the west line of Said Government Lot 2 which point would be 269.8 feet south of the Northwest corner of Lot 143 Gull Lake Park as originally platted or the same distance from the northwest corner of Lot 13 of Rearrangement of Lots in said Gull Lake Park according to the plat of said Rearrangement of Lots on file and of record in said County and

State; thence running south along the west line of said Government Lot 2, to Linden Boulevard of Gull Lake Park; thence easterly along the north line of said Linden boulevard to the point of beginning; subject to mineral rights as of record and subject to and reserving an easement for a roadway over the west 20 feet of the premises herein conveyed, which roadway starts at Linden Boulevard and runs north a distance of 120 feet along the west line of said Government Lot 2.

ORDINANCE NO. 28, FOURTH SERIES
AMENDING THE ZONING ORDINANCE AND REVISING THE ZONING MAP FOR THE CITY OF NISSWA
COUNTY OF CROW WING, STATE OF MINNESOTA

The following is the official summary of Ordinance No. 28, approved by the City Council of the City of Nisswa, on the 21st day of April, 2026.
The purpose and intent of this Ordinance is to amend the Nisswa Zoning Ordinance to revise the Zoning Map.

The City Council determines that publication of the title and a summary of this ordinance will clearly inform the public of the intent and effect of the ordinance and the Council has approved the text of this summary and has directed that the title and a summary be published pursuant to Minnesota Statute § 412.191, Subd. 4.

A printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk.

Passed by the Council this 21st day of April, 2026, by a __/5ths vote of the Council.

By: _____
Jennifer Carnahan, Mayor
City of Nisswa

By: _____
Maggi Wentler, Interim City Administrator
City of Nisswa

STAFF REPORT

Agenda Item: **7b**

Application: **Zoning Map Amendment 007-26**

Owner: **Lord, Richard G. Jr**

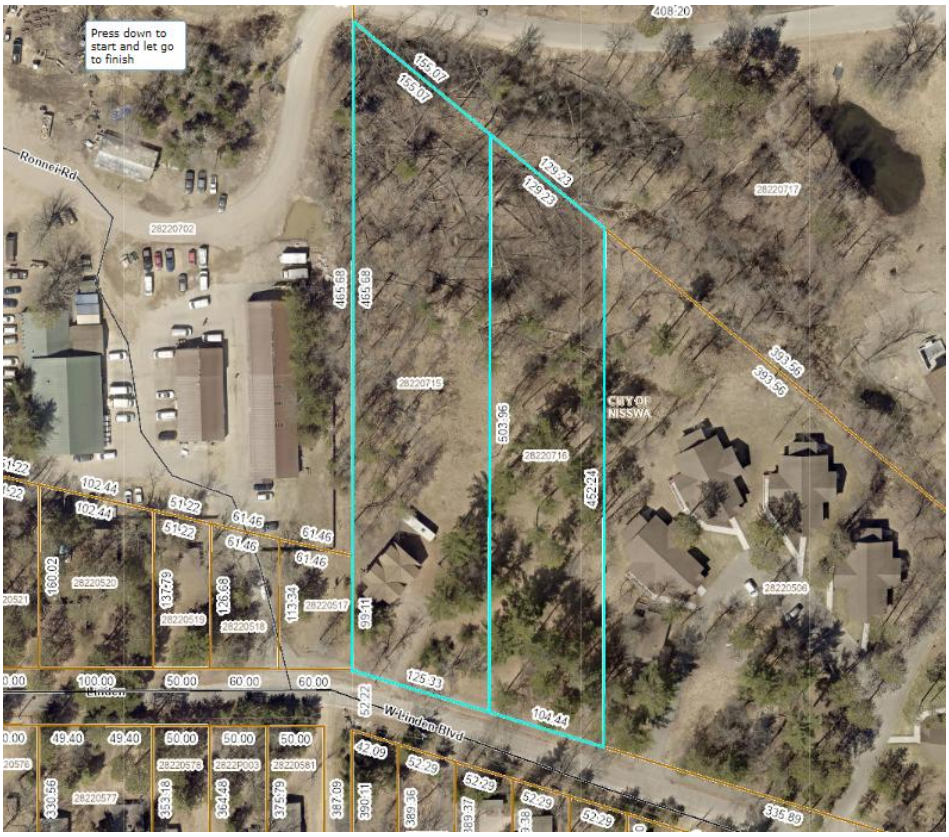
Applicant: **Heidmann, Fred**

PROPERTY INFORMATION:

PID:	28220715 & 28220716
Acres:	110,218 square feet (approx. 2.53 acres)
Zoning:	Open Space Residential (OSR) District
Physical Address:	4026 W. Linden Blvd
Location:	22/135/29
Sewer/Septic:	Sewer
Existing Impervious:	3.6%

PHOTOS:

Aerial:



Contours:



NWI: N/A
FEMA: N/A
Zoning:



Orange = Open Space Residential Blue = Linden Lakeshore Residential Purple = Commerical Waterfront

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PERMIT HISTORY:

- **2005;** Rezone proposed (OSR to LR)
- **2010**; Construct loft home/garage

APPLICATION INFORMATION:

Request:

- To rezone parcels 28220715 & 28220716 from Open Space Residential (OSR) zoning district to Shoreland Residential (SR) zoning district.

Complete Application Received: 3-9-2026
Action Deadline: 5-8-2026
15.99: N/A
Wetland Delineation: N/A
Abstract or Torrens: Recording Fees: $46
Authorized Agent: N/A
Fees Collected: $546.00
Reviewed by:

1. Public Works: N/A
2. City Engineer; N/A
3. City Attorney; N/A

Notifications:

1. DNR (sent 3-27-2026)
2. MNDOT (N/A)
3. Other (N/A)

PLANNING COMMISSION DIRECTION:

The Planning Commission may decide to recommend the approval of the application, denial of the application, or table the application if further information is required. If the decision is recommended for approval or denial the findings of fact should be cited.

FINDINGS OF FACT: *Analysis provided by City Staff.*

DIVISION 4. AMENDMENTS: Sec. 20-688 (f): The Planning and Zoning Commission and City Council shall consider the following Criteria prior to deciding on any rezoning of land.

1. **Preservation of natural sensitive areas;** The entirety of both parcels is located within 1,000 ft. of public water and is subject to MN Rule 6120, as shown in the image below:



The National Wetland Inventory does not depict wetlands on the subject property.

2. **Present ownership and development;** The parcel is owned by *Lord, Richard G Jr* and has a single-family residential structure and garage developed upon it.

3. **Shoreland soil types and their engineering capabilities;** The soil types according to websoilsurvey.nrcs.usda.gov are:
    a. D74B Wurtsmith-Meehan-Beach complex, 1 to 8 percent slopes, 98.2% of area
    b. D77D Graycalm-Grayling complex, 12 to 25% slopes, 1.8% of area



4. **Topographic characteristic;** The parcels are flat, with topographic elevations ranging from 1198 to 1200

5. **Vegetative cover;** The parcel has a combination of vegetation and open space outside of that space occupied by the primary structure and driveway.

6. **In-water physical characteristics;** N/A

7. **Recreational use of surface water;** N/A

8. **Road and service center accessibility;** Currently the parcels are accessed from W. Linden Boulevard, with approximately 231 feet of road frontage.

9. **Socio-economic development needs of the public;** "Nisswa's abundance of natural

resources, numerous lakes, and eclectic downtown bring tourists and second homeowners to the area especially during summer months" – Nisswa's Comprehensive Plan. Residentially zoned properties, especially those within Shoreland as defined by MN Rule Chapter 6120, should encourage density allowances and land uses that are compatible as much as possible.

10. **Availability of public sewer;** Public sewer is available along W. Linden Blvd.

11. **The necessity to preserve and restore certain areas having significant historical or ecological value;** No historical sites or ecological values are currently known for the subject parcels.

12. **Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties;** The proposed shift from Open Space Residential to Shoreland Residential would not create any new residential-commercial boundaries. Open Space Residential has pathways for land uses within the land use charter that may not be as compatible with surrounding uses as Shoreland Residential.

13. **Alternatives available for desired land use;** Currently zoned Open Space Residential, an alternative residential zoning districts would be Linden Lakeshore Residential Overlay District (LR), which is not viable considering the limitation in its purpose and intent clause "The district is currently limited to the riparian lots within the neighborhoods along East and West Linden Avenue". Urban Residential (UR) holds a statement within its Purpose and Intent preferring proximity to downtown and the Sportland Corner area. It should be noted that the Shoreland Residential district holds Purpose and Intent information encouraging "… uses that are compatible with the protection and preservation of shoreline resources to conserve the economic and environmental values of shoreland and sustain water quality."

14. **Prevention of spot zoning;** These parcels are already effectively spot zoned as Open Space Residential, with surrounding district designations of Linden Residential (limited to riparian properties) and Commercial Waterfront.

15. **Conformity to the city land use plan;** The proposed rezoning aligns with current zoning in the area. Additionally, the future land use map of the Comprehensive Plan shows the proposed parcels, as well as other LR properties to be zoned Shoreline Residential; a designation for shoreline properties to be developed residentially.

Staff Recommendation: With its non-riparian status within the shoreland boundary (<1,000 feet from the shore of Gull Lake, along with the future land use map (Comprehensive Plan; page 35) encouraging shoreline residential zoning in this area, staff recommends approving the zoning map amendment request. In keeping with the current residential zoning along W. Linden Blvd., the request lends itself to be consistent with those adjacent properties and the Shoreland Residential District:

Shoreland Residential District: A purpose of the Shoreland Residential District is to identify land uses that are compatible with the protection and preservation of shoreline resources to conserve the economic and environmental values of shoreland and sustain water quality. New residential subdivisions should consider conservation design principles. New developments may be connected to the municipal sewer system. The city should not encourage maximum density increases within PUDs or multifamily housing styles within this district.

City Staff recommends that the Planning Commission forward a recommendation of approval to the Mayor and City Council for the subject request to change the Zoning District designations from "Open Space Residential" to "Shoreland Residential District".

POTENTIAL CONDITIONS:

1. While this is more of an acknowledgment, related to the 2005 petition to the City of Nisswa to rezone this property from Open Space Residential to Linden Residential, this approval would thus supersede and replace that petition, and rescind the approval.

CITY OF NISSWA

REZONING APPLICATION

Date Received
PW Review
Clerk Review
Affected Agencies
Fee Paid 546.00
Check # 5021
Date Accepted
For Office Use Only

Date: 3.9.26

The Planning Commission/Board of Adjustment will require the applicant to submit the following information to the Planning & Zoning Administrator by 3.13.26 (application deadline) for the Planning Commission/Board of Adjustment meeting on 4.7.26 (meeting date).

PLEASE NOTE: Applications WILL NOT be processed unless all required information for a rezoning is submitted and fees are paid by the application deadline date. We cannot accept the application if any of the following items have not been completed/provided.

I. Name of Applicant: Fred Heidmann Phone [redacted]
Mailing Address: 4794 Central Ave. Brainerd, MN 56401 Email:
Applicant is: Legal Owner | Contract Buyer | Builder | (Agent) | Other

Property Owner: Richard G. Lord Phone [redacted]
Mailing Address: 1614 Lakeside Dr. Unit B Email:
Champaign, IL 61821-5579
Street address of subject property: 4026 W. Linden Zoning District: OSR

Legal description of property involved in this request (if lengthy provide attachment)

See Attached

Section: 22 Range: 29 Township: 135 Parcel ID: 28220715 & 28220716

II. State nature of request in detail:

Zoning change request from OSR ~~to LR~~ GR

3.27.26

Note: Rezoning must be considered by both the Planning Commission and City Council.

CITY OF NISSWA

III. Rezoning shall contain the following data; along with other reasonable information required by the City of Nisswa needed to make a proper evaluation of the proposal.

1. Legal Description of parcel for rezoning. ✓
2. Current Zoning of parcel and contiguous parcels. Current: OSR Neighboring: CW + LR
3. Requested zoning of parcel. SR

IV. Application shall be accompanied by non-refundable application fee made payable to the City of Nisswa for $500.00. There is also a $46 recording fee for Crow Wing County, if approved. This fee may be paid when the application is initially submitted.
Note: The applicant shall be responsible for all the City's professional costs in reviewing the proposal, including but not limited to legal, engineering, planning, and financing assistance. A development contract, prepared by the City Attorney, may be required by this ordinance. This application and additional application materials may be submitted in person, sent by mail to City Hall, or sent via email to zoningadmin@ci.nisswa.mn.us .

V. Signature of Property Owner(s), authorizing application:
(By signing, the owner(s) is certifying that they have read and understood the submission requirements and application) _____

AND

Signature of Applicant (if different than owner): _____ Authorized Agent
(By signing, the applicant is certifying that they have read and understood the submission requirements and application)

_____ 3/12/2026

Planning & Zoning Administrator — Date Accepted

CITY OF NISSWA

AUTHORIZED AGENT FORM

I hereby authorize Fred Heidmann to act as my authorized agent in dealing with the City of Nisswa to obtain the following:

____ Land Use Permit - Contractor License Number _____

Must be a licensed contractor to apply for a Land Use Permit

✓ Public Hearing # Zoning change

____ Subdivision Approval

For the following property:

Address 4026 West Linden, Nisswa

Parcel Number(s) # 282 20715

282 20716

[redacted] 10/31/2025

Property Owner Signature Date

Property Owner Phone Number [redacted]

Authorized Agent Information:

Name: Fred Heidmann Phone Number [redacted]

Email: [redacted]

Mailing Address: 4794 Central Ave.

Brainerd, MN 56401

Exhibit A

a
a

The East 100 feet of the West 220 feet of that portion or part of Government Lot Two (2) of Section twenty-two (22), Township one hundred thirty-five (135) North of Range twenty-nine (29) West of the 5th P.M., described as follows: beginning at the southwest corner of Lot 114 of Gull Lake Park, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Crow Wing, Minnesota; thence running north along the west line of Lots 114 to 119 inclusive of said Gull Lake Park to the northwest corner of said Lot 119; thence running due west a distance of 15.5 feet along the south line of Hiland Avenue as originally platted as Gull Lake Park; thence running in a northwesterly direction along the south line of the said Hiland Avenue to a point on that west line of said Government Lot 2 which point would be 269.8 feet south of the northwest corner of Lot 143 Gull Lake Park as originally platted or the same distance from the northwest corner of Lot 13 of Rearrangement of Lots in said Gull Lake Park according to the plat of said Rearrangement of Lots on file and of record in said County and State; thence running south along the west line of said Government Lot 2 to Linden Boulevard of Gull Lake Park; thence easterly along the north line of said Linden Boulevard to point of beginning; subject to mineral rights as of record and subject to and reserving an easement for roadway over the west 20 feet of the premises herein conveyed, which roadway starts at Linden Boulevard and runs north a distance of 120 feet along the west line of said Government Lot 2.

Exhibit B

The West 120 feet of that portion or part of Government Lot two (2) of Section twenty-two (22), Township one hundred thirty-five (135) north of Range twenty-nine (29) West of the 5th P.M., described as follows: beginning at the southwest corner of Lot 114 of Gull Lake Park, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Crow Wing, Minnesota; thence running north along the west line of Lots 114 to 119 inclusive of said Gull Lake Park to the northwest corner of said Lot 119; thence running due west a distance of 15.5 feet along the south line of Hiland Avenue as originally platted as Gull Lake Park; thence running in a northwesterly direction along the south line of the said Hiland Avenue to a point on the west line of said Government Lot 2 which point would be 269.8 feet south of the northwest corner of Lot 143 Gull lake Park as originally platted or the same distance from the northwest corner of Lot 13 of Rearrangement of Lots in said Gull Lake Park according to the plat of said Rearrangement of Lots on file and of record in said County and State; thence running south along the west line of said Government Lot 2, to Linden Boulevard of Gull Lake Park; thence easterly along the north line of said Linden Boulevard to point of beginning; subject to mineral rights as of record and subject to and reserving an easement for a roadway over the west 20 feet of the premises herein conveyed, which roadway starts at Linden Boulevard and runs north a distance of 120 feet along the west line of said Government Lot 2.

CITY OF NISSWA
5442 City Hall St, Nisswa, MN 56468 | Telephone: 218-963-4444 | Email: info@ci.nisswa.mn.us

CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

The following will be the subject of public hearings on Tuesday, April 7th, 2026, beginning at 5:00 P.M.

Hearings: ZONING MAP AMENDMENT 007-26 to rezone parcels 28220715 & 28220716 from Open Space Residential (OSR) zoning district to Shoreland Residential (SR) zoning district.

Property Owner: Lord, Richard G. Jr.

Applicant: Heidmann, Fred

Property Description: The subject property is zoned Open Space Residential (OSR) and is located at 4026 W. Linden Blvd, Nisswa, MN 56468 (PID 28220715; 28220716). *A map identifying the subject property is on the reverse side of this notice.*

Purpose: The applicant is requesting to rezone parcels 28220715 & 28220716 from Open Space Residential (OSR) zoning district to Shoreland Residential (SR) zoning district.

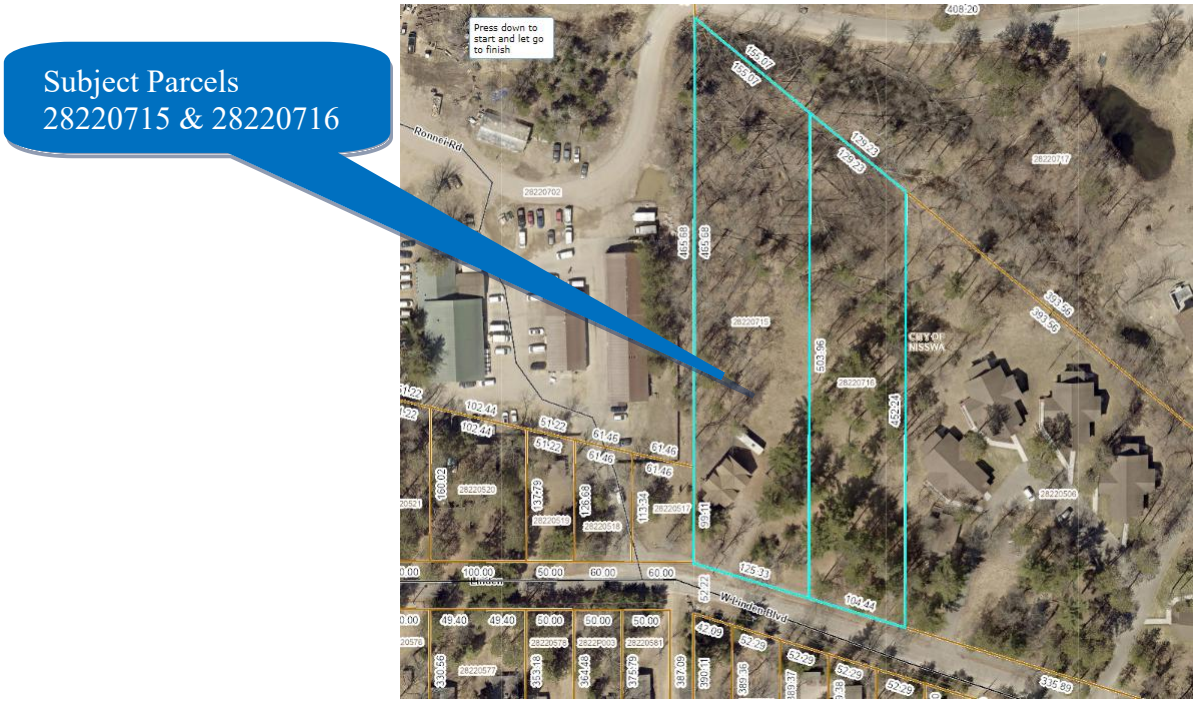
Property Owner Please Note: Please share this information with your neighbors in the event that any nearby property owner has been overlooked or is not contained in our records.

All interested parties are invited to attend this hearing and be heard or send written comments to the City of Nisswa, PO Box 410, Nisswa MN 56468 or directly to the City Planner at stimblin@cityofnisswa.gov

Additional information regarding this request including the application form, site plan, drawings and other pertinent information is available at city hall. The staff report regarding this request will be available approximately one week before the meeting at city hall and online at www.cityofnisswa.com.

City of Nisswa
5442 City Hall Street
Nisswa, MN 56468
218-963-4444

The subject property is located at 4026 W. Linden Blvd, Nisswa, MN 56468 (PIDs 28220715 & 28220716)





Orange = Open Space Residential Blue = Linden Lakeshore Residential Purple = Commerical Waterfront

APPLEGATE, ARTHUR M REVOC TRUST &
10717 35TH ST W
MILAN IL 61264

BATHER, NEOMA BYPASS TRUST &
7101 YORK AVE S STE 100
EDINA MN 55435

BUNTEN FAMILY
PO BOX 600339
DALLAS, TX 75360

BUNTEN FAMILY PARTNERSHIP LP
PO BOX 600339
DALLAS, TX 75360

ETHEL'S COTTAGE LLC
5826 LUND RD
PEQUOT LAKES MN 56472

ETOC CO INC
C/O ACCOUNTING OFFICE
23611 WOODWARD AVE
NISSWA MN 56468

FARRELL, JENNIFER ANN & DANIEL PATRICK
215 HIGHLAND DRIVE
HIBBING MN 55746

GARDEN COTTAGES OWNERS ASSOCIATION
23611 WOODWARD AVE
NISSWA MN 56468

GRANDPA MACY'S UP NORTH CABIN TRUST
15655 HIGHVIEW LN
APPLE VALLEY MN 55124-7085

HOLLAND REVOCABLE TRUST
5250 GRANDVIEW SQ # 2110
EDINA MN 55436

LAMPI, MICHAEL N & JANET M
1330 10TH ST NW
BUFFALO, MN 55313

LORD, RICHARD G JR
1614 LAKESIDE DR
CHAMPAIGN IL 61821

LORD, RICHARD G REV INTER VIVOS
TRUST
1614 B LAKESIDE DR
CHAMPAIGN IL 61821

LUNDQUIST OLSON FAMILY CABIN TRUST
750 OTTO AVE UNIT 2549
SAINT PAUL MN 55102

MCELENEY, DANIEL J & ROSE H
243 CRAGMOR DR
CLINTON IA 52732

SA FAMILY INVESTMENTS LLC
395 EAGLE BLUFF CT
HUDSON WI 54016

SEEP, JAMES L & MARIA THOMPSON SEEP
4077 W LINDEN BLVD
NISSWA, MN 56468

THORNTON, LESLIE ANN
4515 WESTSIDE DRIVE
DALLAS, TX 75209

To:	**Planning Commission & City Council**
Prepared by:	**Steven Timblin, City Planner**
Date:	**April 7th, 2026**
Item:	**Driveway Access via Unopened Platted Right-of-Way – Policy Direction and Permit Approval**

Action Requested: Staff recommends that if the City is to authorize driveway access utilizing the unopened right-of-way, such use **could be subject to the following conditions:**

1. **The driveway shall be constructed in accordance with the City's Driveway Standard Policy adopted February 14, 2023, including all applicable design and construction requirements.**
2. **The applicant shall obtain all required permits prior to construction.**
3. **The driveway shall be authorized through a revocable permit for use of the public right-of-way, which may be revoked by the City if the right-of-way is required for future public improvements.**
4. **The property owner shall execute an indemnification and hold harmless agreement protecting the City from liability associated with the driveway.**
5. **The property owner shall record an agreement against the property acknowledging the driveway is located within public right-of-way and may be required to be modified, relocated, or removed at the owner's expense if the City opens or improves the right-of-way in the future.**
6. **All construction, maintenance, relocation, or removal costs shall be the sole responsibility of the property owner.**
7. **A use and maintenance agreement is established between property owners utilizing this driveway to access their property.**

Background: A property owner has requested approval to construct a driveway providing access to a rear lot via a platted but unopened public right-of-way ("paper street").

The subject property does not have direct frontage on an improved public street. The proposed access would utilize an existing platted right-of-way that is publicly dedicated but has not been constructed or improved as a roadway.

Section 20-444(8) of the City Code allows certain land use permits where access is provided from a designated right-of-way. The ordinance does not explicitly address whether unopened platted rights-of-way qualify for driveway access.

The applicant attended a Development Review Team (DRT) meeting with City Staff and the City Attorney on 04/02/2025 to discuss moving this idea forward for review to policy makers. The City Attorney may draft the agreements referenced in the potential conditions, where the City would then be billed at the contracted rate, with costs to be reimbursed by the applicant.

Because this interpretation could have implications for future properties and right-of-way management, staff is requesting Planning Commission and City Council direction and approval of the proposed access with appropriate safeguards.

Budget Impact: N/A

Attachments: Driveway/Access Construction Policy and Standard and Exhibit “A”, Route of proposed access per Plat Map

City of Nisswa
Driveway/Access Construction Policy and Standard
Final Draft 2/14/23

This policy and standard were prepared with the interest of safety and public welfare as a guide to developers and property owners in preparing plans and applications for driveway access to roadways in the City of Nisswa's jurisdiction. This policy does not cover applications for new roadway connections. Roadway connections will be reviewed on a case-by-case basis. Also, driveway applications for commercial properties may require additional information, including a traffic study, if deemed necessary by the City Engineer. A **City of Nisswa Land Use Application** is available on the city's website or by contacting the City Planner at 218-963-2402.

Anyone contemplating acquisition or development of property adjacent to a city street, which will require access to the street should determine what limitations are in force before proceeding with plans. Application for permission to construct entrance or exit driveways along city streets shall be made on the **City of Nisswa Land Use Application.**

It is the applicant's responsibility to verify that the chosen location is in fact on their property. The city's approval of an access location is by no means an authorization to utilize another individual's property for access. If another land owner's property is to be utilized, a recorded easement and/or certificate of survey showing such approval shall be provided.

Design:

1. For city streets with 2 abutting roads (side lot, front lot) the main driveway should be placed on the address side of the property, generally the front.
2. Driveways for new construction cannot be located within the sight distance requirements of public road intersections, typically a minimum of 150 feet.
3. All driveways must be at right angles to the road, the distance of the road right-of-way width, from the shoulder line.
4. Residential entrances shall not exceed 20 feet in width measured at right angles to the center line of the driveway. Commercial entrance widths will be evaluated on a case-by-case basis by the City Engineer and Public Works Director.
5. A maximum of 1 entrance approach per platted lot, 40-acre tract, or parcel shall only be allowed, unless written permission from the Public Works Director is obtained. The Public Works Director reserves the right to approve or deny any entrance request based on a hardship, lot size, public safety, or environmental issues and will be on an individual basis.
6. A sketch or GIS map must accompany the **City of Nisswa Land Use Application**.
7. If a lot split is pending, a recorded document must be submitted with the **City of Nisswa Land Use Application.**

8. Required culverts need to be at least 15” in diameter.
9. All culverts placed in the City’s right-of-way need to be approved by the Nisswa Public Works Director.

Construction: (See Exhibit A for illustration of the standard.)

1) The surface of the driveway must contain at least 4 inches of compacted Class #5 gravel base.
2) The finished side slopes shall have a minimum of 4 inches of topsoil and be seeded with a seed mixture meeting MNDOT specs and no steeper than 1 foot vertically to 4 feet horizontally (1:4). Erosion control must be used and remain in place until substantial vegetation is established. (Applicant will be informed if different slopes are required)
3) The area on the street right-of-way other than that of the driveway itself will normally be in the form of a ditch. In urban areas (curb and gutter) the applicant is responsible for any removal and installation of conforming curb ends. All curb must meet and be constructed in accordance with MN DOT standards and specifications.
4) A **City of Nisswa Land Use Application** is required if the property changes use and the change involves increased traffic counts and/or the entrance will be moved or altered. Permission for modifications must be obtained from the Public Works Director before any work is started.
5) A **City of Nisswa Land Use Application** is required if the entrance involves moving or altering and existing approach. Permission for modifications must be obtained from the Public Works Director before any work is started.

Requirements:

1) Work under this application shall not be started until application is approved and the permit is issued.
2) A driveway permit fee is required. The amount of the fee can be found in the City of Nisswa Fee Schedule.
3) Upon receipt of application, the entrance location will be inspected for culvert requirements within 5 days. If the location is satisfactory and no culvert is needed, the permit will be approved. If a culvert is required, notice of the culvert requirement and specifications will be sent to the applicant.
4) Where work on traveled roadway is necessary, traffic must be protected with flags, flares and/or traffic control in accordance with the Minnesota Manual on Traffic Control Devices.

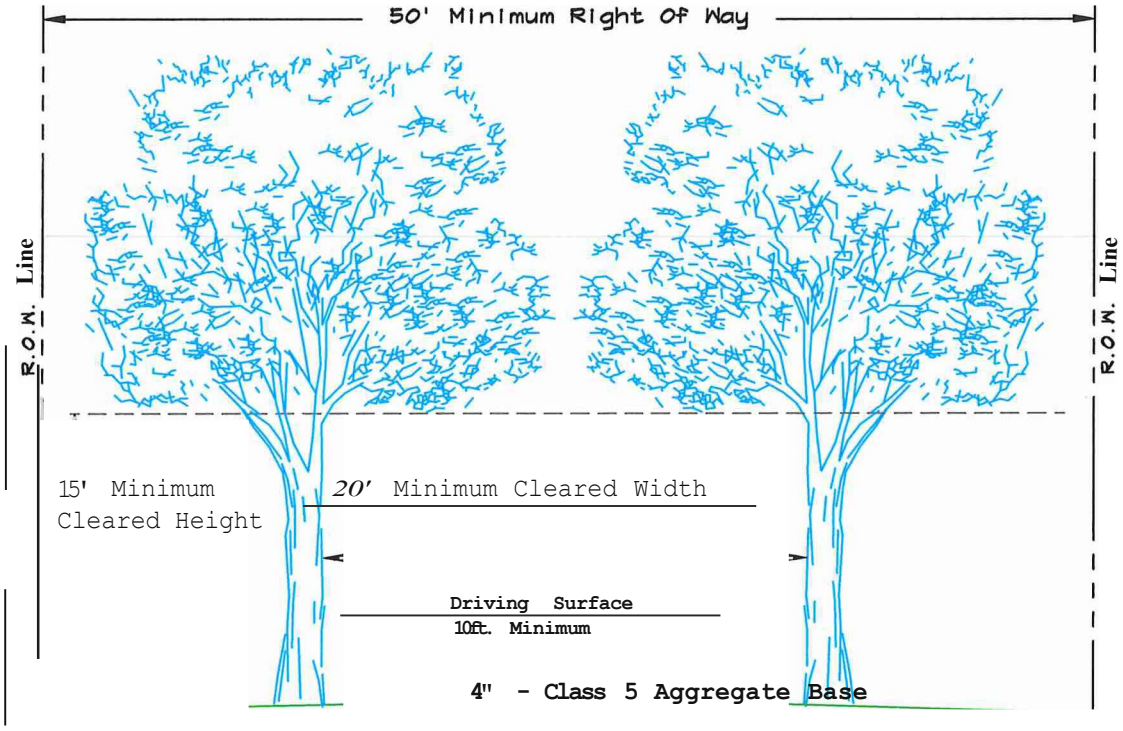
EXHIBIT- A

CITY OF NISSWA

Minimum Section for Low-Volume Residential Roadways and Driveways

(Limited to Dead-End Roads Less Than *400* Feet in Length)
(Assumes 30mph Design Speed and Granular Subgrade Material)

In addition to the minimum right of ways shown in all cross-sections, the City may require additional easement for trail, drainage, or utility purposes.



Lanes & Accesses - 1 to 10 lots (10 to 100 ADT)

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MUD LAKE
HUBER
GLEN
GROVE
ROAD
TRAIL
BUCK
RICE
LANDING
DRIVE
PATH
ROAD
North
Magnetic

STATE OF MINNESOTA
COUNTY OF CROW WING S.S.

I, John W. Curo, County Surveyor, Crow Wing County Minnesota hereby certify that I have surveyed and platted the land described in this dedication, as Gull lake shores and that all lots or blocks are numbered progressively; that the size of all lots and blocks, and the width of all streets, avenues, and public highways are correctly shown on this plat in feet and decimals of a foot; that iron monuments for the guidance of future surveys have been placed in the ground so as to show the angle of the lines as shown by this plat; that the topography of the land is correctly shown and that there are no wet lands or public highways except as shown thereon.

John W. Curo
CO. SURVEYOR, CROW WING CO. MINN.

Taxes paid and transfer entered this 5th day of December 1919
C. M. Anderson
CO. AUDITOR, CROW WING CO., MINN.

I hereby certify that the taxes for the year 1919 on the land described within are paid
A. J. Adair
CO. TREAS. CROW WING CO., MINN.

STATE OF MINNESOTA
COUNTY OF CROW WING S.S.

I hereby certify that the within plat was filed for record in my office this ____ day of ____ at ____ o'clock ____ M.

REGISTRAR OF TITLES, CROW WING CO., MINN.

Approved by the Board of County Commissioners, Crow Wing County, Minnesota this 6 day of December 1919
C. M. Anderson
AUDITOR

Edward Quist
CHAIRMAN

Taxes paid and transfer entered this 10 day of January 1920.
C. M. Anderson
Co. Auditor
Crow Wing Co.
J. Henry Hanes
Dep. Co. Aud.

MUD LAKE

GULL LAKE

ROUND LAKE

HUBERT LAKE

T 133 N R 29 W

Govt. Lot 1 Sec. 25 (not in plat)

Thorpe Tract Govt. Lot 2 Sec. 25 (not in plat)

Buss Point

OUTLOT A 5.0A

OUTLOT B 7.0A

OUTLOT D 3.96 A

OUTLOT E 4.52 A

OUTLOT G 4.52 A

SE¼ SE¼ Sec. 26 (not in plat)

Govt. Lot 1 Sec. 35

EAST 3 ACRES GOVT. LOT 1 not in plat

CAWALKER not in plat

INSERT OUTLOT E SCALE 1" = 100'

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Dan C. Peacock and Amelia E. Peacock his wife are the owners and proprietors of the tracts of land situated in the County of Crow Wing, State of Minnesota, viz:

All that part of the "Government" Lot number Two (2), of Section Twenty-five (25) in Township one hundred Thirty-five (135), North, of Range Twenty-nine (29), west of the Fifth Principal Meridian in Minnesota, according to the United States Government survey which would lie west within the boundaries of the northwest quarter of the northwest quarter of said section Twenty-five (25), assuming a southwest quarter of the northwest quarter of said section Twenty-five (25) in the ordinary rectangular form and not fractional, such portion of said lot number Two (2) containing seventeen (17) acres more or less; and the Government lots numbered one (1), Two (2), Three (3) and four (4) of section Twenty-six (26), and the Government lot number one (1) and all that portion of Government lot number Two (2) lying North and East of the creek or thoroughfare connecting Round lake and Gull lake, in section Thirty-five (35), all in Township one hundred Thirty-five, North, of Range Twenty-nine (29), West according to the United States Government survey; yet excluding and excepting therefrom the East Five (5) acres of said lot one (1) in said section Thirty-five, and excepting a certain other and unplatted parcel of land bounded by lines laid down or delineated as follows; the place of beginning is a certain cement monument of dimensions approximating 6 inches by 6 inches by 20 inches located in the ground near the shore of Gull lake at a point 2312.9 feet West and 175 feet North (perpendicular to the section line between sections Twenty-six and Thirty-five) of the section corner common to sections Twenty-five, Twenty-six, Thirty-five and Thirty-six, in said Township one hundred Thirty-five (135) North, of Range Twenty-nine (29) West; thence running easterly, parallel to the South line of said section Twenty-six, a distance of 214 feet to a certain similar monument; thence still easterly, parallel to the South line of said section Twenty-six (26) a further distance of fifty (50) feet, to a certain other similar monument; thence northerly at right angles a distance of one hundred and sixty-five (165) feet to another similar monument; thence westerly on a line parallel to the South line of said section Twenty-six, a distance of two hundred and sixty-four (264) feet to another similar monument; thence still westerly on the same line to the shore of Gull lake at low water mark; thence southerly along said shore of Gull lake at low water mark, to strike or intersect the first boundary line of this excepted parcel, as above described, produced westerly to said shore of Gull lake at low water mark; thence easterly, along such produced line to the place of beginning; this particular excepted parcel containing one (1) acre more or less, as shown by a certain survey made by the F.A. Glass, Civil Engineer in August A.D. 1910 containing one hundred and sixty-six and ninety hundredths acres (166.90) more or less, subject however to all the right to overflow any part or parcel thereof hitherto granted to, or otherwise acquired by the United States of America in connection with the proper construction, preservation, maintenance and operation of Gull lake Reservoir;

have caused the same to be surveyed and platted to be known as Gull lake shores and we hereby donate and dedicate to public use forever all highways, roads, trails, paths landings, turnouts, lanes, drives, places, streets, avenues and alleys shown by the annexed plat.

Dated at Duluth, Minnesota, this 4th day of December 1919.

In Presence of
P C Jamison
L L Blais

Dan C Peacock
Amelia E Peacock

STATE OF MINNESOTA
COUNTY OF ST. LOUIS S.S.

On this 4th day of December 1919 before me a Notary Public within and for said County personally appeared Dan C. Peacock and Amelia E. Peacock his wife known to be the persons described in and who executed the foregoing and annexed plat and acknowledged that they executed the same as their free act and deed for the uses and purposes therein expressed.

P C Jamison
Notary Public St. Louis County, Minn.
My commission expires Oct 20 1922

5071

CERTIFICATE NUMBER 15980
VOL 20 PAGE 55
STATE OF MINNESOTA } S.S.
County of Crow Wing }
Office of the Registrar of Titles.
This is to certify that the within instrument was filed in this office for record on the ____ day of ____ at ____ o'clock ____ M. and duly recorded in Vol. ____ of ____ on page ____

PLAT OF GULL LAKE SHORES
CROW WING CO. MINN.
IN GOVERNMENT LOT TWO SECTION TWENTY FIVE AND GOVERNMENT LOTS ONE, TWO, THREE AND FOUR, SECTION TWENTY-SIX, AND GOVERNMENT LOTS ONE AND TWO SECTION THIRTY-FIVE

14275 Golf Course Drive, Suite 200
Baxter, MN 56425
Phone (218) 828-9511
Fax (218) 824-8545

GAMMELLO-PEARSON, PLLC

Memo

To: Nisswa City Council

cc: Maggi Wentler

From: Thomas C. Pearson

Date: April 15, 2026

Re: Zoning Violation Complaint

Dear City Council:

The City has received a Zoning Ordinance Violation and Complaint from a citizen concerning real property that has a property address of 25086 East Roy Lake Road, Nisswa. The subject property is owned by a City Council Member.

As you know, the normal process with a Complaint like this is for the City Planner/Zoning Department to investigate the Complaint and determine if a Zoning Violation is occurring at the subject property and, if so, to process steps to enforce the relevant Zoning Ordinance provision(s) and seek conformity with the Zoning Ordinance from the property owner.

In this case, because the Complaint involves property owned by a City Council Member, I am concerned about that process, directed by and conducted by the City Planner/Zoning Department, presents the appearance of a conflict of interest on the part of the City Planner/Zoning Department. Because of that concern, I have sought an alternative for the City Council to consider, involving the engagement of an outside third-party zoning professional to work on an independent contract basis with the City on this matter in order to conduct the investigation and any other things necessary in response to this Complaint.

So, I solicited and obtained a quote from Scott Saehr, Saehr Consulting. I have included with this Memo, the proposal from Saehr Consulting to do the work related to this Complaint. I will ask you to consider this at your meeting on April 21, 2026.

Sincerely,

Thomas C. Pearson

PROPOSAL FOR PROFESSIONAL SERVICES
Independent Zoning Review and Determination

Prepared for: Attorney Tom Pearson, City of Nisswa
Prepared by: Saehr Consulting

PROJECT OVERVIEW

Saehr Consulting proposes to provide independent, third-party zoning review, determination, and facilitation services to the City of Nisswa in response to a current complaint submitted regarding a potential ordinance violation. This engagement is structured to deliver clear, fact-based findings and support consistent application of the City's adopted regulations.

SCOPE OF SERVICES

1. Ordinance & Record Review
- Review of City zoning ordinance and applicable provisions
- Review of complaint materials, staff reports, and meeting records
- Alignment with applicable sections of Minnesota Statute 462.357

2. Coordination & Site Review
- Meetings with City staff and involved parties
- Onsite property review and documentation

3. Facilitation (if needed; limited to one meeting)
- Structured discussion focused on ordinance interpretation and facts

4. Final Determination Report
- Executive Summary
- Statement of Proposed Issue(s)
- Applicable Ordinance Analysis
- Findings of Fact
- Determination (compliance/non-compliance)

DELIVERABLE

A formal written report (2-3 pages) structured to support City Council action and administrative record.

SCHEDULE

Estimated completion within 2–4 weeks depending on coordination and availability.

COMPENSATION

Flat Fee: $5,500

Includes all services outlined in scope. Additional services billed at $200/hour if required.

KEY CONSIDERATIONS

- Saehr Consulting serves as an independent third-party reviewer
- Findings will be based on ordinance, applicable statutes, and an onsite visit
- Final decisions remain with City Council
- The work will provide an analysis, not legal advice

CONFLICT OF INTEREST & WITHDRAWAL

In the event that a material or perceived conflict arises that compromises Saehr Consulting's ability to provide independent and objective analysis, Saehr Consulting reserves the right to withdraw from the engagement. Any work completed to date will be invoiced accordingly.

INDEPENDENT CONTRACTOR AGREEMENT

Upon acceptance of this proposal, the parties will enter into a formal Independent Contractor Agreement to further define scope, responsibilities, terms, and conditions of the engagement. Such agreement will be reviewed and approved by Attorney Tom Pearson.

NEXT STEPS

Upon authorization, Saehr Consulting will coordinate with City staff to initiate the project.

Easement for Utility Purposes

City of Nisswa, Minnesota

The City of Nisswa, Crow Wing County, a political subdivision of the State of Minnesota under the laws of the State of Minnesota (**"Grantor"**),

for and in consideration of One Dollar, $1.00, and other valuable consideration

Does hereby Quit Claim and convey to the City of Nisswa, Crow Wing County, a political subdivision of the State of Minnesota, "Grantee", the following described non-exclusive easement for utility purposes only, over, under and across the following described real property (the "Burdened Parcel"):

The Burdened Parcel is set forth in the attached and incorporated Exhibit 1.

The easement is depicted on the attached and incorporated Exhibit 2.

A sketch and description depicting both the Burdened Parcel and the easement is attached and incorporated hereto as Exhibit 3.

Grantee's use of the Easement Area shall further be subject to the following terms and, covenants and restrictions:

1. The Easement Area may only be used for utility purposes.

2. Any assignment of Grantee's rights under this Agreement shall not relieve Grantee of its obligations under this Agreement.

The provisions and conditions of this Easement shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns, and shall constitute a covenant running with the land.

GRANTOR: CITY OF NISSWA

_____

By: Jennifer Carnahan

Its: Mayor

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on this _____ day of _____, 2026 by Jennifer Carnahan the Mayor of the City of Nisswa, on behalf of the City of Nisswa, a political subdivision of the State of Minnesota under the laws of the State of Minnesota, owner.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Thomas C. Pearson (#260071)
14275 Golf Course Drive, Suite 200
Baxter, Minnesota 56425
Telephone: (218) 828-9511
Facsimile: (218) 824-8545

EXHIBIT 1

LEGAL DESCRIPTION FOR BURDENED PARCEL

Lots 11 and 12, Block 1, NISSWA LAKE ESTATES, according to the recorded plat on file in the Crow Wing County Recorder's Office;

Together with a perpetual non-exclusive 33- foot wide easement for ingress and egress, for the benefit of Lots 11 and 12, Block 1, NISSWA LAKE ESTATES, according to the recorded plat on file in the Crow Wing County Recorder's Office, over and across that part of Outlot A, said NISSWA LAKE ESTATES, described as follows: Beginning at the southeast corner of said Outlot A; thence North 89 degrees 40 minutes 03 seconds West, bearing based on said plat, 82.81 feet along the south line of said Outlot A; thence North 22 degrees 52 minutes 25 seconds West 205.93 feet; thence North 43 degrees 43 minutes 26 seconds West 263.40 feet to the northwesterly line of said Outlot A; thence North 46 degrees 16 minutes 34 seconds East 33.00 feet along said northwesterly line of Outlot A to the southwesterly line of the 30.00 foot wide drainage and utility easement according to said plat; thence South 43 degrees 43 minutes 26 seconds East 269.47 feet along said southwesterly line of the 30.00 foot wide drainage and utility easement; thence South 22 degrees 52 minutes 25 seconds East 190.24 feet along said southwesterly line of the 30.00 foot wide drainage and utility easement; thence South 89 degrees 40 minutes 03 seconds East 59.69 feet to the east line of said Outlot A; thence South 02 degrees 01 minute 24 seconds East 33.03 feet along said east line of Outlot A to the point of beginning.

EXHIBIT 2

EASEMENT DESCRIPTION

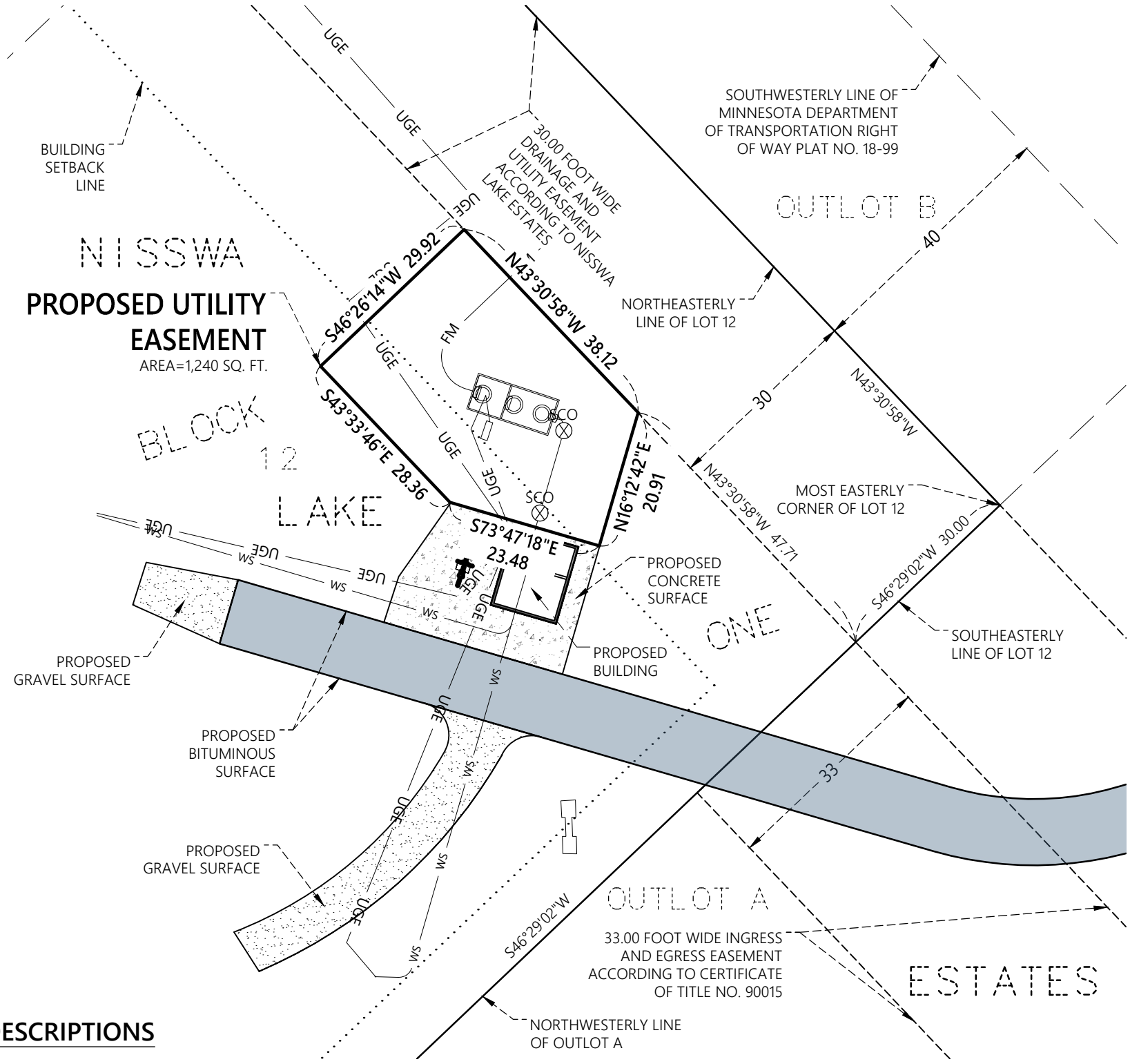
An easement for utility purposes over, under and across that part of Lot 12, Block One, NISSWA LAKE ESTATES, according to the recorded plat thereof on file in the Crow Wing County, Minnesota, Recorder's office, described as follows: Commencing at the most easterly corner of said Lot 12; thence South 46 degrees 29 minutes 02 seconds West, bearing based on the Crow Wing County Coordinate Database NAD 83, 30.00 feet along the southeasterly line of said Lot 12 to the southwesterly line of the 30.00 foot wide drainage and utility easement according to NISSWA LAKE ESTATES; thence North 43 degrees 30 minutes 58 seconds West 47.71 feet along said southwesterly line of the 30.00 foot wide drainage and utility easement to the point of beginning of the easement to be described; thence continuing North 43 degrees 30 minutes 58 seconds West 38.12 feet; thence South 46 degrees 26 minutes 14 seconds West 29.92 feet; thence South 43 degrees 33 minutes 46 seconds East 28.36 feet; thence South 73 degrees 47 minutes 18 seconds East 23.48 feet to the line that bears South 16 degrees 12 minutes 42 seconds West from the point of beginning; thence North 16 degrees 12 minutes 42 seconds East 20.91 feet to the point of beginning.

EXHIBIT 3

Sketch and Description

SKETCH AND DESCRIPTION

PART OF LOT 12, BLOCK ONE, NISSWA LAKE ESTATES,
SECTION 11, TOWNSHIP 135, RANGE 29,
CROW WING COUNTY, MINNESOTA



LEGAL DESCRIPTIONS

Existing Legal Description (City of Nisswa Parcel According to Certificate of Title No. 90015)

Lots 11 and 12, Block 1, NISSWA LAKE ESTATES, according to the recorded plat on file in the Crow Wing County Recorder's Office;

Together with a perpetual non-exclusive 33- foot wide easement for ingress and egress, for the benefit of Lots 11 and 12, Block 1, NISSWA LAKE ESTATES, according to the recorded plat on file in the Crow Wing County Recorder's Office, over and across that part of Outlot A, said NISSWA LAKE ESTATES, described as follows: Beginning at the southeast corner of said Outlot A; thence North 89 degrees 40 minutes 03 seconds West, bearing based on said plat, 82.81 feet along the south line of said Outlot A; thence North 22 degrees 52 minutes 25 seconds West 205.93 feet; thence North 43 degrees 43 minutes 26 seconds West 263.40 feet to the northwesterly line of said Outlot A; thence North 46 degrees 16 minutes 34 seconds East 33.00 feet along said northwesterly line of Outlot A to the southwesterly line of the 30.00 foot wide drainage and utility easement according to said plat; thence South 43 degrees 43 minutes 26 seconds East 269.47 feet along said southwesterly line of the 30.00 foot wide drainage and utility easement; thence South 22 degrees 52 minutes 25 seconds East 190.24 feet along said southwesterly line of the 30.00 foot wide drainage and utility easement; thence South 89 degrees 40 minutes 03 seconds East 59.69 feet to the east line of said Outlot A; thence South 02 degrees 01 minute 24 seconds East 33.03 feet along said east line of Outlot A to the point of beginning.

Proposed Easement Description

An easement for utility purposes over, under and across that part of Lot 12, Block One, NISSWA LAKE ESTATES, according to the recorded plat thereof on file in the Crow Wing County, Minnesota, Recorder's office, described as follows: Commencing at the most easterly corner of said Lot 12; thence South 46 degrees 29 minutes 02 seconds West, bearing based on the Crow Wing County Coordinate Database NAD 83, 30.00 feet along the southeasterly line of said Lot 12 to the southwesterly line of the 30.00 foot wide drainage and utility easement according to NISSWA LAKE ESTATES; thence North 43 degrees 30 minutes 58 seconds West 47.71 feet along said southwesterly line of the 30.00 foot wide drainage and utility easement to the point of beginning of the easement to be described; thence continuing North 43 degrees 30 minutes 58 seconds West 38.12 feet; thence South 46 degrees 26 minutes 14 seconds West 29.92 feet; thence South 43 degrees 33 minutes 46 seconds East 28.36 feet; thence South 73 degrees 47 minutes 18 seconds East 23.48 feet to the line that bears South 16 degrees 12 minutes 42 seconds West from the point of beginning; thence North 16 degrees 12 minutes 42 seconds East 20.91 feet to the point of beginning.

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SCALE IN FEET

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE DATABASE NAD 83

SCO — SEPTIC SEWER CLEANOUT

UGE — UNDERGROUND ELECTRIC LINE

WS — WATER SERVICE LINE

FM — SANITARY FORCE MAIN

WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

DRAWN BY: CPS	DATE	AMENDMENT DESC.	PREPARED FOR: THE CITY OF NISSWA	PROJECT #: 2025-11173
CHECKED BY: CMC			I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	
			CURTIS P. SANOW	LIC. NO.: 59005 DATE: 04/14/2026

WiDSETH

April 15, 2026

Brainerd/Baxter
7804 Industrial Park Road
PO Box 2720
Baxter MN 56425-2720

218.829.5117
Baxter@Widseth.com
Widseth.com

Honorable Mayor and City Council
City of Nisswa
5442 City Hall Street
PO Box 410
Nisswa MN 56468

Re: Proposal for Professional Services
Gull Lake Trail Phase 4B- Nisswa Lake Park Restroom Facilities
Construction Services

Dear Mayor and City Council Members:

Thank you for the opportunity to submit our proposal to provide professional engineering services for construction services for the Gull Lake Trail Phase 4B Project - Nisswa Lake Park Restroom Facilities Construction Services. The following are the tasks to complete the construction phase of the project:

Project Administration

- Coordinate Execution of the Contract Documents with Contractor
- Prepare Notice to Proceed
- Coordinate and Attend Preconstruction Conference
- Prepare Preconstruction Meeting Minutes
- Coordinate and attend periodic Construction Meetings (As needed April- June)
- Prepare Monthly Status reports for the Council and City Staff
- Review Monthly Pay Applications Requests
    - Lump sum project
    - Compare to schedule of values and estimated percent complete
- Shop Drawing Review
- Review and Prepare Change Orders
- Review Payroll Labor Compliance Submittals Monthly

Construction Staking Services

- **Office Computations and quality control**
    - Utilize existing survey control points and proposed building plans as the base for this work
    - Complete necessary office computations for building staking utilizing the signed construction set of plans and CAD files to be provided
- **Site Visit One**
    - Utilize existing control points, make necessary checks and establish any additional site control points for staking and a site benchmark
    - Provide clear and grub limit staking
- **Site Visit Two**
    - Provide building corner offset staking
    - Provide trail centerline staking
    - Provide well location staking
    - Provide forcemain route offset staking
    - Storm Sewer Structures (aprons, manholes, etc.): Cut/Fill offset hubs; 2 each per structure

- Roadway or Trail finished surface (centerline): Cut/Fill offset hubs; 1 per 50' plus grade breaks, PC's, PT's, low/high points and radii
- Curb and Gutter: Cut/Fill offset hubs;
- Services such as re-staking or additional staking services not listed in this proposal may be provided as requested by the **CLIENT** or their on-site representative in accordance with our normal hourly rates.

Labor Compliance

- Prepare mandated monthly wage rate reviews and documentation
- Complete wage rate site reviews as required over the project construction period based on trades and subcontractors on site.
- Monitor site postings required by the Contractor per contract

Construction Observation

The substantial completion date for this project is June 23, 2026. Construction observation is based on a construction duration of 9 weeks and an average of 15 hours per week of construction observation.

- Provide construction observation services to document conformance to the contract documents on a part time basis for erosion control, removals, earthwork, and aggregate base.
- Provide construction observation services to document conformance to the contract documents on a full time basis for water service, storm sewer, concrete curb and gutter, concrete flatwork, and bituminous pavement.
- Coordinate, observe, and document testing
- Document daily work activities
- Complete site review for final punch list and prepare documentation
- Assist City Staff with the final walk through and project closeout.
- Prepare record drawings
- Substantial completion and final payment application processing

Construction Material Testing Services

- Construction testing which includes material testing will be completed by a certified testing firm.
- The proposal for construction material testing services will be between the City of Nisswa and Braun Intertec. We will review Braun Intertec's proposal and provide recommendation to the City when we receive their proposal.

Fee Summary
The following table shows the proposed fees to complete the scope of work above, including our time and expenses.

Task	Fee
Project Administration	$10,000.00
Construction Staking	$5,000.00
Labor Compliance	$3,000.00
Construction Observation	$36,000.00
Total Fee	**$54,000.00**

WiDSETH proposes to perform the services described above on an hourly basis in accordance with the attached Fee Schedule, estimated to be **$54,000.00**. If you agree with our proposed Scope of Services, please sign and return one copy of this letter to us as our authorization to proceed.

Very truly yours,

Widseth Smith Nolting & Associates Inc.

William Westerberg, P.E.
Civil Engineer

Attachments: General Provisions of Professional Services Agreement
2026 Widseth Fee Schedule

Proposed by Widseth Smith Nolting & Associates Inc. (Widseth)



David Reese, Vice President

Accepted by City of Nisswa: The above Proposal is satisfactory and Widseth is authorized to do the work as specified and in accordance with the attached General Conditions. Payment will be made monthly in accordance with the terms on the attached fee schedule.

Jennifer Carnahan, Mayor _____ Date

Maggi Wentler, Interim City Administrator _____ Date

General Provisions of Professional Services Agreement

WIDSETH
ARCHITECTS ▪ ENGINEERS
SCIENTISTS ▪ SURVEYORS

These General Provisions are intended to be used in conjunction with a letter-type Agreement or a Request for Services between Widseth Smith Nolting & Assoc., Inc., a Minnesota Corporation, hereinafter referred to as WIDSETH, and a CLIENT, wherein the CLIENT engages WIDSETH to provide certain Architectural, and/or Engineering services on a Project.

As used herein, the term "this Agreement" refers to (1) the WIDSETH Proposal Letter which becomes the Letter Agreement upon its acceptance by the Client, (2) these General Provisions and (3) any attached Exhibits, as if they were part of one and the same document. With respect to the order of precedence, any attached Exhibits shall govern over these General Provisions, and the Letter Agreement shall govern over any attached Exhibits and these General Provisions. These documents supersede all prior communications and constitute the entire Agreement between the parties. Amendments to this Agreement must be in writing and signed by both CLIENT and WIDSETH.

ARTICLE 1. PERIOD OF SERVICE

The term of this Agreement for the performance of services hereunder shall be as set forth in the Letter Agreement. In this regard, any lump sum or estimated maximum payment amounts set forth in the Letter Agreement have been established in anticipation of an orderly and continuous progress of the Project in accordance with the schedule set forth in the Letter Agreement or any Exhibits attached thereto. WIDSETH shall be entitled to an equitable adjustment to its fee should there be an interruption of services, or amendment to the schedule.

ARTICLE 2. SCOPE OF SERVICES

The scope of services covered by this Agreement shall be as set forth in the Letter Agreement or a Request for Services. Such scope of services shall be adequately described in order that both the CLIENT and WIDSETH have an understanding of the expected work to be performed.

If WIDSETH is of the opinion that any work they have been directed to perform is beyond the Scope of this Agreement, or that the level of effort required significantly exceeds that estimated due to changed conditions and thereby constitutes extra work, they shall notify the CLIENT of that fact. Extra work, additional compensation for same, and extension of time for completion shall be covered by a revision to the Letter Agreement or Request for Services and entered into by both parties.

ARTICLE 3. COMPENSATION TO WIDSETH

A. Compensation to WIDSETH for services described in this Agreement shall be on a Lump Sum basis, Percentage of Construction, and/or Hourly Rate basis as designated in the Letter Agreement and as hereinafter described.

1. A Lump Sum method of payment for WIDSETH's services shall apply to all or parts of a work scope where WIDSETH's tasks can be readily defined and/or where the level of effort required to accomplish such tasks can be estimated with a reasonable degree of accuracy. The CLIENT shall make monthly payments to WIDSETH within 30 days of date of invoice based on an estimated percentage of completion of WIDSETH's services.

2. A Percentage of Construction or an Hourly Rate method of payment of WIDSETH's services shall apply to all or parts of a work scope where WIDSETH's tasks cannot be readily defined and/or where the level of effort required to accomplish such tasks cannot be estimated with any reasonable degree of accuracy. Under an Hourly Rate method of payment, WIDSETH shall be paid for the actual hours worked on the Project by WIDSETH technical personnel times an hourly billing rate established for each employee. Hourly billing rates shall include compensation for all salary costs, payroll burden, general, and administrative overhead and professional fee. In a Percentage of Construction method of payment, final compensation will be based on actual bids if the project is bid and WIDSETH's estimate to the CLIENT if the project is not bid. A rate schedule shall be furnished by WIDSETH to CLIENT upon which to base periodic payments to WIDSETH.

3. In addition to the foregoing, WIDSETH shall be reimbursed for items and services as set forth in the Letter Agreement or Fee Schedule and the following Direct Expenses when incurred in the performance of the work:

   (a) Travel and subsistence.
   (b) Specialized computer services or programs.
   (c) Outside professional and technical services with cost defined as the amount billed WIDSETH.
   (d) Identifiable reproduction and reprographic costs.
   (e) Other expenses for items such as permit application fees, license fees, or other additional items and services whether or not specifically identified in the Letter Agreement or Fee Schedule.

4. The CLIENT shall make monthly payments to WIDSETH within 30 days of date of invoice based on computations made in accordance with the above charges for services provided and expenses incurred to date, accompanied by supporting evidence as available.

B. The CLIENT will pay the balance stated on the invoice unless CLIENT notifies WIDSETH in writing of the particular item that is alleged to be incorrect within 15 days from the date of invoice, in which case, only the disputed item will remain undue until resolved by the parties. All accounts unpaid after 30 days from the date of original invoice shall be subject to a service charge of 1 % per month, or the maximum amount authorized by law, whichever is less. WIDSETH shall be entitled to recover all reasonable costs and disbursements, including reasonable attorneys fees, incurred in connection with collecting amount owed by CLIENT. In addition, WIDSETH may, after giving seven days written notice to the CLIENT, suspend services and withhold deliverables under this Agreement until WIDSETH has been paid in full for all amounts then due for services, expenses and charges. CLIENT agrees that WIDSETH shall not be responsible for any claim for delay or other consequential damages arising from suspension of services hereunder. Upon payment in full by Client and WIDSETH's resumption of services, the time for performance of WIDSETH's services shall be equitably adjusted to account for the period of suspension and other reasonable time necessary to resume performance.

ARTICLE 4. ABANDONMENT, CHANGE OF PLAN AND TERMINATION

Either Party has the right to terminate this Agreement upon seven days written notice. In addition, the CLIENT may at any time, reduce the scope of this Agreement. Such reduction in scope shall be set forth in a written notice from the CLIENT to WIDSETH. In the event of unresolved dispute over change in scope or changed conditions, this Agreement may also be terminated upon seven days written notice as provided above.

In the event of termination, and upon payment in full for all work performed and expenses incurred to the date of termination, documents that are identified as deliverables under the Letter Agreement whether finished or unfinished shall be made available by WIDSETH to the CLIENT pursuant to Article 5, and there shall be no further payment obligation of the CLIENT to WIDSETH under this Agreement except for payment of an amount for WIDSETH's anticipated profit on the value of the services not performed by WIDSETH and computed in accordance with the provisions of Article 3 and the Letter Agreement.

In the event of a reduction in scope of the Project work, WIDSETH shall be paid for the work performed and expenses incurred on the Project work thus reduced and for any completed and abandoned work, for which payment has not been made, computed in accordance with the provisions of Article 3 and the Letter Agreement.

ARTICLE 5. DISPOSITION OF PLANS, REPORTS AND OTHER DATA

All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by WIDSETH or its consultants are Instruments of Service and shall remain the property of WIDSETH or its consultants, respectively. WIDSETH and its subconsultants retain all common law, statutory and other reserved rights, including, without limitation, copyright. WIDSETH and its subconsultants maintain the right to determine if production will be made, and allowable format for production, of any electronic media or data to CLIENT or any third-party. Upon payment in full of monies due pursuant to the Agreement, WIDSETH shall make hard copies available to the CLIENT, of all documents that are identified as deliverables under the Letter Agreement. If the documents have not been finished (including, but not limited to, completion of final quality control), then WIDSETH shall have no liability for any claims expenses or damages that may arise out of items that could have been corrected during completion/quality control. Any Instruments of Service provided are not intended or represented to be suitable for reuse by the CLIENT or others on extensions of the Project or any other project. Any modification or reuse without written verification or adaptation by WIDSETH for the specific purpose intended will be at CLIENT's sole risk and without liability or legal exposure to WIDSETH. CLIENT shall indemnify, defend and hold harmless WIDSETH from any and all suits or claims of third parties arising out of use of unfinished documents, or modification or reuse of finished documents, which is not specifically verified, adapted, or authorized in writing by WIDSETH. This indemnity shall survive the termination of this Agreement.

Should WIDSETH choose to deliver to CLIENT documents in electronic form, CLIENT acknowledges that differences may exist between any electronic files delivered and the printed hard-copy. Copies of documents that may be relied upon by CLIENT are limited to the printed hard-copies that are signed and/or sealed by WIDSETH. Files in electronic form are only for convenience of CLIENT. Any conclusion or information obtained or derived from such electronic documents will be at user's sole risk. CLIENT acknowledges that the useful life of some forms of electronic media may be limited because of deterioration of the media or obsolescence of the computer hardware and/or software systems. Therefore, WIDSETH makes no representation that such media will be fully usable beyond 30 days from date of delivery to CLIENT.

ARTICLE 6. CLIENT'S ACCEPTANCE BY PURCHASE ORDER OR OTHER MEANS

In lieu of or in addition to signing the acceptance blank on the Letter Agreement, the CLIENT may accept this Agreement by permitting WIDSETH to commence work on the project or by issuing a purchase order signed by a duly authorized representative. Such purchase order shall incorporate by reference the terms and conditions of this Agreement. In the event of a conflict between the terms and conditions of this Agreement and those contained in the CLIENT's purchase order, the terms and conditions of this Agreement shall govern. Notwithstanding any purchase order provisions to the contrary, no warrantees, express or implied, are made by WIDSETH.

ARTICLE 7. CLIENT'S RESPONSIBILITIES

A. To permit WIDSETH to perform the services required hereunder, the CLIENT shall supply, in proper time and sequence, the following at no expense to WIDSETH:

1. Provide all program, budget, or other necessary information regarding its requirements as necessary for orderly progress of the work.

2. Designate in writing, a person to act as CLIENT's representative with respect to the services to be rendered under this Agreement. Such person shall have authority to transmit instructions, receive instructions, receive information, interpret and define CLIENT's policies with respect to WIDSETH's services.

3. Furnish, as required for performance of WIDSETH's services (except to the extent provided otherwise in the Letter Agreement or any Exhibits attached hereto), data prepared by or services of others, including without limitation, core borings, probes and subsurface explorations, hydrographic and geohydrologic surveys, laboratory tests and inspections of samples, materials and equipment; appropriate professional interpretations of all of the foregoing; environmental assessment and impact statements; property, boundary easement, right-of-way, topographic and utility surveys; property descriptions; zoning, deed and other land use restriction; and other special data not covered in the Letter Agreement or any Exhibits attached hereto.

4. Provide access to, and make all provisions for WIDSETH to enter upon publicly or privately owned property as required to perform the work.

5. Act as liaison with other agencies or involved parties to carry out necessary coordination and negotiations; furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.

6. Examine all reports, sketches, drawings, specifications and other documents prepared and presented by WIDSETH, obtain advice of an attorney, insurance counselor or others as CLIENT deems necessary for such examination and render in writing, decisions pertaining thereto within a reasonable time so as not to delay the services of WIDSETH.

7. Give prompt written notice to WIDSETH whenever CLIENT observes or otherwise becomes aware of any development that affects the scope of timing of WIDSETH's services or any defect in the work of Construction Contractor(s), Consultants or WIDSETH.

8. Initiate action, where appropriate, to identify and investigate the nature and extent of asbestos and/or pollution in the Project and to abate and/or remove the same as may be required by federal, state or local statute, ordinance, code, rule, or regulation now existing or hereinafter enacted or amended. For purposes of this Agreement, "pollution" and "pollutant" shall mean any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, alkalis, chemicals and hazardous or toxic waste. Hazardous or toxic waste means any substance, waste pollutant or contaminant now or hereafter included within such terms under any federal, state or local statute, ordinance, code, rule or regulation now existing or hereinafter enacted or amended. Waste further includes materials to be recycled, reconditioned or reclaimed.

   If WIDSETH encounters, or reasonably suspects that it has encountered, asbestos or pollution in the Project, WIDSETH shall cease activity on the Project and promptly notify the CLIENT, who shall proceed as set forth above. Unless otherwise specifically provided in the Letter Agreement, the services to be provided by WIDSETH do not include identification of asbestos or pollution, and WIDSETH has no duty to identify or attempt to identify the same within the area of the Project.

   With respect to the foregoing, CLIENT acknowledges and agrees that WIDSETH is not a user, handler, generator, operator, treater, storer, transporter or disposer of asbestos or pollution which may be encountered by WIDSETH on the Project. It is further understood and agreed that services WIDSETH will undertake for CLIENT may be uninsurable obligations involving the presence or potential presence of asbestos or pollution. Therefore, CLIENT agrees, except (1) such liability as may arise out of WIDSETH's sole negligence in the performance of services under this Agreement or (2) to the extent of insurance coverage available for the claim, to hold harmless, indemnify and defend WIDSETH and WIDSETH's officers, subcontractor(s), employees and agents from and against any and all claims, lawsuits, damages, liability and costs, including, but not limited to, costs of defense, arising out of or in any way connected with the presence, discharge, release, or escape of asbestos or pollution. This indemnification is intended to apply only to existing conditions and not to conditions caused or created by WIDSETH. This indemnification shall survive the termination of this Agreement.

9. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as CLIENT may require or WIDSETH may reasonably request with regard to legal issues pertaining to the Project including any that may be raised by Contractor(s), such auditing service as CLIENT may require to ascertain how or for what purpose any Contractor has used the moneys paid under the construction contract, and such inspection services as CLIENT may require to ascertain that Contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.

10. Provide "record" drawings and specifications for all existing physical features, structures, equipment, utilities, or facilities which are pertinent to the Project, to the extent available.

11. Provide other services, materials, or data as may be set forth in the Letter Agreement or any Exhibits attached hereto.

B. WIDSETH may use any CLIENT provided information in performing its services. WIDSETH shall be entitled to rely on the accuracy and completeness of information furnished by the CLIENT. If WIDSETH finds that any information furnished by the CLIENT is in error or is inadequate for its purpose, WIDSETH shall endeavor to notify the CLIENT. However, WIDSETH shall not be held responsible for any errors or omissions that may arise as a result of erroneous or incomplete information provided by CLIENT.

ARTICLE 8. OPINIONS OF COST

Opinions of probable project cost, construction cost, financial evaluations, feasibility studies, economic analyses of alternate solutions and utilitarian considerations of operations and maintenance costs provided for in the Letter Agreement or any Exhibits attached hereto are to be made on the basis of WIDSETH's experience and qualifications and represent WIDSETH's judgment as an experienced design professional. It is recognized, however, that WIDSETH does not have control over the cost of labor, material, equipment or services furnished by others or over market conditions or contractors' methods of determining their prices, and that any evaluation of any facility to be constructed, or acquired, or work to be performed on the basis of WIDSETH's cost opinions must, of necessity, be speculative until completion of construction or acquisition. Accordingly, WIDSETH does not guarantee that proposals, bids or actual costs will not substantially vary from opinions, evaluations or studies submitted by WIDSETH to CLIENT hereunder.

ARTICLE 9. CONSTRUCTION PHASE SERVICES

CLIENT acknowledges that it is customary for the architect or engineer who is responsible for the preparation and furnishing of Drawings and Specifications and other construction-related documents to be employed to provide professional services during the Bidding and Construction Phases of the Project, (1) to interpret and clarify the documentation so furnished and to modify the same as circumstances revealed during bidding and construction may dictate, (2) in connection with acceptance of substitute or equal items of materials and equipment proposed by bidders and Contractor(s), (3) in connection with approval of shop drawings and sample submittals, and (4) as a result of and in response to WIDSETH's detecting in advance of performance of affected work inconsistencies or irregularities in such documentation. CLIENT agrees that if WIDSETH is not employed to provide such professional services during the Bidding (if the work is put out for bids) and the Construction Phases of the Project, WIDSETH will not be responsible for, and CLIENT shall indemnify and hold WIDSETH, its officers, consultant(s), subcontractor(s), employees and agents harmless from, all claims, damages, losses and expenses including attorneys' fees arising out of, or resulting from, any interpretation, clarification, substitution acceptance, shop drawing or sample approval or modification of such documentation issued or carried out by CLIENT or others. Nothing contained in this paragraph shall be construed to release WIDSETH, its officers, consultant(s), subcontractor(s), employees and agents from liability for failure to perform in accordance with professional standards any duty or responsibility which WIDSETH has undertaken or assumed under this Agreement.

ARTICLE 10. REVIEW OF SHOP DRAWINGS AND SUBMITTALS

WIDSETH may review and approve or take other appropriate action on the contractor's submittals or shop drawings for the limited purpose of checking for general conformance with information given and design concept expressed in the Contract Documents. Review and/or approval of submittals is not conducted for the purpose of determining accuracy and completeness of other details or for substantiating instructions for installation or performance of equipment or systems, all of which remain the exclusive responsibility of the contractor. WIDSETH's review and/or approval shall not constitute approval of safety precautions, or any construction means, methods, techniques, sequences or procedures. WIDSETH's approval of a specific item shall not indicate approval of an assembly of which the item is a component. WIDSETH's review and/or approval shall not relieve contractor for any deviations from the requirements of the contract documents nor from the responsibility for errors or omissions on items such as sizes, dimensions, quantities, colors, or locations. Contractor shall remain solely responsible for compliance with any manufacturer requirements and recommendations.

ARTICLE 11. REVIEW OF PAY APPLICATIONS

If included in the scope of services, any review or certification of any pay applications, or certificates of completion shall be based upon WIDSETH's observation of the Work and on the data comprising the contractor's application for payment, and shall indicate that to the best of WIDSETH's knowledge, information and belief, the quantity and quality of the Work is in general conformance with the Contract Documents. The issuance of a certificate for payment or substantial completion is not a representation that WIDSETH has made exhaustive or continuous inspections, reviewed construction means and methods, verified any back-up data provided by the contractor, or ascertained how or for what purpose the contractor has used money previously paid by CLIENT.

ARTICLE 12. REQUESTS FOR INFORMATION (RFI)
If included in the scope of services, WIDSETH will provide, with reasonable promptness, written responses to requests from any contractor for clarification, interpretation or information on the requirements of the Contract Documents. If Contractor's RFI's are, in WIDSETH's professional opinion, for information readily apparent from reasonable observation of field conditions or review of the Contract Documents, or are reasonably inferable therefrom, WIDSETH shall be entitled to compensation for Additional Services for WIDSETH's time in responding to such requests. CLIENT may wish to make the Contractor responsible to the CLIENT for all such charges for additional services as described in this article.

ARTICLE 13. CONSTRUCTION OBSERVATION
If included in the scope of services, WIDSETH will make site visits as specified in the scope of services in order to observe the progress of the Work completed. Such site visits and observations are not intended to be an exhaustive check or detailed inspection, but rather are to allow WIDSETH to become generally familiar with the Work. WIDSETH shall keep CLIENT informed about the progress of the Work and shall advise the CLIENT about observed deficiencies in the Work. WIDSETH shall not supervise, direct or have control over any Contractor's work, nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor. WIDSETH shall not be responsible for any acts or omissions of any Contractor and shall not be responsible for any Contractor's failure to perform the Work in accordance with the Contract Documents or any applicable laws, codes, regulations, or industry standards.

If construction observation services are not included in the scope of services, CLIENT assumes all responsibility for interpretation of the Contract Documents and for construction observation, and the CLIENT waives any claims against WIDSETH that are connected with the performance of such services.

ARTICLE 14. BETTERMENT
If, due to WIDSETH's negligence, a required item or component of the Project is omitted from the construction documents, WIDSETH shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. In no event, will WIDSETH be responsible for any cost or expense that provides betterment or upgrades or enhances the value of the Project.

ARTICLE 15. CERTIFICATIONS, GUARANTEES AND WARRANTIES
WIDSETH shall not be required to sign any documents, no matter by who requested, that would result in WIDSETH having to certify, guarantee or warrant the existence of conditions whose existence WIDSETH cannot ascertain. CLIENT agrees not to make resolution of any dispute with WIDSETH or payment of any amount due to WIDSETH in any way contingent upon WIDSETH signing such certification.

ARTICLE 16. CONTINGENCY FUND
CLIENT and WIDSETH agree that certain increased costs and changes may be required because of possible omissions, ambiguities or inconsistencies in the plans and specifications prepared by WIDSETH, and therefore, that the final construction cost of the Project may exceed the bids, contract amount or estimated construction cost. CLIENT agrees to set aside a reserve in the amount of 5% of the Project construct costs as a contingency to be used, as required, to pay for any such increased costs and changes. CLIENT further agrees to make no claim by way of direct or third-party action against WIDSETH with respect to any increased costs within the contingency because of such changes or because of any claims made by any Contractor relating to such changes.

ARTICLE 17. INSURANCE
WIDSETH shall procure and maintain insurance for protection from claims against it under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims against it for damages because of injury to or destruction of property including loss of use resulting therefrom.

Also, WIDSETH shall procure and maintain professional liability insurance for protection from claims arising out of performance of professional services caused by any negligent act, error, or omission for which WIDSETH is legally liable.

Certificates of insurance will be provided to the CLIENT upon request.

ARTICLE 18. ASSIGNMENT
Neither Party to this Agreement shall transfer, sublet or assign any rights or duties under or interest in this Agreement, including but not limited to monies that are due or monies that may be due, without the prior written consent of the other party. Subcontracting to subconsultants, normally contemplated by WIDSETH as a generally accepted business practice, shall not be considered an assignment for purposes of this Agreement.

ARTICLE 19. NO THIRD-PARTY BENEFICIARIES
Nothing contained in this Agreement shall create a contractual relationship or a cause of action by a third-party against either WIDSETH or CLIENT. WIDSETH's services pursuant to this Agreement are being performed solely for the CLIENT's benefit, and no other party or entity shall have any claim against WIDSETH because of this Agreement.

ARTICLE 20. CORPORATE PROTECTION
It is intended by the parties to this Agreement that WIDSETH's services in connection with the Project shall not subject WIDSETH's individual employees, officers or directors to any personal legal exposure for the risks associated with this Project. Therefore, and notwithstanding anything to the contrary, CLIENT agrees that as the CLIENT's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against WIDSETH, a Minnesota corporation, and not against any of WIDSETH's individual employees, officers or directors.

ARTICLE 21. CONTROLLING LAW
This Agreement is to be governed by the laws of the State of Minnesota.

ARTICLE 22. ASSIGNMENT OF RISK
In recognition of the relative risks and benefits of the project to both the CLIENT and WIDSETH, the risks have been allocated such that the CLIENT agrees, to the fullest extent permitted by law, to limit the liability of WIDSETH, employees of WIDSETH and sub-consultants, to the CLIENT and to all construction contractors, subcontractors, agents and assigns on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that total aggregate liability of WIDSETH, employees of WIDSETH and sub-consultants, to all those named shall not exceed WIDSETH's total fee received for services rendered on this project. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability, breach of contract or warranty.

ARTICLE 23. NON-DISCRIMINATION
WIDSETH will comply with the provisions of applicable federal, state and local statutes, ordinances and regulations pertaining to human rights and non-discrimination.

ARTICLE 24. SEVERABILITY
Any provision or portion thereof in this Agreement which is held to be void or unenforceable under any law shall be deemed stricken and all remaining provisions shall continue to be valid and binding between CLIENT and WIDSETH. All limits of liability and indemnities contained in the Agreement shall survive the completion or termination of the Agreement.

ARTICLE 25. PRE-LIEN NOTICE
PURSUANT TO THE AGREEMENT WIDSETH WILL BE PERFORMING SERVICES IN CONNECTION WITH IMPROVEMENTS OF REAL PROPERTY AND MAY CONTRACT WITH SUBCONSULTANTS OR SUBCONTRACTORS AS APPROPRIATE TO FURNISH LABOR, SKILL AND/OR MATERIALS IN THE PERFORMANCE OF THE WORK. ACCORDINGLY, CLIENT IS ENTITLED UNDER MINNESOTA LAW TO THE FOLLOWING NOTICE:

(a) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR ITS CONTRIBUTIONS.

(b) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIALS FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

WIDSETH

2026 FEE SCHEDULE

CLASSIFICATION	RATE
Engineer/Architect/Surveyor/Scientist/Wetland Specialist/Geographer/Project Manager	
Level I	$145 / Hour
Level II	$170 / Hour
Level III	$200 / Hour
Level IV	$205 / Hour
Level V	$215 / Hour
Technician	
Level I	$105 / Hour
Level II	$125 / Hour
Level III	$145 / Hour
Level IV	$160 / Hour
Level V	$175 / Hour
Computer Systems Specialist	$180 / Hour
Senior Funding Specialist	$150 / Hour
Marketing Specialist	$125 / Hour
Funding Specialist	$125 / Hour
Administrative Assistant	$ 90 / Hour

OTHER EXPENSES	RATE
Mileage (Federal Standard Rate) *subject to IRS Guidelines*	Cost
Meals/Lodging	Cost
Stakes & Expendable Materials	Cost
ATV 4-Wheeler Rental	$100 / Day
ATV Side by Side Rental	$200 / Day
Waste Water Sampler	$40 / Day
ISCO Flow Recorder	$60 / Day
Photoionization Detection Meter	$100 / Day
Explosimeter	$50 / Day
Product Recovery Equipment	$35 / Day
Survey-Grade GPS (Global Positioning System)	$75 / Hour
Mapping GPS (Global Positioning System)	$150 / Day
Lath & Hubs	$150 / Day
Soil Drilling Rig	$35 / Hour
Groundwater Sampling Equipment	$125 / Day
Hydrographic Survey System	$500 / Day
Subcontractors	Cost plus 10%

REPRODUCTION COSTS	
Black & White Copies: 8-1/2” x 11”	$0.10 Each
Black & White Copies: 11” x 17”	$0.50 Each
Black & White Copies: 24” x 36”	$3 Each
Color Copies: 8-1/2” x 11”	$2 Each
Color Copies: 11” x 17”	$4 Each
Color Copies: 24” x 36”	$12 Each
Color Plots: 42” x 48”	$22 Each

These rates are effective for only the year indicated and are subject to yearly adjustments which reflect equitable changes in the various components.

CITY OF NISSWA

To: City Council

Prepared by: Terry Wallin

Date: 4/21/26

Item: Chairs for the bar

Action Requested: I need a motion and a second to approve payments

Background: Gitchi Gaming, Inc. 80 bar stools to replace ones in bar @ $275.00 equals $22,000.00. I should have one more bid confirmed before council meeting.

Budget Impact: Everything should come out of my CIP so no effect on budget.

Attachments:

Gitchi Gaming, Inc.

905 Dexter Street North, P.O. Box 335, Prescott, WI 54021
Ph. 715.262.8900

QUOTATION

February 10, 2026 jenpeterson24@hotmail.com

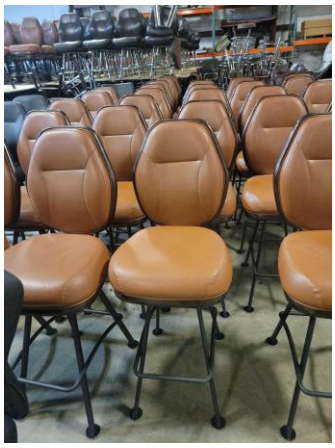
==========

Jen Peterson CELL 218.820.0336
YE OLD PICKLE FACTORY
5442 City Hall Street
Nisswa, MN 56468

==========

We are pleased to quote your "Bar Stool" needs as follows:

Qty.	Description	Each	Extended
80	**Used Barstools on new frames** • 30" Seat Height • Used Brown Vinyl Seat head • New 4-legged Understructure • New swivel and glides	**$275.00**	**$22,000.00**



Taxes: 6.875% Included
Delivery: Included
Terms: 50% down, net 30 days

Respectfully,
Greg John

We appreciate this opportunity

CITY OF NISSWA

To: City Council

Prepared by: Terry Wallin

Date: 4/21/26

Item: Walk in Cooler

Action Requested: I need a motion and a second to approve payments for walk in cooler repairs.

Background: Hytec bid is $10,535.00 and KA Mechanical is $23,090.00.

Budget Impact: Everything should come out of my CIP so no effect on budget.

Attachments:

HY-TEC CONSTRUCTION

P.O. Box 621, Brainerd, MN 56401
● Tel 218-829-8529 ● Fax 218-829-5383 ● office@hytecconstruction.com

April 16th, 2026

City of Nisswa
5442 City Hall St
Nisswa, MN 56468

RE: Pickle Factory FRP

Dear Terry:

We hereby submit our cost proposal to furnish all labor, materials and equipment necessary to install FRP throughout the inside of the Pickle Factory beer cooler for the sum of **$10,535.00 (Ten Thousand Five Hundred Thirty-Five Dollars and Zero Cents)** as follows:

Included in this proposal are the following:

- General Requirements: supervision, daily cleanup and disposal, general liability and worker's compensation insurance
- Disassembly of beer racks (cooler emptied by others)
- Installation of white FRP panels and trims over existing painted plywood throughout walls and ceiling of beer cooler
- Advanced Polymer glue to adhere to existing substrate
- Reinstallation of existing beer rack

Not included is any

- Builders Risk Insurance (by owner)
- Permit
- Plumbing
- Overtime/after hours work
- HVAC
- Electric

Thank you for the opportunity to present this cost estimate for your consideration. If you have any questions or concerns, please contact me.

Sincerely,

Kevin Bartolic

Kevin Bartolic, Project Manager
HY-TEC CONSTRUCTION
OF BRAINERD, INC.

Acceptance: _____ Dated:_____

Proposal

konrada@kamechanical.com
218-833-9565
Brainerd, MN 56401

This design and proposal are proprietary and is the intellectual property of KA Mechanical. It is intended only for the client for whom it is prepared.

February 2, 2026
Terry Wallin
Ye Old Pickle Factory
5442 City Hall St
Nisswa, MN 56468
RE: Walk-in equipment replacement

KA Mechanical is pleased to provide the following scope and proposal.

Total Project Investment: $ 23,090.00

Scope of work:

- Recover the existing refrigerant.
- Furnish and install Chandler 404A condenser and low-profile evaporator unit.
- Furnish and install new liquid and suction copper lines from the condenser to the evaporator.
- Furnish and install insulation for the suction line.
- Furnish and install all necessary components for proper operation.
- Pressure test the new line set and then evacuate system.
- Charge system, start-up, and check out.

Exclusions:

- Overtime
- Electrical by others.

Terms and conditions: The customer takes title to all materials and supplies at the point of delivery. The customer assumes the risk of loss for all materials and supplies and is responsible for all defective materials and supplies including those incorporated into realty.

Accepted by: _____

Acceptance date: _____

Submitted by Konrad Abramo

This proposal can be withdrawn, if not accepted within 10 days.

Please sign and return

Terms: Payment is net 30 days. Quote is valid for 15 days.

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Thomas Blomer, Public Works Director

Date: 4/13/2026

Item: 2026 Road Crack Sealing Approval.

Action Requested: I am looking for acceptance of the proposal from Lakes Pavement Maintenance to provide road crack sealing services for 2026.

Background: This is typical annual preventative maintenance for our roads.

Budget Impact: Lakes Pavement Maintenance's proposal has an estimated cost of $23,992.08. Anderson Brothers proposal was for $34,194.41.

Attachments: Copies of the proposals from Anderson Brothers and Lakes Pavement Maintenance are included in your packet.

Anderson Brothers Construction Company
11325 State Highway 210
Brainerd, MN 56401
218-829-1768
218-829-7607 Fax

To:	City Of Nisswa	**Contact:**	Tom Blomer
Address:	P.O. Box 410	**Phone:**	218-961-4244
	Nisswa, MN 56468 CROW WING	**Fax:**	218-963-3108
Project Name:	City Of Nisswa Crackseal	**Bid Number:**	
Project Location:	City Streets, Nisswa	**Bid Date:**	4/9/2026

Item Description

Crackseal

Mobilization

Total Bid Price: $34,194.41

Notes:

- We are pleased to quote the following on the above-referenced project.
- This proposal may be withdrawn by us if not accepted within 30 days.
- Half the total quote is due prior to construction.
- Final Balance Due Within Ten Days of Invoice Date. Past Due Accounts Are Subject To A Service Charge Of 1.50 % Per Month (18% per annum.)
- All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.
- A land use or alteration permit may be required through your local County or Municipal Planning and Zoning Office. All required permits and associated fees are the sole responsibility of the private property owner.
- **Crackseal**
- Cracks will be blown out to ensure that cracks are free of debris and moisture before sealant is applied. Cracks are sealed with an approximate 3" band.
- **Additional Notes**
- Cracks are to be sealed, not filled.
- Alligatored or checkered cracking is to be omitted.
- Cracks found under or near unattended vehicles or obstructions will be omitted.
- Rubberized sealant is a wear product. Climate change and traffic patterns dictate performance. There is no warranty as to sealant life span.
- Crack Sealant (MN) is a petroleum based pavement crack and joint sealant which meets MN DOT 3723 and AASHTO M173. It is composed of a mix of virgin synthetic rubber, asphalt, plasticizers and tackfiers. The material does not contain ground rubber scrap.
- Cracks and seams that are wider than an inch will be omitted.
- **Price is for the roads on the list that was provided to us.**

Anderson Brothers Construction Company
11325 State Highway 210
Brainerd, MN 56401
218-829-1768
218-829-7607 Fax

To:	City Of Nisswa	**Contact:**	Tom Blomer
Address:	P.O. Box 410	**Phone:**	218-961-4244
	Nisswa, MN 56468 CROW WING	**Fax:**	218-963-3108
Project Name:	City Of Nisswa Crackseal	**Bid Number:**	
Project Location:	City Streets, Nisswa	**Bid Date:**	4/9/2026

PRE-LIEN NOTICE: OWNER UNDERSTANDS THAT CONTRACTOR IS REQUIRED BY LAW TO PROVIDE OWNER WITH THIS NOTICE. (a) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THE IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTION. (b) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIALS FOR THE IMPROVEMENT WHO GAVE YOU TIMELY NOTICE.

ACCEPTED:

The above prices, specifications and conditions are satisfactory and hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

Anderson Brothers Construction Company Of Brainerd, LLC

Authorized Signature: 

Estimator: Greg Swan
218-820-9920 gswan@andersonbrothers.com

Lakes Pavement Maintenance
28150 Hurtig Rd
Pequot Lakes, MN 56472
(218) 330-4918

Quote

Submitted On 4/10/2026

Quote For
Nisswa Crack Seal
Tom Blomer 218-963-4244
5442 City Hall St
Nisswa, MN 56468

Payable to
Lakes Pavement Maintenance

Quote #
26-113

Quote Expiration
4/25/2026

Description	Total price
Alley (West of Main St.)	$305.52
Charmin Ave.	$154.10
Cove Trl	$1,553.06
Fishtrap Rd	$1,704.48
Forest Ave	$192.96
Hazelwood Dr (north)	$1,286.40
Hills Crossing	$241.87
Hyland Ave (south)	$755.76
Knoll Dr	$132.66
Lazy Brook Dr	$158.12
Linden Blvd East	$428.80
Linden Blvd West	$771.84
Lowland Ln (east)	$210.38
Maintenance Garage Parking Lot	$1,384.94
Merril Ave	$486.42
Mission Rd	$1,340.67
Nokomis Ave	$434.16
Red Leaf Court	$502.50
Rono Circle	$959.44
Roy Lake Connection	$176.88
Smiley Rd (south)	$1,094.11

South Main Street	$852.24
Southwind Court	$467.66
Twin Leaf Circle	$2,300.78
Villa View Dr	$217.08
Wild Wings Way	$2,824.05
Wolf Chase Rd	$2,524.56
Woodward Ave	$530.64

Notes:

Subtotal **$23,992.08**

Total: **$23,992.08**

CITY OF NISSWA

To:	Nisswa City Council
Prepared by:	Personnel Liaisons and Maggi Wentler, Interim City Administrator
Date:	April 21, 2026
Item:	Appoint Flaherty & Hood as Labor Attorney for 2026

Action Requested:

City Council approval to appoint Flaherty & Hood as the City of Nisswa's Labor Attorney for 2026.

Background:

At its organizational meeting in January, the City Council directed the city attorney to develop a Request for Proposals (RFP) to solicit proposals from qualified firms that specialize in labor and employment legal services.

The city received three responses to the RFP solicitation. We reviewed the responses. A recommendation is presented to the City Council to appoint Flaherty & Hood as the city's 2026 labor attorney. Flaherty & Hood's response included each area of service as outlined in the RFP.

Budget Impact:

N/a

Attachments:

Flaherty & Hood Proposal to City of Nisswa for Labor & Employment Legal Services

FLAHERTY | HOOD P.A.

Proposal to City of Nisswa for Labor & Employment Legal Services

Contact Information:
Christopher J. Hoodecheck, Senior Attorney
Brandon M. Fitzsimmons, Shareholder Attorney
525 Park Street, Suite 470
Saint Paul, MN 55103
Phone: (651) 225-8840
Email: cjhoodecheck@flaherty-hood.com
Website: www.flaherty-hood.com

March 23, 2026

FLAHERTY | HOOD P.A.

March 23, 2026

Maggi Wentler
Interim City Administrator
City of Nisswa
maggi@cityofnisswa.gov

Via Email

Re: Labor & Employment Legal Services Proposal

Dear Maggi:

Flaherty & Hood, P.A. has advised and represented numerous greater Minnesota cities, including City of Nisswa, extensively on labor and employment matters. These legal services are consistent with the firm's primary focus since its inception over 30 years ago to provide Minnesota public entities with comprehensive legal services. We are pleased to submit the enclosed proposal to the City of Nisswa for Labor & Employment Legal Services.

Why Should the City of Nisswa Continue to Retain Flaherty & Hood?

There are many reasons why the City of Nisswa should continue to retain Flaherty & Hood, P.A., including:

1. **Customized**. Flaherty & Hood will not view the City of Nisswa as just another client among many; instead, labor relations and employment law services will be tailored to the City's circumstances, given high priority, and the timing of these services will be discussed early in order to meet deadlines set by the City of Nisswa, law, and arbitrators.

2. **Comprehensive**. No other firm offers the same comprehensive services that Flaherty & Hood provides that will benefit the City of Nisswa —including public labor relations, employment law, human resources, and municipal law services. For example, Flaherty & Hood establishes and uses standardized outlines, templates, policies, and samples to provide labor and employment consulting for its clients; its in-house analysts to analyze compensation and market data; its arbitrator analysis database to determine the appropriate order to strike arbitrators; its attorneys and analysts to prepare factual analysis for contested cases; and a litigation system to completely and efficiently organize and prepare documents, timelines, witness testimony, exhibits, and legal argument. In addition, Flaherty & Hood advises, represents, and trains public sector entities in numerous labor, employment law, and human resources areas.

3. **Comprehendible**. Flaherty & Hood strongly believes that the advice and work product it provides to clients must be comprehendible. The firm has a proven record of communicating advice, recommendations, and advocacy on complex labor relations, employment law, and human resources issues in a manner its clients understand.

4. **Cost-Effective**. Because Flaherty & Hood has dedicated its practice to serving the needs of public entities, we can provide significantly reduced public rates to our clients, including Nisswa, while maintaining the highest quality services.

This proposal includes the information requested in the *Request For Proposals (RFP) Labor & Employment Legal Services.*

We are confident that Flaherty & Hood will provide the highest-level labor law services to the City of Nisswa. Should you desire to discuss our services in more detail or need additional information, please contact us. Thank you for your consideration, and we look forward to hearing from you soon.

Very truly yours,

FLAHERTY & HOOD, P.A.

/s/ Christopher J. Hoodecheck
Christopher J. Hoodecheck
Senior Attorney

/s/ Brandon M. Fitzsimmons
Brandon M. Fitzsimmons
Shareholder Attorney

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FIRM BACKGROUND

Identity

Organization:
Flaherty and Hood, P.A.
525 Park St, Ste 470
Saint Paul, MN 55103

Representative and Lead Attorney:
Christopher J. Hoodecheck
P: 651.259.1934
E: cjhoodecheck@flaherty-hood.com

Description

Flaherty & Hood, P.A. is a unique law firm that effectively integrates the disciplines of law, government relations, analysis, and communications to provide high-quality, timely, and cost-effective services to its primarily Minnesota municipal clients, such as City of Nisswa.

The law firm was established over 30 years ago dedicated to serving public entities throughout Minnesota. Through the years, the firm has grown from exclusively providing legislative and regulatory advocacy services from its office in St. Paul to providing a full range of legal and analytical services, including labor, employment law, and human resources.

Flaherty & Hood, P.A. has 19 attorneys, 3 analysts, and 15 other professional staff who primarily provide legal, analytical, and legislative advocacy services for governmental units in Minnesota. Flaherty & Hood, P.A. is, therefore, uniquely positioned and has the comprehensive knowledge, experience, and tools to provide full service public law services to its municipal clients.

Senior Attorney Christopher J. Hoodecheck has been a lead at Flaherty & Hood in growing its public labor, employment, and human resources practice area to include 8 professionals: 4 attorneys, 2 analysts, and 2 paralegals. This growth includes representing, advising, and training dozens of governmental units on all facets of labor and employment law. Chris has been an attorney with the firm since 2023 specializing in labor and employment law.

Shareholder Attorney Brandon M. Fitzsimmons has been an attorney with the firm since 2004 and a shareholder since 2011 specializing in labor and employment law.

Labor, Employment Law, and Human Resources Staff

The following experienced, knowledgeable, and dedicated staff located in the Twin Cities will be available to provide and support labor and employment legal services for the City of Nisswa:

Brandon M. Fitzsimmons	Shareholder Attorney	**Ethan T. Rundquist**	Compensation & HR Analyst
Chris J. Hoodecheck	Senior Attorney	**Cassandra L. Stein**	Data Analyst
Chad H. Arnesen	Senior Attorney	**Casey J. Teichert**	Paralegal
Angelica D. Guarneros	Associate Attorney	**Rikshith Chittajallu**	Paralegal

QUALIFICATIONS

Labor, Employment Law, and Human Resources Services

With over 30 years in serving Minnesota governments, Flaherty & Hood, P.A. understands the public sector's unique labor needs and has provided the following services to dozens of Minnesota governments, including City of Nisswa:

- Labor Law
  - Contract negotiations
  - Grievances
  - Mediations
  - Arbitrations
  - Unfair labor practices
  - Strikes
  - Labor agency proceedings
  - Representation and advocacy in state and federal courts, administrative, civil service, mediation, and arbitration
- Employment Law
  - Representation and advocacy in state and federal courts, administrative, civil service, mediation, arbitration, and unemployment insurance hearings
  - Advice on hiring, performance improvement, fitness-for-duty, legal claims, disciplinary matters, and reorganizing
  - Training seminars for supervisors, employees, and elected officials
  - Investigations
  - Legal compliance
- Human Resources
  - Personnel policies and practices
  - Hiring and disciplinary processes
  - Performance appraisal systems
  - Organizational reviews addressing direction and alignment of an organization as a whole, individual departments, employees and the services they provide; work flow processes and organizational structure; workforce staffing, productivity, and retention; workplace environment, communication, innovation, and collaboration.

Nisswa Experience

Flaherty & Hood, P.A. has performed or is currently performing labor and/or employment law legal services for the City of Nisswa:

- Personnel issues
- Labor negotiations
- Organization and hiring
- Data requests
- Legal compliance

Attorney Resumes

The following attorneys will assist with providing labor law services to the City of Nisswa with Christopher J. Hoodecheck as the lead attorney:



Christopher J. Hoodecheck is a senior attorney with the law firm of **Flaherty & Hood, P.A.** Chris practices labor and employment law with a focus on litigation. Specifically, he provides legal services in the areas of: mediations, arbitraitons, agency charges, and contested cases; labor contract negotiations, grievances, unionization efforts, and personnel performance; employment data practices, policies and procedures; advisement on complying with state and federal labor and employment laws; and workplace investigations. Chris is a member of the Minnesota State Bar Association Labor and Employment Law Section and the San Diego State Bar Association Labor and Employment Law Section.

Work Experience

Flaherty & Hood, P.A. — St. Paul, Minnesota
Associate Attorney
Responsibilities include providing consultation, legal representation, and administrative agency representation for municipal clients before the District Court and state agencies, including the Minnesota Bureau of Mediation Services and Office of Administrative Hearings.

Grueneberg Law — San Diego, California
Attorney
Responsibilities include legal consultation and representation for California citizens pursuing civil litigation against their employers in both California Supreme Court and the Southern District of California.

Education

California Western School of Law — San Diego, California
Juris Doctor

University of Minnesota — Minneapolis, Minnesota
B.A. in Psychology and Sociology

Bar Admissions

MN District Court (September 2023)
State of Minnesota (April 2023)
State of California (February 2022)
Southern District of California



Brandon M. Fitzsimmons is a shareholder attorney with the law firm of **Flaherty & Hood, P.A.** in St. Paul, Minnesota. Brandon is also head of the firm's labor relations, employment law, and human resources practice. Brandon has represented, advised, and provided analysis for dozens of Minnesota governments in labor relations and employment law matters and conducted workplace investigations. He has written and presented on numerous public labor relations and employment law issues statewide for local government officials and management. Brandon is a member of the National and Minnesota Public Employer Labor Relations Associations, the Society for Human Resources Management, and the Minnesota State Bar Association Labor and Employment Law Section.

Work Experience

FLAHERTY & HOOD, P.A. — St. Paul, Minnesota
Shareholder and Associate and Senior Attorney
Responsibilities include providing consultation, legal representation, and administrative agency representation for municipal clients before the District Court and state agencies, including the Minnesota Bureau of Mediation Services and Office of Administrative Hearings.

HONORABLE RENEE L. WORKE — Waseca, Minnesota
Judicial Clerk
Researched, consulted, and wrote orders and memorandums for Chief Judge and other Third Judicial District judges in south central Minnesota. Ran conciliation court settlement conference hearings and facilitated settlement agreements.

Education

William Mitchell College of Law — St. Paul, Minnesota
Juris Doctor

Creighton University — Omaha, Nebraska
B.A., Political Science with Distinction, *cum laude*

Bar Admissions

State of Minnesota
United States District Court – District of Minnesota

Honors and Awards

2013 and 2014 Super Lawyers-Rising Stars



Angel D.G Ragusa is an associate attorney with the law firm of **Flaherty & Hood, P.A.** Angel practices labor and employment law, providing representation and consultation to local governments in Minnesota regarding labor relations and employment law to ensure compliance with state and federal regulations. Angel received her Bachelor of Arts in Political Science from the University of North Dakota and her Juris Doctorate and Law and Business Certificate from Mitchell Hamline School of Law.

Work Experience

Flaherty & Hood, P.A. St. Paul, Minnesota
Associate Attorney
Responsibilities include providing consultation, legal representation, and administrative agency representation for municipal clients before the District Court and state agencies, including the Minnesota Bureau of Mediation Services and Office of Administrative Hearings.

Education

Mitchell Hamline School of Law St. Paul, Minnesota
Juris Doctor

University of North Dakota Grand Forks, North Dakota
B.A. in Political Science

Bar Admissions

State of Minnesota (October 2024)



Chad H. Arnesen is a senior attorney with the law firm of **Flaherty & Hood, P.A.** practicing primarily in the areas of municipal and labor and employment law, with an emphasis on civil and administrative litigation. The flagstone to Chad's practice is his strong background and dedication to public service, having represented federal, state, and local government entities as a licensed attorney. In addition to his work with Flaherty & Hood, Chad currently serves as a Judge Advocate Officer with the Minnesota Army National Guard and is a Veteran of Operations Enduring Freedom and New Dawn.

Work Experience

Flaherty & Hood, P.A. St. Paul, Minnesota
Senior Attorney (July 2025-Present)
Associate Attorney (December 2020-February 2022)
Advises and advocates for local governments in the areas of civil municipal law, and labor and employment law. Represents clients before the state courts and administrative bodies in a variety of matters with an emphasis on litigation. Advocates to create favorable and efficient solutions to resolve matters relating to municipal disputes, labor agreements, and public employee misconduct.

Minnesota Army National Guard St. Paul, Minnesota
Judge Advocate Officer
Provide principled counsel to commanders and staff of the Minnesota Army National Guard, with primary experience in administrative law and litigation.

Department of the Army USAG Humphreys, South Korea
Chief Civilian Attorney, Civil Law Division; Labor and Employment Attorney
Served as the senior civilian attorney for a 3-Star U.S. Army Command with over 1,000 employees, advising on civil and labor and employment issues. Performed legal analysis on employment investigations involving allegations of misconduct and procurement fraud. Provided first chair litigation advocacy before federal administrative courts.

Bowman and Brooke, LLP Minneapolis, Minnesota
Associate Attorney
Conducted legal analysis and representation in complex product liability and personal injury defense cases, with emphasis on motions practice and discovery in state and federal courts.

Education

Mitchell Hamline School of Law St. Paul, Minnesota
Juris Doctor

University of Minnesota Minneapolis, Minnesota
B.A. in Sociology

Bar Admissions

State of Minnesota (2018)

Labor and Employment Law Clients

Flaherty & Hood, P.A. has performed or is currently performing labor and/or employment law legal services for the following public clients:

- Austin Utilities
- Central Community Transit
- City of Albert Lea
- City of Austin
- City of Bagley
- City of Baudette
- City of Bemidji
- City of Benson
- City of Brainerd
- City of Breckenridge
- City of Caledonia
- City of Canby
- City of Cold Spring
- City of Crookston
- City of Detroit Lakes
- City of Dilworth
- City of Fairmont
- City of Farmington
- City of Fergus Falls
- City of Gaylord
- City of Glencoe
- City of Glenwood
- City of Goodview
- City of Grand Marais
- City of Granite Falls
- City of Hibbing
- City of Hinckley
- City of International Falls
- City of La Crescent
- City of Lewiston
- City of Little Falls
- City of Luverne
- City of Mapleton
- City of Medford
- City of Melrose
- City of Menahga
- City of Moorhead
- City of Moose Lake
- City of Nashwauk
- City of New York Mills
- City of New Ulm
- City of North Branch
- City of Northfield
- City of Oakdale
- City of Oronoco
- City of Osakis
- City of Owatonna
- City of Park Rapids
- City of Pelican Rapids
- City of Pequot Lakes
- City of Perham
- City of Pine City
- City of Plainview
- City of Rushford
- City of Sleepy Eye
- City of St. Charles
- City of St. James
- City of St. Joseph
- City of Staples
- City of Thief River Falls
- City of Tracy
- City of Trimont
- City of Two Harbors
- City of Virginia
- City of Wabasha
- City of Waite Park
- City of Walker
- City of Warren
- City of Warroad
- City of Waseca
- City of Wells
- City of Willmar
- City of Windom
- City of Winona
- City of Woodbury
- City of Worthington
- Cloquet Area Fire District
- County of Renville
- Headwaters Regional Development Commission
- Moorhead Public Service

References

Flaherty & Hood, P.A. encourages you to contact the following labor attorney references:

Entity	Reference		Summary of Services
City of Hibbing	Angela Kleffman Human Resources Director	E: angelakleffman@hibbingmn.gov P: 218-312-1574	• Labor negotiations • Personnel issues • Legal compliance • Labor contract mediation • Labor contract grievance mediation • Administrative litigation
City of Two Harbors	Patty Nordean City Administrator	E: pnordean@twoharborsmn.gov P: 218-834-8806	• Labor negotiations • Personnel issues • Legal compliance • Labor contract mediation • Labor contract grievance mediation
City of Waite Park	Shaunna Johnson City Administrator	E: shaunna.johnson@ci.waitepark.mn.us P: 320-252-6822	• Labor negotiations • Personnel issues • Legal compliance • Labor contract mediation • Labor contract grievances and arbitration • Administrative litigation

APPROACH AND ACCESSIBILITY

Approach to Providing Legal Services

Flaherty & Hood fully understands that the attorney-client relationship is between Flaherty & Hood and the City of Nisswa, meaning Flaherty & Hood exclusively represents City of Nisswa.

In representing the City of Nisswa, Flaherty & Hood will work with management staff to ensure that all legal projects are completed at the highest quality and in a timely and cost-effective manner while protecting and maintaining our professional responsibility to the client. Furthermore, given our extensive experience with serving Minnesota governments, we understand the importance of open and honest communication between the firm and staff regarding legal issues and will maintain the highest degree of professionalism while working with these groups.

With this understanding in mind, Flaherty & Hood strives to represent the best interests of our government clients in a cost-effective and efficient manner while protecting the rights of our clients and achieving successful outcomes for the governmental unit and its customers. Our objective is amicable resolution of legal issues, but not at the expense of good judgment and compliance with the law.

To meet this objective, Flaherty & Hood thoroughly researches and analyzes legal issues facing public clients; identifies, presents, explains implications and makes recommendations, if advisable, on options to resolve issues; and develops positive, professional and productive working relationships with client staff in providing services. Flaherty & Hood will zealously advocate for and vigorously defend the interests of the City of Nisswa in labor arbitration and other contested cases.

Availability

Christopher J. Hoodecheck will be the primary attorney assigned to the City of Nisswa to ensure legal services provided to the City of Nisswa are completed timely, accurately and cost-effectively. Other attorneys in the firm will provide labor consultation and representation services, including attorneys Brandon M. Fitzsimmons, Angel D.G. Ragusa, and Chad H. Arnesen and analysts Ethan T. Rundquist and Cassandra L. Stein and paralegals Casey Teichert and Rikshith Chittajallu will also be called upon to provide services to City of Nisswa based on their specific areas of specialty should the need arise.

Response Time

Flaherty & Hood will commit to going the extra mile for the City of Nisswa in order to provide timely, thorough and accurate responses to the City's questions and projects. The timing for each project will be discussed early in order to meet every deadline set by the City of Nisswa. Flaherty & Hood will strive to have an attorney available to answer all of the City's emails and calls immediately. Even if an attorney is not immediately available, we pledge to return the City's emails and calls within four hours or less.

Reporting

Flaherty and Hood will provide reports to the City of Nisswa on any matter, if requested by City of Nisswa.

Office Information and Locations

The Flaherty & Hood St. Paul office is located in close proximity to the State Capitol, the State Legislature, the Appellate Courthouse and various state administrative agencies. We could attend City of Nisswa meetings when desired or needed in person, virtually, or teleconference. The firm is well-equipped with telecommunications technology, such as high speed bandwidth for virtual meetings, conference calling capabilities, and smart phones with email and internet access. The firm's St. Paul office can also accommodate numerous people and can be used for training, seminars or other presentations. Our location, with available parking and conference space, also provides our government clients with meeting space and easy walking access to the State Capitol and state agencies.

Computer and Technology Capabilities

Each member of the firm has a computer with the full Microsoft Office Suite and other applicable software, full internet access, virtual meeting capabilities, an email address, a telephone extension with voicemail and conference call capabilities, and a smart phone. In addition, we have the technology to be able to connect through any virtual means desired by our clients. Finally, we are equipped with a fax machine, black and white and color scanners and black and white and color copy machines.

Legal Research Capabilities

We have full Lexis Nexis, including the labor and employment database, up-to-date legal treatises and practice guides, and internet resources for legal research.

Services and Deliverables

Flaherty & Hood, P.A.'s standardized approach to providing consultation and representation services includes the following:

Service	Deliverable
• Compile information verbally and in writing	• Document and information request
• Assess and analyze project	• Analysis and recommendations • Procedural and substantive outlines
• Written communications to third parties (e.g., employee, labor union, agency)	• Correspondence or other formal document to third party
• Prepare documentation and communications and participate in negotiations	• Draft proposals or responses
• Arbitrations or contested BMS cases: o File petition, answer, or response o Prepare legal, procedural, and factual timelines o Draft and respond to discovery o Prepare and file pleadings with arbitrator or agency o Prepare prehearing documents, witnesses, arguments, and strategy o Represent employers at contested case hearings o Draft post-hearing documents, including court and appellate proceedings	• Petition or response • Timelines • Discovery and responses • Motions • Witness preparation timelines • Opening statement • Exhibits • Post-hearing briefs

PRICE PROPOSAL

Flaherty & Hood, P.A. is proposing to provide labor attorney and labor law services on an hourly basis based on the fee schedule below. Flaherty & Hood, P.A. is open to negotiation and adjustment of this proposed fee arrangement in order to develop a fee arrangement that will best meet the City of Nisswa's labor service needs.

Fees

As a member of the Coalition of Greater Minnesota Cities, the City of Nisswa will be billed the following significantly reduced hourly rates for labor and employment services billed in quarter-hour increments:

	First 25 Hours	Over 25 Hours
Attorney:	$170 per hour	$195 per hour
Analyst:	$145 per hour	$155 per hour
Legal Administrative:	$95 per hour	$105 per hour
Law Clerk:	$85 per hour	$95 per hour

These rates are subject to change upon 30-calendar day notice to the client in advance of such change.

Expenses

Additionally, reasonable expenses incurred by Flaherty & Hood, P.A. in providing legal services to the City of Nisswa will be billed as incurred on a monthly basis, including but not limited to:

Travel time .....50% of the applicable hourly rate
Mileage .....Applicable I.R.S. rate
Black and white copies .....15 cents/per page
Color copies .....75 cents/per page
Lexis Nexis .....As applicable to required usage
Fax.....Actual cost
Long Distance .....Actual cost
Parking .....Actual cost
Postage .....Actual cost
Court, arbitration, contested costs/fees .....Actual cost
Expert or subcontractor costs/fees .....Actual cost
Messenger .....Actual cost

CONFLICT OF INTEREST STATEMENT

Because Flaherty & Hood has dedicated its legal practice to serving the needs of cities throughout Minnesota, almost exclusively, we do not have conflicts of interest in representing our municipal clients, unlike many of our competitors where conflicts of interest frequently occur with their private developer, insurance industry, or other clients. Flaherty & Hood is, therefore, able to provide the following unequivocal conflict of interest statement to the City of Nisswa:

1. Neither the designated attorneys nor the law firm represent, or have represented, any client which representation may conflict with Flaherty & Hood's ability to meet all of the legal services needs of the City nor have we represented any member of the City Council.

2. Our legal services are provided to Minnesota cities primarily.

3. Neither the designated attorneys nor the law firm currently represent any other local units of government having jurisdiction within or contiguous to the City of Nisswa.

4. Neither the designated attorneys nor the law firm represent or have represented any labor unions in any context.

5. Neither the designated attorneys nor the law firm represent or have represented any party in a lawsuit brought against any Minnesota city or as defense attorneys for any criminal cases.

In the unlikely event that a conflict of interest was to arise in our representation of the City of Nisswa, we would bring the conflict to the attention of the City immediately upon discovery. Should the conflict not be resolvable to the satisfaction of the City, Flaherty & Hood—based on the direction from the City—would either withdraw as legal counsel for the other client or assist Nisswa in finding alternate legal counsel for such matter, as appropriate under the circumstances.

PROPOSAL FOR LABOR AND EMPLOYMENT LEGAL SERVICES

CITY OF NISSWA

March 20, 2026

Contact: Mary D. Tietjen
(612) 337-9277 | mtietjen@kennedy-graven.com | kennedy-graven.com

150 South Fifth Street | Suite 700 | Minneapolis, MN 55402

March 20, 2026

Maggi Wentler
Interim City Administrator
City of Nisswa
P.O. Box 410
Nisswa, MN 56468

Re: City of Nisswa Labor and Employment Legal Services RFP

Dear Interim City Administrator Wentler:

Thank you for the opportunity to present the City of Nisswa with this statement of qualifications and proposal for labor and employment legal services.

Kennedy & Graven focuses almost exclusively on local government work, and we are committed to providing superior service to local units of government. We represent cities, joint powers entities, townships, school districts, counties, and various other government entities throughout Minnesota. The foundation of our success rests on solid, long-term client relationships and the delivery of responsive, practical, and high-quality solutions to both common and unique problems.

We understand the scope of the work to be done and how to do it. We are fully committed to performing our work with excellence and in a timely manner. We are confident that we can provide the highest level of legal services to the City of Nisswa.

Please feel free to contact me if you have any questions or if you would like any additional information.

Thank you for your consideration.

Sincerely,

KENNEDY & GRAVEN, CHARTERED

/s/ Mary Tietjen

Mary Tietjen

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Kennedy & Graven
CHARTERED

General & Special Counsel to Local Governments

THROUGHOUT MINNESOTA

ABOUT KENNEDY & GRAVEN

Kennedy & Graven is the largest law firm in Minnesota that practices primarily local government law. The firm was founded in 1973 with a practice in local government law, public finance, and development. In 1989, members of a leading local government law firm, LeFevere, Lefler, Kennedy, O'Brien & Drawz, P.A., joined the organization.

Kennedy & Graven provides cities, townships, school districts, and other local government units with comprehensive legal counsel, and litigation representation.

By use of a team approach, Kennedy & Graven is able to deliver services in a comprehensive and economical manner. We take maximum advantage of the unique knowledge and experience that our attorneys have in specific areas of local government law. Kennedy & Graven's representation of many local government entities often means that the firm has previously encountered an issue and can therefore respond quickly and efficiently.

The Kennedy & Graven team consists of numerous attorneys, paralegals, and support staff focused on local government law.

Kennedy & Graven practices in all major areas of local government law, including:

- General Counsel
- Employment and Labor
- Land Use
- Public Utilities
- Litigation
- Real Estate
- Eminent Domain
- Municipal Bonds
- Public Finance
- Economic Development and Redevelopment
- Construction

The largest law firm in Minnesota serving primarily local governments

95%
of the firm's work is related to local government law

30+
ATTORNEYS
with diverse backgrounds and areas of expertise in local government law

The firm has provided services for more than
300 Cities
200 Townships
100 Schools

FIRM BACKGROUND

Labor and Employment Qualifications

Kennedy & Graven has a team of attorneys that focus on employment and labor advising, in addition to providing general municipal legal services to our local government clients. Our labor and employment law attorneys offer our clients a deep understanding of the complexities of being a public employer and have the technical expertise in labor and employment laws and regulations to evaluate needs and situations for our clients quickly and cost-effectively.

Our employment and labor law experience includes discipline/discharge cases; unemployment compensation hearings; race, sex, disability, and age discrimination matters; sexual harassment cases; grievance arbitrations; Veterans' Preference Act cases; reviews of personnel policies/handbooks, employment and union contracts; FLSA issues, labor-management contracts; PERA issues, and Minnesota Government Data Practices Act issues. Kenney & Graven has defended related cases in federal and state courts, arbitrations, and before the Minnesota Human Rights Department, the federal EEOC, the Minneapolis Commission on Civil Rights, and the Commissioner of Veterans Affairs. Much of our focus is on day-to-day advice related to personnel issues that arise in city operations.

Attorneys & Qualifications

The firm has 35 attorneys and over 95% of the firm's work is local government law. The firm has 23 shareholder attorneys (partners), 9 associate attorneys, and 3 of-counsel attorneys.

Please see **Exhibit A** for a complete list of Kennedy & Graven's attorneys.

Representative Clients

Kennedy & Graven provides legal services to many local governments throughout the state of Minnesota. The firm is the appointed city attorney/general counsel for 70 cities which includes employment and labor counseling and has additional clients that hire the firm specifically for employment and labor work.

Please see **Exhibit B** for a representative list of Kennedy and Graven's clients.

ATTORNEY QUALIFICATIONS

The firm proposes Mary Tietjen as the lead legal adviser and primary point of contact for the City. Jana Sullivan would serve as the second point of contact in the team of attorneys that would represent the City of Nisswa. Mary would also be responsible for the overall coordination of work of other firm attorneys or outside counsel as needed.



Mary D. Tietjen

Lead Labor and Employment Attorney

PROFESSIONAL CHRONOLOGY

1988	B.A., *cum laude* (Psychology), Concordia College, St. Paul, MN
1988-1992	Staffer, United States Congressman Gerry Sikorski
1993-1997	Full-time law clerk, League of Minnesota Cities Insurance Trust (LMCIT)
1997	J.D., *cum laude*, William Mitchell College of Law, St. Paul, MN
1997-2001	Defense Attorney, LMCIT
2001-2004	Associate Attorney, Kennedy & Graven
2004-Present	Shareholder, Kennedy & Graven

PROFESSIONAL AFFILIATIONS

Minnesota State Bar Association, Member
Minnesota Association of City Attorneys, Member and Past President

LABOR AND EMPLOYMENT EXPERIENCE

Mary Tietjen currently provides labor and employment counsel to the cities of Lake Elmo, Brooklyn Center, New Brighton, Minnetrista, Medina, East Grand Forks, Chanhassen, Prior Lake, Caledonia, Hopkins, St. Joseph, Rice, Crystal, Carver, Waterville, St. Paul Park, Mendota Heights, and the cities for which she acts as general counsel. She advises clients on a variety of employment and labor issues, including: personnel policy review; labor contract interpretation and grievances; discipline and termination; discrimination; FMLA and ADA disability and accommodation matters; state leave laws (Earned Sick and Safe Time, Paid Leave, Pregnancy and Parenting Leave, etc.); PERA matters; veterans' preference; military leave; policy updates to comply with changes in state and federal law; data practices; human rights claims; and civil service. In her role as general counsel to five Minnesota cities, she also provides day-to-day labor and employment advice to her cities and counsels them to resolve personnel matters both lawfully and efficiently.

Mary has extensive past litigation experience including employment-related litigation, labor grievance arbitrations, special assessment appeals and trial and appellate work in both state and federal court. Her experience includes both court and jury trials, significant motion practice and many arguments at the Minnesota Court of Appeals.

ADDITIONAL BACKGROUND AND EXPERIENCE

Mary is currently the City Attorney for the cities of Richfield, Rosemount, Robbinsdale, Osseo, and Montrose. She provides general counsel services in many areas of municipal law, including zoning, land

use, data practices, city code and charter interpretation, contract interpretation, joint power agreements, licensing matters, code enforcement, ordinance drafting and others.



Jana O. Sullivan

Labor and Employment Attorney

PROFESSIONAL CHRONOLOGY

1999	B.A., Political Communication, George Washington University
1997	Intern, Senator Paul Wellstone's office
1998	Intern, CNN's White House Unit
1999	Intern, Children's Defense Fund
2003	J.D., University of Minnesota Law School
2003	Law Clerk, Judge Thomas Kalitowski, Minnesota Court of Appeals
2003	Admitted to Minnesota State Bar
2004	Jardine, Logan, O'Brien, Associate
2005	League of Minnesota Cities, Litigation Attorney; promoted in 2017 to Assistant Litigation Supervisor; law clerk 2001-2003
2024	Attorney, Kennedy & Graven, Chartered
2026	Shareholder, Kennedy & Graven, Chartered

PROFESSIONAL AFFILIATIONS

Minnesota Association of City Attorneys, Member
Minnesota Defense Lawyers Association, Member
St. Thomas University Law School, Adjunct Professor
Advocates for Human Rights, Pro Bono Attorney – Asylum & Trafficking

BACKGROUND AND EXPERIENCE

Jana O'Leary Sullivan is a shareholder at Kennedy & Graven and is experienced with and passionate about working with local governments. Jana has more than 20 years of experience advising and representing cities. Jana specializes in employment and labor law, including providing employment counseling and trainings, reviewing policies and contracts, coordinating conflict resolution and media/public communication efforts, and conducting employment investigations. Jana focuses on providing holistic advice to clients that incorporates considerations of public relations, workplace morale, and social and political factors.

LITIGATION EXPERIENCE

Jana has over 20 years of litigation experience in employment and labor law, data practices, and related areas. She has represented local governments before state and federal courts, administrative courts

including the Office of Administrative Hearings, state and federal agencies including the Equal Employment Opportunity Commission and Minnesota Department of Human Rights, and in arbitrations/veterans' preference hearings. Jana's experience encompasses all aspects of litigation including discovery (including complex electronic and other discovery), depositions, motion practice and hearings, trials/hearings, and appellate practice.

ADDITIONAL INFORMATION

Office Location

Fifth Street Towers
150 South Fifth Street
Suite 700
Minneapolis, MN 55402
(612) 337-9300
(800) 788-8201 Toll free
(612) 337-9310 Fax

Office Staffing

Kennedy & Graven has four paralegals: one in public finance, two in real estate, and one in litigation. The firm has 13 additional staff in legal administrative assistant or administrative positions, including a firm administrator who is a former city attorney. Kennedy & Graven's Administrative staff work regular business hours Monday through Friday.

CONFLICT OF INTEREST

We are not aware of any current or former client in which our representation would conflict with the City of Nisswa. However, the firm does represent Crow Wing County in various matters.

The Firm does not currently represent any City Councilmembers.

The firm has a computerized conflict-checking system that is used to identify potential conflicts. The system maintains a database containing the names of all clients of the firm and all opposing parties. This database is checked each time that the firm opens a new matter. If a potential conflict exists, we notify each client. If an actual conflict exists, we will withdraw from representing either client unless both clients consent to our representation.

COMPENSATION

Please see **Exhibit C** for a description of hourly fees for Kennedy and Graven's services.

CONCLUSION

Thank you for this opportunity to offer Kennedy & Graven's labor and employment law services to your city. Please feel free to contact me if you have any questions or need any additional information.

KENNEDY & GRAVEN, CHARTERED

By: /s/ *Mary D. Tietjen*
Mary D. Tietjen, Shareholder
Kennedy and Graven, Chartered

Dated: March 20, 2026

EXHIBIT A

FULL LIST OF KENNEDY & GRAVEN ATTORNEYS

Kennedy & Graven has 35 attorneys with diverse backgrounds and expertise. Below is a summary of each attorney's areas of practice:

	**Robert A. Alsop** *Of-Counsel*	Employment Law, Housing Law, Litigation
	**Dave T. Anderson** *Shareholder*	Municipal Law
	**Ronald H. Batty** *Shareholder*	Municipal Law, Economic Development & Redevelopment
	**Andrew M. Biggerstaff** *Shareholder*	Municipal Law
	**Greta L. Bjerkness** *Shareholder*	Municipal Law, Real Estate Law, and Eminent Domain
	**Josh P. Devaney** *Associate*	Litigation
	**Zac DesAutels** *Associate*	Municipal Law, Litigation
	**Alex W. Furcich** *Associate*	Municipal Law
	**Alex D. Ivan** *Shareholder*	School Law, Special Education
	**Sam B. Ketchum** *Associate*	Municipal Law, Litigation, Environmental Law
	**Gregory S. Madsen** *Shareholder*	Employment and Labor Law, School Law
	**Peter Martin** *Shareholder*	School Law, Employment and Labor Law, Real Estate Law
	**Tessa M. McEllistrem** *Shareholder*	Litigation

	**Peter G. Mikhail** *Shareholder*	Litigation, Construction Law, Real Estate Law
	**Bridget M. Nason** *Shareholder*	Municipal Law
	**Scott J. Riggs** *Shareholder*	Municipal Law, Economic Development & Redevelopment, Real Estate Law, Township Law
	**Haley Taylor Schlitz** *Associate*	Municipal Law
	**Joseph L. Sathe** *Associate*	Municipal Law
	**Jessica E. Schwie** *Shareholder*	Litigation, Employment Law
	**Shannon Smith** *Associate*	School Law
	**Nicholas A. Smoger** *Associate*	Litigation
	**Jana O. Sullivan** *Shareholder*	Municipal Law, Employment and Labor Law, Litigation
	**Sarah J. Sonsalla** *Shareholder*	Real Estate Law, Employment Law, Municipal Law
	**James M. Strommen** *Of-Counsel*	Litigation, Public Utility Law, Construction Law
	**James J. Thomson** *Shareholder & President*	Municipal Law, Land Use, Litigation
	**Rachel G. Tierney** *Shareholder*	Municipal Law, Economic Development
	**Mary D. Tietjen** *Shareholder*	Municipal Law, Employment and Labor Law, Litigation
	**Siobhan L. Tolar** *Associate*	Municipal Law, Economic Development & Redevelopment
	**John Utley** *Of-Counsel*	Municipal Bonds, Public Finance

	**Robert J.V. Vose** *Shareholder*	Municipal Law, Public Utility Law
	**Maggie R. Wallner** *Shareholder*	Employment and Labor Law, Litigation, School Law
	**Michelle Weinberg** *Shareholder*	Litigation
	**Josh P. Weir** *Shareholder*	Real Estate Law, Eminent Domain
	**Larry M. Wertheim** *Shareholder*	Real Estate Law
	**Pamela Whitmore** *Shareholder*	Municipal Law, Employment Law, Mediation

EXHIBIT B

REPRESENTATIVE CLIENTS

DESIGNATED CITY ATTORNEY FOR THE FOLLOWING CITIES:

Baudette
Belle Plaine
Biscay
Brooklyn Center
Brooklyn Park
Carver
Clearwater
Cokato
Credit River
Crystal
Deerwood
East Gull Lake
Empire
Excelsior
Faribault
Fertile
Franklin
Fridley
Goodhue
Greenwood
Holdingford
Hopkins
Independence
Inver Grove Heights
Kenyon
Kettle River
Kilkenny
Lake City
Lake Elmo
Lauderdale
Little Fork
Mahtomedi
Mankato
Mantorville
Maple Lake
Maplewood
Marshall
McGrath
Medina
Minnetonka Beach
Minnetrista
Montrose
Mounds View
Nerstrand
Nevis
New Brighton
New Prague
New Trier
Nicollet
North Oaks
Oak Grove
Oakdale
Olivia
Osseo
Paynesville
Pelican Rapids
Pine Island
Richfield
Robbinsdale
Rogers
Rose Creek
Rosemount
Roseville
St. Paul Park
Sandstone
Shakopee
Tonka Bay
Victoria
Wahkon
Wells
West Concord
West St. Paul
White Bear Lake
Worthington

GENERAL COUNSEL TO THE FOLLOWING ECONOMIC DEVELOPMENT AUTHORITIES, HOUSING AND REDEVELOPMENT AUTHORITIES, AND PORT AUTHORITIES:

Belle Plaine
Blaine
Marshall
Medina

Brainerd
Brooklyn Center
Brooklyn Park
Burnsville
Chanhassen
Columbus
Cottage Grove
Crystal
Excelsior
Faribault
Golden Valley
Goodhue
Grand Rapids
Hopkins
Kenyon
Lake City
Lino Lakes
Mankato
Mantorville
Maplewood
Minnetonka
Minnetrista
Monticello
Montrose
Mounds View
New Prague
Pine Island
Richfield
Robbinsdale
Rosemount
Roseville
St. Paul Park
Sandstone
South St. Paul
Shakopee
Victoria
Wanamingo
West Concord
White Bear Lake

GENERAL COUNSEL TO SPECIAL PURPOSE ENTITIES:

Cable Commissions:
Apple Valley, Rosemount, Farmington
Lake Minnetonka
Quad Cities
Arlington, Gaylord, Winthrop, Gibbon
Southern Minnesota

Watersheds:
Bassett Creek
Middle Mississippi River
Lower Minnesota River East Watershed

Other JPAs:
Local Government Information Systems (LOGIS)
Suburban Rate Authority (SRA)
Chisago Lakes Joint Sewage Treatment Commission

Other:
Metropolitan Mosquito Control District

SPECIAL COUNSEL TO DOZENS OF CITIES, COUNTIES, JOINT POWERS ORGANIZATIONS, AND OTHER PUBLIC BODIES.

BOND COUNSEL TO CITIES, COUNTIES, SCHOOL DISTRICTS AND OTHER PUBLIC BODIES.

COUNSEL TO DOZENS OF TOWNSHIPS AND SCHOOL DISTRICTS.

Lists available upon request.

EXHIBIT C

COMPENSATION AND FEES

Hourly rates for all services. The minimum increment of billable time is six minutes (0.1 hour). Travel time and meeting attendance will also be billed at hourly rates.

	2026
Labor and Employment services as identified in the RFP, unless addressed elsewhere below)	[redacted]
Hourly rate for all attorneys	$250
Hourly rate for Support Personnel (All matters)	[redacted]
Paralegals	$130
Law Clerks	$95

OVERHEAD COSTS

The firm bills its out-of-pocket costs for such things as postage, filing fees and witness fees, and similar items.

Photocopying: No charge
Mileage: Then-current IRS business rate
Westlaw fees: No charge

City of Nisswa
Response to Request for Proposals for
Labor & Employment Legal Services

March 23, 2026

110 North Mill Street
Fergus Falls, MN 56537
Telephone: 218-736-5493
Fax: 218-736-3950
Website: www.pemlaw.com

Elise M. Heifort
e.heifort@pemlaw.com

Claire I. Thompson
c.thompson@pemlaw.com

Kristi A. Hastings
k.hastings@pemlaw.com

Abbie J. Thurmes
a.thurmes@pemlaw.com

Joshua M. Heggem
j.heggem@pemlaw.com

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PEMBERTON LAW

March 23, 2026

Maggi Wentler, Interim City Administrator
City of Nisswa
PO Box 410
Nisswa, MN 56468

Sent via email
maggi@cityofnisswa.gov

IN RE: Response to Request for Proposals for Labor and Employment Legal Services

Thank you for the opportunity to submit this proposal to the City of Nisswa for labor and employment legal services. Our law firm hopes to be of assistance to the City of Nisswa.

Pemberton Law has been part of the outstate Minnesota legal community for over 130 years. Our law firm has decades of experience representing public entities such as cities, townships, counties, school districts, joint powers entities, and service cooperatives. We have represented entities all across Minnesota in matters such as day-to-day workforce management guidance, grievance and arbitration work, contract negotiations, and general labor law advice.

On behalf of Pemberton Law, we wish to thank the City of Nisswa for the opportunity to submit this proposal for consideration. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

Elise M. Heifort
e.heifort@pemlaw.com

Claire I. Thompson
c.thompson@pemlaw.com

Kristi A. Hastings
k.hastings@pemlaw.com

Abbie J. Thurmes
a.thurmes@pemlaw.com

Joshua M. Heggem
j.heggem@pemlaw.com

DESCRIPTION & OVERVIEW OF PROFESSIONAL LEGAL SERVICES

Areas of Expertise & General Services

Our law firm has the benefit of being one of the largest outstate firms in Minnesota. More importantly, we can draw on the expertise of all 21 of our attorneys and provide great value through our collective knowledge and breadth of experience. It is rare for our law firm to be faced with a question or dilemma that someone here has not dealt with before. Combining that with the resources of our support staff, who also specialize within our various practice areas, we believe we can provide some of the most efficient and cost-effective services available.

While we anticipate sharing the total work for the city amongst all listed on the prior page, other attorneys would be available from time to time as needed. Our law firm utilizes a team-based approach with one primary attorney assigned to a public entity, but with the support and involvement as needed by other members of the team. This helps provide continuity of service for our public entities. In this instance, the primary attorney would be Elise M. Heifort.

General Qualifications

We have assembled a team of attorneys to assist the city and are able to assist with the scope of services outlined in the Request for Proposals. Elise M. Heifort practices primarily in public, municipal, and employment law and has represented public sector clients for approximately four years. Additionally, Kristi A. Hastings and Joshua M. Heggem, both senior partners at our firm, are MSBA Certified Labor and Employment Law Specialists, with extensive experience representing municipalities and public entities in employment and labor law matters. Abbie J. Thurmes and Claire I. Thompson also regularly practice in public, municipal, and employment law.

Attorney Qualifications and Resumes

Elise M. Heifort (Primary Attorney)

Elise M. Heifort is an associate attorney at Pemberton Law's Fergus Falls office. She is a member of the firm's Labor and Employment Law group.

Elise focuses her practice in the areas of labor and employment law and school law, representing primarily public entities across Greater Minnesota. Elise has experience advising employers on medical leaves and accommodations, personnel policies, investigations, workplace misconduct issues, and employee discipline and separation matters. Elise also routinely advises public entities on data requests under the Minnesota Government Data Practices Act (MGDPA) and on the Open Meeting Law in connection with employment matters. Elise recently worked for the League of Minnesota Cities as the HR Member Consultant, where she had the opportunity to work alongside cities and develop an understanding of the many employment and labor issues cities encounter on a regular basis.

Elise grew up in Fergus Falls, Minnesota and graduated magna cum laude from the University of Minnesota, Duluth with a Bachelor of Arts degree in Communication and a minor in Human Resources Management. She attended the University of St. Thomas School of Law and graduated magna cum laude. Elise also obtained a concentration in compliance. During law school, Elise was a member of the University of St. Thomas Journal of Law and Public Policy and was involved with the school's Greater Minnesota Practice Group.

Kristi A. Hastings

Kristi is a partner at the Fergus Falls office of Pemberton Law, and her practice areas consist of representing public entities (school, city, county, and township employers), providing human resources support, negotiating collective bargaining agreements, handling grievances and grievance arbitrations, conducting investigations, as well as handling the myriad of issues that face public employers on a daily basis. She also provides training to administration, councils, boards, staff, on various topics including respectful workplace, leadership, hiring practices, off-duty misconduct, open meeting law, workplace investigations and general legal compliance.

Kristi is a Board-Certified Labor and Employment Law Specialist by the Minnesota State Bar Association. Less than two percent of Minnesota attorneys have received this certification. Kristi earned her specialization in March 2012 and has extensive experience and training in employment law. She has been named a Super Lawyer every year from 2014 to 2025. Kristi also earned her certification as a Civil Rights Investigator through ATIXA in 2021.

Kristi grew up on her family's dairy farm near Ashley, North Dakota. She started her education at the University of Mary in Bismarck, North Dakota and completed her undergraduate education at the University of North Dakota in Grand Forks in 1998, graduating cum laude with a Bachelor of Arts in Communications. Kristi received her Juris Doctorate Degree from the University of North Dakota School of Law in 2001 and was admitted to the Minnesota Bar in 2001. Kristi began working for Pemberton Law as a legal clerk during law school before becoming an associate and later a partner.

Kristi has practiced almost exclusively in the areas of school law, municipal law, employment litigation, human resources support, and defending public entities in litigation, and contract negotiations for all of her 25 years at the firm. She is well versed in FMLA, grievance and arbitration matters, unemployment matters, discrimination, discipline, leave compliance, reduction in force, American with Disabilities Act, Veteran's Preference, hiring practices, and terminations. Attorney involvement can take many shapes and forms with labor negotiations, from serving as chief negotiator to taking a supportive role in developing proposals, responding to union demands, drafting language, etc., Kristi is open to helping however the council and/or administration deems best.

Joshua M. Heggem

Josh is a partner at the Fergus Falls office of Pemberton Law. Josh grew up in Aitkin, Minnesota, and graduated from Aitkin High School. He completed his undergraduate studies and graduated from Gustavus Adolphus College. He received his Juris Doctorate from the University of Minnesota Law School and was admitted to the Minnesota Bar in 2007. He is also licensed to practice in North Dakota. Josh began representing public entities during the initial days of his employment with Pemberton Law, 18 years ago, and, prior to his admission to the bar, by conducting internal employment investigations and conducting legal research. Josh has been with the firm for his entire career, and his practice focuses on the areas of employment and labor law, municipal law, and school law.

Josh's practice areas include representing both public and private entities, handling complex human resource and employment issues for employers, such as conducting workplace investigations involving sensitive, criminal, and financial issues, assisting with negotiating collective bargaining agreements, and employer legal compliance work.

Josh has a wide variety of experience with Minnesota municipal and public sector law. He has assisted cities and other public entities with evaluating and assessing various liability risks associated with many different policy decisions; reviewed and negotiated various types of contracts for city services; drafted ordinances and resolutions, and he has interpreted state statute and city charter provisions and the effect those provisions have on proposed council action.

He has assisted public entities with responding to discrimination claims, labor negotiations, employee grievances and arbitrations, Veteran's Preference Hearings, unemployment claims, eminent domain hearings, and other types of administrative hearings. Josh has a great deal of knowledge regarding PELRA, open meeting law, data practices, and many other statutory requirements and procedures unique to public entities.

Claire I. Thompson

Claire Thompson is an attorney at Pemberton Law in Fergus Falls, where she practices in the areas of labor and employment law and school law, mainly assisting public entities in Greater Minnesota. Claire is licensed to practice law in Minnesota and North Dakota.

Claire received her Bachelor of Arts degree from St. Catherine University in St. Paul, Minnesota. After graduation, she served as an AmeriCorps member for Emerge Community Development, a non-profit located in Northeast Minneapolis. Claire attended the University of North Dakota Law School where she graduated cum laude. During her time at law school, Claire served as the research editor for the North Dakota Law Review and participated in a semester long internship with the North Dakota Legislative Council during the 2021 legislative session. Prior to joining Pemberton, Claire clerked for the Honorable Daniel J. Crothers with the North Dakota Supreme Court and the Honorable Alice R. Senechal with the United States District Court for the District of North Dakota.

Abbie J. Thurmes

Abbie focuses her practice in the areas of labor and employment law and school law, representing public entities and private employers. Abbie has experience advising employers on the wide range of issues they encounter on a daily basis, including human resources support, medical leaves, wage and hour issues, contract issues, workplace misconduct and investigations, and employee discipline and separation. Abbie enjoys helping employers navigate complex legal issues with a practical, measured, and solutions-oriented approach.

Abbie has been recognized as a Super Lawyers Rising Star for four consecutive years (2022-2025). She earned her undergraduate degree from North Dakota State University and graduated magna cum laude from Mitchell Hamline School of Law. During law school, Abbie demonstrated a strong commitment to public service through her work with the Hennepin County and Dakota County Public Defender's Offices, where she assisted clients facing significant legal challenges. She was honored at graduation for completing more than 150 hours of public service. Prior to joining Pemberton, Abbie served as a Public Defender in Minnesota's Seventh Judicial District.

Continued Development

Every year all of our attorneys attend and complete educational courses to maintain their licensure. As Labor and Employment Law Specialists, Kristi and Josh attend, present, and complete education courses focusing on legal issues related to the relationships between employers and employees to maintain their specialist licensure.

Attending and participating in continuing legal education courses ensures our employment & labor team stays up to date on current laws and regulations, ethical standards, and best practices in their labor and employment law practice. Recently, Elise presented an educational course on Minnesota Paid Leave at the Minnesota Association of City Attorneys 2025 Winter Conference and is presenting another Minnesota Paid Leave educational course as part of the public sector track at the upcoming 2026 Upper Midwest Employment Law Institute Conference in St. Paul, Minnesota.

Professional Staff Qualifications

As mentioned above, our firm utilizes a team-based approach, and our professional staff are no exception. Our firm utilizes paralegals, legal assistants, law clerks, interns, filing clerks, receptionists, and runners to ensure timely, cost-effective, and efficient service to our clients. We have professional support staff with a wide range of years of service for our firm, from new hires to support staff who have worked with us for 35 plus years. Our staff are the backbone of our law firm, and we are proud to say that their experience and knowledge are the cornerstone of each of our attorneys' respective practices.

ADDITIONAL CONSIDERATIONS

Public Entity Experience

Present Municipal Clients

Our firm has been serving public entities for the vast majority of its 130 years of existence. Some of these have been clients for over fifty years, and many of them have been clients for several decades. Here is a representative list of our present municipal clients, which we serve in a variety of capacities. Some we represent as designated labor and employment counsel; some we assist on special projects or function as outside investigators.

- City of Audubon
- City of Appleton
- City of Dilworth
- City of East Grand Forks
- City of Fargo
- City of Farmington
- City of Fergus Falls
- City of Fergus Falls Housing & Redevelopment Authority
- City of Fosston
- City of Gilbert
- City of Glyndon
- City of Keewatin
- City of Long Prairie
- City of Mankato
- City of Marshall
- City of Montevideo
- City of Motley
- City of Pillager
- City of Shakopee
- City of Spicer
- City of Staples
- City of Starbuck
- City of Virginia
- City of West St. Paul
- City of Wheaton
- Bemidji Housing & Redevelopment Authority

Other Public Entities

In addition, our firm represents a number of other public entities, both as designated labor and employment counsel and for special projects or investigations. Some of these have been clients for over fifty years, and many of them have been clients for several decades. Here is a representative list of these present clients:

- Aitkin County
- Becker County
- Beltrami County
- Big Stone County
- Cass County
- Chisago County
- Clay County
- Clearwater County
- Douglas County Social Services
- Hubbard County
- Jackson County
- Red Lake County
- Redwood County
- Renville County
- Stearns County
- Swift County
- Waseca County
- Wilkin County
- 6W Community Corrections
- Des Moines Valley Health and Human Services
- JET - Northeast Minnesota Office of Job Training

- Kandiyohi County
- Kittson County
- Lake of the Woods County
- Mahnomen County
- Meeker County
- Meeker County Housing & Redevelopment Authority
- Morrison County
- Norman County
- Otter Tail County
- Pennington County
- Pennington & Red Lake County Public Health & Home Care
- Polk County
- Northwest Regional Library
- Region Five Development Commission
- Scott County Community Development Authority
- Todd-Wadena Community Corrections
- Upper MN Valley Regional Development Commission
- Western Prairie Human Services

Currently, we serve most of our public clients on an as-needed basis. Most county boards meet on Tuesdays and Thursdays during regular business hours. Most school boards meet in the evenings; however, we are only sporadically asked to appear at these meetings. As a result, we do not believe scheduling conflicts will be an issue with your City Council meetings. In the event that a scheduling conflict should arise, we have other attorneys available and capable of filling in if necessary. We are also willing and able to appear at meetings by telephone or videoconference if necessary.

Conflict of Interest Considerations

With a firm of our size, and the size of our client base, it is possible that conflicts may arise between the City of Nisswa and some of our other clients. Although it is a rare occurrence, there may be times when we need to withdraw from representing one client or another under certain circumstances. However, we can assure the City of Nisswa that if there is a need to resolve a conflict and/or find separate counsel, we will have an in-depth discussion with the City Council regarding the conflict, our proposed solution, and if necessary, our recommendation for separate counsel to assist to the extent it is necessary.

No one in the firm currently represents any member of the City of Nisswa City Council.

Availability & Response Time

It is not unusual when advising public entities to have short turn-around times for review of documents or to respond to situations. We believe that our team-based approach is well-suited for this because it means several of our attorneys are up to speed on each client's matters and the laws involved in order to meet the necessary deadlines in a cost-effective manner.

We pride ourselves on being accessible, and this contract will be given our utmost attention. When we are not in the office, we will provide our cell phone numbers so we may be reached. If a face-to-face meeting would help resolve a situation, we will make ourselves available for this. We make it a priority to return telephone calls and give clients a timeline of when they can expect work to be completed. We do not believe there is a standard time frame for responding to a specific inquiry,

as it depends on the type of question being asked and whether research or additional fact gathering is necessary. We keep our clients up to date on the happenings in their cases and matters, and we would do the same for the City of Nisswa.

Fees & Billing

Hourly Rates

Elise M. Heifort (Primary Attorney)	$250.00
Kristi A. Hastings	$275.00
Joshua M. Heggem	$275.00
Abbie J. Thurmes	$275.00
Claire I. Thompson	$215.00

General Office Costs

Meals	Actual expenses incurred
Lodging	Actual expenses incurred
Postage and Overnight Mail	Actual expenses incurred
Mileage	72.5¢/mi. (2026 IRS rate)
Travel time	Attorney hourly rates for actual travel time

Increments of Time Billed

All firm personnel bill in minimum six-minute increments (0.1 of an hour). This increment is billed for phone calls, emails, and any other activity performed in service of the City. We bill monthly during the first week of each month and send detailed, itemized billing statements outlining all work performed.

Specialized Fees

Attendance at City Council meetings would be billed hourly.

Specialized fees for litigation services would be negotiated separately.

Office Locations

Pemberton Law is comprised of four main offices—located in Fergus Falls, Detroit Lakes, Wadena, and Alexandria, Minnesota. We maintain smaller offices in Henning, Ottertail, and Parkers Prairie, Minnesota. Our firm consists of 21 attorneys, 41 support staff, and varying numbers of interns, law clerks, and summer associates.

Malpractice Statement

Our firm and our attorneys have not received any ethics complaints that have not been summarily dismissed due to lack of merit during the past five years. In the previous five years, we have dealt with two assertions of legal malpractice, neither of which were brought by lawsuit, with the assistance of our malpractice carrier.

CLIENT REFERENCES

Britt See-Benes, City Administrator
Sherry Erickson, Finance/HR/Safety Director, City of Virginia
327 First Street South
Virginia, MN 55792
Phone: (218) 749-3568
Email: britts@virginiamn.us
ericksons@virginiamn.us

Peyton Mastera, City Administrator
City of Dilworth, Minnesota
2 First Avenue Southeast
P.O. Box 187
Dilworth, MN 56529-0187
Phone: 218-287-2313
Email: peyton.mastera@ci.dilworth.mn.us

CONSENT FOR RELEASE OF RESPONSE DATA

March 23, 2026

Maggi Wentler, Interim City Administrator
City of Nisswa
PO Box 410
Nisswa, MN 56468

RE: **Request for Proposal: Labor and Employment Legal Services**

Elise M. Heifort, on behalf of Pemberton Law Firm, hereby consents to the release of its proposal in response to the Request for Proposals for Labor and Employment Legal Services and waives any claims it may have under Minnesota Statutes § 13.08 against the City of Nisswa for making such information public.



Elise M. Heifort, Attorney
Pemberton Law, PLLP
110 North Mill Street
Fergus Falls, MN 56537
218-736-5493
e.heifort@pemlaw.com

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Maggi Wentler, Interim City Administrator

Date: 4/21/2026

Item: Request for temporary Compensation Adjustment for Interim Duties

Action Requested:

I request the council approve a temporary compensation adjustment while assuming some of the roles and responsibilities as Interim City Administrator.

Background:

I accepted interim City Administrator and Clerk responsibilities in addition to my Treasurer duties on as of September 4, 2025. The interim period has extended beyond initial expectations and remains open-ended while recruitment continues.

These combined roles require significant additional responsibilities, decision-making, and hours beyond the scope of a single position. I regularly work 60+ hours/week to maintain essential city operations, meet statutory deadlines, manage finances, support public meetings, and handle day-to-day administrative needs. In turn I miss out on many personal events, along with a cancelled vacation.

Maintaining effective city operations during this interim period requires recognition of the increased workload and responsibility. I appreciate the Council's consideration of a fair, temporary compensation adjustment.

Thank you for your consideration.

Respectfully,

Maggi Wentler

Current Pay:

City Administrator Pay Grade 20 Step 7 $60.47

Requesting Increase Pay:

City Administrator Pay Grade 20 Step 10 $66.08

CITY OF NISSWA

Cannabinoid (Low-Potency) License Application

This form must be completed in its entirety. Each retail location must complete a separate application.

CANNABINOID LICENSE TYPE: **Retail** ____ **New** ____ **Renewal** ✓

Initial License Fee: $250 per retail location Renewal License Fee: $125 per retail location

TOTAL Fees Due: _____

Licenses are valid for one calendar year and shall expire each year on December 31st. Licenses are not transferable. Initial license fee includes registration and 1st renewal. License holders are required to submit the necessary paperwork annually to the City for approval for the upcoming year.

The undersigned hereby makes application to the City of Nisswa, Crow Wing County Minnesota, for a cannabinoid (low-potency) license subject to the laws of the State of Minnesota and of the City of Nisswa.

APPLICANT INFORMATION:		
Name: *First* [redacted] *Full Middle Name* [redacted]		
Applicant Current Address: [redacted]		
City, State, Zip: Nisswa MN 56468		
Phone: Home:	Work: (218) 963-2265	Cell: [redacted]
E-Mail Address: [redacted]	Date of Birth: [redacted]	Social Security #: [redacted]

BUSINESS INFORMATION:	
Business Name: Schaefer's III, Inc.	
Type of Ownership: Sole Proprietorship Partnership Limited Liability Company (LLC) (Corporation) Other	
Trade Name or DBA: Schaefer's Foods	
Address of Business: 23962 Smiley Road	
City State, Zip: Nisswa MN 56468	
Mailing Address *(if different from above)*:	
Federal Employer Identification No.: 41-1395548	Minnesota Business ID No.: 40676054
Business Phone: (218) 963-2265	Alternate Number: [redacted]
Manager of Business: Andrew J. Schaefer	
Address of Manager: [redacted]	

If the above-named licensee is a Corporation, Partnership, or LLC, complete the following for each partner/officer:

Owner #1: *First* Andrew *Full Middle Name* Jonathan *Last Name* Schaefer

Current Address: [redacted]

City, State, Zip: Nisswa MN 56468

Telephone: Home: Work: (218) 963-2265 Cell: [redacted]

E-Mail Address: [redacted] Date of Birth: [redacted] Social Security #: [redacted]

Owner #2: *First* Theodore *Full Middle Name* Henry *Last Name* Schaefer III

Current Address: [redacted]

City, State, Zip: Nisswa MN 56468

Telephone: Home: Work (218) 963-2265 Cell [redacted]

E-Mail Address: [redacted] Date of Birth: [redacted] Social Security #: [redacted]

Owner #3: *First* *Full Middle Name* *Last Name*

Current Address:

City, State, Zip:

Telephone: Home: Work: Cell:

E-Mail Address: Date of Birth: Social Security #:

(Add additional pages of Owner information if more than 3 owners)

Application Questions:

Is business located within 300 feet of any public or private school? Yes_____ No_X_

Is business a retail establishment which sells goods or merchandise directly to the public at retail value? Yes_X_ No____

Is applicant the property owner or a tenant / lessee? Owner_____Tenant / Lessee_X_

If tenant or Lessee, property owner must approve this application:

Property owner name (print) Theodore H. Schaefer III

Signature [redacted]

Is the applicant 21 years of age or older? Yes_X_ No____

Is the applicant prohibited by Federal, State or other local law from holding a license? Yes_____ No_X_

Has the applicant had a license to sell THC products suspended or revoked from any location in the past 12 months Yes____ No_X_

List all the current and previous THC Sales Licenses you have had, including the name of the store(s) and the complete address for each: _____

Schaefer's Foods 229162 Smiley Road Nisswa MN 56468

_____

Does the applicant owe any taxes, fines, fees or other financial obligations to the City of Nisswa?

Yes_____ No_X_

[redacted] Initial) Applicant acknowledges the following hours of operation for the sale of cannabinoid (low-potency) products and agrees to abide by the hours set forth in the city code, as amended:

Low-Potency Hemp Edibles and Beverages businesses are limited to retail sale of products between the hours of:

- Monday-Saturday: 9 a.m.- 10 p.m.
- Sunday: 10 a.m. – 9 p.m.

Low-Potency Hemp Edibles and Beverages businesses must also follow any exceptions to the hours noted above, in accordance with state law.

[redacted] (Initial) A Certificate of Insurance is attached to this application that shows general liability coverage, issued by an insurance company authorized to do business in the State of Minnesota, with a limit of not less than $1,000,000 for each occurrence. Any general aggregate limit included in the policy must be not less than $2,000,000 and the aggregate limit will apply on a per license year basis. The insurance policy must also cover liability arising from loss associated with the sale of cannabinoids from your business resulting in personal injury, property damage, or both. The certificate and the required insurance policy shall cover the entire license period and contain a provision that the coverage afforded under the contract will not be cancelled or allowed to expire until at least 30 days after prior written notice has been given to the City.

Applicant agrees to comply with all laws, ordinances or regulations applicable whether they are federal, state, county or municipal. The undersigned declares that the information provided in this license application is truthful and authorizes the City of Nisswa to investigate the information provided. The City of Nisswa reserves the right to request additional information to assist in the evaluation of this application.

Applicant Signature: [redacted] ***Date:*** 4-2-26

Name (Print): Andrew J. Sanchez

Title: Co-President

MUST BE SIGNED BEFORE NOTARY

Subscribed and sworn before me this 2nd day of April, 20 26

State: Minnesota City: Nisswa

My Commission Expires: January 31, 2027

Notary Signature: [signature]

NOTARY SEAL

ANDREW J SANCHEZ
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/27

DATA PRACTICES ADVISORY
TENNESSEN WARNING – PERMITS AND LICENSES

You are being asked to answer questions and provide information pursuant to the license and application process that is required by Minnesota state law and/or the Nisswa City Code. The purpose and intended use of the requested data is to verify that applicants meet the requirements of the state statues and city code provisions and, if the license or permit is approved, to verify that all required data remains current.

Some of the information you provide on this application is considered private data under the Minnesota Government Data Practices Act (the "Act"). This information will be used by the City and its agents involved in the review of this application. You are not required by state law or City Code to answer questions or provide the information requested. However, a refusal to answer questions or provide the information requested will prevent the City from processing the permit or license for which you are applying.

The following data collected, created, or maintained is classified under the Act as public data once a license has been approved (Minn. Stat. 13.41, subd.5):

1. Data submitted by applicants (including name, email, telephone numbers, and addresses).
2. Orders for hearing, findings of fact, conclusions of law, and specification of any final disciplinary action.
3. Entire record concerning any disciplinary proceeding.
4. License numbers and status.

The following data collected, created, or maintained is classified under the Act as private and/or confidential data (Minn. Stat. 13.41, subd.2; Minn. Stat. 13.37, subd.1):

1. Active investigative data relating to complaints against any license.
2. The identity of complainants who have made reports concerning licenses or applicants which appear in inactive complaint data unless the complainant consents to disclosure.
3. The information related to unsubstantiated complaints when it is not maintained in anticipation of legal action.
4. Inactive investigative data relating to violations of statutes or rules.
5. Record of disciplinary proceedings, except as limited by the provisions above.
6. Trade secrets, as defined under Minnesota law.
7. Sensitive security and safety information.

The City of Nisswa may make any private or confidential data accessible to an appropriate person or agency if the City determines that failure to make the data accessible is likely to create a clear and present danger to public health or safety.

Certification: I have read and certify the information in this application is true and correct. I further understand that the giving of false information in this form and/or the failure to give requested information may be cause for immediate revocation of any and all licenses and/or permits issued hereunder. I understand the above information regarding my rights as a subject of government data and applicant for a license or permit from the City of Nisswa.

Note: Proper signature is required. If a corporation owns this establishment, an officer of the corporation must sign below; if a partnership, the managing partner; if an individual, the owner.



Signature

3/20/2026
Date

Andrew Schaefer
Print Name

Co-President
Print Title

Schaefer's Foods
Establishment Name (DBA) or Trade Name

CITY OF NISSWA

Cannabinoid (Low-Potency) License Application

This form must be completed in its entirety. Each retail location must complete a separate application.

CANNABINOID LICENSE TYPE: **Retail** X **New** ___ **Renewal** X

Initial License Fee: $250 per retail location Renewal License Fee: $125 per retail location

TOTAL Fees Due: _____

Licenses are valid for one calendar year and shall expire each year on December 31st. Licenses are not transferable. Initial license fee includes registration and 1st renewal. License holders are required to submit the necessary paperwork annually to the City for approval for the upcoming year.

The undersigned hereby makes application to the City of Nisswa, Crow Wing County Minnesota, for a cannabinoid (low-potency) license subject to the laws of the State of Minnesota and of the City of Nisswa.

APPLICANT INFORMATION:		
Name: *First* [redacted]	*Full Middle Name* [redacted]	*Last Name* [redacted]
Applicant Current Address: [redacted]		
City, State, Zip: [redacted]		
Phone: Home: N/A	Work: 218-963-0085	Cell: [redacted]
E-Mail Address: [redacted]	Date of Birth: [redacted]	cial Security #: [redacted]

BUSINESS INFORMATION:	
Business Name: Nisswa Municipal AKA Ye old pickle Factory	
Type of Ownership: Sole Proprietorship Partnership Limited Liability Company (LLC) Corporation Other	
Trade Name or DBA: Ye old Pickle Factory	
Address of Business: 25532 Murray Rd	
City State, Zip: Nisswa, MN 56468	
Mailing Address *(if different from above)*:	
Federal Employer Identification No.:	Minnesota Business ID No.:
Business Phone: 218-963-0085	Alternate Number: 218-839-1579
Manager of Business: Terry Wallin	
Address of Manager: [redacted]	

If the above-named licensee is a Corporation, Partnership, or LLC, complete the following for each partner/officer:		
Owner #1: *First*	*Full Middle Name*	*Last Name*
Current Address:		
City, State, Zip:		
Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:
Owner #2: *First*	*Full Middle Name*	*Last Name*
Current Address:		
City, State, Zip:		
Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:

Owner #3: *First*	*Full Middle Name*	*Last Name*
Current Address:		
City, State, Zip:		
Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:

(Add additional pages of Owner information if more than 3 owners)

Application Questions:

Is business located within 300 feet of any public or private school? Yes_____ No X

Is business a retail establishment which sells goods or merchandise directly to the public at retail value? Yes X No___

Is applicant the property owner or a tenant / lessee? Owner_____Tenant / Lessee_____

If tenant or Lessee, property owner must approve this application:

Property owner name (print) City of Nisswa

Signature_____

Is the applicant 21 years of age or older? Yes X No___

Is the applicant prohibited by Federal, State or other local law from holding a license? Yes____ No X

Has the applicant had a license to sell THC products suspended or revoked from any location in the past 12 months Yes___ No X

List all the current and previous THC Sales Licenses you have had, including the name of the store(s) and the complete address for each: Low Dose THC

_____

_____

Does the applicant owe any taxes, fines, fees or other financial obligations to the City of Nisswa?

Yes_____ No X

[redacted](Initial) Applicant acknowledges the following hours of operation for the sale of cannabinoid (low-potency) products and agrees to abide by the hours set forth in the city code, as amended:

Low-Potency Hemp Edibles and Beverages businesses are limited to retail sale of products between the hours of:

- Monday-Saturday: 9 a.m.- 10 p.m.
- Sunday: 10 a.m. – 9 p.m.

Low-Potency Hemp Edibles and Beverages businesses must also follow any exceptions to the hours noted above, in accordance with state law.

[redacted](Initial) A Certificate of Insurance is attached to this application that shows general liability coverage, issued by an insurance company authorized to do business in the State of Minnesota, with a limit of not less than $1,000,000 for each occurrence. Any general aggregate limit included in the policy must be not less than $2,000,000 and the aggregate limit will apply on a per license year basis. The insurance policy must also cover liability arising from loss associated with the sale of cannabinoids from your business resulting in personal injury, property damage, or both. The certificate and the required insurance policy shall cover the entire license period and contain a provision that the coverage afforded under the contract will not be cancelled or allowed to expire until at least 30 days after prior written notice has been given to the City.

Applicant agrees to comply with all laws, ordinances or regulations applicable whether they are federal, state, county or municipal. The undersigned declares that the information provided in this license application is truthful and authorizes the City of Nisswa to investigate the information provided. The City of Nisswa reserves the right to request additional information to assist in the evaluation of this application.

Applicant Signature: [redacted] ***Date:*** 3/15/26

Name (Print): Terry Wallin

Title: Manager

MUST BE SIGNED BEFORE NOTARY

Subscribed and sworn before me this_____day of_____, 20____

State: _____ City: _____

My Commission Expires: _____

Notary Signature: _____

NOTARY SEAL

CITY OF NISSWA

Cannabinoid (Low-Potency) License Application

This form must be completed in its entirety. Each retail location must complete a separate application.

CANNABINOID LICENSE TYPE: Retail ✓ New ✓ Renewal ____

Initial License Fee: $250 per retail location Renewal License Fee: $125 per retail location

TOTAL Fees Due: _____

Licenses are valid for one calendar year and shall expire each year on December 31st. Licenses are not transferable. Initial license fee includes registration and 1st renewal. License holders are required to submit the necessary paperwork annually to the City for approval for the upcoming year.

The undersigned hereby makes application to the City of Nisswa, Crow Wing County Minnesota, for a cannabinoid (low-potency) license subject to the laws of the State of Minnesota and of the City of Nisswa.

APPLICANT INFORMATION:		
Name: [redacted] *First*	[redacted] *Full Middle Name*	[redacted] *Last Name*
Applicant Current Address: [redacted]		
City, State, Zip: [redacted]		
Phone: Home [redacted]	Work (218) 963-7488	Cell [redacted]
E-Mail Address: [redacted]	Date of Birth: [redacted]	Social Security #: [redacted]

BUSINESS INFORMATION:	
Business Name: City of Nisswa	
Type of Ownership: Sole Proprietorship Partnership Limited Liability Company (LLC) Corporation Other	
Trade Name or DBA: Spirits of Nisswa	
Address of Business: 23930 Smiley Road	
City State, Zip: Nisswa, MN 56463	
Mailing Address *(if different from above)*: PO Box 410, Nisswa, MN 56468	
Federal Employer Identification No.: 41-6005419	Minnesota Business ID No.: 8024309
Business Phone: 218 963 7488	Alternate Number:
Manager of Business: Brian Lee Farrell	
Address of Manager:	

If the above-named licensee is a Corporation, Partnership, or LLC, complete the following for each partner/officer:		
Owner #1: *First* *Full Middle Name* *Last Name*		
Current Address:		
City, State, Zip:		
Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:
Owner #2: *First* *Full Middle Name* *Last Name*		
Current Address:		
City, State, Zip:		
Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:

Owner #3: *First* *Full Middle Name* *Last Name*		
Current Address:		
City, State, Zip:		
Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:

(Add additional pages of Owner information if more than 3 owners)

Application Questions:

Is business located within 300 feet of any public or private school? Yes____ No✓

Is business a retail establishment which sells goods or merchandise directly to the public at retail value? Yes✓ No____

Is applicant the property owner or a tenant / lessee? Owner____Tenant / Lessee✓

If tenant or Lessee, property owner must approve this application:

Property owner name (print) City of Nisswa

Signature [redacted]

Is the applicant 21 years of age or older? Yes✓ No____

Is the applicant prohibited by Federal, State or other local law from holding a license? Yes____ No✓

Has the applicant had a license to sell THC products suspended or revoked from any location in the past 12 months Yes____ No✓

List all the current and previous THC Sales Licenses you have had, including the name of the store(s) and the complete address for each: _____

_____

_____

Does the applicant owe any taxes, fines, fees or other financial obligations to the City of Nisswa?

Yes____ No✓

[redacted] (Initial) Applicant acknowledges the following hours of operation for the sale of cannabinoid (low-potency) products and agrees to abide by the hours set forth in the city code, as amended:

Low-Potency Hemp Edibles and Beverages businesses are limited to retail sale of products between the hours of:

- Monday-Saturday: 9 a.m.- 10 p.m.
- Sunday: 10 a.m. – 9 p.m.

Low-Potency Hemp Edibles and Beverages businesses must also follow any exceptions to the hours noted above, in accordance with state law.

[redacted] (Initial) A Certificate of Insurance is attached to this application that shows general liability coverage, issued by an insurance company authorized to do business in the State of Minnesota, with a limit of not less than $1,000,000 for each occurrence. Any general aggregate limit included in the policy must be not less than $2,000,000 and the aggregate limit will apply on a per license year basis. The insurance policy must also cover liability arising from loss associated with the sale of cannabinoids from your business resulting in personal injury, property damage, or both. The certificate and the required insurance policy shall cover the entire license period and contain a provision that the coverage afforded under the contract will not be cancelled or allowed to expire until at least 30 days after prior written notice has been given to the City.

Applicant agrees to comply with all laws, ordinances or regulations applicable whether they are federal, state, county or municipal. The undersigned declares that the information provided in this license application is truthful and authorizes the City of Nisswa to investigate the information provided. The City of Nisswa reserves the right to request additional information to assist in the evaluation of this application.

Applicant Signature: [redacted] ***Date:*** 4/1/26

Name (Print): Brian Lee Farrell

Title: Manager

MUST BE SIGNED BEFORE NOTARY

Subscribed and sworn before me this_____day of_____, 20____

State:_____ City:_____

My Commission Expires:_____

Notary Signature:_____

NOTARY SEAL

CITY OF NISSWA

BACKGROUND CHECK AUTHORIZATION

Date: 4-17-2026

The following named individual has made application with the City of Nisswa for the purpose of obtaining a cannabinoid license.

Last name of applicant (please print): French

First name (please print): Chris

Middle (full) (please print): Nathan

Maiden, Alias or Former (please print): _____

Date of Birth: [redacted] (Month/Day/Year) Sex: M or F Race: [redacted]

Driver's License #: [redacted]

I authorize the Minnesota Bureau of Criminal Apprehension and/or the Nisswa Police Department to disclose all criminal history record information to authorized personnel at the City of Nisswa for the purpose of obtaining a cannabinoid license with the City of Nisswa as per Chapter VIII of the Nisswa City Code.

The expiration of this authorization shall be for a period no longer than one year from the date of my signature.

[redacted]
Signature of Applicant

4-17-2025
Date

Notary:
Subscribed and sworn before me this

17th day of April, 20 26.

[redacted] / Aaron J Downing
(Notary Public)

My Commission Expires 01/31/2029

Stamp:

AARON J DOWNING
Notary Public
Minnesota
My Commission Expires
Jan 31, 2029

DEPARTMENT OF LABOR AND INDUSTRY
Construction Codes and Licensing Division
Licensing and Certification Services
443 Lafayette Road North
PO Box 64217
St. Paul, MN 55155

E-mail: dli.license@state.mn.us
Web Site: www.dli.mn.gov
Phone: (651) 284-5034

CC0515

Certificate of Compliance
Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a $2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number
	218-961-2337	[redacted]

Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)
Big Axe Brewing Company LLC

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
25435 Main St	Nisswa	MN	56468
County: Crow Wing	Email address: [redacted]		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. ☑ **I have a workers' compensation insurance policy.**

Insurance company name (not the insurance agent)
Technology Insurance Company

Policy number	Effective date	Expiration date
[redacted]	6/1/2024 /25	6/1/2025 /26

☐ **I am self-insured for workers' compensation.** (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see https://mn.gov/commerce/industries/insurance/licensing/self-insurance.)

2. **I am not required to have workers' compensation insurance because:**

☐ I only use independent contractors and do not have employees. (See Minn. Stat. § 176.043 for trucking and messenger courier industries; Minn. Stat. § 181.723, subd. 4, for building construction; and Minnesota Rules chapter 5224 for other industries.)

☐ I do not use independent contractors and have no employees. (See Minn. Stat. § 176.011, subd. 9, for the definition of an employee.)

☐ I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)

☐ I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See Minn. Stat. § 176.041 for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name Chris French

Applicant signature (required)	Title	Date
[redacted]	Owner	4-17-2024

If you have questions about completing this form or to request this form in Braille, large print or audio.

CITY OF NISSWA

Cannabinoid (Low-Potency) License Application

This form must be completed in its entirety. Each retail location must complete a separate application.

CANNABINOID LICENSE TYPE: **Retail** ____ **New** ____ **Renewal** ____

Initial License Fee: $250 per retail location Renewal License Fee: $125 per retail location

TOTAL Fees Due: _____

Licenses are valid for one calendar year and shall expire each year on December 31st. Licenses are not transferable. Initial license fee includes registration and 1st renewal. License holders are required to submit the necessary paperwork annually to the City for approval for the upcoming year.

The undersigned hereby makes application to the City of Nisswa, Crow Wing County Minnesota, for a cannabinoid (low-potency) license subject to the laws of the State of Minnesota and of the City of Nisswa.

APPLICANT INFORMATION:		
Name: [redacted] *First*	[redacted] *Full Middle Name*	[redacted] *Last Name*
Applicant Current Address: [redacted]		
City, State, Zip: [redacted]		
Phone: Home:	Work:	Cell: [redacted]
E-Mail Address: [redacted]	Date of Birth: [redacted]	Social Security #: [redacted]

BUSINESS INFORMATION:	
Business Name: Big Axe Brewing Company LLC	
Type of Ownership: Sole Proprietorship Partnership Limited Liability Company (LLC) Corporation Other	
Trade Name or DBA:	
Address of Business: 25435 Main St	
City State, Zip: Nisswa, MN 56468	
Mailing Address *(if different from above)*: P.O. Box 583 Nisswa, MN 56468	
Federal Employer Identification No.: 46-5566129	Minnesota Business ID No.: 3767349
Business Phone: 218-961-2337	Alternate Number:
Manager of Business: Chris French	
Address of Manager:	

If the above-named licensee is a Corporation, Partnership, or LLC, complete the following for each partner/officer:

Owner #1:	Christopher *First*	Nathan *Full Middle Name*	French *Last Name*
Current Address:	[redacted]		
City, State, Zip:	[redacted]		
Telephone: Home:		Work:	Cell: [redacted]
E-Mail Address: [redacted]	Date of Birth: [redacted]		Social Security #: [redacted]
Owner #2:	Rebecca *First*	Ruth *Full Middle Name*	French *Last Name*
Current Address:	[redacted]		
City, State, Zip:	[redacted]		
Telephone: Home:		Work:	Cell: [redacted]
E-Mail Address:	Date of Birth:		Social Security #: [redacted]

Owner #3:	*First*	*Full Middle Name*	*Last Name*
Current Address:			
City, State, Zip:			
Telephone: Home:		Work:	Cell:
E-Mail Address:	Date of Birth:		Social Security #:

(Add additional pages of Owner information if more than 3 owners)

Application Questions:

Is business located within 300 feet of any public or private school? Yes____ No X

Is business a retail establishment which sells goods or merchandise directly to the public at retail value? Yes X No____

Is applicant the property owner or a tenant / lessee? Owner____Tenant / Lessee X

If tenant or Lessee, property owner must approve this application:

Property owner name (print) Michael French

Signature [redacted]

Is the applicant 21 years of age or older? Yes X No____

Is the applicant prohibited by Federal, State or other local law from holding a license? Yes____ No X

Has the applicant had a license to sell THC products suspended or revoked from any location in the past 12 months Yes____ No X

List all the current and previous THC Sales Licenses you have had, including the name of the store(s) and the complete address for each: _____

_____

_____

Does the applicant owe any taxes, fines, fees or other financial obligations to the City of Nisswa?

Yes____ No X

[redacted] (Initial) Applicant acknowledges the following hours of operation for the sale of cannabinoid (low-potency) products and agrees to abide by the hours set forth in the city code, as amended:

Low-Potency Hemp Edibles and Beverages businesses are limited to retail sale of products between the hours of:

- Monday-Saturday: 9 a.m.- 10 p.m.
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Low-Potency Hemp Edibles and Beverages businesses must also follow any exceptions to the hours noted above, in accordance with state law.

[redacted] (Initial) A Certificate of Insurance is attached to this application that shows general liability coverage, issued by an insurance company authorized to do business in the State of Minnesota, with a limit of not less than $1,000,000 for each occurrence. Any general aggregate limit included in the policy must be not less than $2,000,000 and the aggregate limit will apply on a per license year basis. The insurance policy must also cover liability arising from loss associated with the sale of cannabinoids from your business resulting in personal injury, property damage, or both. The certificate and the required insurance policy shall cover the entire license period and contain a provision that the coverage afforded under the contract will not be cancelled or allowed to expire until at least 30 days after prior written notice has been given to the City.

Applicant agrees to comply with all laws, ordinances or regulations applicable whether they are federal, state, county or municipal. The undersigned declares that the information provided in this license application is truthful and authorizes the City of Nisswa to investigate the information provided. The City of Nisswa reserves the right to request additional information to assist in the evaluation of this application.

Applicant Signature: [redacted] **Date:** 4-17-2026

Name (Print): Chris French

Title: Owner

MUST BE SIGNED BEFORE NOTARY

Subscribed and sworn before me this 17th day of April, 2026

State: Minnesota City: St Paul

My Commission Expires: 01/31/2029

Notary Signature: /Aaron J Downing/

NOTARY SEAL

AARON J DOWNING
Notary Public
Minnesota
My Commission Expires
Jan 31, 2029