CITY OF NISSWA
AGENDA – REGULAR COUNCIL MEETING
TUESDAY, MAY 19, 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 – April 2026
2. Parks and Recreation Report – May 2026
3. Pickle Report – April 2026
4. Police Report – May 2026
5. Public Works Department Report – May 2026
6. Planning & Zoning Report – May 2026
7. Spirits Report – March Final 2026
8. Spirits Report – April Draft 2026
9. City Council & CWC Board of Appeals Meeting Minutes, April 17, 2026
10. City Council Regular Meeting Minutes, April 21, 2026
11. City Council Road Bond Workshop Meeting Minutes, April 21, 2026
12. City Council Road Workshop Meeting Minutes, April 21, 2026
13. Personnel Updates – May 2026
14. Presentation of Claims – Check register #155750 - 156902 totaling $750,415.15
15. Parks Donation Resolution – FONLP
16. Gull Lake Chain of Lakes LG220 Gambling Permit

D. OPEN FORUM
1. Public Comment

E. REPORTS
1. City Attorney
2. City Engineer

F. OLD BUSINESS
1. Administrator/City Clerk Position (SCSC) (Council Action)
2. EDA
   a. Appointing Members (Council Action)
   b. Organizational Resolution/Appoint Members (Council Action)
3. PW- Hills Crossing Street Lights (Council Action)
4. PZ - Zoning Violation Complaint (Council Action)
5. Grand View Lodge Public Access (Council Action)

G. NEW BUSINESS

1. Spirits Lease (Council Action)
2. PZ- Schaefer's Sign Proposal (Council Action)
3. PZ – Chapter 20 Ordinance Amendments (Council Action)
   a. Motion to Approve
   b. Motion to Publish Summary
4. Community Center– Pay Application 1 for the Community Center (Council Action)
5. PW – Cost Sharing Agreement for the 2027 Road Bond Lakers Lane & ISD 181 (Council Action)
6. PW- Final Engineering for 2027 Road Bond Construction (Council Action)
7. PW – Cemetery Expansion Proposal (Council Action)
8. PW- Lift Station #1 (Information Only)
9. PW – Remove Cole Johnson from Probation (Council Action)
10. PW_2026 GO Street Reconstruction Resolution (Council Action) *final document delivery on Tuesday*
11. Liquor Licenses (Council Action)
12. Liquor Committee Meetings (Council Action)

H. COUNCIL/LIAISON REPORTS

1. Mayor
2. Council Members

I. ANNOUNCEMENTS & UPCOMING MEETING DATES

1.	May 25, 2026	Memorial Day – City Hall Closed
2.	May 27, 2026	Public Works Committee Meeting 5:00PM
3.	June 2, 2026	Planning Commission Meeting 5:00PM
4.	June 4, 2026	Parks Commission Meeting 5:00PM
5.	June 9, 2026	Town Hall 5:00PM
6.	June 16, 2026	Regular City Council Meeting 6:00PM
7.	June 19, 2026	Juneteenth – City Hall Closed
8.	June 24, 2026	Public Works Committee Meeting 5:00PM

J. ADJOURN

Nisswa Fire Department Report

April 2026

Training for this month included pump training off of Engine 19, Engine 1 and Tender 1. During this training hosted by Fire Inc., firefighters drafted from the water drop tank, charged hoselines and relayed water from the engine to the tender. This allowed firefighters to practice hands on how we shuttle water/provide water during structure fires or when providing mutual aid. Another training this month consisted of a propane burn with Fire Inc. This simulation allowed firefighters to experience and practice putting out a propane tank on fire. This training prioritized safe practices to ensure firefighter safety when approaching a propane tank on fire, common spray nozzle patterns, and teamwork during the approach and withdrawal cadence.

Firefighters and first responders assisted with the A&W Easter Breakfast. We assisted by cooking/preparing some of the food, serving the food, passing out Easter eggs, and cleaning tables. This was a great event and our department is very thankful for Emma and the A&W crew.

The fire department hosted our Christmas party on 4/11/2026. The department crew started at the fire station and was shuttled to Bar Harbor by Ole's Bus Service. We had an amazing meal together then went to the bowling alley in Pine River, MN. We are thankful for the local businesses, our community support and to the local fire departments (Pequot Lakes and Mission) for providing coverage for us that evening.

Call Breakdown:

Medical Calls	30
Structure Fire Calls/Vehicle Fire	0
Grass Fire/Brush Fire	0
Gas Leak/Odor	0
Power line down	1
Motor Vehicle Accidents	1
Carbon Monoxide/Smoke Detector	1
Rescue/Special Event	1
Cancelled en route	2
Total:	**36 total**

Chief Bailey 218-851-2825

Nisswa Fire Department

April 2026

Call Breakdown

Call Breakdown:

Medical Calls	30
Structure Fire Calls/Vehicle Fire	0
Grass Fire/Brush Fire	0
Gas Leak/Odor	0
Power line down	1
Motor Vehicle Accidents	1
Carbon Monoxide/Smoke Detector	1
Rescue/Special Event	1
Cancelled en route	2
Total:	**36 total**

Lake Edward Township: 15 calls

City of Nisswa: 10 calls

Lake Shore: 10 calls

Pelican Township: 1 call

Chief Bailey 218-851-2825

Parks & Recreation

May 2026

A. Department Report

1. Maintenance and Community Center
    a. Community Center interior updates are complete; there is a little more to do on the siding repairs. Pay Application #1 is included in the Council packet for approval.
    b. Between the Lakes Park bathroom is now open, Nisswa Lake Park docks are in, City Park pickleball nets are out
    c. Irrigation pump for the baseball field was replaced in April
    d. Replaced 2 swings at the playground
    e. City Park men's bathroom was vandalized and needs a new partition door
2. Recreation
    a. Soccer ends May 14, yoga started April 30, and t-ball/baseball starts May 13
    b. Registration for Basketball Camp and Safety Town is now open
    c. Pequot Lakes school teams and the Nisswa Lightning have begun games at the baseball field
3. Parks
    a. Gull Lake Trail/Nisswa Lake Park: Final work on the Gull Lake Trail is being scheduled, and clearing/grubbing is done at Nisswa Lake Park. We are working to get our permits submitted for the bathroom. 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. A revised playground design is expected for the June Parks Commission meeting.

B. Old Business

C. New Business

1. The Brainerd Lakes Area Walking and Biking Safety Plan (SS4A program) had a kick-off meeting May 5 in Crosslake. People can share their input electronically on the plan's webpage.

Respectfully,
Amber Moon Peterson

City Council Report - Pickle Factory
April 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%

April Sales Comparison

	2025	2026	+/-	%	2026 Budget	% of Budget	Goal %
Sales	$96,315	$94,137	-$2,178	-2.26%	$1,765,050	5.3%	6.0%

April Expenses Comparison

	2025	2026	+/-	%	2025 Budget	% of Budget	Goal %
Merchandise for Resale	$45,441	$22,692	-$22,749	-50.1%	$600,000	3.8%	6.0%
Payroll	$27,384	$29,825	$2,441	8.9%	$355,348	8.4%	6.0%
Other Expenditures	$37,854	$19,231	-$18,623	-49.2%	$634,352	3.0%	6.0%
Total Expenditures	$110,679	$71,749	-$38,931	-35.2%	$1,589,700	4.5%	6.0%

Profit/Loss	-$14,364	$22,389

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 were down a little bit from last year but profits were great for the month of April.

Upcoming Events:
Nisswa Lightning has started playing baseball and they are anticipating a great season.
I have the Wayne Renn band scheduled for Memorial Day weekend on Friday night from 8pm-midnight.

News & Notes:
College kids are back and ready to get started putting in hours. Hard to believe we are halfway through the month. Summer will be fired up soon!

Equipment & Repairs:
Bids are in for the new chairs and the walk-in cooler. Not sure, with summer getting in full swing, when I can get the cooler fixed. I have one more bid coming on a different style of bar stool.

Terry Wallin, Pickle Mgr.

Nisswa Police Department
Council Report
May 2026

Prepared by Chief Todd Szymanski

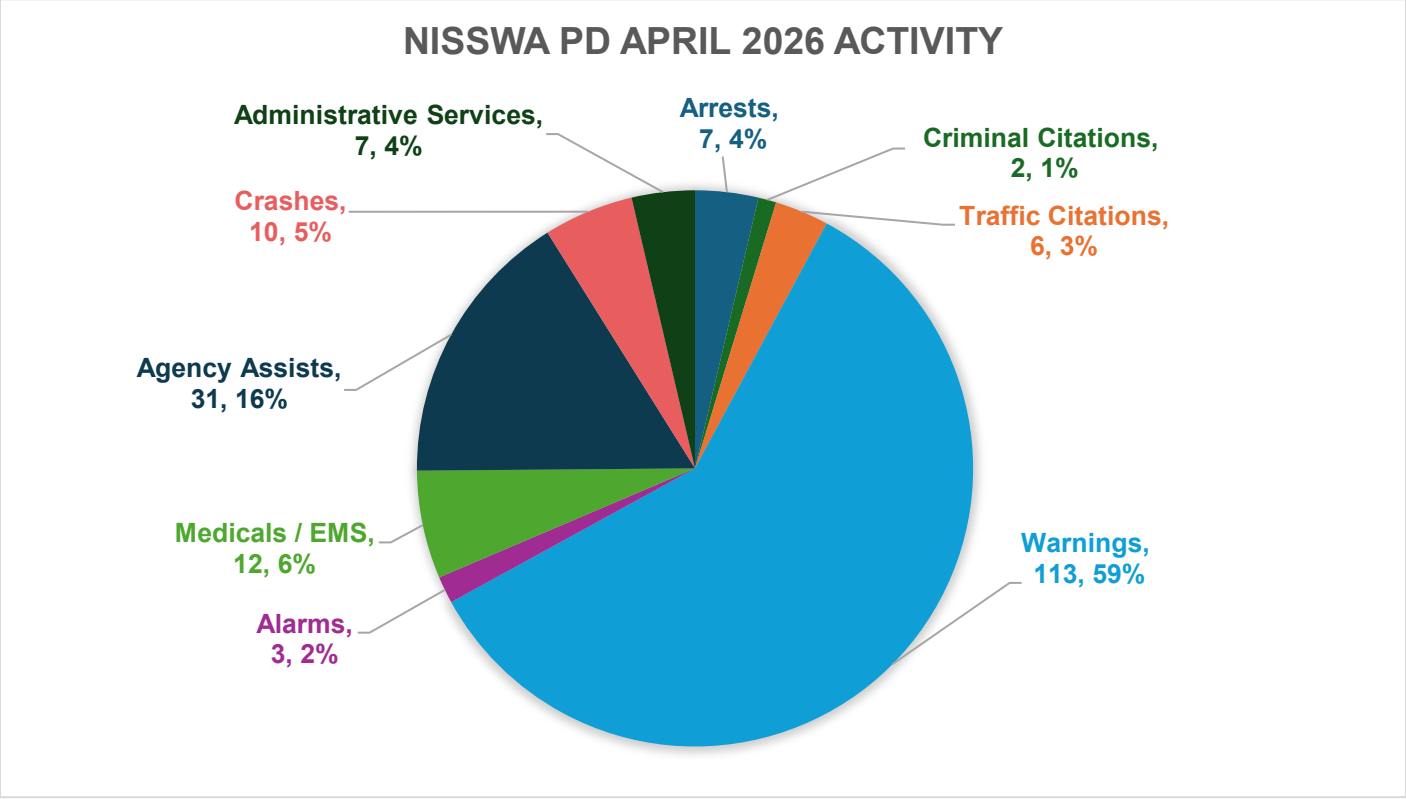
Training

Our department's annual firearms qualification was held on April 23. Officers met at the fire hall for a classroom portion of the qualification and later met at the range to complete handgun, rifle, low-light, and inclement weather requirements.

Calls for Service

For April 2026, the NPD documented the following activities:

- **Total Incidents Reported:** **191**
  - Arrests: 7
  - Criminal Citations: 2
  - Traffic Citations: 6
  - Warnings: 113
  - Alarms: 3
  - Medicals / EMS: 12
  - Agency Assists: 31
  - Crashes: 10
  - Administrative Services: 7



How Calls Were Received

Email	4
In Person	10
Mail	2
Other	0
Phone	14
Radio	68
Visual	123

Notable Activity

04/02/2026 – A report of a stolen vehicle resulted in the arrest of an adult male for motor vehicle theft.

04/04/2026 – An adult male was cited for theft from the Nisswa Holiday Station.

04/04/2026 – A traffic stop resulted in the arrest of an adult male for domestic assault, 1st degree controlled substance DWI, driving after revocation, and cannabis open package.

04/08/2026 – A traffic stop resulted in the arrest of an adult female for an out of county warrant and cited for driving after revocation.

04/09/2026 – A report of a disturbance resulted in the arrest of a juvenile male for 5th degree domestic assault.

04/10/2026 – A report of a disturbance resulted in the arrest of an adult female for 3rd degree DWI.

04/20/2026 – A traffic stop resulted in the arrest/citation of an adult male for 4th degree controlled substance DWI.

04/29/2026 – A traffic stop resulted in the arrest of an adult female for an outstanding warrant.

Public Works
Council Report
May 5th, 2026

Recommendation and Action Items

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

1) **RCA to Remove Cole Johnson from Probation**. Cole was hired on October 15th, 2025. His 6-month probation was up on April 15th, 2026. I would like to recommend he be removed from probation.
2) **RCA for 2027 Road Bond Final Engineering.** Copies of the proposal is included in your packet.
3) **RCA for Hills Crossing Street Lights.** Review a recommendation from the Public Works Committee, to allow Hills Crossing to pay for the installation and continuing monthly fee for street lights in two locations, in the city ROW.
4) **RCA for Cemetery Expansion Proposal.** There is a proposal from Widseth in your packet to expand the cemetery. This project would develop the city owned property adjacent to the existing cemetery meant for its expansion. This is a project that has been requested by and, expected to be funded by, Andy Anderson. Mr. Anderson will be at the meeting to discuss this opportunity.

Current Projects Status

1) **Leaking Sewer Pond #2.** We had Pratt's Affordable Excavating out to expose the expected leak in Pond #2. Unfortunately, we discovered the liner of the pond has totally failed. This was confirmed by engineering staff from the MPCA. We have asked Widseth to provide us with next steps to develop a project to replace the bad liner. Making this potentially worse, is that Ponds #1 and #3 are the same vintage. Their liner material will likely have to be replaced at the same time or very shortly after repairing #2. We will be investigating potential funding sources for the repair. The good news. The liner came with an expected 20-year lifespan. It worked for us for 35 years. Look for a liner replacement plan to be introduced by late summer.
2) **Joint Road Project with Lake Edward Township, South Clark Lake Road.** I am attending the May Lake Edward Township meeting, on May 12th, to discuss the condition of South Clark Lake Road and to set up a joint meeting with them and the Nisswa City Council to discuss a project to upgrade the tonnage of and resurface the road. As you may know, this is the road into Nature Link resort. It has rapidly deteriorated due to age and increased traffic. I am hoping to set up representatives from Lake Edward to attend the June Council meeting to discuss parameters of this project such as timing and the cost split.
3) **Crow Wing County Unified Siren Maintenance Project.** Nothing new to report as of May 12th, 2026.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.

4) **Grand View Road Project.** Nothing new to report as of May 12th, 2026. Staff and the City Engineer met with Grand View staff to look at and discuss concepts and parameters for storm water for the 2027 Road Bond on April 20th. Grand View staff planned to relay this information to their board at a meeting at the end of April and offer feedback.
5) **2026 Road Bond.** Waiting for ROW to be obtained for the project to begin.
    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. **May 4th, 2026 Begin Construction.**
        ii. **Substantial Completion, October 15, 2026.**
        iii. **November 30th, 2026, Complete Construction.**
6) **2027 Lakers Lane Safe Routes to School.**
    a. This work has been pushed to 2027 to be coordinated with the 2027 Road Bond.
    b. The city attorney is working on a cost split agreement with Dist. 181.
    c. On April 14th, a Special Public Works Committee and Public Information Meeting was 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. A recommendation was made to construct a traffic circle at Church Street and Lakers Lane.
    d. The school was going to look into using the adjacent
7) **Lift Station #1 Rebuild.** The city attorney has made an offer, for the property this project will be built on, this week. Once we have clear ownership of the property, we will move to finish engineering and update the schedule for the project. An update from Bolton and Menk is being included in this month's packet.
8) **Lift Station #12 Build.** This project is on hold. It is waiting on the formation of an EDA.
9) **2027 Road Bond.**
    a. A special Public Works Committee meeting was held on May 11th to get the public's opinion on where to install sidewalks on City Hall Street, Lakers Lane, Church Street and Nisswa Avenue. With feedback from the public, the committee made a recommendation to support a final engineering proposal from Widseth to build a new traditional intersection at the Main Street/City Hall Street intersection. They will also develop final plans for a traffic circle at Church Street and Lakers Lane. They were directed to develop plans for sidewalks on both sides of Church Street up to the end of the St. Christopher's parking lot. A single sidewalk will be developed to stretch down to the Poplar Avenue intersection. The

committee also instructed Widseth, to create an option, to add sidewalks from the traffic circle at the school back toward Main Street, on both sides. Drainage from the traffic circle is expected to be brought to the ditch on Lakers Lane that extends down to County 18. Drainage from the Main Street/City Hall intersection would likely be brought to a sediment pond at the North end of Pickle Parking lot, overflowing to the drainage ditch along the trail to the North. Church Street and Main Street drainage would likely be brought to a sediment pond at the North end of St. Christopher's parking lot.

b. A follow up Sidewalk Summit will be held on May 27th at the regular Public Works Committee meeting to discuss landscaping and other streetscaping elements, such as street lights, banners, etc.

c. 2027 Road Bond Timeline Update

i. May 2026 Informational meeting.
ii. June 2026 City Council Approval of Final Design. Agreement for the GVL Area.
iii. July-Sept 2026. 100% Design.
iv. October 2026 Easement Sketch/Descriptions.
v. February 2027 Bidding.
vi. March 2027 Construction Contract Award.
vii. June 1, 2027 Construction Tree Clearing Completed by.
viii. Sept 30, 2027 Construction Completed

10) **Backage Roads.** This project is on hold. It is waiting on the formation of an EDA.
11) **City Water System.** No update this month
12) **MNDOT 371 2030.** No update this month.

Operations Reports

Maintenance, Corey Larson, Public Works Supervisor

1. We interred two cremations in April at the cemetery.
2. We had Fyle's jetting come to the Pickle and jet the urinal drains for better flow.
3. Holden electric came with their bucket truck to repair the street lamp at the intersection of 371 and 77.
4. Holden electric also came to the stop light on 371 and 18 to fix a burnt-out bulb.
5. We replaced a broken toilet at Spirits.
6. We removed the historic railroad tracks by the Paul Bunyan trail for safety concerns.
7. We collected 62 downtown garbage bags this month.
8. Landwerx swept the main throughfares throughout the city in short order to be ready for the run for the lakes event.
9. We swept roads and the Gull Lake bike trail.
10. We put 2 pallets (126 plus bags) of pothole patch out in April.
11. We prepped mowers for the upcoming season.
12. Craig Oreilly went a RPZ class and passed a test to inspect the city's RPZ's throughout 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 completed our annual soil sampling and had our monitoring wells sampled as well.
3. I had 2.63 million gallons of inflow to the treatment plant for the month of April, 11.2 million gallons for the year to date.
4. I received and completed 21 underground utility requests through gopher state one call.
5. I had 0 emergency calls on step stations.
6. I had several other routine sewer calls during normal working hours.
7. I had 1 SSTS inspection and 1 city sewer connections for the month of April.
8. I arranged pump repair in car wash bay.
9. I have scheduled our annual sewer line jetting/televising. Exact date not set yet due to road restrictions. Met with Derek from Nelson to facilitate hard to access areas.
10. I began the process to start our spray irrigation field for the upcoming spray season.
11. We have a pond liner leak on primary pond 2, pond has been isolated and an area of interest identified. Pond repairs are coming soon, more to come.

FYI

1) A status update for the lift station #1 rebuild project has been included in your packet from Bolton and Menk.
2) The next **Public Works Committee meeting** is planned for May 27th at 5 pm.

Thank you,

Thomas Blomer
Public Works Director
City of Nisswa

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

The Planning Commission held a regular meeting on May 5th, 2026, at which there was the following:

1) Public Hearings **(5:00 PM)**
    a. **Variance Application 010-26** seeking to obtain a variance for a 0-foot property line setback to contiguously owned property for placement of a shed, as well as a 35-foot setback to the ordinary high water (OHW) line for proposed additions to an existing residence in the Shoreland Residential (SR) zoning district. Subject property located at: 21934 Ivy Lane, Nisswa, MN 56468 (PID 28350611, 28350612 and 28350613). Owner/Applicant: Brown, Lori Jane Hamilton & Mark Gerald Approved
    b. **Ordinance Amendment 007-26** to amend sections of Chapter 20 of the City of Nisswa Code of Ordinances. Recommended approval and adoption of proposed changes
2) New Business
    a. None
3) Old Business
    a. None

Land Use Permits:

There have been 33 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	2
Septic System	23	19	22	19	27	29	22	27	21	21	2
Sewer Hook Up				9	13	31	18	7	9	14	3
Additions, Accessory Structures, Decks, patios, etc)	37	36	32	37	35	44	55	30	36	31	14
911 Address Request Filing	12	16	45	11	45	30	25	13	10	20	2
Fence permit	2	2	1	4	5	6	1	9	3	5	1
Demolition Permit (Only)	4	2	4	0			6	3	3	3	4
Shoreland Alteration Permit (Shoreland grading permits prior to 2023)	4	7	8	3	4		3	20	20	12	6
Chicken Coop								1	3	1	
Permanent Signs								12	7	8	5
Total*	**103**	**105**	**169**	**121**	**164**	**197**	**176**	**148**	**145**	**147**	**41**

**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	6
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**	**10**

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**	**5**
Resolved					**15**	**17**	**4**	**2**	**2**	**7**	**1**
Monitoring								**4**	**2**	**4**	**1**

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	$178,735	-$36,505	$4,634,361		
YTD Total Expenditures	$843,404	$535,139	-$308,265	$4,634,361		

	2025	2026
Profit	$11,611	$17,300
YTD Profit	-$247,039	$74,287

Thank you
Brian

Spirits of Nisswa - April 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 %
April Sales Comparison	$219,297	$223,797	$4,500	$4,645,585	4.82%	4.7%

	2025	2026	+/- from 2025	2026 Budget	% of Budget	Goal %
YTD Sales Comparison	$815,662	$833,224	$17,562	$4,645,585	17.94%	33.0%

	2025	2026	+/- from 2025	2026 Budget	% of Budget	Goal %
April Merchandise for Resale	$192,727	$65,587	-$127,140	$2,999,473	2.2%	4.7%
Payroll	$36,564	$40,743	$4,179	$590,209	6.9%	8.33%
Capital Outlay Expenditure Transfered in January	$15,500					
City Transfer Expenditure in January	$245,000					
April Expenditures	$266,704	$144,182	-$122,522	$4,634,361		
YTD Total Expenditures	$1,110,108	$679,322	-$430,786	$4,634,361		

	2025	2026
Profit	-$47,406	$104,614
YTD Profit	-$294,446	$178,902

YTD profit looks deceiving high, because we have not made our city transfer yet.

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

I will have accurate April numbers in the May report.

Thank you
Brian

CITY OF NISSWA
AND CROW WING COUNTY
BOARD OF APPEALS
FRIDAY, APRIL 17, 2026 – 1:00 P.M.
NISSWA CITY HALL

Members present: Jennifer Carnahan, Bruce London, Joe Hall, Mark Froehle
Crow Wing County officials present: Gary Griffin Land Services Director and County Assessor, Jason Budnick and Trevor Courneya County Staff
Members absent: Jesse Zahn
Other Members Present: Interim City Administrator Maggi Wentler

1. Call to Order

Mayor Carnahan called the City of Nisswa Local Board of Appeal and Equalization meeting to order at 1:00 PM on Friday, April 17, 2026. The Mayor explained that the local board of appeal and equalization provides a fair and objective forum for property owners to appeal their valuation or classification, emphasizing that this meeting was specifically to discuss 2026 assessment values and classifications only, with no consideration of property tax or previous years' valuations.

The Mayor outlined the five options available to the board: no change, lower the value (noting the city value cannot be reduced by more than 1% of the city's total valuation of $1,540,818,700, with 1% equaling $15,408,187), raise the value, change the classification, or have the assessor inspect the property and report to the local board within 20 days. The Mayor noted that appellants with appointments would be heard first, followed by first-come, first-served basis from the sign-in sheet.

Gary Griffin, Crow Wing County Land Services Director and County Assessor, introduced himself and his staff, Jason Budnick and Trevor Courneya, explaining they were present to provide information to the city council who would make the decisions. Griffin reported that the city had 40 improved residential or seasonal sales this year, resulting in a median sale ratio of 97.85%, which falls within the state-mandated range of 90-105%.

2. Individual Property Appeals

Joe with PELLFABFIVE HOLDINGS LLC - Fairway Pines Property Appeal

Joe presented an appeal for his property in the Fairway Pines development within Grand View. He explained that these small lots without garages were initially purchased for under $500,000 in 2021 but had experienced significant valuation increases. His current 2026 assessment was approximately $1.2 million, which he argued was unrealistic given market conditions.

Joe noted that this niche development had not seen a sale in the last two years, with the previous sale in 2023 being under $900,000 (ranging from $829,000 to $879,000). He had consulted with

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two realtors who indicated they would market his property at $925,000-$930,000 and expect around $900,000 in an actual sale. He referenced a pending sale on Grand View's golf course at $949,000 for a larger lot with a garage, emphasizing the quality difference between developments.

Gary Griffin confirmed that the property value actually decreased from $1,102,400 in 2025 to $1,088,900 in 2026, making it one of the few properties in Nisswa that received a reduction. Griffin acknowledged the challenge of valuing this niche development without recent sales, explaining they had relied more heavily on sales from the newer, higher-quality Grand View development to the north, though he agreed the gap between the developments might need to be wider.

Joe clarified that his major jump had occurred from 2024 to 2025, which he attributed to the new Grand View development behind his property featuring very different quality homes with Andersen and Marvin windows versus his builder-grade vinyl windows, larger lots, garages, and different rental pool restrictions.

Council Member Hall supported no change, noting familiarity with both developments and acknowledging the quality differences but stating the big jump had occurred in previous years. Council Members Froehle and London concurred with no change.

Motion: Council Member Froehle moved to have no change on parcel number 281505331. Council Member Hall seconded. Motion passed with Mayor voting no but acknowledging being in the minority.

Dayna and Richard Gustafson - Channel Property Appeal

Dayna and Richard Gustafson appealed their property valuation at 4530 Birchridge Drive on a channel off Nisswa Lake. They had owned the property since 2022, purchasing it for approximately $200,000, but the valuation had increased from $421,000 in 2021 to the current proposed $772,400 in 2026.

Dayna explained their navigation challenges, describing how they must go under a bridge to access the lake, with the channel becoming increasingly shallow and muddy. She noted that only four houses are affected by these conditions, and they recently had to repair their pontoon motor due to the shallow, murky conditions. She emphasized they don't consider their property true "lakeshore" since grandchildren can't jump off the dock and guests struggle to access the water.

Gary Griffin explained that Nisswa Lake increased $1,500 per foot this year, with main lake properties at $7,500 per foot while channel properties receive a significant discount at $3,000 per foot - over 50% reduction recognizing the less desirable location. He provided a comparable sale in a similar channel between Roy and Nisswa lakes that sold for $725,000.

Council Member Hall, acknowledging his familiarity with the area as deputy fire chief, confirmed the channel is navigable though tight, noting that decreased boat traffic from residents

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who have moved away has contributed to increased vegetation. He observed that a family with younger children who frequently used boats and jet skis had moved away, creating noticeable changes in channel maintenance.

The Mayor noted the property taxes had actually decreased from $5,738 in 2022 to $5,412 in 2026 despite the valuation increases. Gary Griffin confirmed this, explaining that while values increased, the actual tax burden had decreased by over $300 from four years ago.

Council Members Hall and London supported no change, with the Mayor acknowledging the decreased tax burden despite increased valuation.

Motion: Council Member Hall moved to leave the property value as is for parcel ID 281106995. Council Member London seconded. Motion passed.

Mark Reardon - East Cullen Road Property Appeal

Mark Reardon appealed his property at parcel 28010501 on 26310 East Cullen Road, expressing concern about exponential tax increases. He reported a 16% increase in 2023-2024, a 52% increase in 2024-2025 (from $953 to $1,453), a 117% increase in 2025-2026 due to adding a three-car garage with living space above, and now a proposed 17% increase for 2026.

Gary Griffin explained that this 10-acre wooded property had experienced increases for different reasons. The major jump in 2025 was due to the new construction being added to the assessment, while the current year's increase reflected both land value increases countywide and the property catching up to full assessed value of the new construction. The property went from $444,900 to $513,800.

Griffin acknowledged the increases seemed significant but noted that for a new home with additional cabins on 10 acres of wooded property in Nisswa, the current valuation of $513,800 was reasonable, suggesting comparable properties of 3-4 acres with similar homes would sell for $400,000-$500,000.

When Reardon expressed frustration about the assessment process seeming to miss important factors and creating incentives to split property, Griffin recommended he investigate the property tax refund program, explaining both income-based qualifications and special refunds available when taxes increase by $100 and 12% due to factors like new construction.

Council Members Froehle and London supported no change, with the Mayor acknowledging the council's efforts to deliver a negative property tax levy for 2026 while noting other factors (county and school board) also impact total property taxes.

Motion: Council Member Froehle moved for no change on parcel 28010501. Council Member London seconded. Motion passed.

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Bernie and Linda Roberts - Water Retention Property Appeal

Bernie Roberts appealed the valuation of parcel 28360584, a property he purchased from the county approximately one year ago for $3,000. The county had acquired the property for water retention related to the new road around Round Lake. The valuation had increased from the exempt status to $12,300, and he questioned whether this was due to classification change from exempt to residential homestead or a value increase.

Roberts explained the property has significant easement restrictions requiring everything to remain the same for water retention purposes, making it essentially non-buildable. He noted he purchased it to address neighbor complaints about public access to Bass Lake through the county-owned land.

Gary Griffin acknowledged that when the county engineer and attorney wrote the easement, they estimated the property was worth perhaps slightly more than $3,000 but not significantly more, given that the stormwater easement covers almost the entire property. He explained that when acres were input into the system after it was no longer exempt, the system generated the $12,000 value, which he didn't believe was accurate.

Griffin recommended bringing the value back down to the purchase price or slightly higher, with the county handling future assessments.

Motion: Council Member Hall moved to lower the value to the purchase price of $3,000 for parcel 283605584. Council Member Froehle seconded. Motion passed.

Nancy Loper - County Road 13 Property Appeal

Nancy Thomas Loper appealed parcel 28240592 at 6405 County Road 13, describing it as a non-buildable dirt road property that extends from County Road 13 to the old ice road or logging road. The property accommodates only one car, requiring vehicles to back up if meeting oncoming traffic.

Loper questioned how land value could increase substantially for this unusable property, noting taxes increased from $263 in 2025 to a proposed $396 in 2026, despite no changes to the property since her parents purchased it in 1988. She emphasized the property cannot be developed or used for anything other than access.

Gary Griffin clarified that the property actually decreased in value from $32,200 to $26,300 for 2026 taxes, helping reduce taxes to $180 (down from $236 the previous year), but then increased to $396 with citywide land value increases. He challenged the "non-buildable" assertion, noting that at 75 feet wide with 10-foot side yard setbacks, a structure could potentially be built, though it might require moving the driveway.

Council Member Hall noted that while theoretically buildable, construction would eliminate access to their lake property. Griffin acknowledged this would be challenging but explained that

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many similar back-lot properties throughout the city are valued for their potential additional building capacity, which many property owners find desirable for storage or garage space.

Julie Krause (neighbor) confirmed the property serves as their driveway access, making any development impractical since it would eliminate their ability to reach their lake home.

Motion: Council Member Hall moved to leave the property value as is. Council Member London seconded. Motion passed.

3. Public Comment

Julie Krause from Round Lake attended primarily for trend analysis, asking about current lake valuations. Gary Griffin provided current assessments per foot: Gull Lake at $12,000 (up $1,000), Round Lake at $7,200 (down $100), Roy Lake at $8,200, Nisswa Lake at $7,500, Lower Cullen at $4,400, Hubert at $6,600, Thor at $4,700, and North Long at $4,200.

Griffin discussed market trends, noting that Gull Lake increased $1,000 per foot while the Whitefish chain decreased $1,000 per foot, creating a gap between the two premier lake systems. He indicated early data suggests Gull Lake may see another significant increase for 2027, with Whitefish potentially rebounding as well.

Griffin explained the relationship between property values and taxes, emphasizing that increased valuations don't automatically mean increased taxes if government spending remains constant. He noted that Crow Wing County ranks 84th out of 87 counties for lowest per capita county taxes, with Nisswa also being among the lowest in the county for municipal taxes.

4. Written Appeals

Good Old Days Resort - Tom Stephens

Gary Griffin presented a written appeal from Good Old Days Resort represented by Tom Stephens for multiple parcels. The county recommended no change, explaining that Tom Stephens would meet with Trevor for interior inspections of townhomes, and any necessary adjustments would be processed through the county board.

Motion: Council Member Hall moved for no change on parcels 28020514, 28020514, 28020515, 28020516, 28020517, 28020518, 28020519, 28020520, 28020521, 28020522, 28020523, 28020524, 28020671, 28020672, 28020673, 28020674, 28020675, 28020676, 28020677, and 28020678. Council Member Froehle seconded. Motion passed.

Mike Tiffany - Roy Lake Property

Gary Griffin presented a written appeal from Mike Tiffany for parcel 28100642 on Roy Lake, purchased in October 2024 for $925,000 and currently valued at $1,044,000. Griffin explained the increase reflected market appreciation on Roy Lake ($200 per foot increase) and countywide building value increases over the year and a half since purchase.

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The appeal included a comparative market analysis from a realtor, though Griffin noted concerns about the analysis including properties from less valuable lakes like Little Pelican and Little Hubert, which artificially lowered the average values used in the comparison.

Council Member Hall noted improvements made to the property after purchase, which would justify increased valuation beyond market appreciation.

Motion: Council Member Froehle moved for no change on parcel 28100642. Council Member London seconded. Motion passed.

5. Adjournment

Motion: Council Member Hall moved to adjourn. Second by Council Member London. Motion passed unanimously.

The meeting was adjourned with Gary Griffin noting that all appellants would receive letters stating the board's actions and information about appealing to the county Board of Appeal and Equalization if desired.

Respectfully submitted,

_____ _____

Jennifer Carnahan, Mayor Maggi Wentler, Interim City Administrator

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

Members present: Jennifer Carnahan, Bruce London, Joe Hall, Mark Froehle, Jesse Zahn
Other Members Present: Dave Reese, City Engineer; Bill Westerberg, Widseth; Tom Pearson, City Attorney
Other Members Present via Zoom: Wendell Sande, SCSC; Flora Delaney and Michael Bitzer, Delaney Consulting; Chris Hoodecheck, Labor Attorney
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; Shawn Bailey, Fire Chief; Jane Michaud, Deputy Clerk

Audience members: 40 members of the public were present

A. Call to Order

Mayor Jennifer Carnahan called the Regular Council Meeting of the City of Nisswa to order at 6:01 PM on Tuesday, April 21, 2026, at Nisswa City Hall.

Mayor Carnahan opened with remarks acknowledging the high level of public engagement at recent meetings and expressing the intent to conduct all future meetings with efficiency, professionalism, and proper decorum—with respect extended to Council Members, city staff, and all attendees. She also offered an apology on behalf of the Council for conduct at the prior month's meeting.

1. Pledge of Allegiance

B. Approve Agenda

Motion to approve the agenda as presented was made by Council Member Zahn and seconded by Council Member London. The motion carried unanimously.

C. Consent Calendar

Mayor Carnahan read the standard notice to the public regarding the consent calendar. Prior to the vote, Council Member Zahn raised a question regarding the Parks and Recreation Department report's reference to sweeping the Gull Lake Trail. Parks and Recreation staff confirmed that sweeping the trail is a routine seasonal maintenance activity, performed multiple times throughout the season depending on weather events. It was also noted that the final section of the trail remains incomplete and is therefore not swept.

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Motion to approve the Consent Calendar as presented was made by Council Member Zahn and seconded by Council Member London. The motion carried unanimously.

D. Open Forum

1. Central MN Council Scouting America

Mayor Carnahan introduced Isaiah Anderson, District Executive for the Pine Tree District of the Central Minnesota Council, Scouting America, whom she had met the previous week at the Lakes Area Leadership Breakfast. Mr. Anderson addressed the Council and provided an overview of the organization's reach, noting that the Pine Tree District covers Crow Wing, Aitken, Morrison, and Cass Counties. He highlighted Parker Scout Reservation, located in Nisswa, and noted the presence of Miller Castle as a prominent local attraction. Mr. Anderson shared national statistics, including one million youth served, 175,000 girls and young women participating, 30,000 Eagle Scouts earned in the prior year—including himself in 2019—and over 7.1 million hours of community service donated. He invited the city to engage scouts for local events such as parades and directed interested parties to www.scoutingcmc.org for more information or to donate.

2. Public Comment

Fire Chief Bailey addressed the Council to refute several rumors circulating on social media regarding the fire department. He clarified that the department had never requested the city construct a water tower to fill water tenders, that no $30 million fire hall had been requested, and that the department's current parking lot serves as its helipad—no dedicated helipad structure had been requested. Chief Bailey expressed frustration with misinformation being spread and stated his intent to issue a formal response on social media unless directed otherwise. He encouraged residents to reach out to staff for clarification on any questions.

No other members of the public came forward during the public comment period.

E. Reports

1. City Attorney

City Attorney Pearson reported no items at that time, noting he would speak to specific agenda items as they arose.

2. City Engineer

City Engineer Reese reported that work is continuing on 2026 city street improvements, and that the Gull Lake Trail project from the prior year—along with an added bathroom project—is being wrapped up.

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F. Public Hearing

1. EDA Resolution

City Attorney Pearson provided background on the Enabling Resolution required by statute to formally establish an Economic Development Authority (EDA) for the City of Nisswa. He noted that since the March meeting, the draft resolution had been revised with minor statutory changes and language acknowledging that an EDA may have previously existed in the city, with the new resolution intended to supersede any prior enabling action or disbandment.

Prior to opening the public hearing, the Council discussed proposed amendments to the resolution. Council Member Zahn raised the question of expanding the governing board from five commissioners to seven, in order to allow for greater public participation. Council Members Froehle, Hall, and Mayor Carnahan all expressed agreement, citing the value of broader community involvement and diverse perspectives. The Council also discussed Section N of the resolution, which as drafted stated that the EDA "shall not provide business assistance." City Attorney Pearson suggested revised language reading that "the EDA shall assist the city Council in considerations of business assistance," which would preserve Council oversight while leaving the door open for future involvement in matters such as tax increment financing or gap financing.

Motion to open the public hearing regarding the EDA Resolution was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

During the public hearing, community member Bruce Imholte (25628 Wooddale Road, Nisswa), who noted twelve years of prior service on an economic development authority, spoke in support of expanding the board to seven members. He expressed concern about the "shall not provide business assistance" language and strongly recommended it be amended, explaining that business assistance—such as low-interest gap financing to attract or expand businesses—is a core function of an EDA. He cited the ability to borrow at low rates and re-lend to businesses as a way to grow the EDA's financial capacity over time.

City Attorney Pearson responded that the proposed middle-ground language—"the EDA shall assist the city Council in considerations of business assistance"—would address the concern while keeping tighter Council oversight during the EDA's early formation, with the option to expand the EDA's authority through an amended enabling resolution in the future.

Motion to close the public hearing regarding the EDA Resolution was made by Council Member Zahn and seconded by Council Member Hall. The motion carried unanimously.

Following the close of the public hearing, the Council confirmed the revised language for Section N as read by City Attorney Pearson.

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Motion to amend the proposed Enabling Resolution establishing an Economic Development Authority for the City of Nisswa to increase the governing board from five (5) commissioners to seven (7), and to modify Section N to state that "the EDA shall assist the city Council in consideration for providing business assistance," was made by Council Member Zahn and seconded by Council Member Hall. The motion carried unanimously.

2. EDA Organizational Resolution

City Attorney Pearson advised that the Organizational Resolution—which will set commissioner terms, officer positions, and other structural details—was not yet ready for formal action, as the Council first needed to establish a process for recruiting and appointing EDA members. No public hearing is required for this resolution.

Mayor Carnahan shared that she had consulted with Tyler Glenn, Executive Director of BLADEC, who has experience assisting neighboring cities with EDA formation. Mr. Glenn recommended that officer positions (president, vice president, treasurer, etc.) be nominated and selected within the EDA board itself at its first meeting, following the practice of Brainerd, Crosslake, and other area cities. He also offered a sample application form that could be posted on the city's website.

The Council discussed the application and appointment process. Council Member Zahn proposed opening the five non-Council seats to public applicants, with a two-week application window from Wednesday, April 29 through Wednesday, May 13. City staff noted that, given packet deadlines, a special meeting following the close of the application window may be more practical than incorporating appointments into the May 19 regular meeting. The Council agreed with this approach.

Regarding outreach, staff indicated the application would be posted on the city website, sent via the e-notify subscription service, potentially shared through the Nisswa Chamber newsletter, and submitted to the local newspaper for a possible article. Word-of-mouth was also encouraged given the substantial public attendance at the meeting.

(Note: No formal motion was required for the EDA Organizational Resolution itself at this meeting, as appointments have not yet been made.)

G. Old Business

1. Spirits Expansion Recommendation

Michael and Flora of Delaney Consulting participated via Zoom to present findings from their engagement, in which they were tasked with providing due diligence and decision support regarding a potential expansion of the Spirits of Nisswa municipal liquor store into additional leased space in the Schaefer development adjacent to the current location.

Michael summarized that after seven weeks of work, including analysis of five years of financial performance data, the conclusion was that expansion is not financially justified under current

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operating conditions. Mayor Carnahan summarized the key findings for the benefit of those in attendance: net operating profit at Spirits had declined approximately 40% over five years, from roughly $489,000 in 2021 to approximately $282,000 in 2025. Michael elaborated that either of the two square footage expansion scenarios presented would require the business to generate between $507,000 and $764,000 in additional annual sales with no identifiable strategy to accomplish that. Flora further noted that inventory turnover data indicated the store has adequate space to support its current and projected revenue, and that adding fixed costs to a declining business would not be in the best interest of city constituents.

Council Member Hall raised the issue of an outside storage unit that had been in use and was lost due to the expansion construction, and whether the loss of volume-buying discounts would further affect profitability. Flora responded that making money through higher-volume purchasing would not offset the benefits of faster inventory turns, and that capital tied up in excess inventory reduces the efficiency of the store's returns.

The Council also addressed the fact that property owner Andy Schaefer had not been invited to the prior liquor committee meeting where preliminary findings were discussed, despite a prior Council motion to that effect. Council Members Zahn and Hall acknowledged the oversight and apologized. Mayor Carnahan expressed that she believed more transparency and earlier communication of the findings to Mr. Schaefer would have been appropriate. City Attorney Pearson clarified that the prior liquor committee meeting was not an illegal meeting, characterizing it as a preliminary discussion of findings, but acknowledged that there remain further operational discussions to be had with Mr. Schaefer.

Mr. Schaefer addressed the Council, questioning why he had not been included and expressing frustration that the city had been slow to communicate with him throughout the process, particularly given the construction impacts on parking, the loading dock, and other operational elements of the adjacent Spirits store. He stated he was unwilling to bear further engineering or contractor costs related to city-driven requests.

Regarding the third amended lease agreement, the liquor committee had unanimously recommended no change to the current lease, and no Council Member moved to pursue an amendment.

Motion to make no changes to the Spirits of Nisswa third amended lease as proposed by the Schaefers was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

Regarding the parking lot island, discussion arose about a landscaping island in the Schaefer parking lot that had been required under a Conditional Use Permit (CUP) and a variance approval, and which Spirits staff had expressed interest in removing to improve traffic flow. Mr. Schaefer stated he was unwilling to pay additional contractor or engineering fees to address this matter. Planning & Zoning Director Steven Timblin confirmed that removal could potentially be handled through an amendment to the CUP rather than a full variance process, and City Engineer Reese indicated WSN could coordinate with the applicant's contractor. City Attorney Pearson

suggested the Council could act directly given the unusual circumstance of the city effectively requesting departure from its own ordinance requirement.

Motion to authorize WSN to reach out to the Schaefer contractor to assess what changes are needed regarding the parking lot island and to report back, with the city to pay WSN's costs to complete that work, was made by Council Member Hall and seconded by Council Member London. The motion carried unanimously.

Motion to amend the Conditional Use Permit to remove the landscaping island coverage requirement and allow paving of the parking lot was made by Council Member Hall and seconded by Council Member London. The motion carried unanimously.

Motion that any fees associated with this modification be paid from the liquor fund was made by Council Member Zahn and seconded by Council Member London. The motion carried unanimously.

Staff confirmed that a liquor committee meeting would be scheduled for the following week (targeting Wednesday, April 29) with Mayor Carnahan, the city attorney, and the engineer present to address all remaining outstanding operational items related to the Schaefer expansion.

2. Spirits/Pickle – Consultant Services

Flora and Michael of Delaney Consulting provided a brief update on the broader scope of their engagement. They reported that they are transitioning from the discovery phase to the analysis phase, having completed two market visits to Nisswa with two more scheduled. Work includes POS data analysis, competitive store visits, and interviews with team members. The consultants confirmed they remain on schedule to deliver final recommendations to the city prior to the June city Council meeting.

3. Organization Structure Admin/Clerk/Finance Department

Motion to table the Organization Structure Admin/Clerk/Finance Department discussion until the May regular Council meeting was made by Council Member Zahn and seconded by Council Member London. The motion carried unanimously.

Council Member Froehle noted a typographical error in the agenda materials ("serve at" should read "serve as") which staff noted for correction.

4. Administrator/City Clerk Position (SCSC)

Wendell Sande of SCSC (Strategic Compensation Solutions Consulting) participated via Zoom and recommended restarting the administrator/clerk search after the summer season, citing the difficulty of recruiting during summer vacations and the high activity level in Nisswa during that time. However, the Council expressed a clear consensus that the search should proceed as soon as possible given the urgency of filling the role and the significant burden currently carried by interim staff.

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Council Members Hall and Zahn noted that with a realistic hiring timeline, interviews could occur mid-summer and an offer could potentially be extended in time for a start date before the fall school year. Wendell agreed to prepare an updated timeline and advertising schedule for Council review by the following week. Council Member Zahn noted that once the timeline is in hand, the Council should be prepared to act unanimously and expeditiously.

Motion to authorize SCSC to proceed with the City Administrator/Clerk job search as soon as possible was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

5. PW – Add Joe Hall as Second Liaison and advertise for open seat

Council Member Zahn reported that he had spoken with three members of the Public Works Committee—Tom, Dill, and Galen—all of whom were unanimous in the view that a second Council liaison was not necessary. Their suggestion was instead to open an additional public seat on the committee. Council Member Zahn also noted that Public Works Director Tom Blomer was absent due to the recent loss of his father, and extended condolences on behalf of the Council.

Motion to advertise for an open Public Works Committee seat to add a public member to the board was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

6. PW – Hills Crossing Street Lights & Street Light Policy Discussion

Mayor Carnahan reported that the executive director of Hills Crossing had requested a discussion regarding adding a streetlight near the facility. Both the executive director and Public Works Director Blomer were unable to attend due to personal emergencies.

Motion to table the Hills Crossing Street Lights item to the May regular Council meeting was made by Council Member Hall and seconded by Council Member London. The motion carried unanimously.

H. New Business

1. Katie Ellsworth – Pedestrian Safety Project Request

Community member Katie Ellsworth presented a research-based proposal requesting the Council investigate the feasibility of an above- or below-grade pedestrian crossing at the intersection of Highway 371 and Upper Roy Lake Road. Ms. Ellsworth described the safety concerns at the four-lane highway crossing, noting that a 2-mile radius around the intersection encompasses 190 or more residents, six lakes, and three hospitality businesses. She documented that residents along the route would be within a quarter mile to two and a quarter miles of the Paul Bunyan State Trail if a safe crossing existed.

Ms. Ellsworth referenced two Minnesota case studies—the Itasca Heartland Connection tunnel and the Crosby Highway 6 tunnel—both of which involved comparable communities and

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received over 90% of their funding through state and federal grants. She included a list of potential funding programs and estimated project costs of approximately $4 million for a four-lane crossing, noting that similar projects in smaller communities have shown significant economic and public health returns. She reported that of the homes she was able to visit in her neighborhood, 20 out of 21 households expressed strong interest in the project.

Council Member Froehle, drawing on his direct experience with the Itasca tunnel project, noted that this type of infrastructure requires MnDOT involvement and is ultimately a state decision. He indicated the Itasca project took approximately 26 years in total but moved quickly once a citizen committee was organized. He encouraged a grassroots approach involving local citizens, the county commissioner, and state legislators. Council Members London and Zahn expressed strong support, with Council Member Zahn suggesting the Parks Committee or Public Works Committee could help advance the effort. Mayor Carnahan commended Ms. Ellsworth for the depth of her research and advocacy. No formal motion was required, as Council consensus was to support moving forward through committee engagement and outreach to state and county partners.

2. 2026 Nisswa Chamber Event Summary

Chamber President Kalie presented the annual bulk summary of 2026 Nisswa Chamber events in lieu of individual special event permit applications.

Motion to accept the 2026 Nisswa Chamber Calendar of Events as presented was made by Council Member Hall and seconded by Council Member Zahn. The motion carried unanimously.

3. PZ – Chapter 20 Ordinance Amendments Public Hearing

Planning & Zoning Director Steven Timblin reported that the Planning Commission and Board of Adjustment have completed extensive review of proposed revisions to Chapter 20 over the past two months and have forwarded a recommendation to schedule the public hearing for their next regular meeting of May 5, 2026. Council Member Zahn requested that a Council workshop be held to review the 146-page document, and Council Member Hall provided background on the multi-year process of updating the ordinance to align with the city's comprehensive plan, noting that contradictions and outdated provisions had been identified throughout. Mayor Carnahan agreed a workshop would be beneficial.

Motion to proceed with the Chapter 20 Ordinance Amendments Public Hearing as presented was made by Council Member Zahn and seconded by Council Member London. The motion carried unanimously.

4. PZ – Zoning Map Amendment

Planning & Zoning Director Timblin reported that the Planning Commission is forwarding a recommendation to approve a zoning map amendment for two parcels on West Linden (parcel numbers 28220715 and 28220716), reclassifying them from Open Space Residential to Shoreland Residential.

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Motion to approve the zoning map amendment was made by Council Member Hall and seconded by Council Member London. The motion carried unanimously.

Motion to publish the summary of the zoning map amendment was made by Council Member Froehle and seconded by Council Member Hall. The motion carried unanimously.

5. PZ – Driveway Access – Curtiss

Planning & Zoning Director Timblin explained that an applicant (the Curtiss family) is seeking access to landlocked parcels via a 40-foot unimproved platted right-of-way known as Wild Rice Landing within the plat of Gull Lake Shores. City staff and the city attorney have met with the applicant and identified seven potential conditions to protect the city while allowing development of a private driveway across the corridor. City Attorney Pearson clarified that no formal road construction is planned; rather, the city would issue a license agreement authorizing the driveway. He requested Council authorization for staff and the attorney to draft and execute the license agreement without returning for a separate motion.

Motion to authorize staff and the city attorney to proceed with drafting and executing the driveway license agreement for the Curtiss parcels was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

6. PZ – Driveway Access Agreement

City Attorney Pearson confirmed this item is part and parcel of the preceding item. No separate action was required.

7. PZ – Zoning Violation Complaint

City Attorney Pearson summarized that a zoning violation complaint had been filed involving a Council Member, creating an awkward situation for Planning & Zoning Director Timblin to both investigate and potentially enforce the complaint against a sitting elected official. Attorney Pearson had obtained a quote for a third-party independent contractor to perform the investigation at a flat fee of $5,500 and brought this option to the Council.

The Council discussed whether it would be appropriate to first have Director Timblin conduct a preliminary probable cause review before committing to the outside expenditure. Director Timblin indicated he would be comfortable performing an objective review. A member of the public, Shawn Hansen, addressed the Council expressing concern that the complaint appeared to be a politically motivated effort against a Council Member, referencing social media posts driving the matter, and urged the Council to be cautious. Council Members London and Froehle acknowledged this concern and expressed discomfort with the social media context, with Council Member Froehle noting that the outside perspective made him more inclined toward a third-party review. The Council Member implicated in the complaint stated he would abstain from all discussion and voting on this item.

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The Council ultimately opted to direct Director Timblin to first conduct a preliminary probable cause assessment and bring his findings to the May meeting, at which point the Council would determine whether to engage the third-party investigator.

Motion to direct Planning & Zoning Director Timblin to conduct a preliminary probable cause assessment of the zoning violation complaint and report back to the Council at the May meeting was made by Council Member Zahn and seconded by Council Member London. The motion carried, with the implicated Council Member Hall abstaining.

8. Parks – Nisswa Lake Park Restroom Facility Step Station Easement

Parks and Recreation staff (Amber Moon Peterson) reported that construction on the Nisswa Lake Park bathroom addition—part of the Gull Lake Trail project—has commenced, and advised the public to use caution when visiting the park. This item was an internal easement from the city to itself for utility purposes to facilitate state plan approval.

Motion to accept the Nisswa Lake Park Restroom Facility Step Station Easement as presented was made by Council Member Froehle and seconded by Council Member London. The motion carried unanimously.

9. Parks – Nisswa Lake Park Restroom Facility Construction Observation Proposal

Staff presented a construction observation proposal for the Nisswa Lake Park restroom facility. Moon Peterson noted the project has a tight timeline, with toilet delivery expected shortly after Memorial Day and a grant deadline of June 30. She also flagged that construction observation costs may partially fall outside grant coverage due to the 20% cap on eligible costs across the two concurrent projects.

Motion to approve the Nisswa Lake Park Restroom Facility Construction Observation Proposal as presented was made by Council Member Froehle and seconded by Council Member London. The motion carried unanimously.

10. Pickle – New Chairs for Bar

Pickle Factory Manager Terry Wallin presented bids for new bar chairs from a local vendor who had demonstrated responsiveness when a sample chair broke. A $10,000 donation from the Nisswa Lions had been received toward this purchase but cannot be applied to gaming-related expenses, making the purchase a capital budget item. Council Member Zahn suggested tabling the decision until the June meeting to await Delaney Consulting's full report on the Pickle's operations before committing capital expenditure.

Motion to table the Pickle new bar chairs item to the June regular Council meeting was made by Council Member Zahn and seconded by Council Member Hall. The motion carried unanimously.

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11. Pickle – Walk-in Cooler Repairs

Manager Wallin reported that the Pickle's walk-in cooler, which dates to 1971, has required repeated repairs at approximately $1,200 per visit and now needs interior relining with FRP (fiberglass reinforced panel) material to meet health department standards. Council Member Zahn again suggested tabling this expenditure until the Delaney report is available, and Manager Wallin confirmed the cooler had been sufficiently repaired for the immediate term.

Motion to table the Pickle walk-in cooler repairs item to the June regular Council meeting was made by Council Member Zahn and seconded by Council Member Hall. The motion carried unanimously.

12. PW – 2026 Road Crack Sealing

In the absence of Public Works Director Blomer, Council Member Zahn summarized the item. The city received two proposals for road crack sealing services, with Lakes Pavement Maintenance submitting the lowest price by approximately $10,000. This is a routine annual preventative maintenance contract.

Motion to approve the 2026 Road Crack Sealing proposal from Lakes Pavement Maintenance as presented was made by Council Member Hall and seconded by Council Member London. The motion carried unanimously.

13. PW – Joint City/Nisswa School Design Agreement

City Engineer Reese reported that the final design proposal for a joint project with Nisswa Elementary School on Lakers Lane would not be brought forward tonight. Staff is recommending combining this project with the planned 2027 Church Street improvements to avoid subjecting businesses on Lakers Lane to construction disruption in consecutive summers. No Council action was required.

14. Admin – Labor Attorney

Interim City Administrator Wentler reported that three firms responded to the city's RFP for labor attorney services. Staff, including interim administrator Wentler, Council Member Hall, and Council Member Froehle reviewed all proposals and recommended continuing with the current firm, Flaherty and Hood, for the next year due to continuity of service and a positive working relationship.

Motion to approve Flaherty and Hood to assume 2026 labor attorney duties was made by Council Member Zahn and seconded by Council Member Hall. The motion carried unanimously.

15. Admin – Temporary Compensation Adjustment for Interim City Admin.

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Interim City Administrator/Clerk Wentler presented a request for a temporary compensation adjustment to reflect the sustained additional workload she has carried in the absence of a city administrator—a situation that has now extended for approximately one year. She noted that the proposed rate is within the existing pay grade for the city administrator position and that she continues to be responsible for the work of multiple positions, including performing duties she had not previously undertaken such as payroll processing.

Mayor Carnahan acknowledged the significant burden being carried and noted that the Council has an obligation to find solutions—whether through hiring a city clerk, bringing in a temporary retired clerk, or other means—to alleviate the strain on staff. Council Member London expressed strong support for both additional compensation and additional help. Council Member Zahn spoke empathetically about the toll on Wentler personally and asked directly whether she had the capacity to sustain her current workload through a realistic hiring timeline. Ms. Wentler indicated she was in "triage mode every single day" and had canceled vacation and missed personal obligations due to city demands. Council Member Hall moved to approve a compensation adjustment to $70.00 per hour, slightly rounding up from the requested Step 20 rate of $66.80 per hour.

Motion to approve a temporary compensation adjustment for the Interim City Administrator to $70.00 per hour was made by Council Member Hall and seconded by Council Member London. The motion carried, with one nay vote.

16. Cannabis (Low-Potency) License – Schaefer's Foods

Motion to approve the Cannabis Low-Potency License for Schaefer's Foods as presented, pending background check, was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

17. Cannabis (Low-Potency) License – Pickle Factory

Motion to approve the Cannabis Low-Potency License for the Pickle Factory as presented was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

18. Cannabis (Low-Potency) License – Spirits of Nisswa

Motion to approve the Cannabis Low-Potency License for Spirits of Nisswa as presented was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

19. Cannabis (Low-Potency) License – Big Axe

Motion to approve the Cannabis Low-Potency License for Big Axe Brewery as presented, pending background check on Chris French, was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

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

Motion to move to closed session pursuant to Minnesota Statute 13D.03 for union negotiations was made by Council Member Zahn and seconded by Council Member Hall. The motion carried unanimously.

The meeting moved to closed session at 8:29 PM and the public was asked to vacate the chambers.

Closed meeting was adjourned at 9:10 PM and the Regular Meeting was reconvened with all City Council Members and Interim City Administrator present. No one was present in the audience.

I. Council/Liaison Reports

1. Mayor

The Mayor raised several items for discussion.

Town Hall Date. The Mayor noted that a town hall date had not yet been finalized. Two candidate dates had been discussed at the previous council meeting: June 9 and June 23. The Mayor expressed that June 23 was getting close to the Fourth of July holiday and suggested June 9. Council Members indicated agreement, and June 9 was confirmed as the town hall date, with the same 5:00–7:00 PM timeframe as previously contemplated.

Property Tax Information Meeting. The Mayor referenced a prior meeting at which Crow Wing County had presented on property tax information, noting it had drawn approximately 40 attendees. The Mayor suggested that staff — specifically referencing Maggi — coordinate with Crow Wing County to schedule a similar meeting in June. Council Members agreed.

Newsletter. The Mayor raised the question of whether the Council wished to produce a City newsletter, noting that the previous year's effort had been capped at $5,000 for printing and mailing. The Mayor observed that the email-based newsletter had limited reach due to insufficient subscriber sign-ups. A Council Member noted that the current staff capacity made producing a newsletter impractical at this time. After brief discussion, the Council reached consensus not to proceed with a newsletter.

Administrative Team Support. The Mayor indicated a need to address support for the city's administrative team, specifically noting the workload facing the interim city administrator. A Council Member spoke with evident concern, stating that getting staff help and relief needed to be a higher priority and needed to happen quickly. The Council Member suggested that the administrator be asked to compile a comprehensive list of her current activities so that the Council could identify tasks that could be deferred or paused. The Council Member noted that burnout was "real," and referenced that the administrator had been working weekends.

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Discussion turned to the potential of engaging a temporary employee through Sourcewell to provide full-time support — not one, two, or three days per week, but five days per week — given that the busy summer season and the upcoming budget process would only add to the workload. The Council reached general agreement to move forward with asking staff to reach out to Sourcewell immediately to explore temporary staffing options. Council Members also agreed to schedule a meeting the week of May 4 to develop a more comprehensive plan for administrative support.

Collaboration Session / Council Cohesion. The Mayor raised the question of whether the Council wished to schedule a council leadership or collaboration session, noting that the high season was approaching and members' personal and professional schedules were becoming constrained. A Council Member reflected on the tone of the evening's meeting and suggested that if the Council could continue operating in the constructive manner demonstrated that night, a formal off-site session might not be necessary.

The conversation turned substantive and candid, with Council Members openly addressing community tensions and negative social media activity directed at the Council. One Council Member stated that recent characterizations of the Council circulating on community platforms — including accusations of being misogynistic, sexist, racist, and homophobic — were deeply troubling and untrue. The Council Member urged colleagues to speak directly to individuals they knew who were posting such content and ask them to stop. The Council Member also reiterated a prior position of not discussing voting intentions with colleagues in advance of meetings, and stated plainly that if a future meeting descended to the level of conduct seen the prior month, he would walk out. "We have business that needs to be done for the people," he said. "Let's get it done."

Another Council Member agreed that the divide in the community was exhausting and said that he had not joined the Council to deal with negativity. He expressed that he wanted to come to meetings and leave having enjoyed the work. He noted he had received multiple calls that day from concerned residents about content appearing on a community app and had attempted to reassure callers. He referenced a comment made by a community member, Shawn Hansen, characterizing certain community activity as a "witch hunt," and expressed agreement with that sentiment, emphasizing that the people on the Council were dedicated, long-standing members of the community.

A Council Member noted the persistent "overwhelming sense of fear in the community" and described a lengthy phone conversation with a community member, Bonnie Johnson, who raised concerns and questions about city matters — including the land acquisition — that the Council Member felt had been discussed repeatedly at public meetings. The Council Member expressed frustration that misinformation was being circulated, specifically calling out the appearance of a figure of $30 million for a fire hall, which he said had never been part of any city conversation. He also described repeated attempts to meet directly with a particular vocal community critic, stating those overtures had been declined. He expressed that he appreciated the passion of engaged residents but was disappointed that they were not speaking truthfully about the facts.

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The Mayor reflected that much of the tension in the community could be traced to the city's land acquisition, a topic she noted had been in discussion for over twenty years. She also raised the information-sharing dynamic within the Council itself, expressing that she frequently felt left in the dark about city matters and that the liaison system, while perhaps well-intentioned, created unequal access to information among elected officials. She stated: "We are all equally five individual, equally elected people. We all deserve the same information at the same time." She suggested that staff should default to copying the full council on significant updates rather than routing information through individual liaisons, and noted that a weekly council update — similar to what had existed in a prior administration — would help. She acknowledged the current staff shortage as a mitigating factor.

A Council Member offered a different perspective on the information question, expressing that knowing every operational detail in real time was not, in his view, the appropriate role of a Council Member and that different philosophical views on local governance were legitimate. He cautioned that mismatched expectations between Council Members and staff could itself become a source of tension. However, the discussion reflected broad agreement that some improvement in the consistency and equity of information-sharing was warranted.

The Mayor also observed that the city's search for a city administrator had been hampered by public perceptions of dysfunction, and expressed optimism that recent collaborative meeting conduct would, over time, begin to shift that perception and attract qualified candidates. Multiple Council Members expressed commitment to moving forward in a unified and positive direction, with one Council Member stating: "We're elected leaders. Everybody's watching us from young to old, and we're here to represent it." The same Council Member also offered a personal apology for his role in the contentious prior month's meeting and reaffirmed a commitment to constructive leadership both inside and outside council chambers.

The conversation concluded with broad agreement that the Council's collective outreach into the community — given that among the five members, nearly the entire population of Nisswa was within their personal networks — could be an important tool for rebuilding community trust and tamping down harmful misinformation. The Mayor also briefly flagged a desire for a cleaner process around the EDA and the highway frontage property, noting the importance of articulating a clear vision for the acquired land so that the community could understand the long-term rationale for the investment.

2. Council Members

No additional formal Council Member reports were noted beyond the discussion conducted under the Mayor's report above.

J. Announcements & Upcoming Meeting Dates

The following upcoming meetings were noted:

1. **April 29, 2026** — Public Works Committee Meeting, 5:00 PM
2. **May 5, 2026** — Planning Commission Meeting, 5:00 PM

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3. **May 7, 2026** — Parks Commission Meeting, 5:00 PM
4. **May 19, 2026** — Regular City Council Meeting, 6:00 PM
5. **May 27, 2026** — Public Works Committee Meeting, 5:00 PM

K. Adjourn

Motion by Council Member Zahn and seconded by Council Member Hall to adjourn the meeting. Motion approved unanimously. Meeting adjourned at 9:16 PM.

Respectfully submitted,

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

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CITY OF NISSWA
MINUTES – CITY COUNCIL WORKSHOP
TUESDAY, APRIL 21, 2026 – 4:00 P.M.
NISSWA CITY HALL

Members present: Jennifer Carnahan, Bruce London, Joe Hall, Mark Froehle, Jesse Zahn
Other Members Present: Dave Reese, City Engineer; Bill Westerberg, Widseth; Heather Casperson with PFM
City staff present: Maggi Wentler, Interim City Administrator; Jane Michaud, Deputy Clerk

Audience members: 3 members of the public were present

A. Call to Order

Mayor Carnahan called the City Council Workshop Meeting of the City of Nisswa to order on Tuesday, April 21, 2026, at 4:01 PM at Nisswa City Hall. The meeting was also accessible to the public via online livestream. The Council briefly awaited the in-person arrival of Heather Casperson, Senior Managing Consultant with PFM, before proceeding.

B. PFM Presentation on Bonding

Mayor Carnahan introduced Heather Casperson of PFM as the presenter for the debt workshop. Ms. Casperson conducted a slide-based presentation covering the proposed bond issue, project background, borrowing authority, existing City debt, financial health indicators, and the bond sale timeline.

Proposed Bond Issue – Series 2026A

Ms. Casperson presented the proposed General Obligation Bonds, Series 2026A, with a preliminary par amount of $3,910,000. She emphasized that this figure is an estimate and will be resized following the receipt of competitive bids. The targeted bond sale date is May 19, 2026, with an estimated dated and delivery date of June 2, 2026, at which time the City would receive bond proceeds. Repayment is to be funded through ad valorem property taxes, with principal payments beginning February 1, 2028, through 2041, and the first interest payment due February 1, 2027. The bonds will include a call provision allowing for early redemption or refinancing if market conditions are favorable.

Council Member Zahn inquired about extending the amortization period beyond the current 13-to-15-year structure. Ms. Casperson explained that while the statute permits terms as long as 30 years, a shorter amortization had been recommended to align with the useful life of the street improvements and to manage overall borrowing costs. She noted that a longer amortization would result in additional interest expense over the life of the bonds. She further advised that if the Council wished to consider a different amortization schedule, that decision would need to be made prior to the publication of official sale documents, and suggested the 2027 bond issue as an alternative vehicle for a longer amortization window if the Council desired one. Staff noted that in a prior meeting with Interim City Administrator Wentler, Public Works Director Blomer and

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the City's financial consultant, the difference between 15- and 20-year terms did not yield a significant benefit relative to the added cost.

Ms. Casperson clarified that the bond terms, including the final maturity, must be established before the market offering, as underwriters and investors plan their purchases around known maturity dates.

Project Costs and Scope

Bill Westerberg with Widseth presented updated project cost figures based on Anderson Brothers unit prices. The calculated total project cost was approximately $3,652,027.90, inclusive of a 10% contingency (reduced from an earlier 15% contingency used when plans were at 90% completion). He explained that the previously authorized ceiling of $5,750,000 had been established conservatively when cost estimates were higher, and that the current estimate reflects significantly lower figures. Ms. Casperson noted that the bond was sized at $3,900,000 to provide approximately $3,800,000 for project costs, with an additional cushion to account for unresolved right-of-way acquisition costs. She also noted that prevailing bidding premiums in the current municipal market often allow cities to generate more project proceeds from a lower par amount.

Borrowing Authority

Ms. Casperson reviewed the statutory authority for the Street Reconstruction Bonds under Minnesota Statutes. Key procedural requirements had been satisfied, including: adoption of the Five-Year Street Reconstruction Plan and public hearing in February 2026; publication of a notice of intent to issue bonds; completion of a 30-day reverse referendum period with no petition filed; and a Council vote authorizing borrowing not to exceed $5,750,000.

Existing City Debt

Ms. Casperson presented a summary of the City's outstanding debt obligations organized into three categories:

Ad Valorem Tax-Supported Debt: This includes a 2012 Street Reconstruction Note, a portion of the 2024A bonds (financing City Hall capital improvements), and the anticipated 2026 Street Reconstruction bonds. Total outstanding in this category is projected to be just over $5,000,000 upon issuance.

Tax Abatement-Supported Debt: The 2024A and 2024B series bonds, issued in both taxable and tax-exempt form to finance the City's land acquisition on Highway 371, represent approximately $1,800,000 outstanding. The taxable portion was necessary because the land is intended for future sale rather than municipal use.

Revenue-Supported Debt: Two bond series are supported by sewer utility revenues, totaling just over $4,000,000. Ms. Casperson noted the City has been a good steward of utility funds and

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has accumulated cash reserves sufficient to finance some upcoming capital needs—such as a lift station—without additional borrowing.

Council Member Hall raised a question about how a potential sale of the Highway 371 property would interact with the road bonding cycle. Ms. Casperson clarified that the two matters are separate: proceeds from a land sale would first be obligated to retire the outstanding 2024A/B bonds used to purchase that property, and doing so would create capaCity for future borrowings. She confirmed that the 2027 Street Reconstruction bond issue is already incorporated into the City's projected debt levy rate, and that the levy rate is structured to hold steady at approximately 6.2 mils across the planning horizon, regardless of whether the land sale occurs before or after the 2027 issuance. Council Member Hall and others expressed relief that the 2027 bonds would not create an unexpected levy increase for constituents.

Credit Rating and Financial Health

Council Member Froehle asked what factors determine the City's bond interest rate and credit rating. Ms. Casperson explained that the City currently holds a Aa2 rating from Moody's Investors Service, and that this rating is influenced by multiple factors, including: the local economy and tax base; management quality of elected officials and staff; the level and pace of debt repayment (faster amortization is viewed favorably); and financial reserves. She noted that the City's large unassigned fund balance is a significant positive credit factor, as it remains uncommitted and accessible for operational or emergency purposes.

Council Member Froehle raised constituent questions about the potential impact of drawing down reserves. Ms. Casperson emphasized that healthy reserves serve purposes beyond the bond rating, including providing liquidity for uninterrupted City operations in the event of unforeseen circumstances. City staff further noted that the City maintains a formal policy requiring it to retain 100% of annual expenditures in its fund balance, a threshold that was increased from a prior 50% requirement. This policy limits the discretionary portion of the fund balance.

Ms. Casperson reviewed a trend of the City's general fund balance from 2021 through 2025, showing a modest decline in recent years from approximately $5,100,000 to $3,900,000. She noted that Moody's would inquire about the reasons for this trend, and that the City's explanation—that portions of the fund balance were deployed for projects pending grant reimbursement—is a distinguishable and acceptable reason compared to a structural budget imbalance.

Council Member Zahn observed the City's estimated market value has grown substantially, from approximately $650–700 million in 2022 to approximately $1.4 billion as of the most recent assessment. Ms. Casperson presented historical valuation data and cautioned against relying on continued extraordinary growth for planning purposes, noting that a 5% annual growth assumption is used in the City's financial projections. She attributed some of the recent growth to post-COVID improvements, including resort upgrades, and characterized those as likely one-time contributors.

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Bond Sale Timeline and Process

Ms. Casperson outlined the following schedule of events:

- **February 2026:** Public hearing held; Five-Year Street Reconstruction Plan adopted; borrowing authorized.
- **April 21, 2026:** Council workshop (present meeting).
- **April 28, 2026:** Credit call with Moody's Investors Service.
- **Week of May 11, 2026:** Anticipated receipt of updated credit rating and report.
- **May 19, 2026:** Competitive bond sale (bids due at 11:15 AM); City Council meeting that evening to award the bond issue by roll call vote.
- **June 2, 2026:** Bond closing; City receives proceeds.

Ms. Casperson explained that Council packets distributed in advance of the May 19 meeting will include a draft resolution with the $3,900,000 figure and placeholder amounts. An updated resolution with final figures will be distributed to the Council prior to that evening's meeting, reflecting actual rates and par amounts determined from the morning bids. She stressed the importance of the Council being prepared to act affirmatively on the resolution, noting that a failure to award after competitive bids are received could negatively affect the City's future market access and underwriter participation.

C. Road Project Updates

No substantive discussion occurred under this agenda item. Mayor Carnahan invited questions on road project updates; no Council members raised additional items beyond what had been addressed during the bonding presentation.

D. Adjourn

A motion to adjourn was made by Council Member Zahn and seconded by Council Member London. The motion carried unanimously.

The City Council Workshop Meeting was adjourned at 5:04 PM.

Respectfully submitted,

_____ _____

Jennifer Carnahan, Mayor Maggi Wentler, Interim City Administrator

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CITY OF NISSWA
MINUTES – CITY COUNCIL ROADS WORKSHOP
TUESDAY, APRIL 21, 2026 – 5:00 P.M.
NISSWA CITY HALL

Members present: Jennifer Carnahan, Bruce London, Joe Hall, Mark Froehle, Jesse Zahn
Other Members Present: Dave Reese, City Engineer; Bill Westerberg, Widseth
City staff present: Maggi Wentler, Interim City Administrator; Jane Michaud, Deputy Clerk

Audience members: 6 members of the public were present

A. Call to Order

Mayor Carnahan called the City Council Roads Workshop Meeting of the City of Nisswa to order on Tuesday, April 21, 2026, at 5:13 PM at Nisswa City Hall. The meeting was also accessible to the public via online livestream.

B. Widseth Presentation on Lakers Lane Improvements

Dave Reese of Widseth presented proposed improvements to Lakers Lane and Nisswa Elementary School, noting that the same presentation had been delivered at a prior public informational meeting. The presentation covered existing deficiencies, proposed solutions, and a recommended project phasing approach.

Existing Conditions and Issues: The school area suffers from deteriorated sidewalks, roof drainage crossing pedestrian paths, ADA compliance deficiencies—including the absence of ADA ramps at the crosswalk on Lakers Lane—poor sight lines at the Church Street and Lakers Lane intersection, and significant traffic congestion during school pickup and drop-off periods. Drone footage confirmed that pedestrians cross Lakers Lane at uncontrolled locations and that afternoon pickup queuing extends onto Lakers Lane and back toward Main Street.

Proposed Improvements: After evaluating two potential locations, Widseth identified a mini roundabout at the intersection of Church Street and Lakers Lane as the preferred solution. This location was favored over the Wooddale/School Street alternative due to greater traffic efficiency and the elimination of a conflict with school bus stacking. The proposed mini roundabout is approximately 30 feet in diameter with a low-profile center island traversable by larger vehicles, including school buses. Rapid flashing beacon crosswalks would also be installed to improve pedestrian safety. School site improvements would include repaired walkways, corrected roof drainage, a widened bus loading area, and exploration of an expanded parent drop-off loop in coordination with the property to the west.

Project Phasing: Lakers Lane was identified as part of the planned 2027 bonded street improvements, alongside Church Street, City Hall Street, and Nisswa Avenue. Although an initial Phase 1 sidewalk repair was considered for 2026, Widseth recommended consolidating all improvements into a single 2027 project to avoid redundant construction and ensure

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compatibility with the roundabout's required grade changes. The school district's maintenance director concurred with this approach.

Council Discussion: Council Member Froehle inquired about pedestrian walkways along Church Street; Widseth confirmed the concept includes a walkway on the west side of Church Street from Lakers Lane north to Park Drive, connecting to City Hall Street. Council Member Zahn proposed that streetscaping—including decorative lighting, water lines for hanging flower baskets, and custom paving elements—be explored as part of the 2027 project scope, and suggested coordinating with the Nisswa Chamber of Commerce and the Nisswa Garden Club. Widseth confirmed they could provide examples and cost information. The suggestion received no objection from the Council. Council Member Hall and Council Member London both expressed general support for the project.

Next Steps: Widseth will continue to compile community feedback, refine the concepts, and present plans to the school board and City Council. A formal commitment from the Council is sought to authorize final design and bidding.

C. Adjourn

A motion to adjourn was made by Council Member Zahn and seconded by Council Member Froehle. The motion carried unanimously.

The City Council Workshop Meeting was adjourned at 5:42 PM.

Respectfully submitted,

_____ _____

Jennifer Carnahan, Mayor Maggi Wentler, Interim City Administrator

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PERSONNEL UPDATES

May 2026

Hires

Name	Position	Department	Employee Type	Effective	Pay Rate	Notes

Position Changes

Name	Position	Department	Employee Type	Effective	Pay Rate	Notes

Departures

Name	Position	Department	Employee Type	Effective	Pay Rate	Notes
Kaitlyn Yturzenka	Fire Fighter	Fire	Volunteer	5/6/2026		

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
04/01/2026	156750	ARTISAN BEER COMPANY	747.25
04/01/2026	156751	BERNICKS	2,377.29
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRITS	3,947.66
04/01/2026	156753	C & L DISTRIBUTING	18,226.52
04/01/2026	156754	D & D BEVERAGE LLC	19,908.35
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY INC	9,794.32
04/01/2026	156756	PAUSTIS WINE COMPANY	2,221.67
04/01/2026	156757	PHILLIPS WINE & SPIRITS	6,244.21
04/01/2026	156758	SCHAEFERS OF NISSWA LIMITED	8,923.40
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	14,686.43
04/01/2026	156760	THE WINE COMPANY	722.73
04/01/2026	156761	VINOCOPIA INC	954.18
04/02/2026	156762	ACME TOOLS	649.00
04/02/2026	156763	BEST OIL COMPANY	3,056.87
04/02/2026	156764	CHRISTOPHER MICHAEL PENCE	200.00
04/02/2026	156765	CINTAS CORP	398.80
04/02/2026	156766	CODY JOSEPH LENDWAY	560.00
04/02/2026	156767	COLUMN SOFTWARE PBC	23.46
04/02/2026	156768	CROW WING COOPERATIVE POWER & LIGHT CO	270.45
04/02/2026	156769	CTC	1,659.82
04/02/2026	156770	DELTA DENTAL	937.74
04/02/2026	156771	DIAMOND INDUSTRIAL CLEANING EQUIPMENT	278.80
04/02/2026	156772	DTM FLEET SERVICES LLC	9,178.96
04/02/2026	156773	ELECTRIC PUMP INC	720.00
04/02/2026	156774	F.I.R.E. FIRE INSTRUCTION & RESCUE EDUCA	2,150.00
04/02/2026	156775	FIDELITY SECURITY LIFE - ATTN: A/R	64.41
04/02/2026	156776	FLORA DELANEY	1,158.00
04/02/2026	156777	FORUM COMMUNICATIONS CO	2,385.00
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	5,222.25
04/02/2026	156779	GARAGE DOOR STORE	1,765.90
04/02/2026	156780	GINA CAMERON	100.00
04/02/2026	156781	GOPHER STATE ONE-CALL, INC	6.75
04/02/2026	156782	GRANITE CITY JOBBING CO INC	2,182.26
04/02/2026	156783	HEGGIES PIZZA LLC	484.95
04/02/2026	156784	HIRSHFIELD'S INC	152.46
04/02/2026	156785	INNOVATIVE OFFICE SOLUTIONS LLC	245.32
04/02/2026	156786	KIMBER CREEK FORD	2,925.04
04/02/2026	156787	MACQUEEN EQUIPMENT, LLC	9,977.31
04/02/2026	156788	MADISON NATIONAL LIFE INSURANCE CO INC	2,903.16
04/02/2026	156789	METRO SALES, INC.	726.17
04/02/2026	156790	MIKE'S TREE COMPANY LLC	3,900.00
04/02/2026	156791	MINNESOTA POWER	9,992.76
04/02/2026	156792	MINNESOTA RECREATION AND PARK ASSOCIATIO	35.00
04/02/2026	156793	MPCA ATTN: FISCAL -6	23.00
04/02/2026	156794	NATIONWIDE	500.00
04/02/2026	156795	NORTHLAND FIRE PROTECTION LLC	681.11
04/02/2026	156796	NORTHLAND FROZEN PIZZA INC	515.10
04/02/2026	156797	OLD DUTCH FOODS, INC.	76.05
04/02/2026	156798	PAUL WELCH	100.00
04/02/2026	156799	PEPSI-COLA CO.	82.40
04/02/2026	156800	PREFERRED PUMP & EQUIPMENT, LP	15,890.00
04/02/2026	156801	SIGNATURE CONCEPTS INC	2,993.29
04/02/2026	156802	S-N-K CAR WASH & OIL CHANGE	56.65
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	2,042.29
04/02/2026	156804	TEAM LABORATORY CHEMICAL, LLC	2,885.00
04/02/2026	156805	TEAMSTERS JOINT COUNCIL 32 HEALTH FUND	8,165.00
04/02/2026	156806	THE HOME CITY ICE COMPANY	440.54

Check Issue Date	Check Number	Payee	Amount
04/02/2026	156807	THE WAGON LLC DBA HONEY WAGON	775.00
04/02/2026	156808	U.S. BANK EQUIPMENT FINANCE	204.08
04/02/2026	156809	VERIZON	388.55
04/02/2026	156810	VESTIS GROUP, INC	59.01
04/02/2026	156811	VIKING COCA COLA BOTTLING CO.	1,355.10
04/02/2026	156812	VIKING INDUSTRIAL CENTER	272.50
04/02/2026	156813	WICKS ADVANCED DRAIN CLEANING LLC	300.00
04/02/2026	156814	WIDSETH SMITH NOLTING AND ASSOCIATES INC	34,936.00
04/02/2026	156815	XCEL ENERGY	3,734.95
04/02/2026	156816	XTONA	6,365.60
04/02/2026	156817	BERNICKS	338.75
04/03/2026	156818	A.W. RESEARCH LABORATORIES, INC	68.40
04/03/2026	156819	AMAZON CAPITAL SERVICES	398.94
04/03/2026	156820	BRAINERD HARDWARE LLC	11.41
04/03/2026	156821	BRAINERD TRUCK AND TRAILER	688.70
04/03/2026	156822	BUREAU OF CRIM. APPREHENSION	75.00
04/03/2026	156823	CARDMEMBER SERVICES	2,215.85
04/03/2026	156824	CODY JOSEPH LENDWAY	280.00
04/03/2026	156825	COLLINS BROTHERS TOWING OF ST., IN	432.18
04/03/2026	156826	COLUMN SOFTWARE PBC	41.57
04/03/2026	156827	DONDELINGER CHEVROLET-CADILLAC, INC	32.95
04/03/2026	156828	INNOVATIVE OFFICE SOLUTIONS LLC	29.23
04/03/2026	156829	JOHANNECK APPRAISALS	45,700.00
04/03/2026	156830	JOHNSON BROTHERS LIQUOR COMPANY INC	536.89
04/03/2026	156831	NISSWA HARDWARE LLC	1,092.33
04/03/2026	156832	NORTHPOINT AVIATION	67.90
04/03/2026	156833	PHILLIPS WINE & SPIRITS	564.06
04/03/2026	156834	R & J BRAODCASTING, INC.	500.00
04/03/2026	156835	S-N-K CAR WASH & OIL CHANGE	154.70
04/03/2026	156836	VERIZON	680.07
04/19/2026	156837	ACME TOOLS	23.98
04/19/2026	156838	AFLAC	434.70
04/19/2026	156839	AMERICAN WELDING & GAS INC	746.60
04/19/2026	156840	ARTISAN BEER COMPANY	1,222.21
04/19/2026	156841	BELLBOY CORPORATION	316.34
04/19/2026	156842	BERNICKS	9,940.95
04/19/2026	156843	BIG AXE BREWING COMPANY LLC	455.55
04/19/2026	156844	BOLTON & MENK INC	13,493.25
04/19/2026	156845	BRADOW DOCK SERVICE	375.00
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRITS	2,870.01
04/19/2026	156847	C & L DISTRIBUTING	13,387.22
04/19/2026	156848	CINTAS CORP	199.40
04/19/2026	156849	CITY OF BRAINERD	4,163.25
04/19/2026	156850	CODY JOSEPH LENDWAY	560.00
04/19/2026	156851	COLLINS BROTHERS TOWING OF ST., IN	756.68
04/19/2026	156852	COLUMN SOFTWARE PBC	40.30
04/19/2026	156853	CRESCENT ELECTRIC SUPPLY CO	724.14
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	13,366.00
04/19/2026	156855	CTC	1,664.96
04/19/2026	156856	CULLIGAN WATER CONDITIONING	69.50
04/19/2026	156857	D & D BEVERAGE LLC	20,286.28
04/19/2026	156858	F.I.R.E. FIRE INSTRUCTION & RESCUE EDUCA	876.00
04/19/2026	156859	FERGUSON WATERWORKS	2,608.68
04/19/2026	156860	FINKEN WATER INC	89.98
04/19/2026	156861	FLAHERTY & HOOD, P.A.	4,331.25
04/19/2026	156862	FLORA DELANEY	31,323.00
04/19/2026	156863	GARAGE DOOR STORE	1,411.00

Check Issue Date	Check Number	Payee	Amount
04/19/2026	156864	GOODIN COMPANY	478.30
04/19/2026	156865	GOPHER STATE ONE-CALL, INC	85.10
04/19/2026	156866	GRANITE CITY JOBBING CO INC	2,832.28
04/19/2026	156867	HEGGIES PIZZA LLC	527.00
04/19/2026	156868	INNOVATIVE OFFICE SOLUTIONS LLC	181.53
04/19/2026	156869	INTERSTATE BILLING SERVICES	1,241.84
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY INC	21,762.96
04/19/2026	156871	KA MECHANICAL	3,338.57
04/19/2026	156872	MAGNUS / NELSON	500.00
04/19/2026	156873	MAVERICK WINE LLC	172.65
04/19/2026	156874	METRO SALES, INC.	280.07
04/19/2026	156875	MIDWEST MACHINERY CO.	124.57
04/19/2026	156876	MINNESOTA POWER	445.41
04/19/2026	156877	MINNESOTA PUBLIC EMPLOYEES ASSOC.	360.00
04/19/2026	156878	MK AUTOBODY INC	11,592.34
04/19/2026	156879	MN OFFICE OF CANNABIS MANAGEMENT	250.00
04/19/2026	156880	NAPA AUTO PARTS BAXTER	252.34
04/19/2026	156881	NCPERS GROUP LIF INS.	48.00
04/19/2026	156882	NISSWA HARDWARE LLC	171.64
04/19/2026	156883	NORTHLAND FROZEN PIZZA INC	477.95
04/19/2026	156884	OXFORD STREET MERCHANTS	5,653.91
04/19/2026	156885	PAUSTIS WINE COMPANY	1,258.92
04/19/2026	156886	PHILLIPS WINE & SPIRITS	10,763.19
04/19/2026	156887	S-N-K CAR WASH & OIL CHANGE	56.65
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	16,912.59
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	2,737.67
04/19/2026	156890	TAPES PLUS ADVERTISING	240.00
04/19/2026	156891	TEAMSTERS LOCAL UNION #346	490.00
04/19/2026	156892	THE HOME CITY ICE COMPANY	147.50
04/19/2026	156893	THE WAGON LLC DBA HONEY WAGON	185.00
04/19/2026	156894	THE WINE COMPANY	494.15
04/19/2026	156895	VESTIS GROUP, INC	63.62
04/19/2026	156896	VIKING COCA COLA BOTTLING CO.	994.85
04/19/2026	156897	VINOCOPIA INC	157.75
04/19/2026	156898	WASTE PARTNERS INC	1,002.48
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATES INC	88,884.99
04/19/2026	156900	BELLBOY CORPORATION	660.45
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	136,350.00
04/19/2026	156902	MEDICA INSURANCE COMPANY	22,687.85
Grand Totals:			750,415.15

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DTM FLEET SERVICES LLC						
04/02/2026	156772	DTM FLEET SERVICES LLC	2026 SQUAD OUTFITTING	9,178.96	123-42210-550	CR:PD MOTOR VEHICLES
Total DTM FLEET SERVICES LLC:				9,178.96		
FLORA DELANEY						
04/02/2026	156776	FLORA DELANEY	CONSULTANT TRAVEL EXPENSES	1,158.00	621-49750-300	CR PIRITS PROFESSIONAL SERV
04/19/2026	156862	FLORA DELANEY	CONSULTANT TRAVEL EXPENSES	474.00	621-49750-300	CR PIRITS PROFESSIONAL SERV
04/19/2026	156862	FLORA DELANEY	CONSULTANT TRAVEL EXPENSES	474.00	620-49750-300	CR PICKLE PROFESSIONAL SERV
04/19/2026	156862	FLORA DELANEY	CONSULTANT FEES	15,187.50	621-49750-300	CR PIRITS PROFESSIONAL SERV
04/19/2026	156862	FLORA DELANEY	CONSULTANT FEES	15,187.50	620-49750-300	CR PICKLE PROFESSIONAL SERV
Total FLORA DELANEY:				32,481.00		
GAMMELLO - PEARSON, PLLC						
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	2025-2026 ROAD BOND MATTERS	108.00	465-41910-300	PROFESSIONAL SERVICES
Total GAMMELLO - PEARSON, PLLC:				108.00		
JOHANNECK APPRAISALS						
04/03/2026	156829	JOHANNECK APPRAISALS	2026 RESURFACING PROJECT 17 PARCELS	45,700.00	465-41910-300	PROFESSIONAL SERVICES
Total JOHANNECK APPRAISALS:				45,700.00		
WIDSETH SMITH NOLTING AND ASSOCIATES INC						
04/02/2026	156814	WIDSETH SMITH NOLTING AND ASSOCIATE	2027 STREET IMPROVEMENTS	15,338.00	465-41910-300	PROFESSIONAL SERVICES
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	GULL LAKE TRAIL PHASE 4B	4,988.75	471-45140-300	GLT PROFESSIONAL FEES
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	2025 STREET IMPROVEMENTS	7,714.54	465-41910-300	PROFESSIONAL SERVICES
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	2027 STREET IMPROVEMENTS	11,314.00	465-41910-300	PROFESSIONAL SERVICES
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	2027 STREET IMPROVEMENTS	22,979.70	465-41910-300	PROFESSIONAL SERVICES
Total WIDSETH SMITH NOLTING AND ASSOCIATES INC:				62,334.99		
Total :				149,802.95		

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Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
COMMUNITY CENTER						
COMMUNITY CENTER REFUND						
04/02/2026	156780	GINA CAMERON	SECURITY DEPOSIT REFUND	100.00	220-41940-810	CC REFUNDS & REIMBURSEMENTS
04/19/2026	156872	MAGNUS / NELSON	SECURITY DEPOSIT REFUND	500.00	220-41940-810	CC REFUNDS & REIMBURSEMENTS
Total COMMUNITY CENTER REFUND:				600.00		
CTC						
04/02/2026	156769	CTC	COMM CENTER INTERNET	80.00	220-41940-320	CC COMMUNICATION
04/19/2026	156855	CTC	COMM CENTER INTERNET	80.00	220-41940-320	CC COMMUNICATION
Total CTC:				160.00		
LEAGUE OF MN CITIES INSURANCE TRUST						
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE COMMUNITY CENTER	4,086.00	220-41940-360	CC INSURANCE
Total LEAGUE OF MN CITIES INSURANCE TRUST:				4,086.00		
MINNESOTA POWER						
04/02/2026	156791	MINNESOTA POWER	25628 MAIN ST COMMUNITY CENTER	331.83	220-41940-380	CC UTILITY SERVICES
Total MINNESOTA POWER:				331.83		
NISSWA HARDWARE LLC						
04/03/2026	156831	NISSWA HARDWARE LLC	SOFTENER SALT	42.91	220-41940-220	CC REPAIR & MAINT SUPPLIES
Total NISSWA HARDWARE LLC:				42.91		
WASTE PARTNERS INC						
04/19/2026	156898	WASTE PARTNERS INC	GARBAGE - COMM. CENTER	216.73	220-41940-437	CC OTHER/SALES TAX
Total WASTE PARTNERS INC:				216.73		
XCEL ENERGY						
04/02/2026	156815	XCEL ENERGY	COMMUNITY CENTER	376.49	220-41940-380	CC UTILITY SERVICES
Total XCEL ENERGY:				376.49		
Total COMMUNITY CENTER:				5,813.96		

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
FIRE DEPARTMENT						
AMAZON CAPITAL SERVICES						
04/03/2026	156819	AMAZON CAPITAL SERVICES	GLOVES	398.94	210-42210-220	FD REPAIR & MAINTENANCE SUPPLI
Total AMAZON CAPITAL SERVICES:				398.94		
BRAINERD HARDWARE LLC						
04/03/2026	156820	BRAINERD HARDWARE LLC	DRAIN, PLUG	11.41	210-42210-240	FD SMALL TOOLS & MINOR EQUIP
Total BRAINERD HARDWARE LLC:				11.41		
BRAINERD TRUCK AND TRAILER						
04/03/2026	156821	BRAINERD TRUCK AND TRAILER	BROKEN BELT REPAIR	688.70	210-42210-400	FD REPAIRS & MAINT - CONTRA
Total BRAINERD TRUCK AND TRAILER:				688.70		
COLLINS BROTHERS TOWING OF ST., IN						
04/03/2026	156825	COLLINS BROTHERS TOWING OF ST., IN	1997 FORD F-700 TOW	432.18	210-42210-210	FD OPERATING SUPPLIES
Total COLLINS BROTHERS TOWING OF ST., IN:				432.18		
CTC						
04/02/2026	156769	CTC	FIRE DEPT INTERNET	75.00	210-42210-320	FD COMMUNICATION
04/19/2026	156855	CTC	FIRE DEPT INTERNET	75.00	210-42210-320	FD COMMUNICATION
Total CTC:				150.00		
DONDELINGER CHEVROLET-CADILLAC, INC						
04/03/2026	156827	DONDELINGER CHEVROLET-CADILLAC, INC	2024 CHEVY REPAIRS	32.95	210-42210-400	FD REPAIRS & MAINT - CONTRA
Total DONDELINGER CHEVROLET-CADILLAC, INC:				32.95		
F.I.R.E. FIRE INSTRUCTION & RESCUE EDUCA						
04/02/2026	156774	F.I.R.E. FIRE INSTRUCTION & RESCUE EDU	NFPA 1002 FIRE APPARATUS OPERATOR - THURL	1,500.00	210-42210-438	FD SCHOOL\TRAINING
04/02/2026	156774	F.I.R.E. FIRE INSTRUCTION & RESCUE EDU	ICE RESCUE TRAINING	650.00	210-42210-438	FD SCHOOL\TRAINING
04/19/2026	156858	F.I.R.E. FIRE INSTRUCTION & RESCUE EDU	FIRE GROUND OPERATIONS	650.00	210-42210-438	FD SCHOOL\TRAINING
04/19/2026	156858	F.I.R.E. FIRE INSTRUCTION & RESCUE EDU	FIRE APPARATUS OPERATOR BOOK	226.00	210-42210-438	FD SCHOOL\TRAINING
Total F.I.R.E. FIRE INSTRUCTION & RESCUE EDUCA:				3,026.00		

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LEAGUE OF MN CITIES INSURANCE TRUST						
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE FIRE	8,805.00	210-42210-360	FD INSURANCE
Total LEAGUE OF MN CITIES INSURANCE TRUST:				8,805.00		
MACQUEEN EQUIPMENT, LLC						
04/02/2026	156787	MACQUEEN EQUIPMENT, LLC	FACE PIECE	3,094.26	210-42210-217	FD UNIFORMS & EQUIPMENT
04/02/2026	156787	MACQUEEN EQUIPMENT, LLC	GAS DETECTOR	1,191.32	210-42210-217	FD UNIFORMS & EQUIPMENT
04/02/2026	156787	MACQUEEN EQUIPMENT, LLC	HELMENTS	5,691.73	210-42210-217	FD UNIFORMS & EQUIPMENT
Total MACQUEEN EQUIPMENT, LLC:				9,977.31		
MINNESOTA POWER						
04/02/2026	156791	MINNESOTA POWER	25636 MAIN ST FIRE HALL	409.86	210-42210-380	FD UTILITY SERVICES
Total MINNESOTA POWER:				409.86		
MK AUTOBODY INC						
04/19/2026	156878	MK AUTOBODY INC	2024 REPAIRS - INSURANCE CLAIM	11,592.34	210-42210-400	FD REPAIRS & MAINT - CONTRA
Total MK AUTOBODY INC:				11,592.34		
NISSWA HARDWARE LLC						
04/03/2026	156831	NISSWA HARDWARE LLC	SILICONE, PRIMER, PVC	40.95	210-42210-220	FD REPAIR & MAINTENANCE SUPPLI
04/03/2026	156831	NISSWA HARDWARE LLC	PROPANE	14.99	210-42210-210	FD OPERATING SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	ROPE	50.04	210-42210-210	FD OPERATING SUPPLIES
Total NISSWA HARDWARE LLC:				105.98		
NORTHPOINT AVIATION						
04/03/2026	156832	NORTHPOINT AVIATION	FUEL	67.90	210-42210-210	FD OPERATING SUPPLIES
Total NORTHPOINT AVIATION:				67.90		
VERIZON WIRELESS						
04/03/2026	156836	VERIZON	FIRE DEPARTMENT CELL/TABLET SERVICE	190.05	210-42210-320	FD COMMUNICATION
Total VERIZON WIRELESS:				190.05		

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
XCEL ENERGY						
04/02/2026	156815	XCEL ENERGY	FIRE DEPARTMENT	955.52	210-42210-380	FD UTILITY SERVICES
Total XCEL ENERGY:				955.52		
XTONA						
04/02/2026	156816	XTONA	IT SERVICES - FIRE	6.00	210-42210-320	FD COMMUNICATION
04/02/2026	156816	XTONA	IT SERVICES - FIRE	6.00	210-42210-320	FD COMMUNICATION
Total XTONA:				12.00		
Total FIRE DEPARTMENT:				36,856.14		

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
GENERAL FUND						
ACME TOOLS						
04/02/2026	156762	ACME TOOLS	DEWALT	649.00	100-43140-240	SMALL TOOLS & MINOR EQUIPMENT
04/19/2026	156837	ACME TOOLS	SHIPPING	23.98	100-43140-240	SMALL TOOLS & MINOR EQUIPMENT
Total ACME TOOLS:				672.98		
AFLAC						
04/19/2026	156838	AFLAC	AFLAC PREMIUMS	434.70	100-22001	AFLAC
Total AFLAC:				434.70		
AMERICAN WELDING & GAS INC						
04/19/2026	156839	AMERICAN WELDING & GAS INC	START CARTRIDGE/ELECTRODE/SHIELD CUP	435.59	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
Total AMERICAN WELDING & GAS INC:				435.59		
BEST OIL COMPANY						
04/02/2026	156763	BEST OIL COMPANY	DIESEL FUEL	2,652.00	100-43140-210	OPERATING SUPPLIES
04/02/2026	156763	BEST OIL COMPANY	DIESEL FUEL	404.87	100-43140-210	OPERATING SUPPLIES
Total BEST OIL COMPANY:				3,056.87		
CARDMEMBER SERVICES						
04/03/2026	156823	CARDMEMBER SERVICES	LAPTOP SCREEN	236.71	100-41425-200	OFFICE SUPPLIES
04/03/2026	156823	CARDMEMBER SERVICES	PHONE CASE	20.35	100-42110-220	REPAIR & MAINTENANCE SUPPLIES
04/03/2026	156823	CARDMEMBER SERVICES	PLATES	19.41	100-41940-220	REPAIR & MAINTENANCE SUPPLIES
04/03/2026	156823	CARDMEMBER SERVICES	ZOOMSHIFT, MAPET	419.00	100-42110-433	DUES & SUBSCRIPTIONS
04/03/2026	156823	CARDMEMBER SERVICES	LUKE & MATT TRAINING	574.41	100-42110-438	SCHOOL\TRAINING
04/03/2026	156823	CARDMEMBER SERVICES	TRANSUNION,	100.00	100-42110-433	DUES & SUBSCRIPTIONS
04/03/2026	156823	CARDMEMBER SERVICES	POSTAGE	18.77	100-42110-320	COMMUNICATION
04/03/2026	156823	CARDMEMBER SERVICES	SCOTT UNIFORM	58.50	100-42110-217	UNIFORMS & EQUIPMENT
Total CARDMEMBER SERVICES:				1,447.15		
CHRISTOPHER MICHAEL PENCE						
04/02/2026	156764	CHRISTOPHER MICHAEL PENCE	MEETING	200.00	100-41910-300	PROFESSIONAL SERVICES
Total CHRISTOPHER MICHAEL PENCE:				200.00		

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
CITY OF BRAINERD						
04/19/2026	156849	CITY OF BRAINERD	Q2 PROSECUTION COSTS	4,163.25	100-49260-810	REFUNDS & REIMBURSEMENTS
Total CITY OF BRAINERD:				4,163.25		
COLLINS BROTHERS TOWING OF ST., IN						
04/19/2026	156851	COLLINS BROTHERS TOWING OF ST., IN	TOW 2007 HONDA FIT DXJ707	756.68	100-42110-400	REPAIRS & MAINTENANCE - CONTRA
Total COLLINS BROTHERS TOWING OF ST., IN:				756.68		
COLUMN SOFTWARE PBC						
04/02/2026	156767	COLUMN SOFTWARE PBC	LOCAL BOARD OF APPEAL POSTING	23.46	100-41425-300	PROFESSIONAL SERVICES
04/03/2026	156826	COLUMN SOFTWARE PBC	PZ NOTICES	41.57	100-41910-300	PROFESSIONAL SERVICES
04/19/2026	156852	COLUMN SOFTWARE PBC	EDA PUBLIC NOTICE	40.30	100-41425-300	PROFESSIONAL SERVICES
Total COLUMN SOFTWARE PBC:				105.33		
CRESCENT ELECTRIC SUPPLY COMPANY						
04/19/2026	156853	CRESCENT ELECTRIC SUPPLY CO	RETRO CAN TRIM	724.14	100-41940-220	REPAIR & MAINTENANCE SUPPLIES
Total CRESCENT ELECTRIC SUPPLY COMPANY:				724.14		
CROW WING COOPERATIVE POWER & LIGHT CO						
04/02/2026	156768	CROW WING COOPERATIVE POWER & LIGH	CEMETERY UTILITIY	41.71	100-49010-380	UTILITY SERVICES
04/02/2026	156768	CROW WING COOPERATIVE POWER & LIGH	WOLF CHASE UTILITY	156.96	100-43140-380	UTILITY SERVICES
Total CROW WING COOPERATIVE POWER & LIGHT CO:				198.67		
CROW WING COUNTY LAND SERVICES						
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	TIF CERTIFICATION	100.00	100-41530-300	PROFESSIONAL SERVICES
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	E911 ADDRESS ASSIGNMENTS	100.00	100-41910-300	PROFESSIONAL SERVICES
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28110508 PROPERTY TAXES 2026	25.00	100-43140-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28110548 PROPERTY TAXES 2026	25.00	100-43140-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28110760 PROPERTY TAXES 2026	25.00	100-43140-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28110763 PROPERTY TAXES 2026	25.00	100-43140-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28150668 PROPERTY TAXES 2026	316.00	100-43140-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28230532 PROPERTY TAXES 2026	3,908.00	100-41940-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28230533 PROPERTY TAXES 2026	4,098.00	100-41940-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28230535 PROPERTY TAXES 2026	422.00	100-41940-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28230538 PROPERTY TAXES 2026	438.00	100-41940-437	OTHER

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28230540 PROPERTY TAXES 2026	3,834.00	100-41940-437	OTHER
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28401001 PROPERTY TAXES 2026	25.00	100-41940-437	OTHER
Total CROW WING COUNTY LAND SERVICES:				13,341.00		
CTC						
04/02/2026	156769	CTC	P&Z PHONE	30.55	100-41910-320	COMMUNICATION
04/02/2026	156769	CTC	POLICE PHONES	163.19	100-42110-320	COMMUNICATION
04/02/2026	156769	CTC	ROADS PHONES & INTERNET	170.45	100-43140-320	COMMUNICATION
04/02/2026	156769	CTC	CLERK PHONES	92.90	100-41425-320	COMMUNICATION
04/02/2026	156769	CTC	GOVT BLDGS PHONES & INTERNET	358.48	100-41940-320	COMMUNICATION
04/19/2026	156855	CTC	P&Z PHONE	32.08	100-41910-320	COMMUNICATION
04/19/2026	156855	CTC	POLICE PHONES	163.05	100-42110-320	COMMUNICATION
04/19/2026	156855	CTC	ROADS PHONES & INTERNET	171.11	100-43140-320	COMMUNICATION
04/19/2026	156855	CTC	CLERK PHONES	92.54	100-41425-320	COMMUNICATION
04/19/2026	156855	CTC	GOVT BLDGS PHONES & INTERNET	358.41	100-41940-320	COMMUNICATION
Total CTC:				1,632.76		
CULLIGAN WATER CONDITIONING						
04/19/2026	156856	CULLIGAN WATER CONDITIONING	WATER	69.50	100-43140-210	OPERATING SUPPLIES
Total CULLIGAN WATER CONDITIONING:				69.50		
DELTA DENTAL						
04/02/2026	156770	DELTA DENTAL	DENTAL PREMIUMS	937.74	100-22003	DENTAL
Total DELTA DENTAL:				937.74		
FIDELITY SECURITY LIFE - ATTN: A/R						
04/02/2026	156775	FIDELITY SECURITY LIFE - ATTN: A/R	VISION PREMIUMS	64.41	100-22004	VISION
Total FIDELITY SECURITY LIFE - ATTN: A/R:				64.41		
FINKEN WATER INC						
04/19/2026	156860	FINKEN WATER INC	WATER RENTAL	89.98	100-41940-437	OTHER
Total FINKEN WATER INC:				89.98		

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FLAHERTY & HOOD, P.A.						
04/19/2026	156861	FLAHERTY & HOOD, P.A.	UNION NEGOTIATIONS	4,136.25	100-41610-300	PROFESSIONAL SERVICES
04/19/2026	156861	FLAHERTY & HOOD, P.A.	DATA REQUEST	195.00	100-41610-300	PROFESSIONAL SERVICES
Total FLAHERTY & HOOD, P.A.:				4,331.25		
GAMMELLO - PEARSON, PLLC						
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	MUNICIPAL REPRESENTAITON	516.75	100-41610-300	PROFESSIONAL SERVICES
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	PZ	108.00	100-41910-300	PROFESSIONAL SERVICES
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	GENERAL MATTERS	1,008.00	100-41610-300	PROFESSIONAL SERVICES
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	ROY'S LANDING	126.00	100-41910-300	PROFESSIONAL SERVICES
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	VERIZON TOWER SITE LEASE	2,073.75	100-41610-300	PROFESSIONAL SERVICES
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	PASKET PROPERTY	54.00	100-41910-300	PROFESSIONAL SERVICES
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	TROY SCHEFFLER 2025 LAWSUIT	36.00	100-41610-300	PROFESSIONAL SERVICES
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	EDA FORMATION	1,011.75	100-41610-300	PROFESSIONAL SERVICES
04/02/2026	156778	GAMMELLO - PEARSON, PLLC	DISTRICT #181 LAKERS LANE MATTER	180.00	100-43140-300	PROFESSIONAL SERVICES
Total GAMMELLO - PEARSON, PLLC:				5,114.25		
GARAGE DOOR STORE						
04/02/2026	156779	GARAGE DOOR STORE	SHOP D & E REPAIRS	746.20	100-41940-400	REPAIRS & MAINTENANCE - CONTRA
04/02/2026	156779	GARAGE DOOR STORE	FIRE HALL DOOR REPAIRS	1,019.70	100-41940-400	REPAIRS & MAINTENANCE - CONTRA
04/19/2026	156863	GARAGE DOOR STORE	POLICE DOOR INSPECTION	346.00	100-41940-400	REPAIRS & MAINTENANCE - CONTRA
Total GARAGE DOOR STORE:				2,111.90		
GOODIN COMPANY						
04/19/2026	156864	GOODIN COMPANY	CADET PRESS ASSIST TANK/EL UNIV/SEAT W/COV	478.30	100-41940-220	REPAIR & MAINTENANCE SUPPLIES
Total GOODIN COMPANY:				478.30		
HIRSHFIELD'S INC						
04/02/2026	156784	HIRSHFIELD'S INC	PAINT	152.46	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
Total HIRSHFIELD'S INC:				152.46		
INNOVATIVE OFFICE SOLUTIONS LLC						
04/02/2026	156785	INNOVATIVE OFFICE SOLUTIONS LLC	PZ SUPPLIES	29.23	100-41910-200	OFFICE SUPPLIES
04/02/2026	156785	INNOVATIVE OFFICE SOLUTIONS LLC	PW SUPPLIES	55.46	100-43140-200	OFFICE SUPPLIES
04/02/2026	156785	INNOVATIVE OFFICE SOLUTIONS LLC	OFFICE SUPPLIES	160.63	100-41425-200	OFFICE SUPPLIES

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04/03/2026	156828	INNOVATIVE OFFICE SOLUTIONS LLC	POLICE SUPPLIES	29.23	100-42110-200	OFFICE SUPPLIES
04/19/2026	156868	INNOVATIVE OFFICE SOLUTIONS LLC	SUPPLIES	150.88	100-41950-220	REPAIR & MAINTENANCE SUPPLIES
04/19/2026	156868	INNOVATIVE OFFICE SOLUTIONS LLC	SUPPLIES	30.65	100-41950-220	REPAIR & MAINTENANCE SUPPLIES
Total INNOVATIVE OFFICE SOLUTIONS LLC:				456.08		
IRONHIDE EQUIPMENT INC						
04/19/2026	156869	INTERSTATE BILLING SERVICES	COUPLERS	313.52	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
04/19/2026	156869	INTERSTATE BILLING SERVICES	BRISTLE	928.32	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
Total IRONHIDE EQUIPMENT INC:				1,241.84		
KIMBER CREEK FORD						
04/02/2026	156786	KIMBER CREEK FORD	2018 FORD REPAIRS	1,462.52	100-43140-401	VEHICLE REPAIR & MAINT
Total KIMBER CREEK FORD:				1,462.52		
LEAGUE OF MN CITIES INSURANCE TRUST						
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE UNALLOCATED	53,990.00	100-49260-360	INSURANCE
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSRUANCE CEMETERY	479.00	100-49010-360	INSURANCE
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE GENERAL GVT	15,447.00	100-41940-360	INSURANCE
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE PUBLIC WORKS	9,584.00	100-43140-360	INSURANCE
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE POLICE	10,104.00	100-42110-360	INSURANCE
Total LEAGUE OF MN CITIES INSURANCE TRUST:				89,604.00		
MADISON NATIONAL LIFE INSURANCE CO INC						
04/02/2026	156788	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD POLICE	761.97	100-42110-130	EMPLOYER PAID INSURANCE
04/02/2026	156788	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD CLERK	182.38	100-41425-130	EMPLOYER PAID INSURANCE
04/02/2026	156788	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD ROADS	568.50	100-43140-130	EMPLOYER PAID INSURANCE
04/02/2026	156788	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:				1,557.50		
MEDICA INSURANCE COMPANY						
04/19/2026	156902	MEDICA INSURANCE COMPANY	HEALTH INSURANCE	22,687.85	100-22002	HEALTH INSURANCE
Total MEDICA INSURANCE COMPANY:				22,687.85		

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METRO SALES, INC.						
04/02/2026	156789	METRO SALES, INC.	COLOR COPIES CLERK	367.87	100-41425-400	REPAIRS & MAINTENANCE - CONTRA
04/02/2026	156789	METRO SALES, INC.	COLOR COPIES PZ	306.31	100-41910-400	REPAIRS & MAINTENANCE - CONTRA
04/02/2026	156789	METRO SALES, INC.	COLOR COPIES POLICE	12.61	100-42110-200	OFFICE SUPPLIES
04/19/2026	156874	METRO SALES, INC.	WIDE PRINTER QUARTERLY CHARGE	280.07	100-43140-410	RENTALS
Total METRO SALES, INC.:				966.86		
MIKE'S TREE COMPANY LLC						
04/02/2026	156790	MIKE'S TREE COMPANY LLC	TREE REMOVAL	3,900.00	100-43140-400	REPAIRS & MAINTENANCE - CONTRA
Total MIKE'S TREE COMPANY LLC:				3,900.00		
MINNESOTA POWER						
04/02/2026	156791	MINNESOTA POWER	VILLAGE HALL	1,094.38	100-41940-380	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	24759 CHARMIN PUBLIC WORKS BLDG	224.94	100-43140-380	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	LIGHTING LOWER ROY LAKE RD	33.04	100-43140-381	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	25369 NISSWA CIC	11.14	100-43140-381	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	OPT 1 LTG	321.46	100-43140-381	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	OPT 1 LTG	612.64	100-43140-381	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	OPT 1 LTG	236.80	100-43140-381	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	CR 13 CAMP LINCOLN SIREN	17.26	100-42210-300	PROFESSIONAL SERVICES
04/02/2026	156791	MINNESOTA POWER	25479 STATE HWY 371	59.02	100-43140-381	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	SCHOOL SIGN CTY RD 18	17.14	100-43140-381	UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	25532 MAIN STREET BATHROOMS GAZEBO	212.46	100-41950-380	UTILITY SERVICES
04/19/2026	156876	MINNESOTA POWER	HWY 371 & MAIN STREET	85.95	100-43140-381	UTILITY SERVICES
Total MINNESOTA POWER:				2,926.23		
MINNESOTA PUBLIC EMPLOYEES ASSOC.						
04/19/2026	156877	MINNESOTA PUBLIC EMPLOYEES ASSOC.	CLERICAL UNION DUES	48.00	100-22007	UNION DUES
04/19/2026	156877	MINNESOTA PUBLIC EMPLOYEES ASSOC.	SUPERVISORS UNION DUES	312.00	100-22007	UNION DUES
Total MINNESOTA PUBLIC EMPLOYEES ASSOC.:				360.00		
NAPA AUTO PARTS BAXTER						
04/19/2026	156880	NAPA AUTO PARTS BAXTER	NAF 2.5 DEF	103.92	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
Total NAPA AUTO PARTS BAXTER:				103.92		

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NATIONWIDE						
04/02/2026	156794	NATIONWIDE	UTILITY PERMIT - SURETY BOND	500.00	100-43140-360	INSURANCE
Total NATIONWIDE:				500.00		
NCPERS GROUP LIF INS.						
04/19/2026	156881	NCPERS GROUP LIF INS.	LIFE INS	48.00	100-22005	LIFE INSURANCE
Total NCPERS GROUP LIF INS.:				48.00		
NISSWA HARDWARE LLC						
04/03/2026	156831	NISSWA HARDWARE LLC	PROPANE	89.97	100-49010-220	REPAIR & MAINTENANCE SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	GLUE BOARD, FASTENERS	17.13	100-41940-220	REPAIR & MAINTENANCE SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	STAIN REMOVER, DISC, DRILL, WIRE, SILICONE, T	212.88	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	BATTERIES	48.97	100-42110-220	REPAIR & MAINTENANCE SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	BULBS, SUPERGLUE	107.93	100-41940-220	REPAIR & MAINTENANCE SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	BULBS, BAGS, ELECTRICAL, BATTERIES, BUNGEE	91.90	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
04/19/2026	156882	NISSWA HARDWARE LLC	BRUSH, STRAINER, PUTTY, PVC, TRAP	90.35	100-41940-220	REPAIR & MAINTENANCE SUPPLIES
04/19/2026	156882	NISSWA HARDWARE LLC	PROPANE	29.99	100-49010-220	REPAIR & MAINTENANCE SUPPLIES
04/19/2026	156882	NISSWA HARDWARE LLC	SAND DISC, RAKE	42.97	100-43140-220	REPAIR & MAINTENANCE SUPPLIES
Total NISSWA HARDWARE LLC:				732.09		
S-N-K CAR WASH & OIL CHANGE						
04/02/2026	156802	S-N-K CAR WASH & OIL CHANGE	2024 FORD EXPLORER	56.65	100-42110-400	REPAIRS & MAINTENANCE - CONTRA
04/03/2026	156835	S-N-K CAR WASH & OIL CHANGE	2021 POLICE	98.05	100-42110-400	REPAIRS & MAINTENANCE - CONTRA
04/03/2026	156835	S-N-K CAR WASH & OIL CHANGE	2025 FORD EXPLORER	56.65	100-42110-400	REPAIRS & MAINTENANCE - CONTRA
04/19/2026	156887	S-N-K CAR WASH & OIL CHANGE	2025 FORD EXPLORER	56.65	100-42110-400	REPAIRS & MAINTENANCE - CONTRA
Total S-N-K CAR WASH & OIL CHANGE:				268.00		
TEAM LABORATORY CHEMICAL, LLC						
04/02/2026	156804	TEAM LABORATORY CHEMICAL, LLC	FINE ROAD PATCH	1,055.00	100-43140-402	ROAD REPAIR & MAINT
04/02/2026	156804	TEAM LABORATORY CHEMICAL, LLC	FINE ROAD PATCH	915.00	100-43140-402	ROAD REPAIR & MAINT
04/02/2026	156804	TEAM LABORATORY CHEMICAL, LLC	FINE ROAD PATCH	915.00	100-43140-402	ROAD REPAIR & MAINT
Total TEAM LABORATORY CHEMICAL, LLC:				2,885.00		
TEAMSTERS JOINT COUNCIL 32 HEALTH FUND						
04/02/2026	156805	TEAMSTERS JOINT COUNCIL 32 HEALTH FU	HEALTH INSURANCE	7,600.00	100-22002	HEALTH INSURANCE

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04/02/2026	156805	TEAMSTERS JOINT COUNCIL 32 HEALTH FU	DENTAL INSURANCE	465.00	100-22003	DENTAL
04/02/2026	156805	TEAMSTERS JOINT COUNCIL 32 HEALTH FU	VISION INSURANCE	100.00	100-22004	VISION
Total TEAMSTERS JOINT COUNCIL 32 HEALTH FUND:				8,165.00		
TEAMSTERS LOCAL UNION #346						
04/19/2026	156891	TEAMSTERS LOCAL UNION #346	UNION DUES	490.00	100-22007	UNION DUES
Total TEAMSTERS LOCAL UNION #346:				490.00		
U.S. BANK EQUIPMENT FINANCE						
04/02/2026	156808	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						
04/02/2026	156809	VERIZON	HOT SPOT	40.01	100-41425-320	COMMUNICATION
04/02/2026	156809	VERIZON	CELL PHONES MAINT	348.54	100-43140-320	COMMUNICATION
04/03/2026	156836	VERIZON	CELL PHONES POLICE	490.02	100-42110-320	COMMUNICATION
Total VERIZON WIRELESS:				878.57		
WASTE PARTNERS INC						
04/19/2026	156898	WASTE PARTNERS INC	GARBAGE - MAINT.	179.57	100-43210-220	REPAIR & MAINTENANCE SUPPLIES
04/19/2026	156898	WASTE PARTNERS INC	GARBAGE - CITY	57.91	100-43210-437	OTHER
Total WASTE PARTNERS INC:				237.48		
WICKS ADVANCED DRAIN CLEANING LLC						
04/02/2026	156813	WICKS ADVANCED DRAIN CLEANING LLC	HYDRO JET STORM LINES	300.00	100-41940-400	REPAIRS & MAINTENANCE - CONTRA
Total WICKS ADVANCED DRAIN CLEANING LLC:				300.00		
WIDSETH SMITH NOLTING AND ASSOCIATES INC						
04/02/2026	156814	WIDSETH SMITH NOLTING AND ASSOCIATE	CITY HALL/NISSWA AVE/CHURCH ST PRELIMINAR	16,158.00	100-43140-531	PW CAPITAL OUTLAY:STREET IMPRO
04/02/2026	156814	WIDSETH SMITH NOLTING AND ASSOCIATE	PUBLIC WORKS	3,040.00	100-43140-300	PROFESSIONAL SERVICES
04/02/2026	156814	WIDSETH SMITH NOLTING AND ASSOCIATE	PZ ENGINEERING SERVICES	400.00	100-41910-300	PROFESSIONAL SERVICES
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	CITY HALL/NISSWA AVE/CHURCH ST PRELIMINAR	11,270.00	100-43140-531	PW CAPITAL OUTLAY:STREET IMPRO
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	PUBLIC WORKS	1,000.00	100-43140-300	PROFESSIONAL SERVICES
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	PZ ENGINEERING SERVICES	150.00	100-41910-300	PROFESSIONAL SERVICES

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04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	CITY HALL/NISSWA AVE/CHURCH ST PRELIMINAR	22,440.00	100-43140-531	PW CAPITAL OUTLAY:STREET IMPRO
Total WIDSETH SMITH NOLTING AND ASSOCIATES INC:				54,458.00		
XCEL ENERGY						
04/02/2026	156815	XCEL ENERGY	CITY HALL	835.47	100-41940-380	UTILITY SERVICES
04/02/2026	156815	XCEL ENERGY	MAINTAINANCE BUILDING	395.32	100-43140-380	UTILITY SERVICES
04/02/2026	156815	XCEL ENERGY	WELCOME CENTER	209.51	100-41950-380	UTILITY SERVICES
Total XCEL ENERGY:				1,440.30		
XTONA						
04/02/2026	156816	XTONA	IT SERVICES - CITY	1,138.40	100-41940-400	REPAIRS & MAINTENANCE - CONTRA
04/02/2026	156816	XTONA	IT SERVICES - POLICE	1,065.00	100-42110-320	COMMUNICATION
04/02/2026	156816	XTONA	IT SERVICES - CLERK	129.60	100-41425-300	PROFESSIONAL SERVICES
04/02/2026	156816	XTONA	IT SERVICES - PW	114.60	100-43140-320	COMMUNICATION
04/02/2026	156816	XTONA	IT SERVICES - COUNCIL	15.00	100-41110-437	OTHER
04/02/2026	156816	XTONA	IT SERVICES - CITY	1,138.40	100-41940-400	REPAIRS & MAINTENANCE - CONTRA
04/02/2026	156816	XTONA	IT SERVICES - POLICE	1,065.00	100-42110-320	COMMUNICATION
04/02/2026	156816	XTONA	IT SERVICES - CLERK	129.60	100-41425-300	PROFESSIONAL SERVICES
04/02/2026	156816	XTONA	IT SERVICES - PW	114.60	100-43140-320	COMMUNICATION
04/02/2026	156816	XTONA	IT SERVICES - COUNCIL	15.00	100-41110-437	OTHER
Total XTONA:				4,925.20		
Total GENERAL FUND:				241,317.43		

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MUNICIPAL LIQUOR STORE						
AMERICAN WELDING & GAS INC						
04/19/2026	156839	AMERICAN WELDING & GAS INC	5 YEAR LEASE /MAIN. COMPLIANCE/CYLINDER	268.50	609-49750-400	PICKLE R & M - CONT
04/19/2026	156839	AMERICAN WELDING & GAS INC	NITROGEN	42.51	609-49750-210	PICKLE OPERATING SUPPLIES
Total AMERICAN WELDING & GAS INC:				311.01		
ARTISAN BEER COMPANY						
04/01/2026	156750	ARTISAN BEER COMPANY	PICKLE	55.40	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156840	ARTISAN BEER COMPANY	PICKLE	55.40	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156840	ARTISAN BEER COMPANY	PICKLE	138.40	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156840	ARTISAN BEER COMPANY	PICKLE	72.80	609-49750-250	PICKLE-MERCH FOR RESALE
Total ARTISAN BEER COMPANY:				322.00		
BERNICKS						
04/01/2026	156751	BERNICKS	PICKLE	577.90-	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156751	BERNICKS	PICKLE	151.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156751	BERNICKS	PICKLE	30.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156751	BERNICKS	PICKLE	264.60	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156751	BERNICKS	PICKLE	24.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156751	BERNICKS	PICKLE	311.90	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156751	BERNICKS	PICKLE	24.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156751	BERNICKS	PICKLE	21.50-	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156817	BERNICKS	PICKLE	338.75	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156842	BERNICKS	PICKLE	436.20	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156842	BERNICKS	PICKLE	297.62-	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156842	BERNICKS	PICKLE	75.50	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156842	BERNICKS	PICKLE	343.50	609-49750-250	PICKLE-MERCH FOR RESALE
Total BERNICKS:				1,102.43		
BREAKTHRU BEVERAGE MN WINE & SPIRITS						
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRIT	PICKLE	371.20	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRIT	PICKLE	5.55	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	PICKLE	580.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	PICKLE	5.24	609-49750-330	PICKLE TRANSPORTATION
Total BREAKTHRU BEVERAGE MN WINE & SPIRITS:				961.99		

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C & L DISTRIBUTING						
04/01/2026	156753	C & L DISTRIBUTING	PICKLE	786.95	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	PICKLE	5.00	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156753	C & L DISTRIBUTING	PICKLE	30.00-	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	PICKLE	324.95	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	PICKLE	84.60-	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	PICKLE	1,118.18	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	PICKLE	5.00	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156753	C & L DISTRIBUTING	PICKLE	1,530.50	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	PICKLE	1,134.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	PICKLE	5.00	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156847	C & L DISTRIBUTING	PICKLE	40.00-	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	PICKLE	2,123.55	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	PICKLE	5.00	609-49750-330	PICKLE TRANSPORTATION
Total C & L DISTRIBUTING:				6,883.53		
CINTAS CORPORATION NO. 2						
04/02/2026	156765	CINTAS CORP	MATS, TOWELS	199.40	609-49750-210	PICKLE OPERATING SUPPLIES
04/02/2026	156765	CINTAS CORP	MATS, TOWELS	199.40	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156848	CINTAS CORP	MATS, TOWELS	199.40	609-49750-210	PICKLE OPERATING SUPPLIES
Total CINTAS CORPORATION NO. 2:				598.20		
CODY JOSEPH LENDWAY						
04/02/2026	156766	CODY JOSEPH LENDWAY	CLEANING PICKLE	280.00	609-49750-400	PICKLE R & M - CONT
04/02/2026	156766	CODY JOSEPH LENDWAY	CLEANING PICKLE	280.00	609-49750-400	PICKLE R & M - CONT
04/03/2026	156824	CODY JOSEPH LENDWAY	CLEANING PICKLE	280.00	609-49750-400	PICKLE R & M - CONT
04/19/2026	156850	CODY JOSEPH LENDWAY	CLEANING PICKLE	280.00	609-49750-400	PICKLE R & M - CONT
04/19/2026	156850	CODY JOSEPH LENDWAY	CLEANING PICKLE	280.00	609-49750-400	PICKLE R & M - CONT
Total CODY JOSEPH LENDWAY:				1,400.00		
CTC						
04/02/2026	156769	CTC	PICKLE PHONE, INTERNET AND TV	373.94	609-49750-320	PICKLE COMMUNICATION
04/19/2026	156855	CTC	PICKLE PHONE, INTERNET AND TV	373.94	609-49750-320	PICKLE COMMUNICATION
Total CTC:				747.88		

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D & D BEVERAGE LLC						
04/01/2026	156754	D & D BEVERAGE LLC	PICKLE	108.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	PICKLE	1,268.35	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	PICKLE	263.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	PICKLE	1,163.30	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	PICKLE	136.00	609-49750-210	PICKLE OPERATING SUPPLIES
04/01/2026	156754	D & D BEVERAGE LLC	PICKLE	502.10	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	PICKLE	170.73	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	890.80	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	1,205.55	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	110.00	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	110.38	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	210.40	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	1,408.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	101.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	304.40	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	PICKLE	7.20-	609-49750-250	PICKLE-MERCH FOR RESALE
Total D & D BEVERAGE LLC:				7,944.81		
GRANITE CITY JOBBING CO INC						
04/02/2026	156782	GRANITE CITY JOBBING CO INC	CIGS PICKLE	252.32	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	TOBACCO/CIGARS PICKLE	96.14	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	SHIPPING PICKLE	10.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	TOBACCO/CIGARS PICKLE	96.14	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES PICKLE	23.80	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	GROCERY PICKLE	34.92	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	SHIPPING PICKLE	10.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES PICKLE	23.37	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES PICKLE	23.80-	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	CIGS PICKLE	500.14	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	TOBACCO/CIGARS PICKLE	103.60	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES PICKLE	30.53	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	SHIPPING PICKLE	10.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	CIGS PICKLE	375.39	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	TOBACCO/CIGARS PICKLE	48.07	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES PICKLE	59.05	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	SHIPPING PICKLE	10.00	609-49750-250	PICKLE-MERCH FOR RESALE

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Total GRANITE CITY JOBBING CO INC:				1,659.67		
HEGGIES PIZZA LLC						
04/02/2026	156783	HEGGIES PIZZA LLC	PIZZA	281.80	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156783	HEGGIES PIZZA LLC	PIZZA	203.15	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156867	HEGGIES PIZZA LLC	PIZZA	330.90	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156867	HEGGIES PIZZA LLC	PIZZA	196.10	609-49750-250	PICKLE-MERCH FOR RESALE
Total HEGGIES PIZZA LLC:				1,011.95		
JOHNSON BROTHERS LIQUOR COMPANY INC						
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	195.53	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	7.15	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	37.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	2.20	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	168.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	4.40	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	817.11	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	7.52	609-49750-330	PICKLE TRANSPORTATION
04/03/2026	156830	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	323.09	609-49750-250	PICKLE-MERCH FOR RESALE
04/03/2026	156830	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	4.40	609-49750-330	PICKLE TRANSPORTATION
04/03/2026	156830	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	205.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/03/2026	156830	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	4.40	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	37.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	2.20	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	64.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	PICKLE	2.20	609-49750-330	PICKLE TRANSPORTATION
Total JOHNSON BROTHERS LIQUOR COMPANY INC:				1,881.20		
KA MECHANICAL						
04/19/2026	156871	KA MECHANICAL	COOLER REPAIR	3,338.57	609-49750-400	PICKLE R & M - CONT
Total KA MECHANICAL:				3,338.57		
LEAGUE OF MN CITIES INSURANCE TRUST						
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE PICKLE	2,834.00	609-49750-360	PICKLE INSURANCE

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Total LEAGUE OF MN CITIES INSURANCE TRUST:				2,834.00		
MADISON NATIONAL LIFE INSURANCE CO INC						
04/02/2026	156788	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD PICKLE STAFF	374.47	609-49752-130	PICKLE EMPLOYER PAID INSURANCE
Total MADISON NATIONAL LIFE INSURANCE CO INC:				374.47		
MINNESOTA POWER						
04/02/2026	156791	MINNESOTA POWER	MUNICIPAL LIQUOR	1,575.15	609-49750-380	PICKLE UTILITY SERVICES
Total MINNESOTA POWER:				1,575.15		
MN OFFICE OF CANNABIS MANAGEMENT						
04/19/2026	156879	MN OFFICE OF CANNABIS MANAGEMENT	LPH EDIBLE RETAILER LICENSE FEE	250.00	609-49750-433	PICKLE DUES & SUBSCRIPTIONS
Total MN OFFICE OF CANNABIS MANAGEMENT:				250.00		
NISSWA HARDWARE LLC						
04/03/2026	156831	NISSWA HARDWARE LLC	PAINT, BULBS, TIES	63.29	609-49750-210	PICKLE OPERATING SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	BLADES	10.73	609-49750-220	PICKLE R & M SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	HOSE NOZZLE	8.58	609-49750-220	PICKLE R & M SUPPLIES
Total NISSWA HARDWARE LLC:				82.60		
NORTHLAND FROZEN PIZZA INC						
04/02/2026	156796	NORTHLAND FROZEN PIZZA INC	PIZZA	229.40	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156796	NORTHLAND FROZEN PIZZA INC	PIZZA	155.10	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156796	NORTHLAND FROZEN PIZZA INC	PIZZA	130.60	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156883	NORTHLAND FROZEN PIZZA INC	PIZZA	294.50	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156883	NORTHLAND FROZEN PIZZA INC	PIZZA	183.45	609-49750-250	PICKLE-MERCH FOR RESALE
Total NORTHLAND FROZEN PIZZA INC:				993.05		
OLD DUTCH FOODS, INC.						
04/02/2026	156797	OLD DUTCH FOODS, INC.	CHIPS	76.05	609-49750-250	PICKLE-MERCH FOR RESALE
Total OLD DUTCH FOODS, INC.:				76.05		

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PAUL WELCH						
04/02/2026	156798	PAUL WELCH	SERVSAFE CLASS - MISSY FRIBERG	100.00	609-49750-438	PICKLE SCHOOL\TRAINING
Total PAUL WELCH:				100.00		
PEPSI-COLA CO.						
04/02/2026	156799	PEPSI-COLA CO.	POP PICKLE	82.40	609-49750-210	PICKLE OPERATING SUPPLIES
Total PEPSI-COLA CO.:				82.40		
PHILLIPS WINE & SPIRITS						
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	659.64	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	8.62	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	44.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	2.20	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	680.81	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	9.72	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	1,350.94	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	11.00	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	44.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	2.20	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	83.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	PICKLE	1.00	609-49750-330	PICKLE TRANSPORTATION
04/03/2026	156833	PHILLIPS WINE & SPIRITS	PICKLE	426.53	609-49750-250	PICKLE-MERCH FOR RESALE
04/03/2026	156833	PHILLIPS WINE & SPIRITS	PICKLE	7.33	609-49750-330	PICKLE TRANSPORTATION
04/03/2026	156833	PHILLIPS WINE & SPIRITS	PICKLE	127.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/03/2026	156833	PHILLIPS WINE & SPIRITS	PICKLE	3.20	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	1,241.38	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	18.15	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	152.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	4.40	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	98.15	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	2.70	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	1,304.09	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	11.18	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	99.30	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	2.20	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	93.50	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	PICKLE	2.70	609-49750-330	PICKLE TRANSPORTATION

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Total PHILLIPS WINE & SPIRITS:				6,490.94		
R & J BRAODCASTING, INC.						
04/03/2026	156834	R & J BRAODCASTING, INC.	PICKLE ADS	500.00	609-49750-340	PICKLE ADVERTISING
Total R & J BRAODCASTING, INC.:				500.00		
SIGNATURE CONCEPTS INC						
04/02/2026	156801	SIGNATURE CONCEPTS INC	SHIRTS	704.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156801	SIGNATURE CONCEPTS INC	SHIPPING	18.60	609-49750-330	PICKLE TRANSPORTATION
04/02/2026	156801	SIGNATURE CONCEPTS INC	SHIRTS	1,245.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156801	SIGNATURE CONCEPTS INC	SHIPPING	19.98	609-49750-330	PICKLE TRANSPORTATION
04/02/2026	156801	SIGNATURE CONCEPTS INC	SHIRTS	988.32	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156801	SIGNATURE CONCEPTS INC	SHIPPING	17.39	609-49750-330	PICKLE TRANSPORTATION
Total SIGNATURE CONCEPTS INC:				2,993.29		
SOUTHERN GLAZER'S WINE AND SPI, LLC						
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	1,480.68	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	17.55	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	1,043.99	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	7.95	609-49750-330	PICKLE TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	1,341.27	609-49750-250	PICKLE-MERCH FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	20.10	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	691.24	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	10.50	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	1,091.07	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	PICKLE	28.65	609-49750-330	PICKLE TRANSPORTATION
Total SOUTHERN GLAZER'S WINE AND SPI, LLC:				5,733.00		
SYSCO WESTERN MINNESOTA, INC						
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	POULTRY	190.78	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	FROZEN	624.59	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	CANNED & DRY	392.14	609-49750-210	PICKLE OPERATING SUPPLIES
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	PAPER SUPPLIES	259.56	609-49750-210	PICKLE OPERATING SUPPLIES
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	SHIPPING	6.55	609-49750-330	PICKLE TRANSPORTATION
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	DAIRY	18.55	609-49750-210	PICKLE OPERATING SUPPLIES
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	POULTRY	73.98	609-49750-250	PICKLE-MERCH FOR RESALE

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04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	FROZEN	148.55	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	CANNED & DRY	230.72	609-49750-210	PICKLE OPERATING SUPPLIES
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	PAPER SUPPLIES	90.33	609-49750-210	PICKLE OPERATING SUPPLIES
04/02/2026	156803	SYSCO WESTERN MINNESOTA, INC	SHIPPING	6.54	609-49750-330	PICKLE TRANSPORTATION
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	SEAFOOD	189.98	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	POULTRY	243.87	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	FROZEN	505.83	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	CANNED & DRY	349.53	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	PAPER SUPPLIES	236.10	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	PAPER SUPPLIES	49.81	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	CHEM & JANITORIAL	9.01	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	DAIRY	18.55	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	POULTRY	73.98	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	FROZEN	330.75	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	CANNED & DRY	564.37	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	PAPER SUPPLIES	156.91	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156889	SYSCO WESTERN MINNESOTA, INC	SHIPPING	8.98	609-49750-330	PICKLE TRANSPORTATION
Total SYSCO WESTERN MINNESOTA, INC:				4,779.96		
THE HOME CITY ICE COMPANY						
04/02/2026	156806	THE HOME CITY ICE COMPANY	ICE PICKLE	57.40	609-49750-250	PICKLE-MERCH FOR RESALE
Total THE HOME CITY ICE COMPANY:				57.40		
VIKING COCA COLA BOTTLING CO.						
04/02/2026	156811	VIKING COCA COLA BOTTLING CO.	PICKLE POP	87.00	609-49750-250	PICKLE-MERCH FOR RESALE
04/02/2026	156811	VIKING COCA COLA BOTTLING CO.	PICKLE IN HOUSE USE	515.25	609-49750-210	PICKLE OPERATING SUPPLIES
04/02/2026	156811	VIKING COCA COLA BOTTLING CO.	PICKLE IN HOUSE USE	524.50	609-49750-210	PICKLE OPERATING SUPPLIES
04/19/2026	156896	VIKING COCA COLA BOTTLING CO.	PICKLE POP	69.60	609-49750-250	PICKLE-MERCH FOR RESALE
04/19/2026	156896	VIKING COCA COLA BOTTLING CO.	PICKLE IN HOUSE USE	439.35	609-49750-210	PICKLE OPERATING SUPPLIES
Total VIKING COCA COLA BOTTLING CO.:				1,635.70		
WASTE PARTNERS INC						
04/19/2026	156898	WASTE PARTNERS INC	GARBAGE - PICKLE	332.07	609-49750-210	PICKLE OPERATING SUPPLIES
Total WASTE PARTNERS INC:				332.07		

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XCEL ENERGY						
04/02/2026	156815	XCEL ENERGY	PICKLE FACTORY	268.13	609-49750-380	PICKLE UTILITY SERVICES
Total XCEL ENERGY:				268.13		
XTONA						
04/02/2026	156816	XTONA	IT SERVICES - PICKLE	255.75	609-49750-300	PICKLE PROFESSIONAL SERVICES
04/02/2026	156816	XTONA	IT SERVICES - PICKLE	255.75	609-49750-300	PICKLE PROFESSIONAL SERVICES
Total XTONA:				511.50		
Total MUNICIPAL LIQUOR STORE:				57,832.95		

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PARK & RECREATION						
BRADOW DOCK SERVICE						
04/19/2026	156845	BRADOW DOCK SERVICE	INSTALL DOCK	375.00	250-45140-210	PARK OPERATING SUPPLIES
Total BRADOW DOCK SERVICE:				375.00		
BUREAU OF CRIM. APPREHENSION						
04/03/2026	156822	BUREAU OF CRIM. APPREHENSION	BACKGROUND CHECKS X 5	75.00	250-45140-300	PARK PROFESSIONAL SERVICES
Total BUREAU OF CRIM. APPREHENSION:				75.00		
CARDMEMBER SERVICES						
04/03/2026	156823	CARDMEMBER SERVICES	BASKETBALL RENTAL	233.70	250-45140-210	PARK OPERATING SUPPLIES
Total CARDMEMBER SERVICES:				233.70		
CROW WING COUNTY LAND SERVICES						
04/19/2026	156854	CROW WING COUNTY LAND SERVICES	28110761 PROPERTY TAXES 2026	25.00	250-45140-437	PARK OTHER/SALES TAX
Total CROW WING COUNTY LAND SERVICES:				25.00		
CTC						
04/02/2026	156769	CTC	PARKS PHONE & INTERNET	113.67	250-45140-320	PARK COMMUNICATION
04/19/2026	156855	CTC	PARKS PHONE & INTERNET	114.85	250-45140-320	PARK COMMUNICATION
Total CTC:				228.52		
FORUM COMMUNICATIONS CO						
04/02/2026	156777	FORUM COMMUNICATIONS CO	NISSWA CHAMBER GUIDE 2026	2,385.00	250-45140-340	PARK ADVERTISING
Total FORUM COMMUNICATIONS CO:				2,385.00		
GARAGE DOOR STORE						
04/19/2026	156863	GARAGE DOOR STORE	CITY PARK & COMMUNITY CENTER DOOR INSPEC	420.00	250-45140-400	PARK REPAIRS & MAINT - CONTRA
Total GARAGE DOOR STORE:				420.00		
LEAGUE OF MN CITIES INSURANCE TRUST						
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE PARKS & REC	9,318.00	250-45140-360	PARK INSURANCE

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Total LEAGUE OF MN CITIES INSURANCE TRUST:				9,318.00		
MADISON NATIONAL LIFE INSURANCE CO INC						
04/02/2026	156788	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD PARK	294.58	250-45140-130	PARK EMPLOYER PAID INSURANCE
Total MADISON NATIONAL LIFE INSURANCE CO INC:				294.58		
METRO SALES, INC.						
04/02/2026	156789	METRO SALES, INC.	COLOR COPIES FIRE	20.58	250-45140-200	PARK OFFICE SUPPLIES
Total METRO SALES, INC.:				20.58		
MINNESOTA POWER						
04/02/2026	156791	MINNESOTA POWER	HOCKEY RINK	12.03	250-45140-380	PARK UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	HOCKEY WARMING HOUSE	337.48	250-45140-380	PARK UTILITY SERVICES
Total MINNESOTA POWER:				349.51		
MINNESOTA RECREATION AND PARK ASSOCIATIO						
04/02/2026	156792	MINNESOTA RECREATION AND PARK ASSO	NMPRA CONFERENCE 4/15/26	35.00	250-45140-438	PARK SCHOOL\TRAINING
Total MINNESOTA RECREATION AND PARK ASSOCIATIO:				35.00		
NISSWA HARDWARE LLC						
04/03/2026	156831	NISSWA HARDWARE LLC	HEATGUN, WIRE, THERMOSTAT	85.96	250-45140-220	PARK REPAIR & MAINT SUPPLIES
04/03/2026	156831	NISSWA HARDWARE LLC	BATTERIES	49.99	250-45140-220	PARK REPAIR & MAINT SUPPLIES
Total NISSWA HARDWARE LLC:				135.95		
WIDSETH SMITH NOLTING AND ASSOCIATES INC						
04/19/2026	156899	WIDSETH SMITH NOLTING AND ASSOCIATE	DNR GRANT	7,028.00	250-45140-300	PARK PROFESSIONAL SERVICES
Total WIDSETH SMITH NOLTING AND ASSOCIATES INC:				7,028.00		
XCEL ENERGY						
04/02/2026	156815	XCEL ENERGY	WARMING HOUSE	178.82	250-45140-380	PARK UTILITY SERVICES
Total XCEL ENERGY:				178.82		

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XTONA						
04/02/2026	156816	XTONA	IT SERVICES - PARKS	54.30	250-45140-320	PARK COMMUNICATION
04/02/2026	156816	XTONA	IT SERVICES - PARKS	54.30	250-45140-320	PARK COMMUNICATION
Total XTONA:				108.60		
Total PARK & RECREATION:				21,211.26		

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SEWAGE COLLECTION AND DISPOSAL						
A.W. RESEARCH LABORATORIES, INC						
04/03/2026	156818	A.W. RESEARCH LABORATORIES, INC	CARBON/PH UNITS/RESIDUE	68.40	602-49450-437	WW OTHER
Total A.W. RESEARCH LABORATORIES, INC:				68.40		
BOLTON & MENK INC						
04/19/2026	156844	BOLTON & MENK INC	LIFT STATION #1 IMPROVEMENTS	13,493.25	602-49450-300	WW PROFESSIONAL SERVICES
Total BOLTON & MENK INC:				13,493.25		
CARDMEMBER SERVICES						
04/03/2026	156823	CARDMEMBER SERVICES	POSTAGE	390.00	602-49450-320	WW COMMUNICATION
04/03/2026	156823	CARDMEMBER SERVICES	DECK UNIFORM	145.00	602-49450-217	WW UNIFORMS & EQUIPMENT
Total CARDMEMBER SERVICES:				535.00		
CROW WING COOPERATIVE POWER & LIGHT CO						
04/02/2026	156768	CROW WING COOPERATIVE POWER & LIGH	PINE TRAIL LIFT PUMP UTILITY	71.78	602-49450-380	WW UTILITY SERVICES
Total CROW WING COOPERATIVE POWER & LIGHT CO:				71.78		
CTC						
04/02/2026	156769	CTC	WW PHONE & INTERNET	95.44	602-49450-320	WW COMMUNICATION
04/19/2026	156855	CTC	WW PHONE & INTERNET	96.11	602-49450-320	WW COMMUNICATION
Total CTC:				191.55		
DIAMOND INDUSTRIAL CLEANING EQUIPMENT						
04/02/2026	156771	DIAMOND INDUSTRIAL CLEANING EQUIPME	MONTHLY SERVICE CONTRACT ON CAR WASH EQ	278.80	602-49450-400	WW REPAIRS & MAINT - CONT
Total DIAMOND INDUSTRIAL CLEANING EQUIPMENT:				278.80		
ELECTRIC PUMP INC						
04/02/2026	156773	ELECTRIC PUMP INC	OMNISTIE REP BATTERY	720.00	602-49450-320	WW COMMUNICATION
Total ELECTRIC PUMP INC:				720.00		
FERGUSON WATERWORKS						
04/19/2026	156859	FERGUSON WATERWORKS	V4 R900I USG MACH10 MTR	2,444.36	602-49450-241	WW SEWER METERS

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04/19/2026	156859	FERGUSON WATERWORKS	LF BRZ 1 STRT MTR COUP	164.32	602-49450-220	WW REPAIR & MAINTENANCE SUPPLI
Total FERGUSON WATERWORKS:				2,608.68		
GARAGE DOOR STORE						
04/19/2026	156863	GARAGE DOOR STORE	CITY CARWASH & PUMP BUILDING DOOR INSPEC	645.00	602-49450-400	WW REPAIRS & MAINT - CONT
Total GARAGE DOOR STORE:				645.00		
GOPHER STATE ONE-CALL, INC						
04/02/2026	156781	GOPHER STATE ONE-CALL, INC	TICKETS	6.75	602-49450-437	WW OTHER
04/19/2026	156865	GOPHER STATE ONE-CALL, INC	TICKETS	17.55	602-49450-437	WW OTHER
04/19/2026	156865	GOPHER STATE ONE-CALL, INC	TICKETS	56.75	602-49450-437	WW OTHER
04/19/2026	156865	GOPHER STATE ONE-CALL, INC	TICKETS	10.80	602-49450-437	WW OTHER
Total GOPHER STATE ONE-CALL, INC:				91.85		
KIMBER CREEK FORD						
04/02/2026	156786	KIMBER CREEK FORD	2018 FORD REPAIRS	1,462.52	602-49450-400	WW REPAIRS & MAINT - CONT
Total KIMBER CREEK FORD:				1,462.52		
LEAGUE OF MN CITIES INSURANCE TRUST						
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE SEWER	12,404.00	602-49450-360	WW INSURANCE
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE SEWER	2,273.00	602-49450-360	WW INSURANCE
Total LEAGUE OF MN CITIES INSURANCE TRUST:				14,677.00		
MADISON NATIONAL LIFE INSURANCE CO INC						
04/02/2026	156788	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD WW	272.41	602-49450-130	WW EMPLOYER PAID INSURANCE
Total MADISON NATIONAL LIFE INSURANCE CO INC:				272.41		
METRO SALES, INC.						
04/02/2026	156789	METRO SALES, INC.	COLOR COPIES WW	18.58	602-49450-200	WW OFFICE SUPPLIES
Total METRO SALES, INC.:				18.58		
MIDWEST MACHINERY CO.						
04/19/2026	156875	MIDWEST MACHINERY CO.	SYNCHRONOU	124.57	602-49450-220	WW REPAIR & MAINTENANCE SUPPLI

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Total MIDWEST MACHINERY CO.:				124.57		
MINNESOTA POWER						
04/02/2026	156791	MINNESOTA POWER	LIFT PUMP #4	39.48	602-49450-380	WW UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	24757 CHARMIN	2,533.49	602-49450-380	WW UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	LIFT PUMP #2	46.26	602-49450-380	WW UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	INTERLACHEN LIFT PUMP	30.27	602-49450-380	WW UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	CROSSROADS LIFT PUMP	28.24	602-49450-380	WW UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	PINES LIFT PUMP	38.24	602-49450-380	WW UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	LIFT PUMP #6	31.87	602-49450-380	WW UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	LIFT PUMP #5	30.82	602-49450-380	WW UTILITY SERVICES
04/02/2026	156791	MINNESOTA POWER	LIFT PUMP #1	314.66	602-49450-380	WW UTILITY SERVICES
04/19/2026	156876	MINNESOTA POWER	LIFT PUMP #3	359.46	602-49450-380	WW UTILITY SERVICES
Total MINNESOTA POWER:				3,452.79		
MPCA ATTN: FISCAL -6						
04/02/2026	156793	MPCA ATTN: FISCAL -6	CERT FEE O'REILLY	23.00	602-49450-438	WW SCHOOL\TRAINING
Total MPCA ATTN: FISCAL -6:				23.00		
NAPA AUTO PARTS BAXTER						
04/19/2026	156880	NAPA AUTO PARTS BAXTER	BATTERY	148.42	602-49450-220	WW REPAIR & MAINTENANCE SUPPLI
Total NAPA AUTO PARTS BAXTER:				148.42		
NISSWA HARDWARE LLC						
04/03/2026	156831	NISSWA HARDWARE LLC	STORAGE, FASTENERS	12.15	602-49450-220	WW REPAIR & MAINTENANCE SUPPLI
04/03/2026	156831	NISSWA HARDWARE LLC	DIGITAL MEASURE, APRON, COUPLINGS	143.96	602-49450-220	WW REPAIR & MAINTENANCE SUPPLI
04/19/2026	156882	NISSWA HARDWARE LLC	FASTENERS	8.33	602-49450-220	WW REPAIR & MAINTENANCE SUPPLI
Total NISSWA HARDWARE LLC:				164.44		
PREFERRED PUMP & EQUIPMENT, LP						
04/02/2026	156800	PREFERRED PUMP & EQUIPMENT, LP	MYERS SPD 100MH2 20' CORD	15,890.00	602-49450-222	WW PUMPS
Total PREFERRED PUMP & EQUIPMENT, LP:				15,890.00		

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THE WAGON LLC DBA HONEY WAGON						
04/02/2026	156807	THE WAGON LLC DBA HONEY WAGON	HILLS CROSSING	210.00	602-49450-400	WW REPAIRS & MAINT - CONT
04/02/2026	156807	THE WAGON LLC DBA HONEY WAGON	22969 OLD GOVT TRL	565.00	602-49450-400	WW REPAIRS & MAINT - CONT
04/19/2026	156893	THE WAGON LLC DBA HONEY WAGON	22969 OLD GOVT TRL	185.00	602-49450-400	WW REPAIRS & MAINT - CONT
Total THE WAGON LLC DBA HONEY WAGON:				960.00		
VIKING INDUSTRIAL CENTER						
04/02/2026	156812	VIKING INDUSTRIAL CENTER	CHECK & RECALIBRATE	272.50	602-49450-400	WW REPAIRS & MAINT - CONT
Total VIKING INDUSTRIAL CENTER:				272.50		
XCEL ENERGY						
04/02/2026	156815	XCEL ENERGY	WASTEWATER OFFICE	119.30	602-49450-380	WW UTILITY SERVICES
04/02/2026	156815	XCEL ENERGY	LIFT STATION 3	33.66	602-49450-380	WW UTILITY SERVICES
04/02/2026	156815	XCEL ENERGY	WW BLOWER BUILDING	164.46	602-49450-380	WW UTILITY SERVICES
Total XCEL ENERGY:				317.42		
XTONA						
04/02/2026	156816	XTONA	IT SERVICES - WW	51.30	602-49450-320	WW COMMUNICATION
04/02/2026	156816	XTONA	IT SERVICES - WW	51.30	602-49450-320	WW COMMUNICATION
Total XTONA:				102.60		
Total SEWAGE COLLECTION AND DISPOSAL:				56,590.56		

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SPIRITS OF NISSWA						
ARTISAN BEER COMPANY						
04/01/2026	156750	ARTISAN BEER COMPANY	SPIRITS	466.55	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156750	ARTISAN BEER COMPANY	SPIRITS	225.30	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156840	ARTISAN BEER COMPANY	SPIRITS	769.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156840	ARTISAN BEER COMPANY	SPIRITS	60.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156840	ARTISAN BEER COMPANY	SPIRITS	126.61	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total ARTISAN BEER COMPANY:				1,647.46		
BELLBOY CORPORATION						
04/19/2026	156841	BELLBOY CORPORATION	SPIRITS	314.90	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156841	BELLBOY CORPORATION	SPIRITS	1.44	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156900	BELLBOY CORPORATION	SPIRITS	660.45	610-49750-330	SPIRITS TRANSPORTATION
Total BELLBOY CORPORATION:				976.79		
BERNICKS						
04/01/2026	156751	BERNICKS	SPIRITS	185.28	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156751	BERNICKS	SPIRITS	1,137.80	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156751	BERNICKS	SPIRITS	81.80	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156751	BERNICKS	SPIRITS	12.84-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156751	BERNICKS	SPIRITS	725.15	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156751	BERNICKS	SPIRITS	54.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	6,179.60	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	30.79	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	117.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	73.22-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	1,930.20	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	166.10	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	90.80-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	666.90	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	112.50-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	497.30	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156842	BERNICKS	SPIRITS	72.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total BERNICKS:				11,554.56		
BIG AXE BREWING COMPANY LLC						
04/19/2026	156843	BIG AXE BREWING COMPANY LLC	SPIRITS	194.82	610-49750-250	SPIRITS MERCHANDISE FOR RESALE

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04/19/2026	156843	BIG AXE BREWING COMPANY LLC	SPIRITS	260.73	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total BIG AXE BREWING COMPANY LLC:				455.55		
BREAKTHRU BEVERAGE MN WINE & SPIRITS						
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	104.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	1.15-	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	1,790.69	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	18.47	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	1,850.80	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156752	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	16.10	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	108.81-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	.38-	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	1,292.56	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	17.44	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	605.31	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	4.69	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	471.47	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156846	BREAKTHRU BEVERAGE MN WINE & SPIRIT	SPIRITS	2.49	610-49750-330	SPIRITS TRANSPORTATION
Total BREAKTHRU BEVERAGE MN WINE & SPIRITS:				5,855.68		
C & L DISTRIBUTING						
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	455.80	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	152.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	5.00	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	686.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	7,140.10	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	98.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	188.90-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	6,374.99	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	5.00	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	149.95-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156753	C & L DISTRIBUTING	SPIRITS	7.50-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	SPIRITS	1,576.15	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	SPIRITS	5.00	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156847	C & L DISTRIBUTING	SPIRITS	1,417.70	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	SPIRITS	280.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	SPIRITS	6,889.85	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156847	C & L DISTRIBUTING	SPIRITS	5.00	610-49750-330	SPIRITS TRANSPORTATION

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
04/19/2026	156847	C & L DISTRIBUTING	SPIRITS	14.03-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total C & L DISTRIBUTING:				24,730.21		
CTC						
04/02/2026	156769	CTC	SPIRIT PHONES & INTERNET	106.20	610-49750-320	SPIRITS COMMUNICATION
04/19/2026	156855	CTC	SPIRIT PHONES & INTERNET	107.87	610-49750-320	SPIRITS COMMUNICATION
Total CTC:				214.07		
D & D BEVERAGE LLC						
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	1,949.35	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	31.66-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	1,705.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	108.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	69.70-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	826.05	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	8,237.91	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	372.58-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156754	D & D BEVERAGE LLC	SPIRITS	4,160.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	2,499.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	39.65	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	99.50-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	3,761.15	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	1,645.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	144.40-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	3,542.75	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	55.60-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	297.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	46.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	4,083.20	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	120.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	644.55	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	195.85-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156857	D & D BEVERAGE LLC	SPIRITS	101.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total D & D BEVERAGE LLC:				32,249.82		
GRANITE CITY JOBBING CO INC						
04/02/2026	156782	GRANITE CITY JOBBING CO INC	CIGS SPIRITS	1,388.84	610-49750-250	SPIRITS MERCHANDISE FOR RESALE

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04/02/2026	156782	GRANITE CITY JOBBING CO INC	TOBACCO/CIGARS SPIRITS	190.96	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES SPIRITS	34.89	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/02/2026	156782	GRANITE CITY JOBBING CO INC	GM HBC SPIRITS	10.88	610-49750-210	SPIRITS OPERATING SUPPLIES
04/02/2026	156782	GRANITE CITY JOBBING CO INC	SHIPPING SPIRITS	10.00	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156866	GRANITE CITY JOBBING CO INC	CIGS SPIRITS	1,123.38	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	TOBACCO/CIGARS SPIRITS	145.77	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	SALTY SNACKS - SPIRITS	37.68	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	VTM MERCHANDISE - SPIRIT	166.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	PAPER SUPPLIES SPIRITS	152.68	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	GM HBC SPIRITS	45.40	610-49750-210	SPIRITS OPERATING SUPPLIES
04/19/2026	156866	GRANITE CITY JOBBING CO INC	BEVERAGES FOUNTAIN SPIRITS	38.39	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156866	GRANITE CITY JOBBING CO INC	SHIPPING SPIRITS	10.00	610-49750-330	SPIRITS TRANSPORTATION
Total GRANITE CITY JOBBING CO INC:				3,354.87		
JOHNSON BROTHERS LIQUOR COMPANY INC						
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2,157.95	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	70.40	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	303.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	11.00	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	774.24	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	22.00	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	492.99	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	5.50	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	3,611.72	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	75.35	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	966.81	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	24.75	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	37.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156755	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	450.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	91.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	8,797.41	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	180.58	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	3,284.62	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	73.70	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	140.60	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION

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04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	475.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	22.00	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	442.73	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	6.60	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	132.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	6.60	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	48.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2,546.08	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	24.20	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2,616.26	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	46.20	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	41.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	.50	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	192.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	4.40	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	995.63	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	15.62	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	951.21	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	25.12	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	37.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156870	JOHNSON BROTHERS LIQUOR COMPANY IN	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
Total JOHNSON BROTHERS LIQUOR COMPANY INC:				30,212.97		
LEAGUE OF MN CITIES INSURANCE TRUST						
04/19/2026	156901	LEAGUE OF MN CITIES INSURANCE TRUST	INSURANCE SPIRITS	7,026.00	610-49750-360	SPIRITS INSURANCE
Total LEAGUE OF MN CITIES INSURANCE TRUST:				7,026.00		
MADISON NATIONAL LIFE INSURANCE CO INC						
04/02/2026	156788	MADISON NATIONAL LIFE INSURANCE CO I	LIFE, STD, LTD SPIRITS STAFF	404.20	610-49752-130	SPIRITS EMPLOYER PAID INSURANC
Total MADISON NATIONAL LIFE INSURANCE CO INC:				404.20		
MAVERICK WINE LLC						
04/19/2026	156873	MAVERICK WINE LLC	SPIRITS	172.65	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total MAVERICK WINE LLC:				172.65		

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METRO SALES, INC.						
04/02/2026	156789	METRO SALES, INC.	COLOR COPIES SPIRITS	.22	610-49750-200	SPIRITS OFFICE SUPPLIES
Total METRO SALES, INC.:				.22		
MINNESOTA POWER						
04/02/2026	156791	MINNESOTA POWER	23962 SMILEY LIQUOR STORE	1,392.80	610-49750-380	SPIRITS UTILITY SERVICES
Total MINNESOTA POWER:				1,392.80		
NORTHLAND FIRE PROTECTION LLC						
04/02/2026	156795	NORTHLAND FIRE PROTECTION LLC	SERVICE FIRE EXT. SPIRITS	681.11	610-49750-400	SPIRITS R & M CONTRACTUAL
Total NORTHLAND FIRE PROTECTION LLC:				681.11		
OXFORD STREET MERCHANTS						
04/19/2026	156884	OXFORD STREET MERCHANTS	SPIRITS	3,788.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156884	OXFORD STREET MERCHANTS	SPIRITS	36.30	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156884	OXFORD STREET MERCHANTS	SPIRITS	234.94	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156884	OXFORD STREET MERCHANTS	SPIRITS	.37	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156884	OXFORD STREET MERCHANTS	SPIRITS	1,580.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156884	OXFORD STREET MERCHANTS	SPIRITS	14.30	610-49750-330	SPIRITS TRANSPORTATION
Total OXFORD STREET MERCHANTS:				5,653.91		
PAUSTIS WINE COMPANY						
04/01/2026	156756	PAUSTIS WINE COMPANY	SPIRITS	2,206.67	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156756	PAUSTIS WINE COMPANY	SPIRITS	15.00	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156885	PAUSTIS WINE COMPANY	SPIRITS	1,241.42	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156885	PAUSTIS WINE COMPANY	SPIRITS	17.50	610-49750-330	SPIRITS TRANSPORTATION
Total PAUSTIS WINE COMPANY:				3,480.59		
PHILLIPS WINE & SPIRITS						
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	10.75-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	1,034.40	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	28.97	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	48.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	216.77	610-49750-250	SPIRITS MERCHANDISE FOR RESALE

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04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	13.20	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	360.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	11.00	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	1,348.84	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	144.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	2.20	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	139.45	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156757	PHILLIPS WINE & SPIRITS	SPIRITS	6.60	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	496.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	4.40	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	213.90	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	8.80	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	264.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	6.60	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	181.10	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	15.40	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	2,770.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	74.80	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	1,766.36	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	37.40	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	461.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	13.20	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	70.28	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	4.40	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	872.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	13.20	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	442.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156886	PHILLIPS WINE & SPIRITS	SPIRITS	17.60	610-49750-330	SPIRITS TRANSPORTATION
Total PHILLIPS WINE & SPIRITS:				11,080.52		
SCHAEFERS OF NISSWA LIMITED						
04/01/2026	156758	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						
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2,317.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	41.25	610-49750-330	SPIRITS TRANSPORTATION

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04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	1.80	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	3,249.45	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	42.48	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	1,638.23	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	13.05	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	172.28	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	5.70	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	3,115.78	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	36.30	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	240.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	3.60	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	414.77	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	7.20	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	176.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	72.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	33.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	3.00-	610-49750-330	SPIRITS TRANSPORTATION
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	200.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156759	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	40.00-	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	1.80	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	508.13	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	3.98	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	825.36	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	12.00	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2,201.61	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	21.60	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	1,448.76	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	45.00	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	6,843.29	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	83.10	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	2,056.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	36.90	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	1,000.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156888	SOUTHERN GLAZER'S WINE AND SPI, LLC	SPIRITS	3.60	610-49750-330	SPIRITS TRANSPORTATION
Total SOUTHERN GLAZER'S WINE AND SPI, LLC:				25,866.02		
TAPES PLUS ADVERTISING						
04/19/2026	156890	TAPES PLUS ADVERTISING	RECEIPT ADS	240.00	610-49750-340	SPIRITS ADVERTISING

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
Total TAPES PLUS ADVERTISING:				240.00		
THE HOME CITY ICE COMPANY						
04/02/2026	156806	THE HOME CITY ICE COMPANY	ICE SPIRITS	383.14	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156892	THE HOME CITY ICE COMPANY	ICE SPIRITS	147.50	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total THE HOME CITY ICE COMPANY:				530.64		
THE WINE COMPANY						
04/01/2026	156760	THE WINE COMPANY	SPIRITS	690.83	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/01/2026	156760	THE WINE COMPANY	SPIRITS	31.90	610-49750-330	SPIRITS TRANSPORTATION
04/19/2026	156894	THE WINE COMPANY	SPIRITS	466.00	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156894	THE WINE COMPANY	SPIRITS	28.15	610-49750-330	SPIRITS TRANSPORTATION
Total THE WINE COMPANY:				1,216.88		
VESTIS GROUP, INC						
04/02/2026	156810	VESTIS GROUP, INC	MATS/MOP SPIRITS	59.01	610-49750-400	SPIRITS R & M CONTRACTUAL
04/19/2026	156895	VESTIS GROUP, INC	MATS/MOP SPIRITS	63.62	610-49750-400	SPIRITS R & M CONTRACTUAL
Total VESTIS GROUP, INC:				122.63		
VIKING COCA COLA BOTTLING CO.						
04/02/2026	156811	VIKING COCA COLA BOTTLING CO.	SPIRITS POP	228.35	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156896	VIKING COCA COLA BOTTLING CO.	SPIRITS POP	189.15	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156896	VIKING COCA COLA BOTTLING CO.	SPIRITS POP	296.75	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total VIKING COCA COLA BOTTLING CO.:				714.25		
VINOCOPIA INC						
04/01/2026	156761	VINOCOPIA INC	SPIRITS	954.18	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
04/19/2026	156897	VINOCOPIA INC	SPIRITS	157.75	610-49750-250	SPIRITS MERCHANDISE FOR RESALE
Total VINOCOPIA INC:				1,111.93		
WASTE PARTNERS INC						
04/19/2026	156898	WASTE PARTNERS INC	GARBAGE - SPIRITS	216.20	610-49750-210	SPIRITS OPERATING SUPPLIES

Check Date	Check No	Payee	Description	Amount	GL Account	GL Account Title
Total WASTE PARTNERS INC:				216.20		
XCEL ENERGY						
04/02/2026	156815	XCEL ENERGY	SPIRITS OF NISSWA	198.27	610-49750-380	SPIRITS UTILITY SERVICES
Total XCEL ENERGY:				198.27		
XTONA						
04/02/2026	156816	XTONA	IT SERVICES - SPIRITS	301.55	610-49750-300	SPIRITS PROFESSIONAL SERVICES
04/02/2026	156816	XTONA	IT SERVICES - PZ	51.30	610-49750-300	SPIRITS PROFESSIONAL SERVICES
04/02/2026	156816	XTONA	IT SERVICES - SPIRITS	301.55	610-49750-300	SPIRITS PROFESSIONAL SERVICES
04/02/2026	156816	XTONA	IT SERVICES - PZ	51.30	610-49750-300	SPIRITS PROFESSIONAL SERVICES
Total XTONA:				705.70		
Total SPIRITS OF NISSWA:				180,989.90		
Grand Totals:				750,415.15		

Dated: _____

Mayor: _____

City Council: _____

_____

CITY OF NISSWA
COUNTY OF CROW WING
STATE OF MINNESOTA

RESOLUTION NO. ____

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	Amount/Property
Community Giving	$380.00
Friends of Nisswa Lake Park	

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 May 19, 2026.

Approved:

_____
Jennifer Carnahan, Mayor

Attest:

_____
Maggi Wentler, Interim City Administrator

C16

MINNESOTA LAWFUL GAMBLING

LG220 Application for Exempt Permit

4/23

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than $50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be $1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **$100**; otherwise the fee is **$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Gull Chain of Lakes Association

Previous Gambling Permit Number: X- 93369

Minnesota Tax ID Number, if any:

Federal Employer ID Number (FEIN), if any: 41-1272492

Mailing Address: PO Box 102

City: Nisswa State: MN Zip: 56468 County: Cass

Name of Chief Executive Officer (CEO): Steve Frawley

CEO Daytime Phone: 612-750-2683 CEO Email: frawleys@gmail.com

(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): info@gcola.org

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☑ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☑ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103

Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767

☐ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Grand View Lodge

Physical Address (do not use P.O. box): 23521 Nokomis Ave, Nisswa MN 56468

Check one:

☑ City: Nisswa Zip: 56468 County: Crow Wing

☐ Township: Zip: County:

Date(s) of activity (for raffles, indicate the date of the drawing): August 9, 2026

Check each type of gambling activity that your organization will conduct:

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards ☑ Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to ***www.mn.gov/gcb*** and click on ***Distributors*** under the ***List of Licensees*** tab, or call 651-539-1900.

LG220 Application for Exempt Permit

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

CITY APPROVAL for a gambling premises located within city limits

☐ The application is acknowledged with no waiting period.

☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).

☐ The application is denied.

Print City Name: _____

Signature of City Personnel:

_____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

COUNTY APPROVAL for a gambling premises located in a township

☐ The application is acknowledged with no waiting period.

☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.

☐ The application is denied.

Print County Name: _____

Signature of County Personnel:

_____

Title: _____ Date: _____

TOWNSHIP (if required by the county)
On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Steve Frawley Date: 5/13/26
(Signature must be CEO's signature; designee may not sign)

Print Name: Steve Frawley

REQUIREMENTS

Complete a separate application for:
- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:
A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

__X__ a copy of your proof of nonprofit status; and

__X__ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **$100**; otherwise the fee is **$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?
Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

How You May Spend Gambling Funds

Allowable expenses - Gambling funds may be spent for allowable expenses, such as:

- gambling equipment (pull-tabs, bingo paper, bingo blower, paddlewheel tickets, tipboard games);
- advertising;
- printing raffle tickets; or
- any services or goods that are directly related to the conduct of your gambling.

Charitable contributions - Gambling funds may be spent for the following charitable contributions (lawful purpose):

- to or by 501(c)(3) organization and 501(c)(4) festival organizations;
- relieving the effects of poverty, homelessness, or disability;
- problem gambling programs approved by the Minnesota Department of Human Services;
- public or private nonprofit school;
- scholarships (if a contribution is made to a scholarship fund, it must be made to a nonprofit organization whose primary mission is to award scholarships);
- church;
- recognition of military service (open to public) or active military personnel in need;
- activities and facilities benefiting youth under age 21;
- citizen monitoring of surface water quality, with data submitted to Minnesota PCA;
- unit of government (NOTE: A direct contribution to a law enforcement or prosecutorial agency is not allowed);
- wildlife management projects or activities that benefit the public-at-large, with DNR approval;
- grooming and maintaining snowmobile or all-terrain trails that are grant-in-aid trails, or other trails open to public use, with DNR approval;
- supplies and materials for DNR training and educational programs;
- nutritional programs, food shelves, and congregate dining programs primarily for persons who are 62 or older or disabled;
- community arts organizations or programs;
- humanitarian service recognizing volunteerism or philanthropy; and
- acquisition and repair of real property and capital assets (contact the Gambling Control Board for requirements).

How You May Not Spend Gambling Funds

1. **Controlled contribution** - An organization may not retain any control over any contribution made from gambling funds. The only exception is for expenditures by a 501(c)(3) organization or a 501(c)(4) festival organization to its general fund.
2. **Financial gain** - A contribution or expenditure may not be made if it results in any monetary, economic, financial, or material benefit to the organization making the contribution or expenditure.
3. **Government** - An expenditure may not be made for:
   - influencing the nomination or election of a candidate for public office;
   - promoting or defeating a ballot question; or
   - any activity intended to influence an election or a governmental decision-making process.
4. **Law enforcement** - A direct contribution may not be made to a law enforcement or prosecutorial agency.
5. **Pension** - A contribution may not be made to a government pension or retirement fund, such as a fire relief association.
6. **Conflict of interest** - A contribution or expenditure may not be made if it is not allowed under the conflict of interest provisions of the Minnesota Nonprofit Corpo-ration Act, Minnesota Statutes, Section 317A.255.
7. **Alcohol** - An expenditure may not be made for the purchase of any intoxicating liquor, wine, or malt beverages.
8. **Fundraising** - An expenditure may not be made for fundraising costs, except as allowed for a 501(c)(3) organization or 501(c)(4) festival organization from its general fund.
9. **Other organizations** - With few exceptions, gambling funds may not be contributed to other organizations or clubs such as veterans, fraternal, Lions, etc. unless it is a 501(c)(3) organization.
10. **Other contributions** - A contribution may not be made to a 501(c)(3) organization or another entity with the intent or effect of not complying with lawful purpose restrictions or requirements.

SCSC
South Central
Service Cooperative
Quality Through Cooperation Since 1976

2075 Lookout Drive
North Mankato, MN 56003
507-389-1425 ▪ mnscsc.org

DRAFT TIMELINE 04/23/2026. Subject to change to meet mayor and city council expectations.

For the search for a new City Administrator, Nisswa Minnesota

May 19 City finalizes search decision to move forward

Week of 5/18/2026 Meet with search committee if requested ZOOM

May 20 through May 29 Develop strategy, expectations, position announcement position profile, and other advertising documents.

May 29, 2026, Approval of position profile and position announcement working with the search committee to approve this information. Voting by the council is not required.

06/ 01/2026, Advertise position for thirty days.

Month of June Rank application packets as they come in, rank application packets based on set criteria. The City Council receives updates every 7 to 10 days with a summary of the number of applicants and a general summary of each applicant's education and experience. (no names)

July 1, 2026, Advertising for the position concludes.

July 6 and 7 Final Application review

July 7 - 23 (13 working days) Zoom meetings with top candidates, PXT, leadership management assessment, Reference checks background checks.

July 24 setup interviews

7- 10 days before interviews Hiring committee/Mayor and Council receive Candidate packets for review.

Week of August 18 Interviews

Day 1. Candidates meet with staff from 8:30am to 10:00am. 10:00am to 10:25am staff meet with Mike.10:30 to 12:25 first two interviews, break for Lunch 12:30pm to 1:25pm. 1:30pm to 3:25 last two more interviews. 3:30pm to 5:00pm Deliberation

Two to Three days after interviews Negotiate employment agreement.

The City Council votes on employment agreement and appoints a new city administrator at the next Council meeting.

Mid- September or as soon as practical New Administrator starts.

CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Allen First Kyle

Address: [redacted]

Phone: (H) [redacted] (W) [redacted] (Cell) [redacted]

Occupation: Information Employer: Crow Wing Power & Light

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? ☑ Yes ☐ No
If yes, ☐ Seasonal ☒ Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner? 5+

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

_____ Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?

I have a desire to give back to the community, help address concerns and strategically plan for the future of our City. I have lived in the heart of downtown Nisswa on Pine Haven Rd for 5yrs. I hope to assist in planning to help with fostering local businesses, new business investments, redevelopment projects, etc.

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

Associates of Applied Science degree In Child Development with 7yrs of Hospitality Management/ IT

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

Transparency, communication to our citizens & commitment to serve our

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☐ Yes ☐ No
Comments:

Yes

POTENTIAL CONFLICTS

Conflicts of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain. In accordance with this definition, do you have any legal or equitable interest in any business which could be construed as a conflict of interest? ☐ Yes ☐ No
If yes, please explain:

Kyle R. Allen — Signature

05/10/2026 — Date

Note: The selection process may vary according to the number of applications and vacancies, and may not include interviews with all applicants.

THANK YOU FOR YOUR INTEREST IN SERVING ON A CITY COMMISSION/COMMITTEE!

Please return application to:
City of Nisswa
5442 City Hall Street
PO Box 410
Nisswa, MN 56468
218-963-4444 Phone

Or via email to:
maggi@cityofnisswa.gov

DATA PRACTICES ADVISORY

We are required to provide the following information to you. Under Minnesota law, some of the information requested above is public information, which must be provided to anyone who requests it. Some of it is classified as private information, which is not generally available to the public. However, all of the information will be used by the City Council in determining whether you should be appointed to a Board or Commission. Therefore, the information will be provided to the City Council in a public forum and will be reviewed in public. It will therefore be part of the public record, which will be available to anyone. Failure to provide the requested information may result in your not being considered for appointment. If you have concerns about providing any of the requested information, please contact City Hall at 218-963-4444.

CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Fier First Robert

Address: [redacted]

Phone: (H)_____ (W)_____ (Cell) [redacted]

Occupation: Retired Facility Engineering Mgr Employer: Amgen

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? ☒ Yes ☐ No
If yes, ☐ Seasonal ☒ Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner? (27) years

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

NO Planning & Zoning Commission (Nisswa residency required)

NO Parks & Recreation Advisory Committee (Nisswa residency required)

NO Public Works Committee (Nisswa residency or [illegible] ownership required)

(1) Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

NO Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?
I have a (14) year period of time where I managed a Facility Engineering Group, for Amgen's Colorado Division, where we oversaw Design, Construction & Startup of $2B of Buildings, roads, bridges and infrastructure. Daily communication with 650 customers was the norm.

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

- Facility Engineering Skills
- Project Management Skills
- Significant team member experience.
- Above average communication skills.

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

- Better communication with Nisswa Residents'
- Slowing down + possibly pausing Nisswa Budget Growth.
- Better research + purchasing Procedures' + justification procedures on Capital Projects.

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☒ Yes ☐ No
Comments:

POTENTIAL CONFLICTS

Conflicts of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain. In accordance with this definition, do you have any legal or equitable interest in any business which could be construed as a conflict of interest? ☐ Yes ☒ No
If yes, please explain:

[redacted]

Signature

05/12/26
Date

Note: The selection process may vary according to the number of applications and vacancies, and may not include interviews with all applicants.

THANK YOU FOR YOUR INTEREST IN SERVING ON A CITY COMMISSION/COMMITTEE!

Please return application to:
City of Nisswa
5442 City Hall Street
PO Box 410
Nisswa, MN 56468
218-963-4444 Phone

Or via email to:
maggi@cityofnisswa.gov

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We are required to provide the following information to you. Under Minnesota law, some of the information requested above is public information, which must be provided to anyone who requests it. Some of it is classified as private information, which is not generally available to the public. However, all of the information will be used by the City Council in determining whether you should be appointed to a Board or Commission. Therefore, the information will be provided to the City Council in a public forum and will be reviewed in public. It will therefore be part of the public record, which will be available to anyone. Failure to provide the requested information may result in your not being considered for appointment. If you have concerns about providing any of the requested information, please contact City Hall at 218-963-4444.

CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Foy First Mike

Address: [redacted]

Phone: (H) _____ (W) _____ (Cell) [redacted]

Occupation: Business Owner Employer: Self

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? ☒ Yes ☐ No
If yes, ☐ Seasonal ☒ Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner?_____

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

X Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?
The direction of the city. Try to keep the small town charm while improving the infrastucture.

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☒ Yes ☐ No
Comments:

POTENTIAL CONFLICTS
Conflicts of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain. In accordance with this definition, do you have any legal or equitable interest in any business which could be construed as a conflict of interest? ☐ Yes ☒ No
If yes, please explain:

Signature [redacted] Date 5-13-26

Note: The selection process may vary according to the number of applications and vacancies, and may not include interviews with all applicants.

THANK YOU FOR YOUR INTEREST IN SERVING ON A CITY COMMISSION/COMMITTEE!

Please return application to:
City of Nisswa
5442 City Hall Street
PO Box 410
Nisswa, MN 56468
218-963-4444 Phone

Or via email to:
maggi@cityofnisswa.gov

DATA PRACTICES ADVISORY
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Shawn Hansen | Executive Director of The Outreach Program of
[redacted]

May 11, 2026

City of Nisswa
Attn: Maggi Wentler

RE: Economic Development Authority Application

Dear Maggi and Nisswa City Council,

I am applying today for the openings on your EDA commission.

Although I am not a Nisswa resident (I reside in Lake Shore); I have been involved in the great community of Nisswa for many years. From 2011-2019, I worked at the Nisswa Chamber of Commerce, serving as the Director from June 2012 – March 2019. During that time, I was heavily active with planning and zoning as it pertained to the business community.

I am currently the Executive Director and Chief Officer of an area non-profit, The Outreach Program of Brainerd Lakes. The charity was founded in 2012 and is located at 24489 Hazelwood Drive, Nisswa. I feel my application is appropriate under the Nisswa property ownership or Nisswa business ownership criteria.

Below are my answers to the application questions.

Why are you interested in being appointed to a city advisory commission or committee?

- I truly believe that Nisswa is the BEST small town in Minnesota.
- I love the look and flair we have today and am interested in helping shape the look and flair for the future.

What strengths and abilities would you bring to the commission or committee?

- I have a bachelor's degree in accounting.
  - I have 26 years of corporate experience, working in accounting, human resources, project management, talent acquisition, Lean Six Sigma, and process improvement.
- I have 8 years of experience working with the business community of Nisswa and surrounding areas through my career at the Nisswa Chamber of Commerce.
- I have 7 years of experience managing, directing and growing a humanitarian food aid organization that resides in Nisswa.
- I am process driven, strategic in thinking, and have a proven track record of working with teams and committees.
- I am interested in the betterment of Nisswa, both small scale and large scale
- I was actively involved with Nisswa's Planning and Zoning commission during my tenure at the Nisswa Chamber of Commerce
- I believe I offer a voice of reason, research and consistency.

What are the most important issues facing our community over the next several years?

- Nisswa has experienced tremendous growth over the past decade +.
- Infrastructure, job growth, land use, tax structure, housing, are areas that Nisswa needs to put some concentrated efforts towards these items.
- The EDA should be coordinating existing Comp plans, ordinances, etc. to position the city for today, the next short-term phase (5-10 years); mid-term phase (11-19 years), long term phase (20+years)

Shawn Hansen | Executive Director of The Outreach Program of Brainerd Lakes |
[redacted]

From a quick review of the City's website, I could not find the definition of the EDA for Nisswa, it's powers, authorities, expectations.

From AI, this is the information I found that EDAs generally are tasked with.

- An Economic Development Authority (EDA) in Minnesota is a public entity established under Minnesota Statutes Chapter 469 to promote commercial/industrial growth, create jobs, and increase the local tax base. EDAs act as the development arm of a city or county, implementing programs for business retention, redevelopment, and land acquisition to improve the community's overall economic vitality. [

Core Purposes and Functions

- Business Retention & Expansion: Supporting existing businesses and attracting new businesses through programs, financial incentives, and available land.
- Redevelopment & Land Management: Buying, selling, and leasing land for redevelopment projects that might be unviable for the private sector alone, often targeting blighted or underutilized areas.
- Financial Assistance: Administering revolving loan funds, grants, and tax incentives (such as Tax Increment Financing) to support projects.
- Strategic Planning & Research: Conducting economic development studies and developing plans for local economic growth.
- Housing & Community Development: Many EDAs also handle housing development to ensure a diverse and affordable housing stock, fostering a strong workforce.

Key Aspects of Minnesota EDAs

- Independent Entity: While often consisting of city council members, an EDA is a separate body with special powers.
- Partnerships: Frequently work with the Minnesota Department of Employment and Economic Development (DEED) and regional organizations.
- Goal: To improve the commercial/industrial tax base, create jobs, and increase prosperity. An authority may study and analyze economic development needs in the city, and ways to meet the needs.

What do you think the role of your commission or committee should be in addressing those issues?

- There appears to be un-rest within the council, staff, community. One aspect of the EDA commission will be to assist in structuring development, helping the council and staff with taking some of the "heavy lifting, time consuming areas" to the EDA and advise back to the council of recommendations.
- I am not 100% familiar with Brainerd Lakes Area Economic Development group, headed by Tyler Glynn but would assume that we would be working closely with this group for the local EDA. Tyler is also a Nisswa resident and would be a great asset to rely on for this commission.

I believe I can commit the time to be an active and engaged member of the EDA and hope that you will look favorably to my application. I look forward to hearing of next steps in the EDA formed commission.

[redacted]

Shawn Hansen (she/her/hers)
Executive Director
The Outreach Program of Brainerd Lakes
[redacted]

CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Hansen First Shawn

mail: [redacted]
Address: physical: [redacted]

Phone: (H) X (W) [redacted] (Cell) [redacted]

Occupation: Executive Director Employer: The Outreach Program of Brainerd Lakes

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? ☒ Yes ☐ No
If yes, ☐ Seasonal ☐ Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner? since 2019

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

X Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?

See attached

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

see attached

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

See attached

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☒ Yes ☐ No
Comments:

POTENTIAL CONFLICTS

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If yes, please explain:

[redacted]

Signature

5/11/2026
Date

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THANK YOU FOR YOUR INTEREST IN SERVING ON A CITY COMMISSION/COMMITTEE!

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218-963-4444 Phone

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maggi@cityofnisswa.gov

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CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Hedlund First Brandon

Address: [redacted]

Phone: (H)_____ (W)_____ (Cell) [redacted]

Occupation: Real Estate Broker Employer: Self

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? ☒ Yes ☐ No
If yes, ☐ Seasonal ☒ Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner? 6 Years

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

X Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?
I would love to help give some guidance & direction in the economic future of Nisswa as someone who has called Nisswa home my entire life.

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.
Helping countless clients with the vision it takes to maximize not only their property, but also their goals

Nearly 10 years in the real estate world, running a successful RE Team.

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?
Casting the vision and Bringing the community together to understand the need for some changes & updates to town,
working in collaboration w/ the community & businesses to better understand their goals.

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☒ Yes ☐ No

Comments:

POTENTIAL CONFLICTS

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If yes, please explain:

[redacted]

Signature

5-13-26

Date

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As an active RE Broker & business owner in Nisswa, I have a professional stake in the economic health of this community. I'm committed to transparency & willing to recuse myself from votes or discussions where a direct financial gain exists & always prioritize the broader community.

CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Huser First Jake

Address: [redacted]

Phone: (H)_____ (W)_____ (Cell) [redacted]

Occupation: Marketing | Sales Employer: WCE Insurance

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? ☒ Yes ☐ No
If yes, ☐ Seasonal ☒ Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner? 16

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

X Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?
- Helping City of Nisswa grow while maintaining the charm and culture the city has today.

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.
- Business Management Degree
- 20 yrs of Business ownership in Nisswa
- 20 yrs of commercial Insurance experience
- Daily dialog with area business owners

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?
- Business growth is a challenge in Nisswa. I have been through 2 different construction projects within the city and there were many challenges. I would like to help other area businesses or someone new to the area have a smooth experience investing in our community.

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☒ Yes ☐ No
Comments:

POTENTIAL CONFLICTS
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If yes, please explain:

[redacted] 5/13/26

Signature Date

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CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Tanhoite First Bruce

Address: [redacted]

Phone: (H)_____ (W)_____ (Cell) [redacted]

Occupation: Retired CPA Employer:_____

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? ☒ Yes ☐ No
If yes, ☐ Seasonal ☒ Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner? 4 yrs

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

X Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?
I want Nisswa to be a successful + prosperous City. Nisswa now is an exciting place to live + work. I want that to continue

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

Sheet attached

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

Development of Hwy 371 land — Planning for growth of city — Public water system EDA should work on continuing success of Nisswa

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☒ Yes ☐ No

Comments:

When I volunteer to serve I take that commitment seriously.

POTENTIAL CONFLICTS

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If yes, please explain:

[redacted] 5-12-26

Signature Date

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Bruce Imholte
EDA Application
May 17, 2022

Professional + Business Experience

4 year college degree – Moorhead State College

40 years self employed CPA – offices in Detroit Lakes MN + Fargo ND

20 years on City Council – Detroit Lakes

12 years on DL Economic Development

8 years on Detroit Lakes Public Utilities commission

4 years on Detroit Lakes Chamber of Commerce – served 1 year as Chairman

President + other leadership positions on various civic organizations (Kiwanis – Jaycees – Toastmasters – United Way – church – other)

Now serving on Nisswa Park commission

CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Krueger First Emma

Address: [redacted]

Phone: (H) [redacted] (W) [redacted] (Cell) [redacted]

Occupation: Restaurant Owner, A&W Nisswa Employer: Self Employed

Email Address: [redacted]

Are you a Nisswa resident or property owner? ☐ Yes ☒ No If yes, ☐ Seasonal ☐ Permanent

If yes, how long have you been a Nisswa resident or property owner? 12 years, Nisswa Business Owner

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

__X__ Economic Development Authority (Nisswa residency or property ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?

I am interested in joining the Nisswa Economic Development Authority because I have lived in Nisswa since I was three years old, I have worked solely in Downtown Nisswa my entire life, at the Nisswa A&W and (prior Nisswa Tax Service), and purchased the A&W in 2015. I believe I bring a long standing understanding of Nisswa, as being a local myself, and serving the tourism community. I want to see this community thrive and grow, appropriately, for generations to come.

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

I have a multiple degrees from Central Lakes College one of which is in Hospitality & Tourism. I have accounting experience, preparing tax returns for my personal client base of nearly 200 returns for several years. I have high level strategic thinking, kindness, compassion, and an excellent ability to work with others, including but not limited to managing a staff of 15-25 members annually the last twelve years.

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

Our community has grown, and will continue to grow and it is crucial that we handle the growth while recognizing the charm and small town atmosphere importance that locals and visitors have cherished for generations in the past and will cherish for generations in the future. I would like to serve on the Economic Development Authority to assist, and bring youthful, female business ownership experience as a perspective to the community and committee of Nisswa, that I love so dearly and have grown up, worked in, and own a business in.

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☒ Yes ☐ No

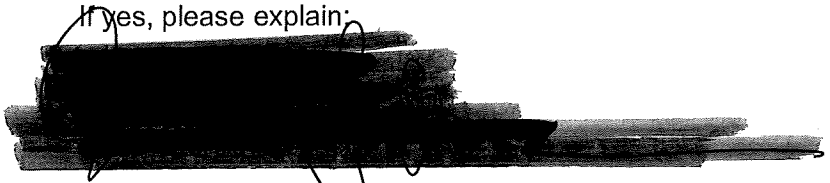
Comments:

Thank you for the opportunity to serve Nisswa, its residents and visitors.

POTENTIAL CONFLICTS

Conflicts of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain. In accordance with this definition, do you have any legal or equitable interest in any business which could be construed as a conflict of interest? ☐ Yes ☐ No

If yes, please explain:



May 6, 2026

Signature Date

Note: The selection process may vary according to the number of applications and vacancies, and may not include interviews with all applicants.

THANK YOU FOR YOUR INTEREST IN SERVING ON A CITY COMMISSION/COMMITTEE!

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CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Neumeyer First Greg

Address: [redacted]

Phone: (H)_____ (W)_____ (Cell) [redacted]

Occupation: retired Employer:_____

Email Address: [redacted]

Are you a Nisswa resident or property owner? X Yes ☐ No If yes, ☐ Seasonal X Permanent

If yes, how long have you been a Nisswa resident or property owner? family owned property since 1987

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

__X__ Economic Development Authority (Nisswa residency or property ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?

see attached

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

see attached

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

see attached

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? X Yes ☐ No
Comments:

POTENTIAL CONFLICTS

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If yes, please explain:

[redacted] 5-8-26

Signature Date

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Greg Neumeyer

Economic Development Authority

Why are you interested in being appointed to the Economic Development Authority?

I recently(12/31/25) retired as the part time Economic Development Director for the Robins Economic Development Initiative in Robins, Iowa. We had a similar situation wherein a large parcel of ground that was in the City limits was going to be up for sale due to a death. We formed a committee to determine what the City and its residents wanted for development in that area. We then looked at City services(sewer and water) to determine what was needed for adequate service to that area and surrounding areas. We looked at City ordinances to make changes so the ordinances adequately covered the intended development. Finally, we worked with potential purchasers of the property so they knew what the City desired for the property. It ended up with a mixed-use development with commercial, light industrial, residential and park land.

I feel this experience will be helpful in determining what should happen with not only the City owned land along 371 but also the surrounding undeveloped land.

I am interested in Nisswa continuing to be a vibrant community and that is why I want to see this project succeed.

What strengths and abilities would you bring to the commission or committee?

My experience in Economic Development will help the Economic Development Authority develop a plan for looking at the City property. I am a collaborative person that tries to bring in all views of an issue.

Prior to my role in Economic Development I was an attorney for @ 4 years and was in banking for @25 years. That helps give me a good understanding of the legal and financial issues involved in development of this type.

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

I think the issues for Nisswa are similar to the issues for many smaller communities in the Midwest. How does the City provide the services that its residents expect? In order to do that the City needs to grow it revenue sources. Raising taxes is not a preferred option so growth in the form of new properties being added to the tax roles is the best way. How does the City get

that property tax growth? It should come in the form of both commercial and residential growth. The Nisswa Lakes Area has a long history of being a popular vacation area with a substantial increase of population in the summer. While it seems there have been more year-round residents in the area since covid, there also seems to be a shortage of various types of housing for residents and workers. How does Nisswa add new commercial development and more types of housing without sacrificing the current feel of Nisswa? The EDA will have a significant role is those issues in determining what type of development should happen going forward.

Attendance – Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant?

Yes – now that I am retired I have the time and availability needed.

Potential Conflicts

None

[redacted] 5-8-26

CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Schaefer First Andrew

Address: [redacted]

Phone: (H)_____ (W)_____ (Cell) [redacted]

Occupation: Retail Employer: Schaefer's Lake

Email Address: [redacted]

Are you a Nisswa resident or property owner? ☒ Yes ☐ No If yes, ☐ Seasonal ☒ Permanent

If yes, how long have you been a Nisswa resident or property owner? 43 YEARS

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

2 Public Works Committee (Nisswa residency or property ownership required)

1 Economic Development Authority (Nisswa residency or property ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?

I CARE ABOUT THE COMMUNITY

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

I HAVE YEARS of NISSWA KNOWLEDGE
I AM UP TO DATE with A LOT of CITY ISSUES & TOPICS

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?
Mills property - New Business Grow city property
Blacktop Roads - Set up what is needed before MN DOT sells Needed roads Down

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☒ Yes ☐ No
Comments:

POTENTIAL CONFLICTS
Conflicts of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain. In accordance with this definition, do you have any legal or equitable interest in any business which could be construed as a conflict of interest? ☒ Yes ☐ No
If yes, please explain:
Schaefer's Foods

[redacted] 5-6-26
Signature Date

Note: The selection process may vary according to the number of applications and vacancies, and may not include interviews with all applicants.

THANK YOU FOR YOUR INTEREST IN SERVING ON A CITY COMMISSION/COMMITTEE!

Please return application to:
City of Nisswa
5442 City Hall Street
PO Box 410
Nisswa, MN 56468
218-963-4444 Phone

Or via email to:
maggi@cityofnisswa.gov

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CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Southworth First Dawn

Address: [redacted]

Phone: (H)_____ (W)[redacted] (Cell) [redacted]

Occupation: Managing Director Employer: Grand View Lodge

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? ☑ Yes ☐ No
If yes, ☐ Seasonal ☐ Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner? 2 years

☐ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

X
_____ Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?

see separate sheet

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

see separate sheet

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? ☑ Yes ☐ No
Comments:

POTENTIAL CONFLICTS

Conflicts of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain. In accordance with this definition, do you have any legal or equitable interest in any business which could be construed as a conflict of interest? ☐ Yes ☑ No
If yes, please explain:

Dawn Southworth — Signature

5.13.2026 — Date

Note: The selection process may vary according to the number of applications and vacancies, and may not include interviews with all applicants.

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Why are you interested in being appointed to a City advisory commission or committee?

I am interested in being appointed to the Economic Development Authority Committee because I care deeply about the long-term success, growth, and sustainability of our community. Through my role in hospitality and resort leadership, I have seen firsthand how economic development impacts local businesses, workforce needs, tourism, infrastructure, housing, and the overall quality of life for residents and visitors.

I would welcome the opportunity to contribute a practical business perspective, while also listening and learning from others who are invested in the future of the city. I believe thoughtful economic development requires collaboration between city leaders, business owners, residents, and community partners. My goal would be to support responsible growth that strengthens the local economy, preserves the character of the community, and creates opportunities for both current and future generations.

I am especially interested in helping identify ways to support existing businesses, attract new investment, enhance year-round economic activity, and ensure that development decisions align with the needs and values of the community.

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

I would bring more than 30 years of experience in the hospitality industry, with professional experience across more than 20 states, including large metropolitan cities, suburban markets, and rural destination communities. This background has given me a broad understanding of how tourism, business development, workforce availability, infrastructure, community partnerships, and quality of life all connect to economic growth.

Throughout my career, I have worked in leadership roles that required strategic planning, financial accountability, team development, guest and community engagement, and collaboration with both public and private partners. I understand the importance of balancing growth with the character and needs of a community, especially in destination markets where residents, businesses, visitors, and local government all play an important role in long-term success.

I have also had the opportunity to serve on tourism development boards in both Nashville, Tennessee, and Jacksonville, Florida. Those experiences gave me valuable insight into how communities can use tourism, events, business partnerships, and thoughtful planning to strengthen the local economy. I believe that experience would allow me to contribute a practical, informed, and collaborative perspective to the committee.

My strengths include strategic thinking, relationship building, operational leadership, problem solving, and the ability to view issues from multiple perspectives. I would bring a strong business background, a commitment to community partnership, and a desire to support responsible economic development that benefits residents, businesses, and visitors alike.

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

I believe some of the most important issues facing our community over the next several years will be responsible economic growth, workforce availability, housing, infrastructure, year-round business sustainability, and preserving the character that makes our community unique. As a destination community, we must balance the needs of residents, local businesses, seasonal visitors, and future development in a thoughtful and collaborative way.

Workforce and housing will continue to be closely connected. For businesses to grow and provide consistent service, employees need access to attainable housing and a strong quality of life. Infrastructure, including roads, utilities, broadband, public spaces, and community amenities, will also be important as the area continues to grow and attract both visitors and new residents.

I also believe it will be important to support existing businesses while creating opportunities for new investment. Economic development should not only focus on attracting new businesses, but also on helping current businesses remain strong, competitive, and sustainable throughout the year.

The role of the Economic Development Authority Committee should be to provide thoughtful guidance, ask good questions, listen to community input, and help identify opportunities that support responsible growth. The committee can serve as a bridge between city leadership, businesses, residents, and community partners by helping evaluate projects and initiatives through the lens of long-term economic impact, community values, and sustainability.

I believe the committee should help encourage development that strengthens the local economy, supports workforce needs, improves quality of life, and protects the character of the community for future generations.

CITY OF NISSWA

CITY OF NISSWA
APPLICATION FOR APPOINTMENT TO A CITY COMMISSION/COMMITTEE

PERSONAL INFORMATION

Name: Last Wilkening First Valeri

Address: [redacted]

Phone: (H)_____ (W)_____ (Cell) [redacted]

Occupation: Radiologic Technologist Employer: Essentia Health

Email Address: [redacted]

Are you a Nisswa resident, Nisswa property owner or Nisswa business owner? _x_Yes No
If yes, Seasonal x Permanent

If yes, how long have you been a Nisswa resident, property owner or business owner? 9 years

_ *Please check this box if you are currently on a commission or committee and wish to be considered for reappointment. Please note below the current commission or committee you are currently serving. You are **not** required to complete the remainder of the application.*

Please rank in order which of the following commissions or committees you are interested in serving on:

_____ Planning & Zoning Commission (Nisswa residency required)

_____ Parks & Recreation Advisory Committee (Nisswa residency required)

_____ Public Works Committee (Nisswa residency or property ownership required)

__X__ Economic Development Authority (Nisswa residency, Nisswa property ownership or Nisswa business ownership required)

_____ Other/Ad Hoc Committee (Nisswa residency or property ownership required)

Please answer the following questions as completely as possible. Use a separate sheet if necessary.

Why are you interested in being appointed to a City advisory commission or committee?

I want to see the City grow in a way that is best for its residents and work to insure that it is done in the most fiscally responsible way for the citizens of Nisswa

What strengths and abilities would you bring to the commission or committee? Please include any education and professional experience that would assist you in serving.

I have 20 years of management experience

What are the most important issues facing our community over the next several years? What do you think the role of your commission or committee should be in addressing those issues?

Fiscal responsibility to the citizens of Nisswa is the biggest challenge for the city. I feel that anyone that serves in a position with the city should always be aware of this and work with the city council to achieve this.

Attendance: Are you aware of the importance of regular meeting attendance, including the time commitment involved in preparing for meetings, and do you feel you have the time available to be an active participant? _XYes _ No

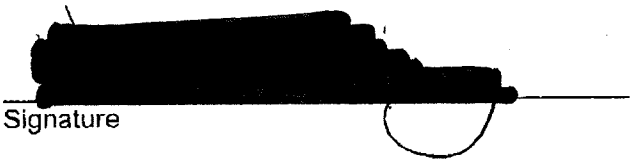
Comments:

If I commit to a committee I am absolutely committed to attending required meetings

POTENTIAL CONFLICTS

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If yes, please explain:



Signature

5-13-2026

Date

Note: The selection process may vary according to the number of applications and vacancies, and may not include interviews with all applicants.

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ORGANIZING RESOLUTION
FOR ECONOMIC DEVELOPMENT AUTHORITY
FOR THE CITY OF NISSWA

WHEREAS, on April 21, 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 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 one-year term
   b. _____, for a two-year term
   c. _____, for a three-year term
   d. _____, for a four-year term
   e. _____, for a five-year term
   f. _____, for a six-year term
   g. _____, for a six-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 May, 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)

W:\TEXT\2013\217.160 Nisswa - EDA Formation\Docs\Organizing Resolution.docx

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Thomas Blomer, Public Works Director

Date: 5/12/2026

Item: Adding Street Lights to Hills Crossing Consideration and Approval

UPDATE: At the May 11th Special Public Works Committee meeting, the committee reviewed a checklist, that was developed as a decision maker, to help decide when and where to install requested street lights in the ROW. After reviewing this request, using this checklist, it is recommended to have Hills Crossing pay for the lights. The city will have the lights installed by Minnesota Power and bill Hills Crossing accordingly. The Hills Crossing Administrator has indicated this is acceptable, but an agreement will have to be drawn up and signed by both parties to initiate this project.

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

DATE: **May 19th, 2026**
SUBJECT: **Zoning Complaint Initial Findings**

DATE RECEIVED: March 9th, 2026

SUBJECT PROPERTY LOCATION: 25086 East Roy Lake Road, Nisswa, MN 56468

CONCERNS/COMPLAINT: Transcribed from complaint form, *"1) Possible misuse of OSR zoning. 2) Operating commercial operations on residential property (likely 6+ years). 3) Owner to not ever have lived on property. 4) Storage of large fuel tanks, possibly explosive fertilizers, commercial equipment, appears employees working on site daily (many automobiles). Ground pollution due to gas, oil, dripping/spillage. Possible ground contamination, from fertilizers and other possible chemicals. Storage of commercial products. Total misuse of property"*

ACTIONS TAKEN:

- 3/10/2026 – Discussed complaint with City Administrator (Maggi Wentler)
- 3/13/2026 – Notified landowner (Joe Hall) a complaint received – next steps to follow.
- 3/18/2026 – Discussed complaint with City Attorney (Tom Pearson). Advised he will talk with City Administrator regarding third party engagement for investigation/enforcement due to identity of landowner. Complaint provided to City Attorney via email 3/18/2026.
- 4/2/2026 – City Attorney and City Administrator reviewed the file for recommendation on next steps.
- 4/3/2026 – City Administrator requested two things:
    - Copy of the complaint
    - Copy of ordinance in effect at time of permitting
    - Request materials provided on the same day.
- 4/21/2026 – City Council consideration of memo from City Attorney and quote for third party engagement services, resultant motion directing receipt of this report from City Planner.
- 4/29/2026 – Site visit to subject property with landowner, City Administrator, and City Planner.

FACTS: This property, being zoned Open-Space Residential (OSR), has the following permitted development history and records of city/landowner engagement following permit issuance of residence:

- 5/26/2019 – Land Use Permit for 16,800 square foot residence, septic system installation, and E911 address assignment
- 9/23/2019 – Letter to landowner RE: Nuisance storage and zoning
- 9/30/2019 – Letter to landowner RE: Nuisance storage and zoning
- 11/05/2019 – Planning Commission meeting approving, with conditions, a Metes and Bounds subdivision of property as proposed by applicant

ANALYSIS: Sections of the complaints above quoted below in green, with analytics following them.
"1) Possible misuse of OSR zoning."
This residence structure, having to itself a spacious floorplan non-conforming to current ordinance requirements for new construction of principal residential structures under Sec. 20-83, predates the official controls later adopted by the City of Nisswa under MN Statute 462.357 that would have otherwise restricted its

permitting(Ordinance No. 38, Third Series), and of itself does not violate ordinance provisions pertaining to the complaint. However, staff finds this important to the nature of the complaint as it relates to the complainants perceived use of the structure/property today that may not comport with newly permitted residences. Given this structure is pre-existing to currently more restrictive controls, there is not necessarily a connection to a violation. Rather, what resulted from permitting and loose regulations in effect at that time, was a structure containing 1,632 square feet of dwelling area and 15,168 square feet of accessory area retained by the landowner for personal use while the dwelling portion of the structure is leased to a tenant for residency – reportedly an employee in this case. (See Figure 1) Complaint is vague and unsubstantiated.

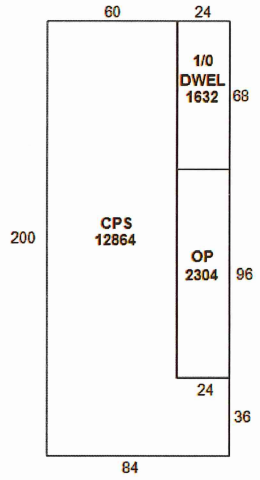


Figure 1: Assessor Sketch from CWC

"2) Operating commercial operations on residential property (likely 6+ years)."
During the site visit on 04/29/2026, no commercial operations appeared to be taking place. Complaint unsubstantiated.

"3) Owner to not ever have lived on property."
Ownership does not directly require residency. Complaint unregulated.

"4) Storage of large fuel tanks, possibly explosive fertilizers, commercial equipment, appears employees working on site daily (many automobiles). Ground pollution due to gas, oil, dripping/spillage. Possible ground contamination, from fertilizers and other possible chemicals. Storage of commercial products. Total misuse of property"
Fuel tanks on site reportedly used for personal equipment, are sufficiently screened, and local ordinance requires compliance with state requirements. Staff unable to identify explosive fertilizers. No commercial equipment identified on property. No employees working on property, nor was office space identified within structure. Ground pollution/contamination due to fertilizers, gas, oil, dripping/spillage not identified. Storage of commercial products was unfounded during site visit. Complaints unsubstantiated.

CONCLUSION: Given the findings from the site visit performed on 4/29/2026, no clear active violation of local ordinance was found to be present. The landowner should be reminded that the OSR zoning of this property, along with conditions placed upon its subdivision in 2019, precludes commercial activity from taking place upon it without modified review and approval by the City. Such review may require applicable submissions for permitting review, dependent on the proposed use and will be subject to ordinance requirements in effect at the time of submission. Only residential or personal use of the property is permitted.

This report is limited to the facts of this particular property, and observations made during site visit 4/29/2026.

Steven Timblin, City Planner

5/8/2026
Date

Enclosure: LUP-19-032, 09/23/2019 Letter, 09/30/2019 Letter, Minutes from 11/05/2019 PCBOA meeting

CITY OF NISSWA

LAND USE PERMIT

Permit # LUP-19-032

Parcel # 280113300000009 **Project Location** TBD Lower Roy Lake Rd

SEPTIC ON-SITE **Compliance Inspection** 2019 **Zoning Class** OSR **Lake Name** Nisswa

Applicant's Name Joe Hall **Property Owner** Same

Applicant's Mailing Address 4600 Lower Roy Lake Road

Applicant's City/State/Zip Nisswa, MN 56468

Telephone # 218-232-3445 **Email** joe@coppercreeklandscapes.com

Legal Description SW1/4 OF SW1/4 **SECTION** 11

Project Description Construct a 200' by 84' (16,800 sq ft) home.

Estimated Project Value $400,000.00 **VARIANCE OR CUP** **If Yes, when granted**

Building Contractor **License #** **Phone #**

Septic System Installer **License #** **Phone #**

On a separate sheet, the applicant will furnish a scale drawing, showing lot dimensions, proposed building site, driveway, septic tank and drainfield location, well location and all applicable measurements including side property line setbacks and pertinent existing structures on subject property, as well as adjoining properties. Applicant must provide structure plan including height of structure and floor plans of all levels including decks, patios, and porches.

I, the applicant, do hereby certify that the above information, and that contained in any and all attachments hereto, are correct to the best of my ability to certify, and that, if the permit applied for is issued, I will agree to have the work performed there under in accordance with the terms of the City of Nisswa Zoning Ordinance, its standards, and any requirements ordered by the Nisswa Planning Commission, and all other applicable laws and regulations. I further agree that, in the event that I fail to do as agreed and stated or comply with the city Zoning Ordinance or other rules or regulations applicable to this property, the Planning Zoning Administrator for the City of Nisswa may revoke the permit.

Signature of Applicant _____s_____ **Signature of Property Owner** _____s_____

PZ Signature Brittney Cotner **Date Approved** 5/29/2019

Fee Paid $805.00 **Check #** 7822 & 7819 **Name on Account** Copper Creek Landscaping

Structure Fee $650.00 **Septic Fee** $80.00 **Address Fee** $75.00

If connected to the Nisswa Central Sewer System, I further agree to contact the City of Nisswa at least 24 hours in advance of demolition to arrange for inspection by the Nisswa Public Works Department for the disconnection to the sewer main.

LUP-19-032

CITY OF NISSWA

LAND USE PERMIT

Parcel # 280-113-300-000-C89 Project Location Lower Roy Lake Rd & E Roy Lake Rd

SEPTIC or CITY SEWER | Compliance Inspection | Zoning Class | Lake Name

Applicant's Name Joe Hall Property Owner Joe Hall

Applicant's Mailing Address 4600 Lower Roy Lake Rd

Applicant's City/State/Zip Nisswa, MN 56468

Telephone # 218-232-3445 Email joe@coppercreeklandscapes.com

Legal Description SECTION

Project Description To build A 200' X 84' house

Estimated Project Value $400,000 VARIANCE OR CUP If Yes, when granted

Building Contractor Self License # Phone #

Septic System Installer License # Phone #

On a separate sheet, the applicant will furnish a scale drawing, showing lot dimensions, proposed building site, driveway, septic tank and drainfield location, well location and all applicable measurements including side property line setbacks and pertinent existing structures on subject property, as well as adjoining properties. Applicant must provide structure plan including height of structure and floor plans of all levels including decks, patios, and porches.

I, the applicant, do hereby certify that the above information, and that contained in any and all attachments hereto, are correct to the best of my ability to certify, and that, if the permit applied for is issued, will agree to have the work performed there under in accordance with the terms of the City of Nisswa Zoning Ordinance, its standards, and any requirements ordered by the Nisswa Planning Commission, and all other applicable laws and regulations. I further agree that, in the event that I fail to do as agreed and stated or comply with the city Zoning Ordinance or other rules or regulations applicable to this property, the Planning & Zoning Administrator for the City of Nisswa may revoke the permit.

Signature of Applicant Signature of Property Owner

PZ Signature Date Approved

Fee Paid Check # Name on Account

Structure Fee 650.00 Septic Fee 80.00 Address Fee 75.00

If connected to the Nisswa Central Sewer System, I further agree to contact the City of Nisswa at least 24 hours in advance of demolition to arrange for inspection by the Nisswa Public Works Department for the disconnection to the sewer main.

Crow Wing/Cass County Trench/Pressure Bed Design

Property Owner: Joe & Sonja Hall Date: 5/1/2019

Mailing Address: 4600 Lower Lake Rd

City: Nisswa State: MN Zip: 56468

Home Phone Number: Cell:

Site Address: TBD XXXX E. Roy Lake Rd

City: Nisswa State: Zip:

Driving directions if no address issued: Site is located at the NE corner of Lower Roy Lake Rd and E. Roy Lake Rd

Legal Description: SW 1/4 of SW 1/4 40 Acres

Sec: 11 Twp: 135 Range: 29 Twp Name: City of Nisswa

Parcel Number: 280-113-300-000-009

Lake/ River: Lake/River Classification: Select One

Flow Data

Number of Bedrooms: 2

Dwelling Classification: I

System Type: I

GPD: 300

Estimated Flow in Gallons per Day (GPD)			
Bedrooms	Class I	Class II	Class III
2	300	225	180
3	450	300	218
4	600	375	256
5	750	450	294
6	900	525	332
7	1050	600	370
8	1200	675	408

Wells

Deep Well: Proposed Deep

Shallow Well: None

Wells to be sealed (if applicable)?

Setbacks

Tank(s) to: Well 50'
House +10'
Property Line +10'

Drainfield to: Well +50'
House +20'
Property Line +10'

Sewer Line to well: +50

Air Test: No

Additional System Notes and Information: NEW CONSTRUCTION

Propose a shop with a 2 bedroom living area.

Designer Name: Martin Joyce License Number: L2129

Address:

City: State: Zip:

Home Phone Number: Cell: 218-820-2621

E-Mail Address: joycem@brainerd.net

Designer Signature: _____ Date: 5/1/2019

Crow Wing/Cass County Trench/Pressure Bed Design

Property Owner: Joe & Sonja Hall Date: 5/1/2019 Designer's Initials: MJ

Tank Sizing

A. Septic Tank Capacity: 1500 Gallons
Tank Type: 2 Compartments Filter: No
Garbage Disposal/Basement Lift Station: No Disposal or Lift

B. Pump Tank Capacity: Gallons (7080.2100)
   a. Alarm Type: Select One

Septic Tank Capacity		
Bedrooms	Minimum	GD/BL
6 or less	1,500	2,250
7 or 8	2,000	3,000

Soils

C. Depth to Restricting Layer: 7ft.

D. Native SSF:1.27
(Perc. Rate [Optional] MPI)

Enter GPD next to the type of system

Rock Trenches

E. 6 in. Trench Depth GPD × D = 0.0sq. ft. Cubic Yards of Rock: 0.0 yds³

F. 12 in. Trench Depth 300 GPD × D × .8 = 304.8sq. ft. Cubic Yards of Rock: 16.93 yds³

G. 18 in. Trench Depth GPD × D × .66 = 0.0sq. ft. Cubic Yards of Rock: 0.0 yds³

H. 24 in. Trench Depth GPD × D × .6 = 0.0sq. ft. Cubic Yards of Rock: 0.0 yds³

I. Divide (E-H) by Trench Width for lineal feet: 304.8 ÷ 3 = 101.6

Chamber Trenches

J. Brand: Infiltrator Quick 4 HC Dimensions of one chamber (L x W): 4ft. × 3ft.

K. 6-11 in. Chamber Depth GPD × D = 0.0sq. ft.

L. 12 in. Chamber Depth 300 GPD × D × .8 = 304.8sq. ft.

M. Select from (K-L) if installing Chamber Trenches: 304.8

N. Divide (M) by Trench Width for lineal feet: 304.8 ÷ 3 = 101.6 Lineal Feet

O. Total Chambers Needed (**Round Up**): 25.4 Chambers

Seepage Beds

P. Seepage Bed GPD × D × 1.5 = 0.0sq. ft.
   a. Bed Dimensions ft. × ft.
   b. Cubic Yards of Rock Bed Length × Bed Width × Rock Depth ft. ÷ 27 = 0.0 yds³

Additional System Notes and Information:

Can use chambers or rock trenches. Installer choice.

Crow Wing/Cass County Trench/Pressure Bed Design

Property Owner: Joe & Sonja Hall Date: 5/1/2019 Designer's Initials: MJ

Please record the depths of all horizons, redoximorphic features, restricting layers, and saturated soils. Include all chroma and hue values.

#1 Proposed Site

Depth (in.)	Texture	Color
0-6	Sandy Loam	10YR 2/2
6-38	Sandy Loam	10YR 4/4
38-54	Loamy Sand	10YR 4/4
54-84	Sand-Gravelly	10YR 4/4-5/4

#1 Alternate Site

Depth (in.)	Texture	Color
0-6	Sandy Loam	10YR 2/2
6-38	Sandy Loam	10YR 4/4
38-54	Loamy Sand	10YR 4/4
54-84	Sand-Gravelly	10YR 4/4-5/4

#2 Proposed Site

Depth (in.)	Texture	Color

#2 Alternate Site

Depth (in.)	Texture	Color

Soil Sizing Factors/Hydraulic Loading Rates

Perc. Rate	Texture	SSF	HLR	Perc. Rate	Texture	SSF	HLR
<0.1	Coarse Sand			16 to 30	Loam	1.67	0.60
0.1 to 5	Sand	0.83	1.20	31 to 45	Silt Loam	2.00	0.50
0.1 to 5	Fine Sand	1.67	0.60	46 to 60	Clay Loam	2.20	0.45
6 to 15	Sandy Loam	1.27	0.79	> 60	Clay Loam	****	0.24

Description of Soil Treatment Areas

	Proposed Site		Alternate Site	
Disturbed Areas?	No		No	
Compacted Areas?	No		No	
Flooding Potential?	No		No	
Run on Potential?	No		No	
Limiting Layer Depth	Proposed #1 84"	Proposed #2	Alternate #1 84"	Alternate #2
Slope % and Direction	2 to 3% NE		2 to 3% NE	
Landscape Position	Shoulder slope		Shoulder slope	
Vegetation Types	Oaks and Pines		Oaks and Pines	
Soil Texture	Sandy Loam			
Soil Sizing Factor	1.27		Select One	

Martin Joyce Septic Service, LLC

27604 County Road 3, Merrifield, MN 56465

Septic System Management Plan

Property Owner:	Joe & Sonja Hall	**Phone:**		**Date:**	5/1/2019
Mailing Address:	4600 Lower Lake Rd	**City:**	Nisswa	**Zip:**	56468
Site Address:	TBD	**City:**		**Zip:**	

This management plan will identify the operation and maintenance activities necessary to ensure long-term performance of your septic system. Some of these activities must be performed by you, the homeowner. Other tasks must be performed by a licensed septic service provider.

System Designer: check every _____ months
Local Government: check every _____ months
State Requirement: check every 36 months

My system needs to be checked every 36 months

Homeowner Management Tasks (performed monthly unless otherwise stated)

Leaks - Check (look,listen) for leaks in toilets and dripping faucets. Repair leaks promptly

Surfacing sewage - Regularly check for wet or spongy soil around your soil treatment area.

Effluent filter - Inspect and clean twice a year or more

Alarms - Alarm signal when there is a problem: contact Service Provider any time an alarm signals

Event counter or water meter - Monitor your average daily water use (if it applies)

Professional Management Tasks

Check and clean the in-tank effluent filter
Check the sludge/scum layer levels in all septic tanks
Recommend if tank should be pumped
Pump all compartments of septic tank at least every 36 months
Check inlet and outlet baffles
Clean drainfield laterals (if it applies)
Check the drain field effluent levels in the rock layer
Check the pump and alarm system functions (if it applies)
Check wiring for corrosion and function (if it applies)
Check dissolved oxygen and effluent temperature in tank
Provide home owner with list of results and any action to be taken

Replacement system for this residence, a secondary site has not been identified.

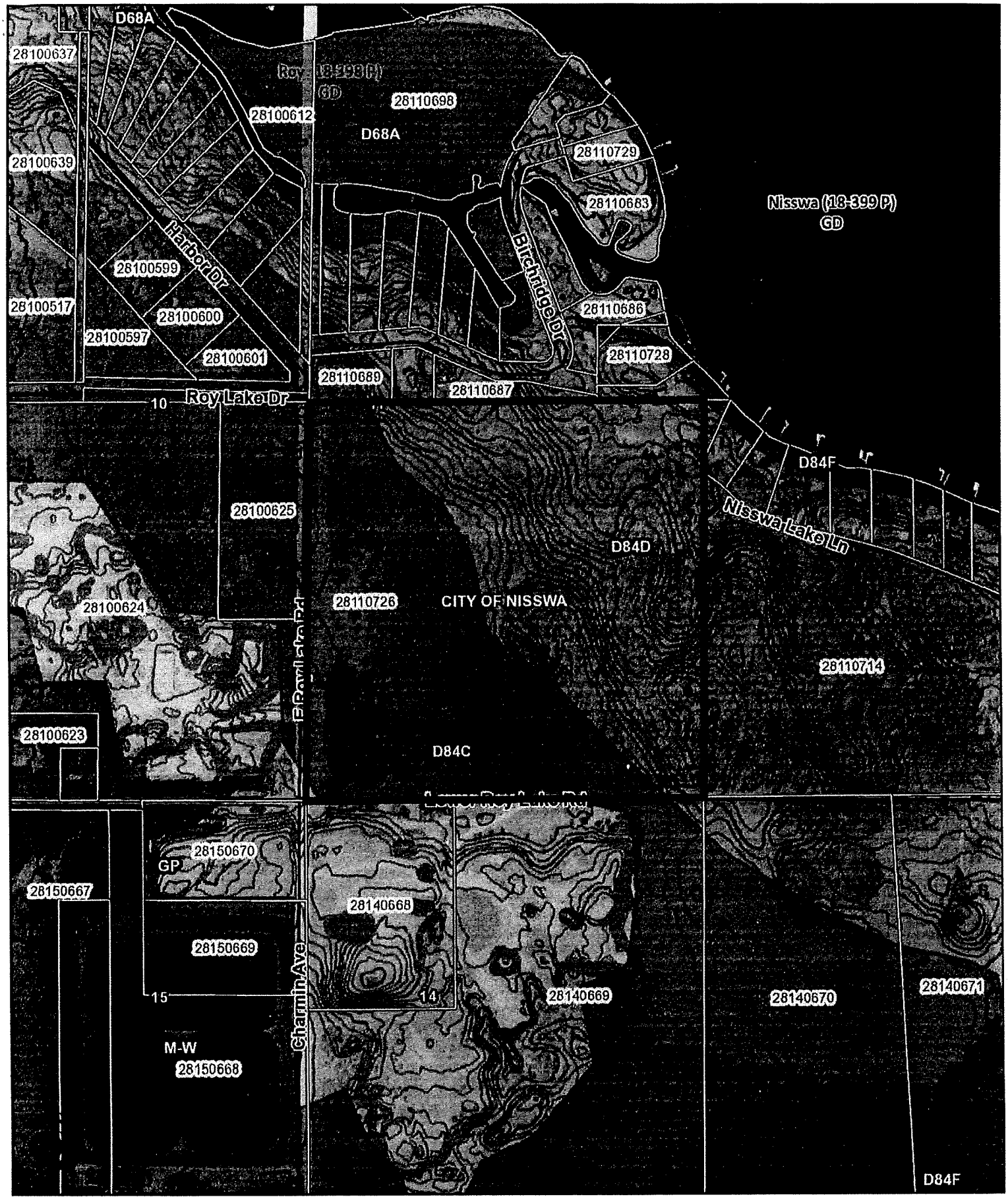
" I understand it is my responsibility to properly operate and maintain the sewage treatment system on this property, utilizing the Management Plan. If requirements in this Management Plan are not met, I will promptly notify the permitting authority and take necessary corrective actions. If I have a new system, I agree to adequately protect the reserve area for future use as a soil treatment system."

Property Owner Signature: _____ Date: _____

Designer Signature: Mark Joyce Date: _____

Permitting Authority Signature: _____ Date: _____

Cell: 218-820-2621



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Date: 5/3/2019 Time: 5:10:04 PM

CROW WING COUNTY MINNESOTA

Map Unit Description (MN)

Crow Wing County, Minnesota

[Data apply to the entire extent of the map unit within the survey area. Map unit and soil properties for a specific parcel of land may vary somewhat and should be determined by onsite investigation]

D84C--Eutrudepts-Graycalm-Rollins complex, 2 to 10 percent slopes

Eutrudepts, sandy

Extent: 15 to 50 percent of the unit
Landform(s): moraines on till plains
Slope gradient: 2 to 10 percent
Parent material: coarse-loamy glaciofluvial deposits over sandy outwash over coarse-loamy till
Restrictive feature(s): greater than 60 inches
Flooding: none
Ponding: none
Drainage class: moderately well drained

Soil loss tolerance (T factor): 5
Wind erodibility group (WEG): 5
Wind erodibility index (WEI): 56
Kw factor (surface layer) .32
Land capability, nonirrigated 3s
Hydric soil: no
Hydrologic group: C
Potential for frost action: low

Representative soil profile:	*Texture*	*Permeability*	*Available water capacity*	*pH*
A -- 0 to 3 in	Loam	moderate	0.63 to 0.69 in	4.5 to 5.5
Bw -- 3 to 10 in	Fine sandy loam	moderate	0.80 to 1.14 in	5.0 to 6.0
E -- 10 to 19 in	Fine sandy loam	moderately rapid	1.13 to 1.61 in	5.0 to 6.0
2E and Bt -- 19 to 55 in	Loamy sand	rapid	2.87 to 4.66 in	5.0 to 6.0
3C -- 55 to 79 in	Cobbly loamy sand	moderate	1.89 to 3.78 in	5.5 to 6.5

Graycalm

Extent: 18 to 30 percent of the unit
Landform(s): moraines on till plains
Slope gradient: 2 to 10 percent
Parent material: outwash
Restrictive feature(s): greater than 60 inches
Flooding: none
Ponding: none
Drainage class: somewhat excessively drained

Soil loss tolerance (T factor): 5
Wind erodibility group (WEG): 2
Wind erodibility index (WEI): 134
Kw factor (surface layer) .15
Land capability, nonirrigated 4s
Hydric soil: no
Hydrologic group: A
Potential for frost action: low

Representative soil profile:	*Texture*	*Permeability*	*Available water capacity*	*pH*
A -- 0 to 4 in	Loamy sand	rapid	0.35 to 0.43 in	4.5 to 5.5
Bw1 -- 4 to 20 in	Loamy sand	rapid	1.29 to 1.61 in	5.0 to 6.0
Bw2 -- 20 to 31 in	Sand	rapid	0.44 to 0.66 in	5.0 to 6.0
E and Bt -- 31 to 79 in	Sand	rapid	2.38 to 3.81 in	5.5 to 6.5

D84C--Eutrudepts-Graycalm-Rollins complex, 2 to 10 percent slopes

Eutrudepts, stratified

Extent: 15 to 22 percent of the unit
Landform(s): moraines on till plains
Slope gradient: 2 to 10 percent
Parent material: coarse-loamy glaciofluvial deposits over sandy outwash over coarse-loamy glaciofluvial deposits over sandy outwash over coarse-loamy subglacial till
Restrictive feature(s): greater than 60 inches
Flooding: none
Ponding: none
Drainage class: moderately well drained

Soil loss tolerance (T factor): 5
Wind erodibility group (WEG): 3
Wind erodibility index (WEI): 86
Kw factor (surface layer) .20
Land capability, nonirrigated 3s
Hydric soil: no
Hydrologic group: B
Potential for frost action: low

Representative soil profile:	*Texture*	*Permeability*	*Available water capacity*	*pH*
A -- 0 to 7 in	Sandy loam	moderately rapid	0.74 to 1.07 in	4.5 to 5.5
Bw1 -- 7 to 13 in	Sandy loam	moderately rapid	0.65 to 0.77 in	5.0 to 6.0
2Bw2 -- 13 to 34 in	Gravelly loamy sand	rapid	1.06 to 2.34 in	5.0 to 6.0
3Bw3 -- 34 to 41 in	Loam	moderately rapid	0.74 to 1.07 in	5.0 to 6.0
4Bw4 -- 41 to 50 in	Sand	rapid	0.49 to 1.08 in	5.0 to 6.0
5C -- 50 to 79 in	Sandy loam	moderately rapid	3.12 to 3.69 in	5.5 to 6.5

Map Unit Description (MN)

Crow Wing County, Minnesota

D84C--Eutrudepts-Graycalm-Rollins complex, 2 to 10 percent slopes

Rollins

Extent: 15 to 23 percent of the unit
Landform(s): moraines on till plains
Slope gradient: 2 to 10 percent
Parent material: coarse-loamy drift over sandy and gravelly outwash
Restrictive feature(s): greater than 60 inches
Flooding: none
Ponding: none
Drainage class: somewhat excessively drained

Soil loss tolerance (T factor): 2
Wind erodibility group (WEG): 3
Wind erodibility index (WEI): 86
Kw factor (surface layer) .24
Land capability, nonirrigated 6s
Hydric soil: no
Hydrologic group: A
Potential for frost action: low

Representative soil profile:	*Texture*	*Permeability*	*Available water capacity*	*pH*
A -- 0 to 5 in	Sandy loam	moderately rapid	0.56 to 0.67 in	5.1 to 6.5
Bw -- 5 to 14 in	Gravelly sandy loam	moderately rapid	0.91 to 1.09 in	5.1 to 6.5
2C -- 14 to 79 in	Extremely gravelly sand	very rapid	1.29 to 3.87 in	5.6 to 6.5

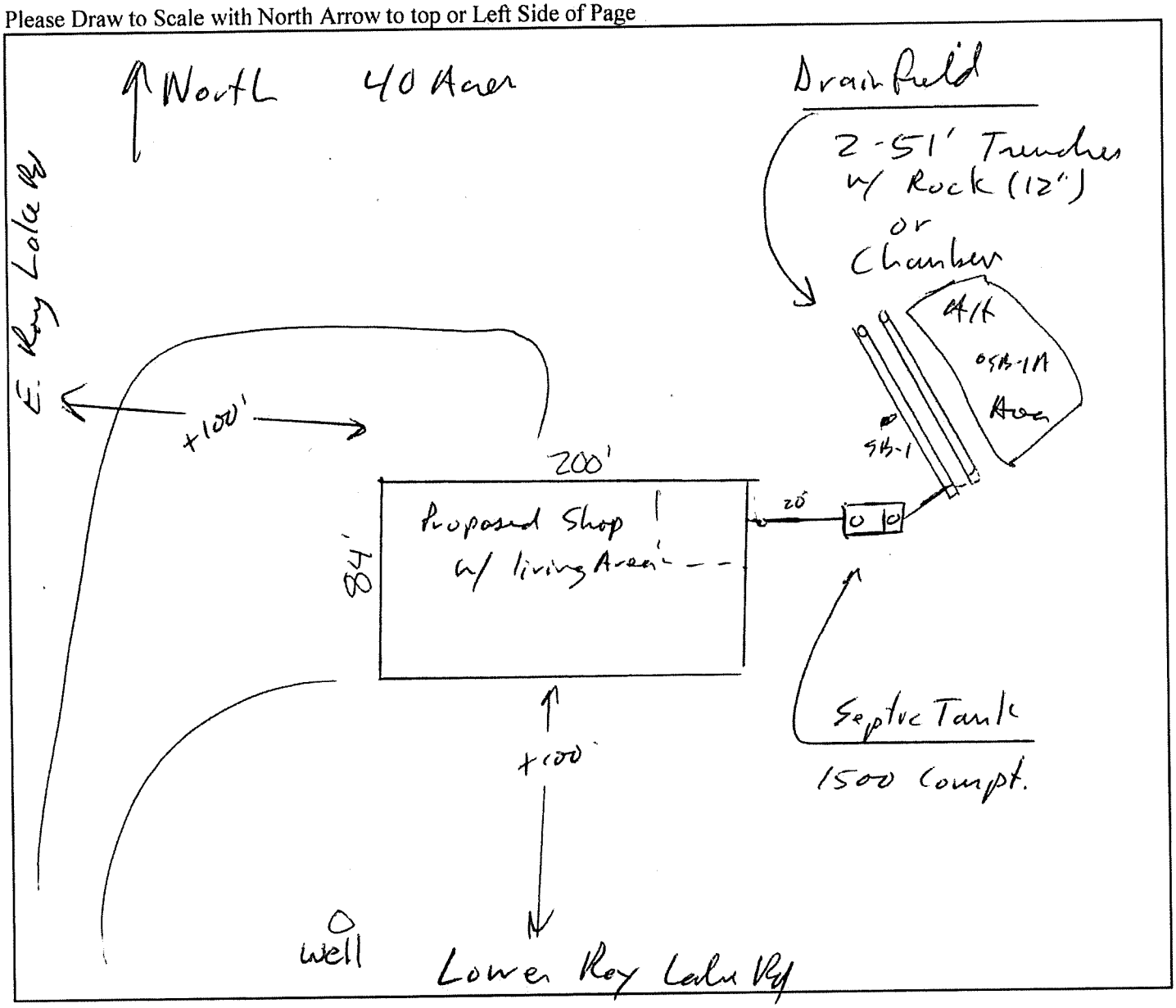
This report provides a semitabular listing of some soil and site properties and interpretations that are valuable in communicating the concept of a map unit. The report also provides easy access to the commonly used conservation planning information in one place. The major soil components in each map unit are displayed. Minor components may be displayed if they are included in the database and are selected at the time the report is generated.

Crow Wing/Cass County Trench/Pressure Bed Design

28/10726
280-113-300-000-089
Property Owner: Joe & Sonja Hall

Date: 5/1/2019

Please Draw to Scale with North Arrow to top or Left Side of Page



Please show all that apply (Existing or Proposed):

Wells within 100 ft. of a Drainfield	Disturbed/Compacted Areas	Access Route for Tank Maintenance
Water lines within 10 ft. of a Drainfield	Component Location	Property Lines
Drainfield Areas	OHW	Structures
Boring Locations	Lot Easements	Setbacks

Elevations:

Benchmark Elevation:
Elevation of Sewer Line at House:
Tank Inlet Elevation:
Drainfield Elevation:

Pump Elevation:
Pump Discharge Elevation:
Restricting Layer Elevation:

Designer Signature: Mark Gross

License Number: L2129

Date: 5/1/2019

CITY OF NISSWA

Copy

P.O. Box 410 • Nisswa, MN 56468

218-963-4444
Fax 218-963-3108
Web Site: cityofnisswa.com

September 23, 2019

Joseph Hall
PO Box 421
Nisswa, MN 56468

RE: Nuisance storage and zoning

Mr. Hall:

The city has received reports of potential violation(s) regarding the storage of a garbage container not being stored properly at 4600 Lower Roy Lake Rd. 4.8.7 of the city code states, "All waste materials, debris, refuse or garbage shall be kept in an enclosed building or enclosed within a container. Said container shall be completely screened by a wall or equivalent visual screen. Said screen or enclosed building shall be architecturally compatible with the principal building it serves."

Reports have also been received in regards to the use of your property located at 4600 Lower Roy Lake Rd being used as a commercial property. The subject property is zoned for "Open Space Residential" and cannot be used for commercial purposes.

Please contact me upon receipt of this letter to discussion this matter. I can be reached at (218) 963-4444 or zoningadmin@ci.nisswa.mn.us.

Sincerely,

Brittney Cotner
Planning and Zoning Administrator

Cc: Planning Commission

CITY OF NISSWA
P.O. Box 410 • Nisswa, MN 56468
218-963-4444
Fax 218-963-3108
Web Site: cityofnisswa.com

September 30, 2019

Joseph Hall
PO Box 421
Nisswa, MN 56468

RE: Nuisance storage and zoning

Mr. Hall:

This is a follow up in regards to the previous letter sent 09/23/19. The city code requires that all garbage cans be brought onto the homeowner's property after pick up and be stored where they are not visible from the road. In your conversation with Jenny Max you had indicated it was a roll off for construction. The concern was with the black garbage bins located at the end of the driveway at 4600 Lower Roy Lake Rd. The roll off is considered to be part of your construction and is not a violation.

Per your conversation with Jenny Max on September 20, 2019, you indicated that you are using your business trucks to build your house. The City has no concerns with that activity at this time. It is your responsibility to ensure that E. Roy Lake Road remains clean and that no debris or mud is dragged onto the road from your property. The City does expect the activity from your commercial trucks at this property to end upon the completion of your house.

Please contact me if you have any questions or concerns. I can be reached at (218) 963-4444 or zoningadmin@ci.nisswa.mn.us.

Sincerely,

Brittney Cotner
Planning and Zoning Administrator

Cc: Planning Commission

MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, NOVEMBER 5, 2019, 6:00 PM

Members Present: Don Jacobson, Anne Laufman, Josh Young, Bob Fier, Gary Harris
Members Absent: None
Others Present: Dave Reese, WSN
Staff Present: Brittney Cotner, Maggi Wentler

1. **Call To Order**
2. **Meeting Roll Call**
3. **Onsite Visits: None**
4. **Additions & Deletions from the agenda**
5. **Approve Minutes:**
   a. October 1, 2019 Regular Scheduled Meeting Minutes
6. **Open Forum:**
   a. Mark Ronnei
   b. Kurt Hansen
7. **Public Hearings: None**
8. **New Business:**
   a. Road Vacation for Julie Johnson
   b. Sketch Plan Review for Jim Kramer
   c. Metes and Bounds Subdivision Application for Joe Hall
   d. Meeting Schedule for 2020
   e. Commercial Storage Unit Language Discussion
9. **Old Business: None**
10. **Planning & Zoning Administrator's Report**
    a. Permits Approved
    b. Violations List
    c. Correspondences
11. **Commissioners Questions/Comments**
12. **Adjourn**

MEETING MINUTES FROM OCTOBER 1, 2019

1. **Call to Order:** Laufman calls the meeting to order 5:59 pm.

2. **Meeting Roll Call: 6:00 pm**

3. **Onsite Visits: None**

4. **Additions & Deletions from the agenda**

   MOTION: Harris approved the agenda as presented, seconded by Young. All members voting "Aye", motion carries.

5. **Approval of Minutes:**

   a. **October 1, 2019 Regular Scheduled Meeting Minutes:**

      MOTION: Jacobson motioned to approve the October 1, 2019 minutes as presented, Young seconded. All members voting "Aye", motion carries.

6. **Open Forum:**

   a. **Mark Ronnei – Grand View Lodge:** Ronnei stated he apologizes for the building going up on the horseshoe he just pulled a permit for. The contractor started building the new structure too close to the property line. This was a contractor error and they will be tearing down the foundation and moving the building to its correct location.

   b. **Kurt Hansen:** Hansen stated he purchased a house at 26527 East Cullen Lake Road back in 2014. He has corrected many drainage problems this property had. The house currently sits 30 feet from the lake. The current structure is about 1800 square feet in size. He is here today to see how the commission feels about approving them to add a second story onto the current structure. Their family is getting bigger and they would like additional room for them. Cotner stated that our code states that no additions are to be built for any structure less than 50 feet from the water. Fier asked what the height would be for the proposed structure. Hansen stated it would be less than 25 feet. Harris stated a variance would be required. Laufman stated she is currently not in favor of this addition as this is already a nonconforming structure, and the variance is already large. Hansen stated if he moves the structure back 75 feet there would be a lot of damage to the property and he would need to cut down 2-3 trees, the septic would need to be modified, the garage would need to be removed, and they would also need to remove a ton of concrete. Jacobson stated he would not be in favor of this variance due to the magnitude of the variance needed.

7. Public Hearings: None

8. New Business

a. Road Vacation for Julie Johnson – Julie Johnson, present

Cotner read her staff report in for the record.

Johnson noted that the landlocked property (Parcel ID# 28020541) shown in the packet is not landlocked. This property owner has an easement for their driveway. Cotner stated there is currently an easement, but if this road vacation is approved this property owner would need to get a different easement. The property owner of parcel ID#2802562 would need to do something with the shed they have in the road right of way.

Brad Meinke (audience) stated he owns three properties on the Poplar Ave. side. This abandoned road layout was created in 1913 and has not been developed in all of these years. He stated that the Public Works Committee agreed with this vacation as long as there was a utility easement in place. He would like to see the Planning Commission common sense to prevail. Cotner noted that the Public Works Committee approved before the City Attorney responded. Johnson stated there is no reason for this road to ever be built. Harris stated his largest concern is that we would be land locking a property, even though they have an easement. He would like to research more and get legal information.

Cotner wanted to note that if this is approved the property owners/applicant will be responsible to have new surveys and lot descriptions completed and any legal expenses will be at the cost of them. Johnson noted she was unaware of this and most likely each property owner would pay.

Young questioned if the property owner of parcel # 28020562 have been talked to and if they are in favor of this. Johnson stated she has been in communication with them and they are in favor of this road vacation. Harris questioned if the property owner of parcel ID #28020541, the land locked property, has been talked with. Julie stated she spoke with the owner recently and they are ok with this.

Motion: Jacobson motioned to recommend to the City Council approval of this Road Vacation subject to the attorney review, and the below concerns that the Planning Commission has:

1. The city will not be vacating any portion of Birch Avenue.
2. The issue with parcel# 28020541 being land locked if this road vacation is approved shall be worked out by the property owners and City Attorney.
3. That the council review and consider the opposed letter from Dar Swedberg at 26126 Birch Ave.
4. The original plat width is to be divided equally among the adjacent property owners.
5. All fees and expenses occurred from this road vacation, including legal fees, surveys, and any other fees occurred in this process will be divided equally among all benefitting property owners.

6. The shed on parcel #28020562 will need to be rectified before any road vacation will be approved.

Seconded by Laufman. All members voting "Aye", motion carries.

b. Sketch Plan Review for Jim Kramer – Leila Janes assistant of property owner Shawn Fletcher present

Cotner noted that Crow Wing County has a discrepancy with the legal description due to the boot shape in the south/east corner of the property near Nashway Road. She also has concerns that clear cutting has already taken place and that a class 5 road has already been put in. Jacobson questioned if a permit was pulled for the concrete pad they have poured already. Cotner stated there has been no permits pulled for this or anything for this property. Harris questioned who the owner of the property is, as the applicant's name shows Jim Kramer. Janes stated that Shawn Fletcher purchased the property on July 24, 2019. Harris questioned if the road going through the property would be a private or public road. Janes states she was unsure. Cotner stated that if the road will be public it must be built to city standards. Jacobson stated on the diagram provided in the packet the road is shown on the west side of the property, and the road they have built currently on the property looks to be on the east side. Jacobson noted that a ton of trees have already been taken down recently and a ton of fill has been brought in. Laufman suggests that we serve them with cease and desist to stop any further work to be done on this property until it is actually approved. Cotner will do this tomorrow. Harris stated this is a feasible plan, but there will be many documents needed for the preliminary plan. Young stated wetland delineation will be required. Jacobson believes that the wetland area has already been filled. Reese noted that the window to have wetland delineation is closing for the season. He stated this could delay the process until spring if not done soon.

c. Metes and Bounds Subdivision Application for Joe Hall – Joe Hall, present

Cotner read her staff report in for the record.

Hall stated he has received a permit for the house already and part of the equipment out on the property is for moving things for the new house. Laufman questioned what Hall's plan is for Tract B. Hall stated he has no plans at this time. Laufman questioned what the gray area on the survey is that is labeled "landscaping stockpile". Hall stated it is top soil moved for the building. Jacobson stated there is a large pad is being constructed, what is this for. Hall stated for his house and driveway. Cotner stated the house size is 200 feet x 84 feet. Jacobson stated this is a large house and to note that the zoning is Open Space Residential and no commercial operation can take place on this property. Laufman questioned if Hall would be leaving the large berm created on Tract A. Hall stated he will be moving back after the building is completed.

Laufman questioned whose boat lifts are on the property. Hall stated they are his personal boat lifts that he stores there during the off season. They are only 2 lifts. Young questioned what the citizen complaints have been. Cotner stated the city has received numerous complaints in regards to mass storages of landscaping materials, their garbage can is left at the road for weeks at a time, and the continuing traffic in and out of the property. Hall stated the pallets of materials are for this property development. Cotner noted she believed there to be 80 pallets when she would went by the property today. Hall stated that the trucks coming in and out are working on the property. Laufman would like to table this to allow more time to get more information and details on these violations. Harris believes when the house is completed there will be no trucks coming in and out. Hall stated except for his personal truck and normal use. Hall stated this will be a rental home plus garage, office, attached garage and cold storage. Jacobson would also like to table until next month to resolve the issues.

Motion: Harris motioned to approve this Metes and Bounds application located at 4600 Lower Roy Lake Road to subdivide a 219,000 square foot (Tract A) parcel from a 40.62 acre tract with the following conditions:

1. No commercial activity shall take place on the subject properties; Tract A and Tract B.
2. No external bulk storage of products may be stored on the subject properties; Tract A and Tract B.
3. Any commercial use would require the property to be rezoned.

Seconded by Jacobson. All members voting "Aye", except Jacobson and Laufman voting "Nay", motion carries.

d. Meeting Schedule for 2020

Cotner provided the proposed 2020 planning commission schedule. She noted that March 3 and November 3 are election days and these meeting dates will need to be rescheduled for a different day. Commission agrees to move to the following weeks; March 10, and November 10.

Motion: Jacobson motioned to approve the 2020 planning commission meeting schedule with the amended dates in March and November, seconded by Laufman. All members voting "Aye", motion carries.

e. Commercial Storage Unit Language Discussion

Cotner stated she was unable to find anything concrete from surrounding cities on their policies. Jacobson provided some draft language for everyone to look at. Cotner would like some feedback on important issues to cover when creating a policy. Laufman would like to see storage units not in the main corridors; County Road 13/77 and Highway 371. Young would like to see more language with screening requirements. Fier suggested limiting 1 storage unit every 4 mile radius from one another. Or limit the total square feet per

unit. Jacobson suggested maybe we limit the amount of storage units in the city limits of Nisswa. Cotner would like the commission to email her any thoughts. She will reach out to the Chamber and a few businesses and come back next month with a draft policy.

7. Old Business: None

8. Planning & Zoning Administrator's Report

a. Permits Approved

b. Violations List

Cotner went through the list of violations and updates. She noted that Honer Excavating will be coming in for an Interim Use Permit. We can put on an expiration date of when the business sells or moves.

Cotner would like some direction from the commission on the Hohldahl property. Would the commission like to have Hohldahl move the structure or we can let this one go and put a memo in the property folder stating we know this structure is in violation, but will not make them move the structure at this time, but may require the discussion to be opened again if they decide to build anything else on the property.

c. Correspondences

9. Commissioners Questions/Comments

Laufman questioned if Cotner found any information in regards to the cabin at Good Ol Days requiring them to remove the cabin. Cotner stated that cabin can stay until the next 2 units are built. She will be reaching out to them as well.

Jacobson questioned if there has been any update on the cell tower. Cotner stated that the City Administrator/Clerk is working on this.

Jacobson questioned if we have received any applications for the commission. Cotner stated we have received 2 applications so far. She and Laufman will be meeting to interview and make a recommendation to the City Council for approval.

Cotner noted that she provided and updated zoning map in the commission packets for the members.

10. Adjourn

Motion: Laufman motioned to adjourn the November 5, 2019 meeting at 7:57 pm, seconded by Harris. All members voting "Aye", motion carries

Respectfully submitted,

_____

Maggi Wentler, Deputy City Clerk

CITY OF NISSWA

To:	**City Council**
Prepared by:	**Steven Timblin, City Planner**
Date:	**May 19, 2026**
Item:	**Grand View Lodge – Woodward Avenue Access**

Action Requested: Consideration to issue provisional approval for structural placement as previously last year, subject to concurrent submission of application materials for zoning approval, as well as for signs/barricades speaking to parking and access to be permissible and handled through Public Works/Public Safety, thereby exempted from sign permitting requirements.

Background:
Following a chance to review the proceedings from May 12th's City Council Special Meeting, I understood that a committee was thereby established to bring forward a solution to council at this week's regular meeting.

I brought some ideas forward with Maggi Wentler and Tom Pearson that would provide possible paths forward towards resolution, to the result of one which we now nominate to you all that may provide the win-win everyone is looking for. As the City Council is also receiving recommendation from the PCBOA to adopt the proposed ordinance revisions this week, it should be noted that these changes provide significant flexibility in relation to this topic, if adoption is approved by Council.

As such, it is our recommendation given the consensus that structural placement as proposed may be mutually reasonable to all parties – neighboring owners, Grand View Lodge, City Council and City Staff alike, that this task force mutually request consideration from Council to issue provisional approval for placement, allowing Grand View Lodge to onset their structural placement next day, subject to submission of application materials required for zoning approval. We believe that if the consensus above is held by Council, such approval preserves due process as best as possible without delaying placement while allowing a properly noticed public hearing to occur at the Planning Commission with final authority to be rendered by City Council due to circumstantial placement within the right of way. This idea was brought forward to the task force via email on May 13th, to Grand View Lodge's appreciation of this proposed option.

Budget Impact: N/A

Attachments: Email Thread Re: GVL Task Force – Recommendation of Solution to City Council May 19th

Steven Timblin

From: Steven Timblin
Sent: Thursday, May 14, 2026 10:00 AM
To: Dawn Southworth
Cc: Tom Pearson; Maggi Wentler; Joe Hall; Jennifer Carnahan; Tom Blomer
Subject: RE: GVL Task Force - Recommendation of Solution to City Council May 19th
Attachments: IUP Application 2026.pdf

Good morning Dawn,

I've noted some guidance to your questions below in green.

Additionally, I want to extend my availability to everyone as we proceed. I remain available if you wish leading up to next Tuesday, with scattered appointments today, tomorrow and Monday. Coming out of next weeks City Council meeting, I currently have wide-open availability Wednesday and Thursday if you'd like to debrief from the meeting on next steps.

If you are open to this solution, I will immediately draft the RCA (Request for Council Action) for consideration of this provisional approval, and we can proceed from there as depicted below.

Kind regards,
Steven

Steven Timblin – City Planner

CITY OF NISSWA
PO Box 410 Nisswa, MN 56468
Direct: **218-961-4243**
Main: 218-963-4444
Fax: 218-963-3108
stimblin@cityofnisswa.gov
www.cityofnisswa.gov

City Hall Hours: Monday – Thursday 8:00am – 4:30pm Fridays 8:00am – 12:00pm

---

From: Dawn Southworth <Dawn.Southworth@grandviewlodge.com>
Sent: Wednesday, May 13, 2026 5:02 PM
To: Steven Timblin <stimblin@cityofnisswa.gov>
Cc: Tom Pearson <tpearson@gqlaw.net>; Maggi Wentler <maggi@cityofnisswa.gov>; Joe Hall <jhall@cityofnisswa.gov>; Jennifer Carnahan <jcarnahan@cityofnisswa.gov>; Tom Blomer <tblomer@cityofnisswa.gov>
Subject: Re: GVL Task Force - Recommendation of Solution to City Council May 19th

Good afternoon Steven,

Thank you for taking the time to review the proceedings from yesterday's City Council Special Meeting and for bringing forward a potential path that may allow all parties to move toward resolution.

Grand View is grateful for the option outlined below. This seems to be a more structured and transparent approach versus putting the City in a position where an exception is being made without a clear process or documented rationale.

I do have a couple of questions as we better understand the process and next steps:

1. Would this approach still include the movable barricades that could be shifted as needed, as well as the signage that was discussed last night?

This may be something that could exacerbate ongoing relations if such placement is done exclusively by Grand View Lodge. For platting dedication language such as "… we hereby donate and dedicate to the public use forever…", the City holds those lands in trust for the public giving the City authority over development and use. In short, administration and enforcement of this corridor should be the responsibility of the city, providing insulation to Grand View Lodge relating to claims of exclusivity. There is structured language in Chapter 20 related to signage, exempting signs "…placed by the city, county or state to relate the laws or ordinances" from permitting requirements. Such signs or barricades as discussed, and their related process for placement, could be handled through Public Works/Public Safety, would not have direct crossover to my department, and could be incorporated into this request for council action and motion.

2. Can you please share the steps the property would need to take to complete the IUP process? Also, is there enough time to complete what is needed in advance of the next Planning and Zoning Committee meeting?

The first step would be to commission the certificate of survey depicting the specific structural placement that will become the eventual site plan moving into the permit issuance phase following approval by the PCBOA. The interim use permit pathway involves public hearing and follows the submission deadline requirements on the 2026 calendar (link). The date we are currently working towards for a complete application is June 12th for public hearing on July 7th. The IUP application is attached, and I want to note that we could meet at any time to review the survey and application checklist. This process helps build the legislative record that creates defensibility for both the City and the applicant through approval associated with findings of fact and potential conditions, and it is imperative to follow due process. Some of the items on the checklist may not be relevant to this specific proposal, such as existing/proposed septic and wells, and your surveyor may contact me to discuss waiver of some of these. If your survey identifies a need for a variance, we can simply hold that hearing establishing related findings of fact at the same date as the IUP. However, lets start with the survey, then coordinate a meeting so as to not get ahead of ourselves. My immediate availability is listed above.

Overall, Grand View appreciates the proposed option and the thoughtful consideration being given to this matter. We look forward to any further insight you can provide on the questions above.

Thank you,

Dawn Southworth
Managing Director

O: 218-967-8671 Ext. 1671
Dawn.Southworth@grandviewlodge.com
https://www.grandviewlodge.com/

23521 Nokomis Ave
Nisswa, MN, 56468

Reservations: 866-801-2951

GRAND VIEW
- LODGE -
NISSWA · MINNESOTA

From: Steven Timblin <stimblin@cityofnisswa.gov>
Sent: Wednesday, May 13, 2026 3:34 PM
To: Maggi Wentler <maggi@cityofnisswa.gov>; Tom Blomer <tblomer@cityofnisswa.gov>; Tom Pearson <tpearson@gqlaw.net>; Jennifer Carnahan <jcarnahan@cityofnisswa.gov>; Joe Hall <jhall@cityofnisswa.gov>; Dawn Southworth <Dawn.Southworth@grandviewlodge.com>
Subject: GVL Task Force - Recommendation of Solution to City Council May 19th

Good afternoon,

I've had a chance to review the proceedings from yesterday's City Council Special Meeting. I understand that a committee is thereby established to bring forward a solution to council at next weeks regular meeting.

I brought some ideas forward with Maggi Wentler and Tom Pearson that would provide possible paths forward towards resolution, to the result of one which I now nominate to you all that may provide the win-win everyone is looking for. As the City Council is also receiving recommendation from the PCBOA to adopt the proposed ordinance revisions next week, it should be noted that these changes provide significant flexibility in relation to this topic, if adoption is approved by Council.

As such, it is my recommendation given the consensus that structural placement as proposed may be mutually reasonable to all parties – neighboring owners, Grand View Lodge, City Council and City Staff alike, that at next weeks regular meeting of Council, this task force mutually request consideration from Council to issue provisional approval for placement at next week's meeting, allowing Grand View Lodge to onset their structural placement next day, subject to submission of application materials required for zoning approval. I believe that if the consensus above is held by Council, such approval preserves due process as best as possible without delaying placement while allowing a properly noticed public hearing to occur at the Planning Commission with final authority to be rendered by City Council due to circumstantial placement within the right of way.

Mayor Carnahan has provided availability to me which I have forwarded to Maggi Wentler for further scheduling of a sit-down meeting, if required.

Alternatively, if my proposal above seems reasonable to the members of this task force, I could simply draft a memo outlining such recommendation/request to include in the Council packet, without delay.

Best regards,
Steven

Steven Timblin – City Planner

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Fax (218) 824-8545

GAMMELLO-PEARSON, PLLC

Memo

To: Nisswa City Council and Maggi Wentler

cc: Andy Schaefer

From: Tom Pearson

Date: May 13, 2026

Re: Spirits Building Lease

Dear City Council –

Since the last City Council Meeting, the Liquor Committee has met two times with Andy Schaefer. The first time on April 29, 2026 and the second time on May 13, 2026, to discuss lease issues. The Liquor Committee has come up with two concepts, working with Andy, to propose to the City Council. Prior to discussing that, here are background points:

1. The City initially entered into a lease with Schaefers for the Spirits building in 2002, a 15 year lease. That lease contained the City's unilateral right to exercise three separate 5-year extensions, the first to occur in March of 2017, the second extension in 2022 and the third extension in 2027. The new lease price for each extension is determined by applying a CPI Indexing calculation.

2. The City exercised its right of the first extension in 2017. The City exercised its second right to an extension in 2022. The City has a right for a third and final extension in 2027.

3. At the April 29th Liquor Committee meeting and again at the May 13th meeting, concepts were discussed among the group to resolve current lease issues, deal with further extensions and also resolve the situation involving the new loading dock and the City's lease rights of access to that loading dock.

4. A few options were discussed to resolve this matter with Schaefers:

   Option #1: On a CPI calculation done by Schaefers and also one done by the City there was a variation in the results of those CPI calculations with Schaefers coming up with a CPI indexed new lease rate of $22.00 per square foot and the City coming up with a CPI indexed increase to $20.00 per square foot. The concept discussed among the group was to meet in the middle of those two figures at $21.00 per square foot. This $21.00 per square foot lease rate would

begin immediately through the rest of the term of this second extension and continuing through the third and final extension, which would end in 2032.

Option #2: The group discussed re-writing the second extension the City is in the middle of now and having it begin in 2026 and extending through 2031 at $21.00 per square foot. Then, in 2031 when the third extension is available to the City it would trigger a new CPI index calculation to determine a lease rate and that lease rate would continue through 2036. In this scenario, the City gets a brand new second extension, effectively adding four years to the term of the existing lease.

With both options 1 and 2, as I said, Schaefers would agree that the Spirits lease space will have access to the new loading dock in the Spirits extension through the back hallway to the current lease space.

Option #3: Leave the lease as is, make no amendments to the current lease or extensions and Spirits will simply take their deliveries through the front door. There are other implications possible in this scenario, as well.

The Liquor Committee seemed to favor the concept of Option #2 and I believe it would make that recommendation to the City Council.

This concludes my report on these recent Liquor Committee meetings concerning the Spirits lease.

Sincerely yours,

Tom Pearson

CITY OF NISSWA

To: **City Council**

Prepared by: **Steven Timblin, City Planner**

Date: **May 19, 2026**

Item: **Schaefer's Sign Proposal**

Action Requested: Andy has provided a survey depicting and proposing a freestanding dynamic display sign placement within the right of way area of Smiley Rd (see attached). Andy is requesting that concurrently with application for the CUP required for dynamic display signs, that this be placed on the agenda for City Council on May 19th for an earlier indication as to whether an agreement for RoW placement is possible

Background:
Signs are prohibited within the city right of way in Nisswa's Code, Chapter 20. With right of way encroachment proposed, there must be review and approval by City Council with Public Works/Engineering/Legal and possible conditions such as:

1. Execution of Agreement – the applicant shall enter into an encroachment or license agreement approved by the City Attorney
2. Insurance and Indemnification – the agreement shall include provisions for insurance, indemnification, and defense of the City
3. Maintenance and Control – the applicant shall be responsible for all maintenance, repair, and replacement of the sign
4. Removal/Relocation Clause – the City reserves the right to require removal or relocation of the sign at the property owners' expense for:
    a. Public improvements
    b. Safety concerns
    c. Utility access
5. Engineering Compliance – final placement is subject to approval by the City Engineer.

My understanding is that if Council does not feel comfortable with this, then the CUP application will be withdrawn or amended to place the sign outside the RoW.

It has been my recommendation to avoid placement within the RoW, however, if the applicant chooses to formally pursue this proposal, a pathway of review (if approvals/recommendations for are rendered) may be structured as follows:

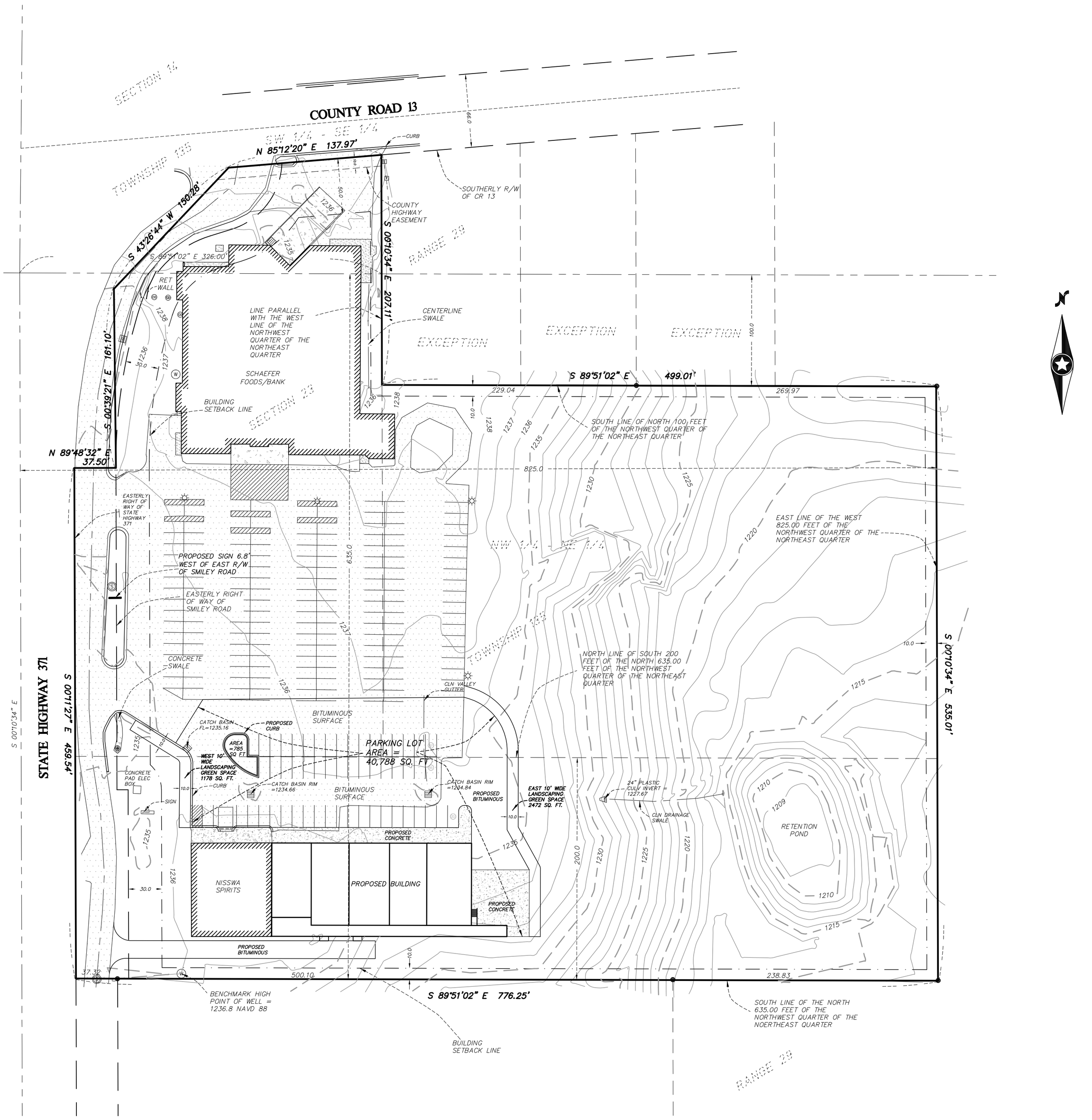
CUP Application Submission deadline May 8th for Public Hearing June 2nd → City Council May 19th → PCBOA Public Hearing June 2nd (recommendation to CC rather than final approval due to circumstances) → City Council June 16th (Two part actions: CUP Final Review + Right of Way Authorization) → Execution of conditions for approval → Permit application

Budget Impact: N/A

Attachments: Certificate of Survey dated 12/30/2024 (Revised 4/29/2026 to add sign), Sign renderings

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Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance



LEGAL DESCRIPTION:

That part of the Southwest Quarter of the Southeast Quarter, Section 14, Township 135 North, Range 29 West, Crow Wing County, Minnesota lying Southerly of the Southerly right of way line of County State Aid Highway Number 13, lying Easterly of the Easterly right of way line of State Trunk Highway 371 and lying Westerly of the following described line: Commencing at the Southwest corner of said Southwest Quarter of the Southeast Quarter; thence Easterly along the South line thereof 326.00 feet to the point of beginning of the line to be herein described; thence Northerly parallel with the West line of the Northwest Quarter of the Northeast Quarter, Section 23, said township to the centerline of County State Aid Highway Number 13 and said line there terminating.

AND

The North 635.00 feet of the West 825.00 feet of the Northwest Quarter of the Northeast Quarter, Section 23, Township 135 North, Range 29 West, Crow Wing County, Minnesota except the North 100 feet thereof lying Easterly of the following described line: Commencing at the Northwest Corner of said Northwest Quarter of the Northeast Quarter; thence Easterly along the North line thereof 326.00 feet to the point of beginning of the line to be herein described; thence Southerly parallel with the West line of said Northwest Quarter of the Northeast Quarter to the South line of the said North 100.00 feet and said line there terminating.

Subject to County State Aid Highway Number 13 right of way.
Subject to State Trunk Highway Number 371 right of way.
Subject to City of Nisswa Road right of way

GENERAL NOTES

1. *No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.*
2. *Bearings shown are based upon the Crow Wing County Coordinate System.*
3. *The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.*
4. *No wetlands were delineated as a part of this survey.*
5. *Total area of subject property: 10.43 Acres.*
6. *The contours are based on NAVD 88.*
7. *The property is currently zoned Highway Business.*
8. *All setbacks to be verified by the City of Nisswa, prior to any new construction.*
9. *The south 200 feet of subject property is under lease by the City of Nisswa.*
10. *The Subject PID's are 28230559, 28230560, 28230561.*

LEGEND

- *DENOTES FOUND MONUMENT*
- *DENOTES SANITARY MANHOLE*
- *DENOTES STREET LITE*
- *DENOTES TELEPHONE BOX*
- *DENOTES POWER POLE*
- *DENOTES SEWER CLEANOUT*
- *DENOTES CATCH BASIN*

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.

Terry T. Strus

Terry T. Strus
Date: 12/30/24 License No. 50319

EXISTING CALCULATION DOES NOT INCLUDE SMILEY ROAD

EXISTING IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS
BUILDINGS	36,247	454,732	7.97%
GRAVEL	4,120	454,732	0.91%
BITUMINOUS	98,255	454,732	21.61%
CONCRETE	3,397	454,732	0.75%
TOTAL	142,019	454,732	31.23%

PROPOSED IMPERVIOUS CALCULATIONS			
EXISTING/PROPOSED	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS
BUILDINGS	51,687	454,732	11.37%
GRAVEL	0	454,732	0.00%
BITUMINOUS	110,708	454,732	24.35%
CONCRETE	8,945	454,732	1.97%
TOTAL	171,340	454,732	37.68%

PARKING LOT GREEN SPACE CALCULATIONS

PARKING / GREEN SPACE CALCULATIONS			
PROPOSED	AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT
CURB ISLAND	785	40,788	1.92%
WEST GREEN SPACE	1,178	40,788	2.89%
EAST GREEN SPACE	2,472	40,788	6.06%
TOTAL	4,435	454,732	10.87%

Date: 12/30/24
24-325 NISSWA SPIRITS.DWG

Lakes Area SURVEYING LLC.
4962 Commons Dr. Unit E-2
Nisswa, MN 56468
Office (218) 961-0090

Revisions:
9/22/25 PARKING GREEN SPACE
4/29/26 ADDED SIGN

Crew: EAN/TTS
Checked: PDH
Drawn: TTS
Record Drawing by/date:

Prepared for:
NISSWA SPIRITS
23692 SMILEY ROAD
NISSWA, MN 56468

PART OF THE NW1/4-NE1/4 SECTION 23, TOWNSHIP 135, RANGE 29
Crow Wing County, Minnesota

CERTIFICATE OF SURVEY

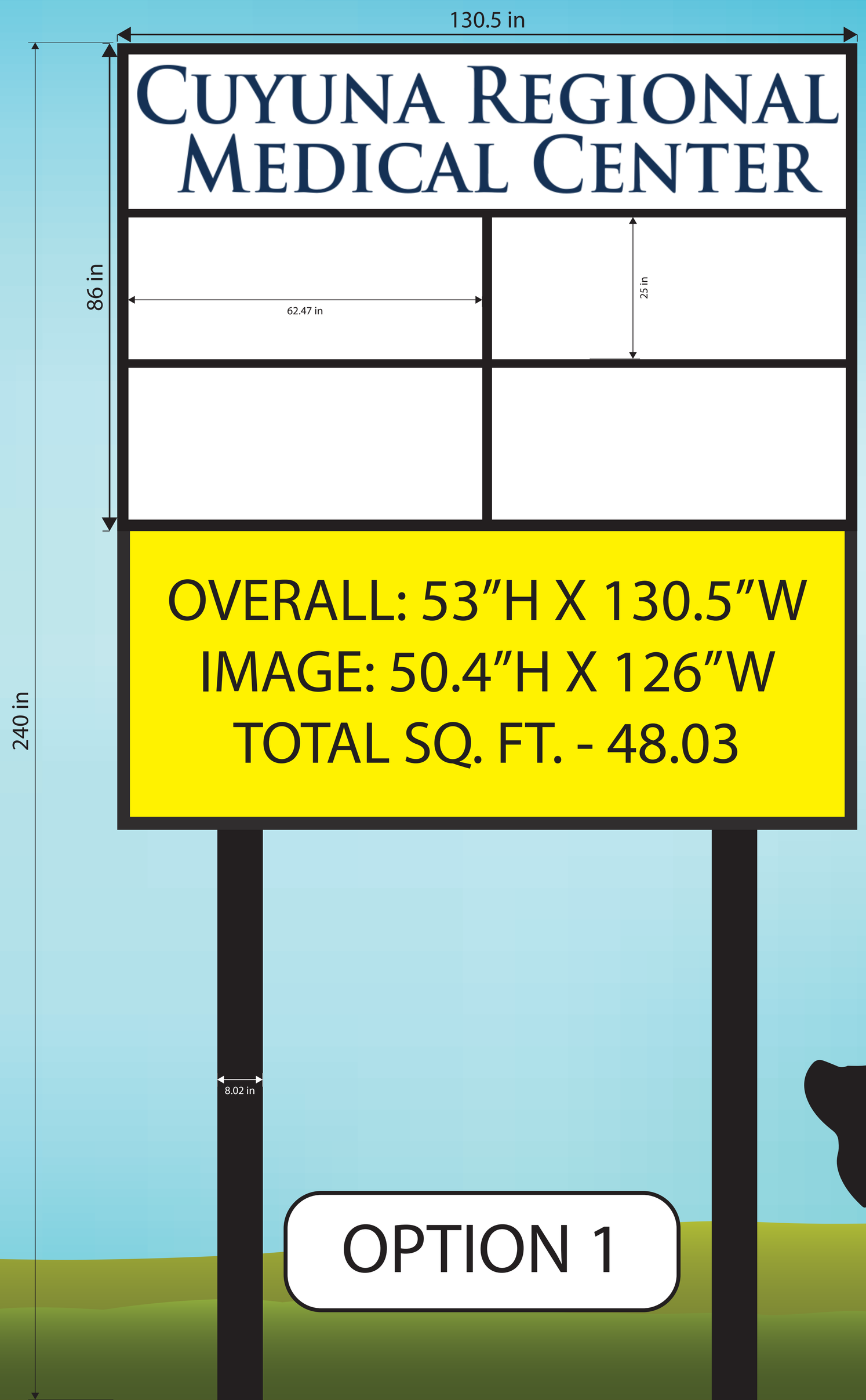
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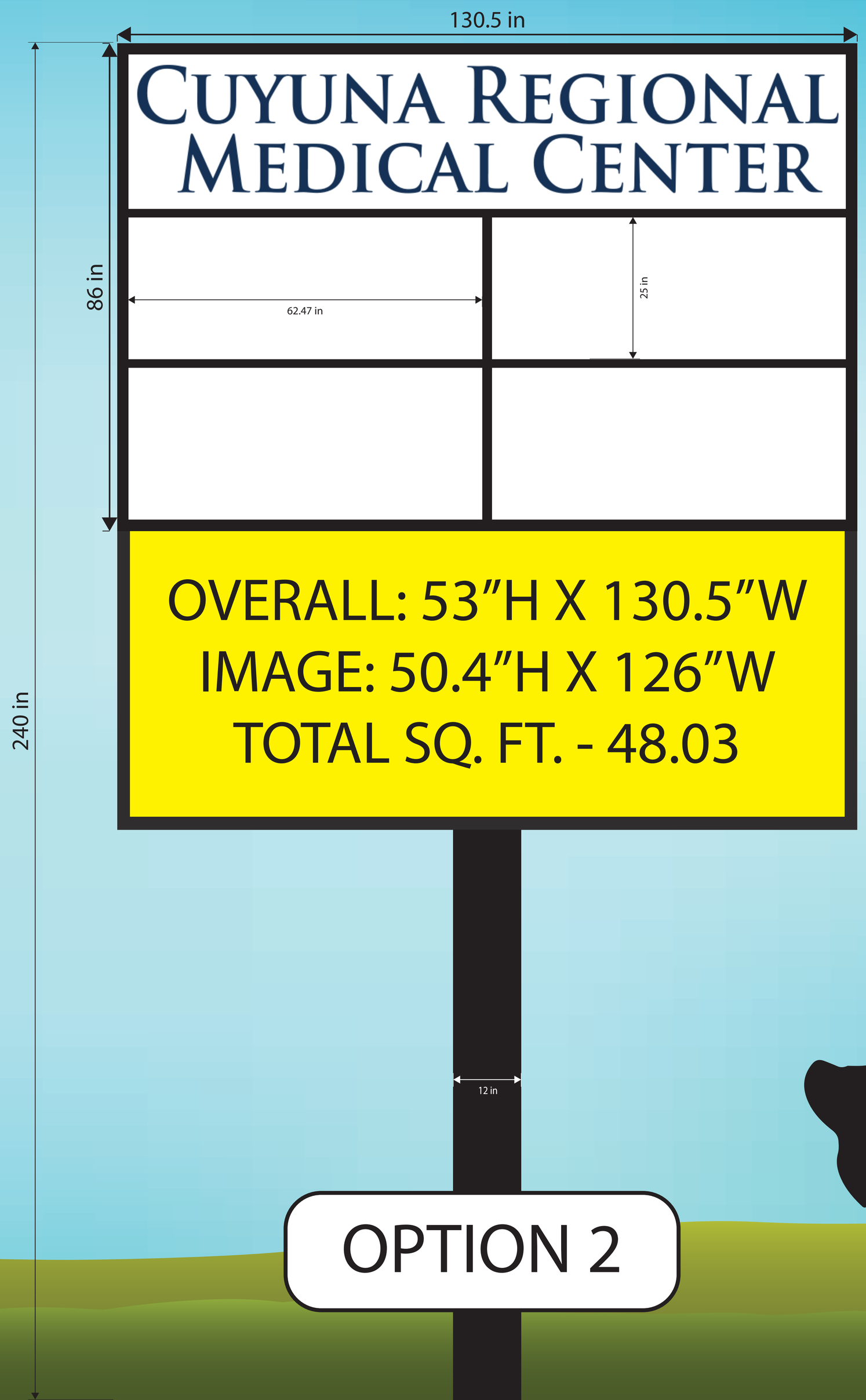
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CITY OF NISSWA

To: City Council

Prepared by: Steven Timblin, City Planner

Date: May 19, 2026

Item: Ordinance Revision – Chapter 20

Action Requested: Approve Ordinance No. 29, Fourth Series (Chapter 20 Revision – 2026)

Background: A public hearing was held at the May 5, 2026 regular Planning Commission meeting. The planning commission reviewed and is providing a recommendation to the City Council to formally adopt the attached ordinance amendment for Chapter 20. The following is an excerpt from the May 5, 2026 Planning Commission minutes:

b. Ordinance Amendment 007-26 to amend sections of Chapter 20 of the City of Nisswa Code of Ordinances

City Planner Timblin introduced the public hearing on the proposed revisions to Chapter 20, noting that the Commission had undergone significant discussion over the preceding two months and that a conditional letter of approval from the DNR had been received that day.

Public Comment — Communication Towers (Section 20, Article 4, Division 4)

Paula West, a resident at 25839 Trailside Run, along with Roger Landers of 26587 Lakeview Road, presented suggested revisions to the City's communication tower ordinance. They were clear that their prior appeal of a Verizon cell tower application was not rooted in opposition to cell towers generally, but in concerns about the adequacy of the current ordinance. Their suggested revisions focused on several areas:

- **Tower Location (Section 20-419):** Expanding permitted tower placement districts to include highway business, open space, open space residential, public and recreational zones, and portions of the central business district such as City hall, fire department, and playground areas. They also recommended allowing towers on private land with a conditional use permit and lease, consistent with practices in Crow Wing County, Brainerd, and Baxter.
- **Setbacks and Fall Zone (Section 20-420d):** Retaining the existing 500-foot setback but adding a fall zone equal to the height of the tower plus 10 feet, as a safety measure consistent with Crow Wing County's ordinance.
- **Structure Design (Section 20-420g):** Requiring monopole designs in the future, noting that technology has advanced and monopoles offer improved aesthetics and a smaller footprint.
- **Appeal Process (Section 20-656):** Clarifying the appeal process for land use ordinance decisions, including the timing of hearings and the definition of "closure of record," citing confusion that arose during the Verizon appeal process.

- **Additional Standards:** Incorporating provisions from the Crow Wing County ordinance related to applicability, general standards and signage (including owner identification on towers), lighting of accessory buildings, strengthened site plan requirements, updated federal safety review standards (noting the Verizon application cited FCC standards from 1999), and criteria for granting a conditional use permit such as height, proximity to residential structures, topography, visual obtrusiveness, and community character.

City Planner Timblin recommended that these cell tower revisions be addressed through a separate, clean legislative process rather than being folded into the current amendment package, particularly given that the DNR's conditional approval had already been received on the current changes. He suggested scheduling a dedicated public hearing on communication towers for the June meeting. The Commission agreed with this approach.

Public Comment — Accessory Structures (Section 20-93)

Mayor Jennifer Carnahan addressed the Commission in her capacity as Mayor, noting that the ordinance amendments would come before the City Council for a vote at the May meeting. She raised concerns relayed by Council Member Hall—the Planning and Zoning Council Liaison—regarding a constituent, Craig Peterson of 21869 Birchmont Lane, who wished to expand his existing approximately 1,200-square-foot garage but found the current regulatory pathway burdensome. Under the existing ordinance, structures exceeding 1,200 square feet require a 30-foot setback on all sides, whereas Mr. Peterson's garage sits at the prior 15-foot setback. Mayor Carnahan inquired whether this had been addressed in the proposed amendments and whether the Commission had discussed reducing the more restrictive setback threshold.

City Planner Timblin explained that under the current Section 20-93, structures larger than 1,200 square feet are regulated with a 30-foot setback requirement, and that any expansion taking the structure into that setback area would require a variance. He noted that while the proposed amendments loosened some other restrictions—such as creating conditional use permit pathways for previously prohibited uses—the setback requirement for larger accessory structures was not specifically revised. He observed that the Commission had taken a measured approach in the amendments, taking incremental steps rather than broad rollbacks, and that this particular item could be discussed at the Council level.

Roger Landers also addressed the Commission regarding Section 20-93, expressing concern about the trend toward larger accessory structures in residential and shoreland areas. He referenced a large storage structure built at the junction of Lakeview Lake Road and Hazelwood following a 2023 CUP approval, noting it did not fit the character of the surrounding residential area—though he acknowledged the parcel turned out to be zoned highway business, raising a separate question about potential spot zoning that he suggested could be taken up with City Planner Timblin at a later time. Landers also sought clarification on why the exterior color matching requirement had been removed from the table in Section 20-93; City Planner Timblin explained that the requirement had not been eliminated but was consolidated under an asterisk notation below the table for clarity, and that the conditional use permit pathway for structures not matching the principal structure's exterior color remained in place.

The resident from Trailside Run added that when she received a mailing about the 2023 accessory structure application, the absence of a scaled site drawing made it difficult to visualize the size of the proposed structure. She recommended that future public hearing mailings include a scaled visual representation of proposed structures so that neighboring property owners can better understand the likely impact.

The Chairman noted that this concern about accessory structures and neighboring parcel notification had been previously raised in a December 2024 letter to the Commission, and acknowledged the ongoing tension between streamlining the permitting process and ensuring adequate community oversight.

Commission Discussion and Action

Commissioner Weldon summarized the Commission's multi-year effort to revise Chapter 20, noting the extensive work done with consultant Chris Pence, whose comparative analysis of the Crow Wing County ordinance informed the majority of the proposed changes. He emphasized that ordinance revision is an ongoing process and that the proposed amendments represent a careful, incremental improvement. The Commission agreed to proceed with recommending approval of the current Chapter 20 amendments, while explicitly excluding the sections on communication towers and mobile food units, both of which would be taken up separately at future meetings.

Motion that the Planning Commission/Board of Adjustment recommends approval of Ordinance Amendment 007-26 to amend sections of Chapter 20 of the City of Nisswa Code of Ordinances, according to the marked-up copy of the ordinances as discussed, excluding sections dealing with food trucks and communication towers, which will be taken up at a later time, was made by Commissioner Harris and seconded by Commissioner Weldon. The motion carried unanimously.

Motion by Commissioner Weldon and seconded by Commissioner Harris to close the public hearing. The motion carried unanimously.

Budget Impact: N/A

Attachments: Memo to Planning Commission, mark-up version, clean version, summary, DNR Conditional approval letters, DNR Ordinance Processing Checklist

Planning Commission/Board of Adjustment Memo
05/05/2026

Subject: **Chapter 20 Ordinance Amendment – Public Hearing**

From: Steven Timblin, City Planner

The City Council has approved scheduling of this Public Hearing for the current Chapter 20 ordinance revisions today, and staff has received a conditional letter of approval from the Department of Natural Resources indicating that the proposed changes are substantially compliant with statewide rules and therefore approved, with conditions. Their memo and comment are included.

Recapping previous proceedings, the City has been engaged in this phase following contracting with a local consultant, Chris Pence, to perform a comparative analysis of shoreland regulations between Crow Wing County and the City of Nisswa. It was suggested by both the PCBOA and the City Council to proposed changes in line with Chris' suggestions. Staff also proposed administrative recommendations in the process of synthesizing the consultant's recommendations into drafting changes in the ordinance chapter.

The PCBOA held extensive discussion regarding proposed alterations to this chapter at their regular March and April meetings. I am attaching a markup, clean, and summary document that will be forwarded to the City Council with the PCBOA recommendation for adoption of these changes, if such recommendation is rendered.

Thank you,

Steven Timblin
City Planner

CITY OF NISSWA

To:	**City Council**
Prepared by:	**Steven Timblin, City Planner**
Date:	**May 19, 2026**
Item:	**Ordinance Revision – Chapter 20**

Action Requested: Approve Ordinance No. 29, Fourth Series (Chapter 20 Revision – 2026)

Background: A public hearing was held at the May 5, 2026 regular Planning Commission meeting. The planning commission reviewed and is providing a recommendation to the City Council to formally adopt the attached ordinance amendment for Chapter 20. The following is an excerpt from the May 5, 2026 Planning Commission minutes:

b. Ordinance Amendment 007-26 to amend sections of Chapter 20 of the City of Nisswa Code of Ordinances

City Planner Timblin introduced the public hearing on the proposed revisions to Chapter 20, noting that the Commission had undergone significant discussion over the preceding two months and that a conditional letter of approval from the DNR had been received that day.

Public Comment — Communication Towers (Section 20, Article 4, Division 4)

Paula West, a resident at 25839 Trailside Run, along with Roger Landers of 26587 Lakeview Road, presented suggested revisions to the City's communication tower ordinance. They were clear that their prior appeal of a Verizon cell tower application was not rooted in opposition to cell towers generally, but in concerns about the adequacy of the current ordinance. Their suggested revisions focused on several areas:

- **Tower Location (Section 20-419):** Expanding permitted tower placement districts to include highway business, open space, open space residential, public and recreational zones, and portions of the central business district such as City hall, fire department, and playground areas. They also recommended allowing towers on private land with a conditional use permit and lease, consistent with practices in Crow Wing County, Brainerd, and Baxter.
- **Setbacks and Fall Zone (Section 20-420d):** Retaining the existing 500-foot setback but adding a fall zone equal to the height of the tower plus 10 feet, as a safety measure consistent with Crow Wing County's ordinance.
- **Structure Design (Section 20-420g):** Requiring monopole designs in the future, noting that technology has advanced and monopoles offer improved aesthetics and a smaller footprint.
- **Appeal Process (Section 20-656):** Clarifying the appeal process for land use ordinance decisions, including the timing of hearings and the definition of "closure of record," citing confusion that arose during the Verizon appeal process.

- **Additional Standards:** Incorporating provisions from the Crow Wing County ordinance related to applicability, general standards and signage (including owner identification on towers), lighting of accessory buildings, strengthened site plan requirements, updated federal safety review standards (noting the Verizon application cited FCC standards from 1999), and criteria for granting a conditional use permit such as height, proximity to residential structures, topography, visual obtrusiveness, and community character.

City Planner Timblin recommended that these cell tower revisions be addressed through a separate, clean legislative process rather than being folded into the current amendment package, particularly given that the DNR's conditional approval had already been received on the current changes. He suggested scheduling a dedicated public hearing on communication towers for the June meeting. The Commission agreed with this approach.

Public Comment — Accessory Structures (Section 20-93)

Mayor Jennifer Carnahan addressed the Commission in her capacity as Mayor, noting that the ordinance amendments would come before the City Council for a vote at the May meeting. She raised concerns relayed by Council Member Hall—the Planning and Zoning Council Liaison—regarding a constituent, Craig Peterson of 21869 Birchmont Lane, who wished to expand his existing approximately 1,200-square-foot garage but found the current regulatory pathway burdensome. Under the existing ordinance, structures exceeding 1,200 square feet require a 30-foot setback on all sides, whereas Mr. Peterson's garage sits at the prior 15-foot setback. Mayor Carnahan inquired whether this had been addressed in the proposed amendments and whether the Commission had discussed reducing the more restrictive setback threshold.

City Planner Timblin explained that under the current Section 20-93, structures larger than 1,200 square feet are regulated with a 30-foot setback requirement, and that any expansion taking the structure into that setback area would require a variance. He noted that while the proposed amendments loosened some other restrictions—such as creating conditional use permit pathways for previously prohibited uses—the setback requirement for larger accessory structures was not specifically revised. He observed that the Commission had taken a measured approach in the amendments, taking incremental steps rather than broad rollbacks, and that this particular item could be discussed at the Council level.

Roger Landers also addressed the Commission regarding Section 20-93, expressing concern about the trend toward larger accessory structures in residential and shoreland areas. He referenced a large storage structure built at the junction of Lakeview Lake Road and Hazelwood following a 2023 CUP approval, noting it did not fit the character of the surrounding residential area—though he acknowledged the parcel turned out to be zoned highway business, raising a separate question about potential spot zoning that he suggested could be taken up with City Planner Timblin at a later time. Landers also sought clarification on why the exterior color matching requirement had been removed from the table in Section 20-93; City Planner Timblin explained that the requirement had not been eliminated but was consolidated under an asterisk notation below the table for clarity, and that the conditional use permit pathway for structures not matching the principal structure's exterior color remained in place.

The resident from Trailside Run added that when she received a mailing about the 2023 accessory structure application, the absence of a scaled site drawing made it difficult to visualize the size of the proposed structure. She recommended that future public hearing mailings include a scaled visual representation of proposed structures so that neighboring property owners can better understand the likely impact.

The Chairman noted that this concern about accessory structures and neighboring parcel notification had been previously raised in a December 2024 letter to the Commission, and acknowledged the ongoing tension between streamlining the permitting process and ensuring adequate community oversight.

Commission Discussion and Action

Commissioner Weldon summarized the Commission's multi-year effort to revise Chapter 20, noting the extensive work done with consultant Chris Pence, whose comparative analysis of the Crow Wing County ordinance informed the majority of the proposed changes. He emphasized that ordinance revision is an ongoing process and that the proposed amendments represent a careful, incremental improvement. The Commission agreed to proceed with recommending approval of the current Chapter 20 amendments, while explicitly excluding the sections on communication towers and mobile food units, both of which would be taken up separately at future meetings.

Motion that the Planning Commission/Board of Adjustment recommends approval of Ordinance Amendment 007-26 to amend sections of Chapter 20 of the City of Nisswa Code of Ordinances, according to the marked-up copy of the ordinances as discussed, excluding sections dealing with food trucks and communication towers, which will be taken up at a later time, was made by Commissioner Harris and seconded by Commissioner Weldon. The motion carried unanimously.

Motion by Commissioner Weldon and seconded by Commissioner Harris to close the public hearing. The motion carried unanimously.

Budget Impact: N/A

Attachments: Memo to Planning Commission, mark-up version, clean version, summary, DNR Conditional approval letters, DNR Ordinance Processing Checklist

Planning Commission/Board of Adjustment Memo
05/05/2026

Subject: **Chapter 20 Ordinance Amendment – Public Hearing**

From: Steven Timblin, City Planner

The City Council has approved scheduling of this Public Hearing for the current Chapter 20 ordinance revisions today, and staff has received a conditional letter of approval from the Department of Natural Resources indicating that the proposed changes are substantially compliant with statewide rules and therefore approved, with conditions. Their memo and comment are included.

Recapping previous proceedings, the City has been engaged in this phase following contracting with a local consultant, Chris Pence, to perform a comparative analysis of shoreland regulations between Crow Wing County and the City of Nisswa. It was suggested by both the PCBOA and the City Council to proposed changes in line with Chris' suggestions. Staff also proposed administrative recommendations in the process of synthesizing the consultant's recommendations into drafting changes in the ordinance chapter.

The PCBOA held extensive discussion regarding proposed alterations to this chapter at their regular March and April meetings. I am attaching a markup, clean, and summary document that will be forwarded to the City Council with the PCBOA recommendation for adoption of these changes, if such recommendation is rendered.

Thank you,

Steven Timblin
City Planner

ORDINANCE NO. 29, 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.

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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

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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.~~

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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:

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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.

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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;

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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

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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 uses and associated

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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							

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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		

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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*

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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*

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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

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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

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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

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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

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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

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	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;

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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

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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.

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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.

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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.

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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

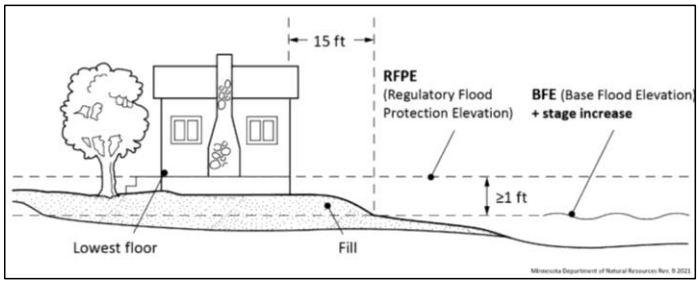
1. Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sec 20-113.

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

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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

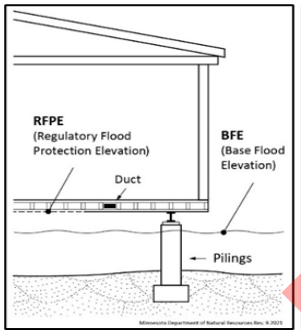


Figure 3: Filled Stem Walls

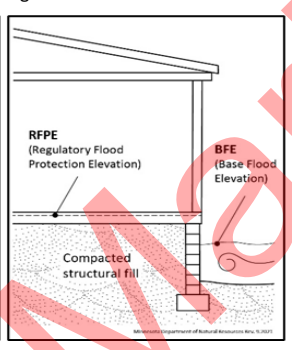
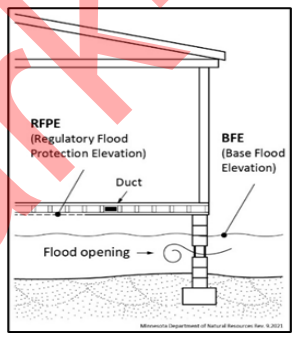


Figure 4: Internally Flooded Enclose Area



    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

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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.

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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

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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

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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.

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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

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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.

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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.

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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.

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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:

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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.

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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.

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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:

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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.

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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
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   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)

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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

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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.

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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

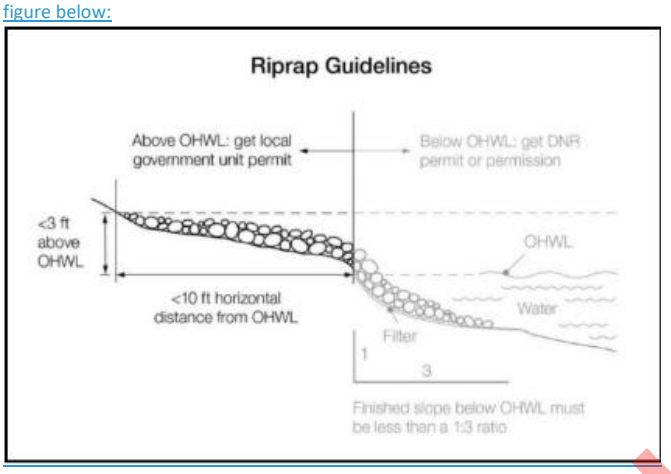
1. A. Retaining walls may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:
    a. The Department determines that there is no other alternative to control erosion.
    b. No tier of the retaining wall shall exceed four feet in height 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.

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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.

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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:

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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;

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~~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:

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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.

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(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

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	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)

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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 uses 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

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(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.

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(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:

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(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)

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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.

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(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.

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(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.

Mark-up

(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.

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(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

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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

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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.

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(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

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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;

Mark-Up

(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))

Mark-up

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

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*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

Mark-up

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;

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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.

Mark-up

(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.

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(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.

Mark-up

(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:

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(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

Mark-up

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.

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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:

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(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.

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(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:

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(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.*

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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

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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

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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.

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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.

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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

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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)

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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.

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(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.

Mark-up

(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.

Mark-up

(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.

Mark-up

(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.

Mark-up

(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:

Mark-up

(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.

Mark-up



(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.

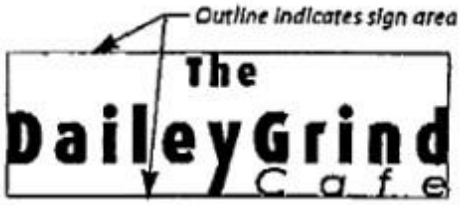
(g) *Lighting provided by city.* Directional assistance signs may be provided by the city at other locations, with the costs borne by the parties named.

(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.

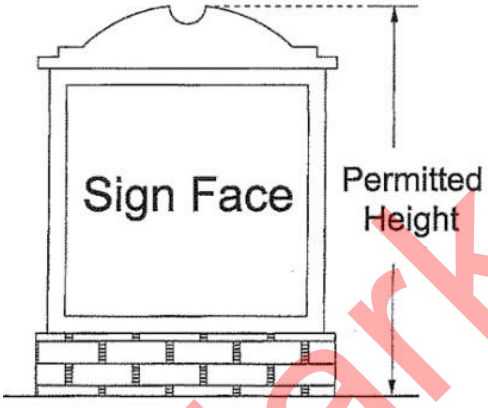
(a) The area of a sign shall be measured as the square feet enclosed by the exterior perimeter of a sign not including the structural supports. For cut-out letter signs, draw the smallest rectangle that encloses the limits of sign.

Mark-up

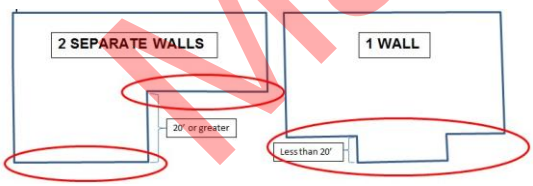


(b) Only the largest side of a double-faced sign or a vee-shaped sign with no greater than a 30-degree angle between faces shall be considered. If the angle between faces is greater than 30 degrees, the area of both faces shall be considered.

(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.

Mark-up



(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)

Mark-up

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

Mark-up

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

Mark-up

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

Mark-up

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

Mark-up

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

Mark-up

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.

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(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.

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(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

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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:

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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.

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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

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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)

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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.

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(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;

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(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

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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.

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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;

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(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.

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(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.

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(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

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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.

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(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

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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.

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(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

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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)

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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.

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Allowable dwelling unit means a dwelling unit that would be allowed as per a planned unit development density analysis.

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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.



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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:

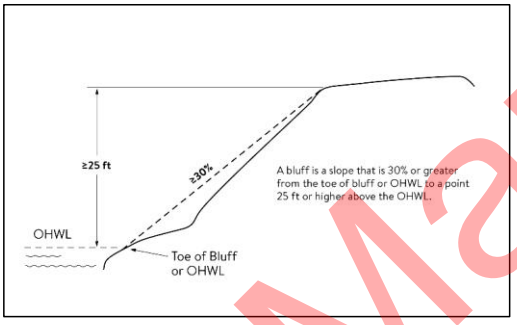
(1) Part or all of the feature is located in shoreland area;

(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.

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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.

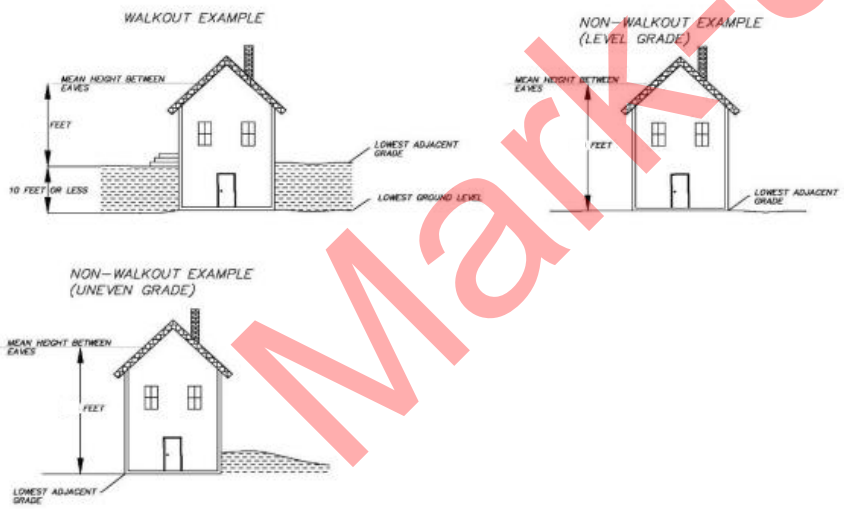
Brewery/Taproom - A facility on the premises of and accessory to a licensed brewery intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minnesota statutes section 340A.

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).

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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

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(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.

Mark-up

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).

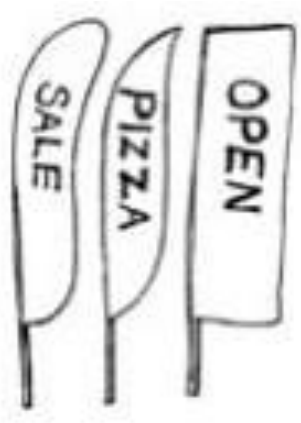
Exterior storage means storage of goods, materials, equipment, manufactured products outside of a fully enclosed building.

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.

Mark-up



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.

Mark-up





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.

Mark-up

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.

Mark-up

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.





Mark-up



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.



Mark-up





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.

Mark-up

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;

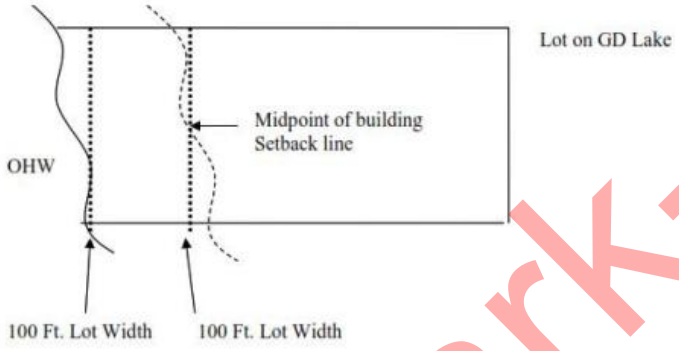
(2) Second and additional tiers, 267 feet;

(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.

Mark-up

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.

Mark-up

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.



Mark-up

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.

Mark-up

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

Mark-up

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.

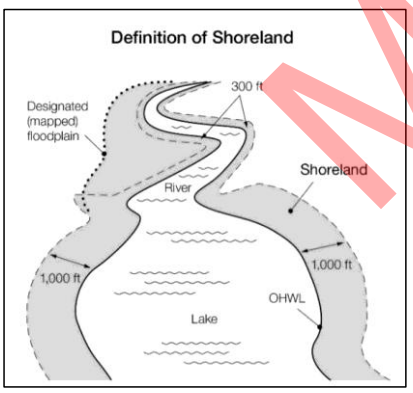
Setback, waterfront, means the closest horizontal distance between the ordinary highwater mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

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.



Mark-up

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.



Mark-up



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

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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.

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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.

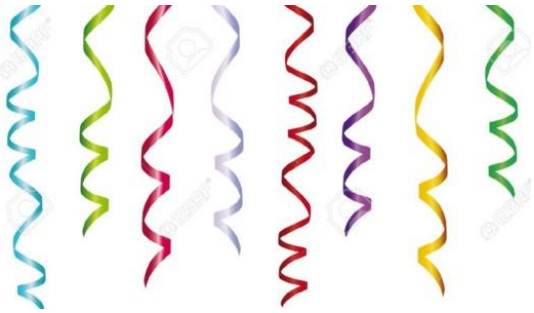
State-licensed residential facility means any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24 hours per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which 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.

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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

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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.

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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

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(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.

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Passed by the City of Nisswa Council this 19th day of May, 2026, by a ___/5ths vote.

Jennifer Carnahan, Mayor

Attest:

Maggi Wentler, Interim City Administrator

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ORDINANCE NO. 29, 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.

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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.

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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.

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

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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.

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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

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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;

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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.

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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 and similar water-oriented uses. The uses and associated development shall recognize and address the sensitive relationship with surrounding residential uses and the impact on water quality. As such uses shall generally require a conditional use permit for expansion of the development. The district

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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.

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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

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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*
Little Hubert	*18-340*

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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*

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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
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
Triplex**	**	**	**	**	**	**
Quad**	**	**	**	**	**	**

*Processed as a CUP
**Processed as PUD's per Section 20-385

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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

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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	*** ****

Lot Size	*OSR*	*SR/LR*	*UR*	*CWS*	*CB*	*HB*	*P*	*PDD*
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
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)

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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	15	15	15	15	15	15	15	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

Sec. 20-90 – Septic System Setbacks (Septic and Drain field) In Feet

Table 20-18

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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

Sec. 20-92 – Buildings – Maximum Height Allowed

Table 20-20

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	OSR	SR/LR	UR	CWS	CB	HB	P	PDD
Building Height	30	30	30	30	30	30	30	30

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. 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	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. Vegetative screening planted in setback area.	P/C*	P/C*	P/C*	P/C*	P/C*
Over 2,500	Setbacks of 30 feet on all sides. 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.

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:

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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.

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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	25	25	90	50	15-90	20

*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%.

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.

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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.

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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

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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

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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

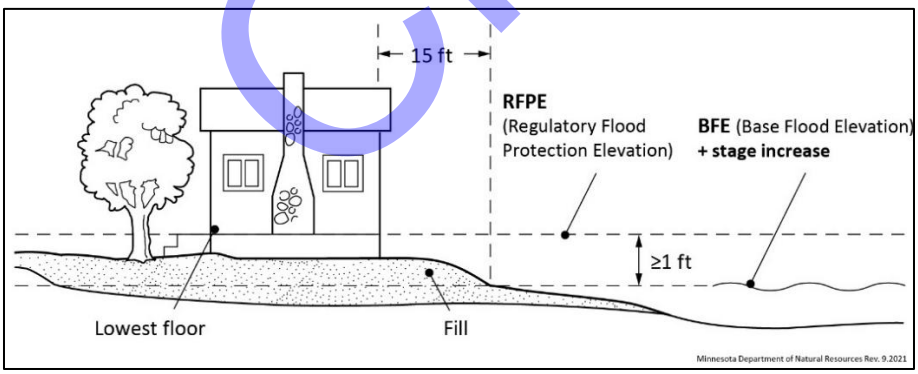
1. Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sec 20-113.

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

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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

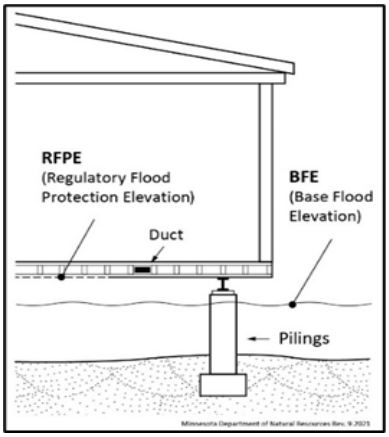


Figure 3: Filled Stem Walls

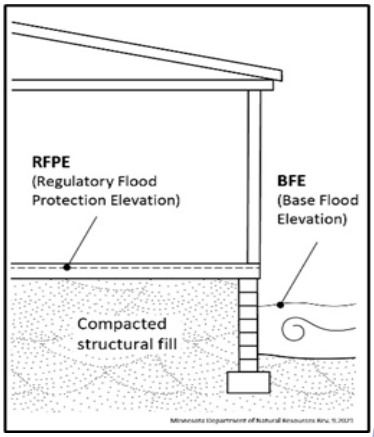
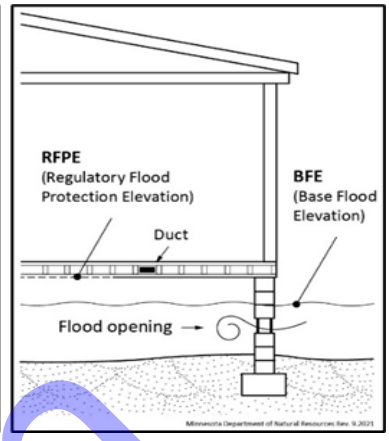


Figure 4: Internally Flooded Enclose Area



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.

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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

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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

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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:

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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.

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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

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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

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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.

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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.

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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

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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;
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.
3. Mitigation shall be proportional to the impact of the proposed project.
4. Required mitigation shall be determined by the Department according to the City of Nisswa Shoreline Rapid Assessment Model approved by the City Council.

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

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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

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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

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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

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:

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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

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

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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

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.

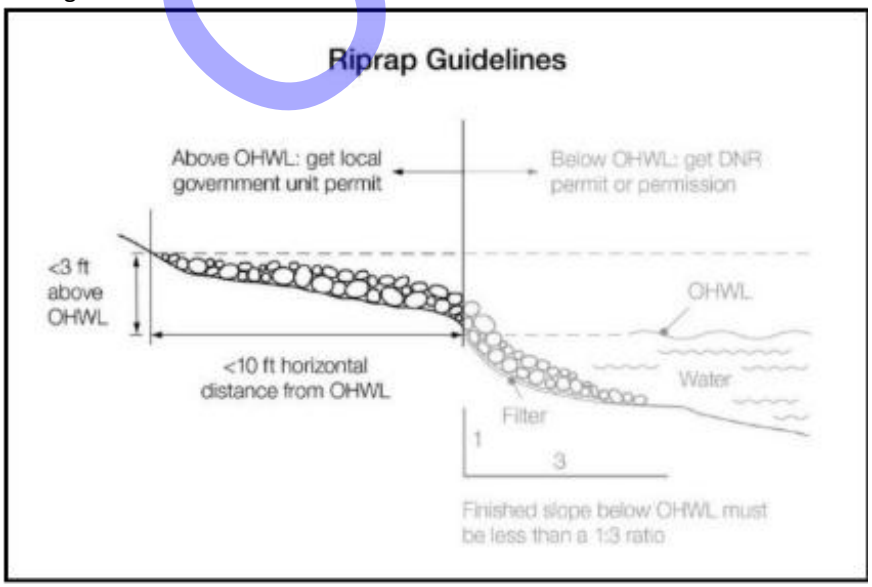
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b. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota licensed professional engineer. Natural rock boulder walls shall be exempt from this engineering requirement.
c. Construction complies with all provisions 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. The placement of natural riprap where approved shall comply with MN Statutes 103G.245.
   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.
   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:



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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;
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 Planned Unit Development 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

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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.

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,

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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.

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 20-142 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;
   e. The combined footprint of patios, swimming pools and hot tubs in shore impact zone 2 may not exceed 400 square feet.
   f. Not be more than one foot below or above natural ground level;
   g. Construction complies with all other provisions of this ordinance; and
   h. The maximum impervious surface limits for the lot shall not be exceeded.
   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.

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Sec. 20-145 – Swimming Pool Standards

1. Swimming pools and hot tubs located above or below the ground 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

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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*

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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

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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

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Sec. 20-171. Commercial Land Use Districts

a. **Commercial Waterfront District (CW):** The CW district provides for the development of commercial resorts and similar water-oriented uses. The uses and associated development shall recognize and address the sensitive relationship with surrounding residential uses and the impact on water quality. As such 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

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(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.

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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

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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.

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(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)

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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)

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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)

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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.

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(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 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:

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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.

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(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.

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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

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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.

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(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.

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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

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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
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.

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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

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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.

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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:

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(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.

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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.

Clean

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.

Clean

(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)

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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.

Clean

(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.

Clean

(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.

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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

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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.

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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 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:

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a. Title 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:

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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

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(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.

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(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)

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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.

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(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)

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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 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)

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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)

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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.

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(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.)

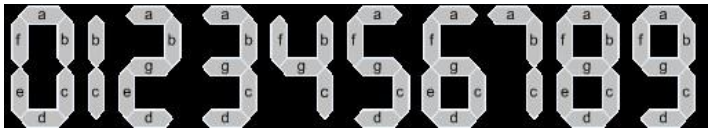
(Ord. No. 7 (Third Series) , § 2(4.9.1(I)), 2-15-2017; Ord. No. 29 (Third Series) , § 2, 9-18-2019)

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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.

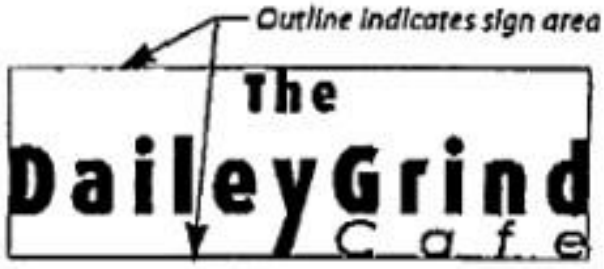
(g) *Lighting provided by city.* Directional assistance signs may be provided by the city at other locations, with the costs borne by the parties named.

(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)

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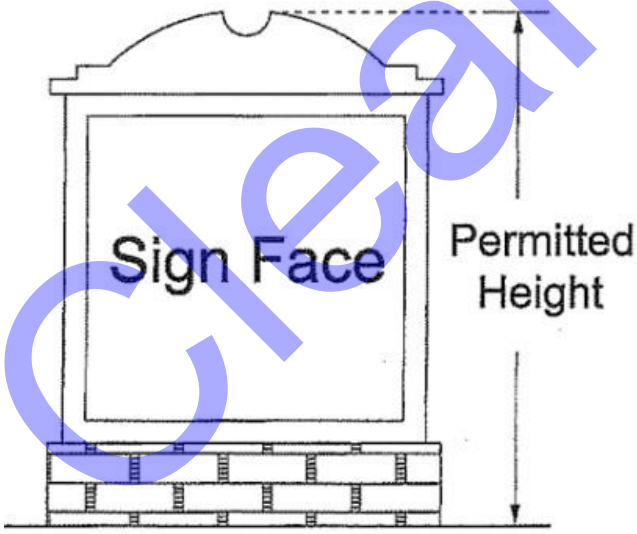
Sec. 20-481. Sign area measurement.

(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.

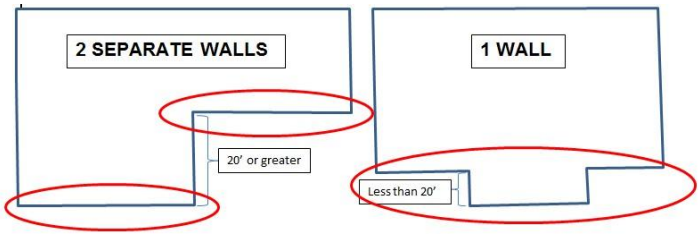


(b) Only the largest side of a double-faced sign or a vee-shaped sign with no greater than a 30-degree angle between faces shall be considered. If the angle between faces is greater than 30 degrees, the area of both faces shall be considered.

(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.

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(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)

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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

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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

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[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

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[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

Clean

[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.

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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.

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(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)

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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. 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

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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:

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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.

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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

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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)

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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.

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(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;

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(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

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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.

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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;

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(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.

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(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.

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(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 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

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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.

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(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 or failure to complete the work under a variance within 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.

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(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

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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:

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(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

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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.

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Allowable dwelling unit means a dwelling unit that would be allowed as per a planned unit development density analysis.

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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.



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*Base Flood means t*he 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:

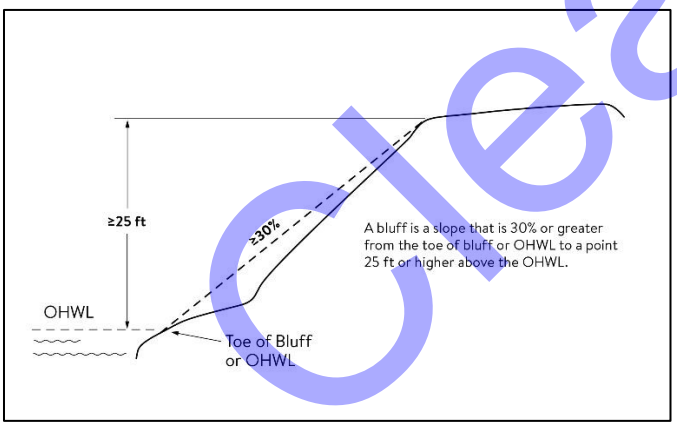
(1) Part or all of the feature is located in shoreland area;

(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.



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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.

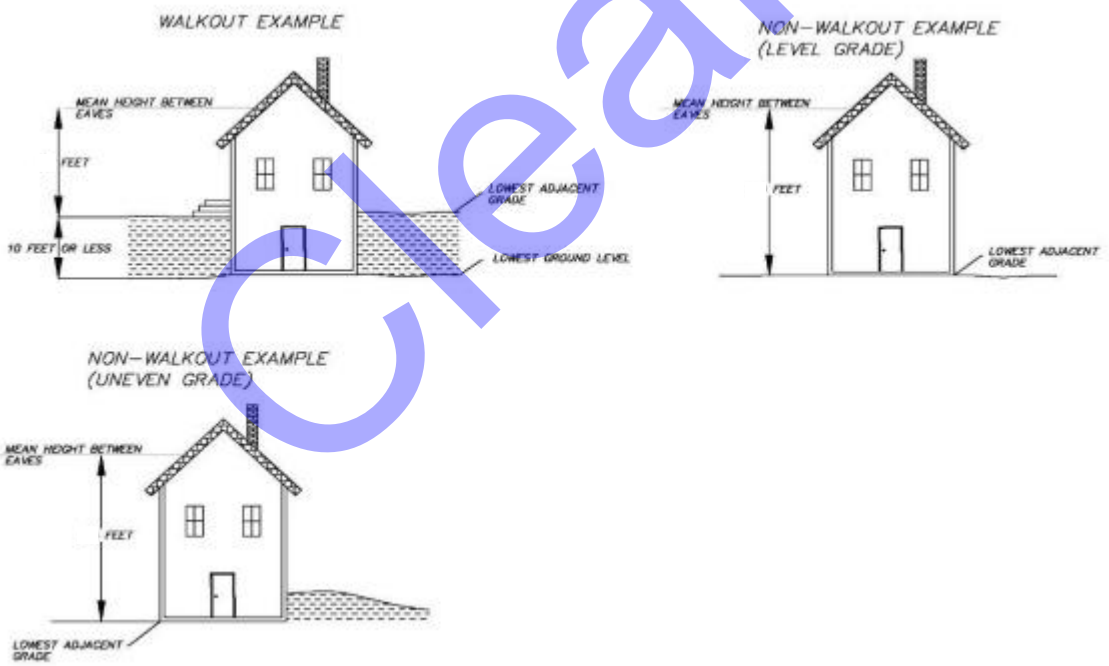
Brewery/Taproom - A facility on the premises of and accessory to a licensed brewery intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minnesota statutes section 340A.

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).

Clean

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

Clean

(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.

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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).

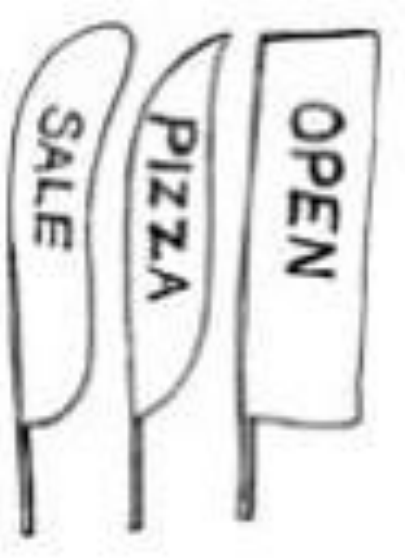
Exterior storage means storage of goods, materials, equipment, manufactured products outside of a fully enclosed building.

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.

Clean



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.

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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.

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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.





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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.



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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;

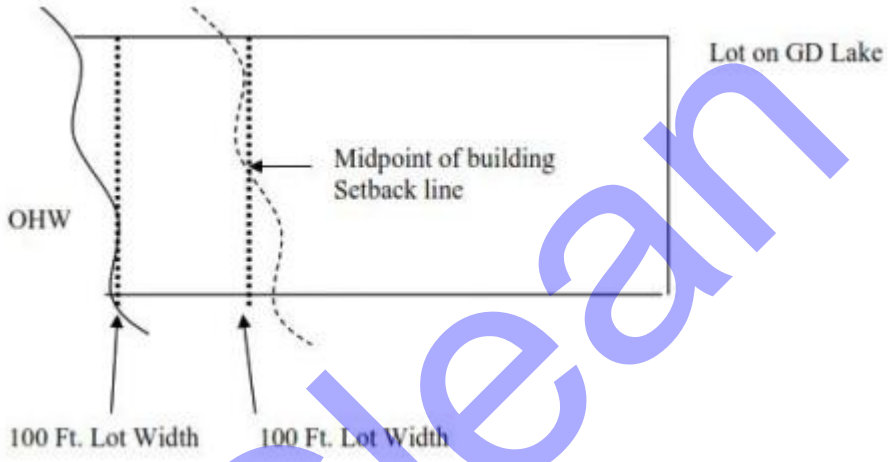
(2) Second and additional tiers, 267 feet;

(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.

Clean

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.

Clean

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.



Clear

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.

Clean

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

Clean

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.

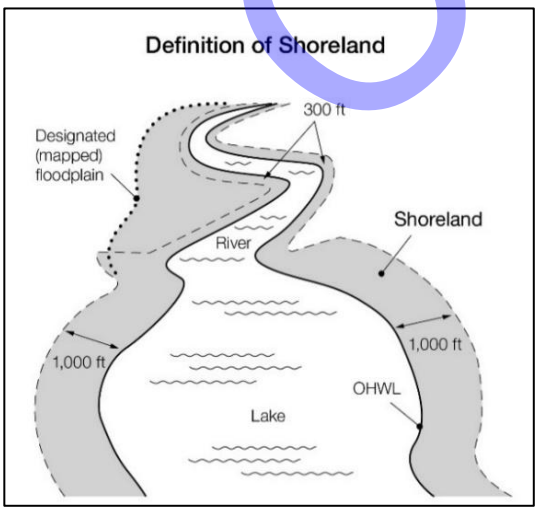
Setback, waterfront, means the closest horizontal distance between the ordinary highwater mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

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.



Clean

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.



Clean



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

Clean

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.

Clean

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.

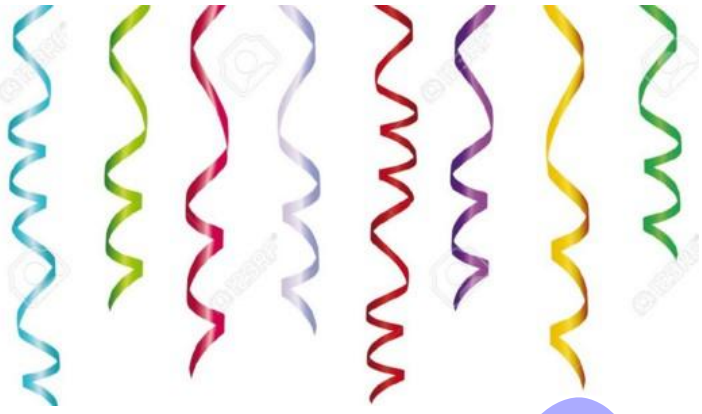
State-licensed residential facility means any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24 hours per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which 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.

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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

Clean

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.

Clean

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

Clean

(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.







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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 19th day of May, 2026, by a ___/5ths vote.

_____
Jennifer Carnahan, Mayor

Attest: _____
Maggi Wentler, Interim City Administrator

Clean

ORDINANCE NO. 29, FOURTH SERIES
AN ORDINANCE AMENDING CHAPTER XX OF THE CITY OF NISSWA ZONING ORDINANCE, REGARDING LAND USE AND DEVELOPMENT
THE CITY OF NISSWA
COUNTY OF CROW WING
STATE OF MINNESOTA

The following is the official summary of Ordinance No. 29, approved by the City Council of the City of Nisswa, on the 19th day of May, 2026.

The purpose and intent of this Ordinance is to amend the City Zoning Ordinance, Chapter 20 – Land Use and Development:

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 19th day of May, 2026, by a __/5ths vote of the Council.

By: _____
Jennifer Carnahan, Mayor
City of Nisswa

By: _____
Maggi Wentler, Interim City Administrator
City of Nisswa

DEPARTMENT OF NATURAL RESOURCES

Minnesota DNR – Division of Ecological and Water Resources
1601 Minnesota Drive
Brainerd, MN 56401

April 20, 2026

Steve Timblin
City Planner – City of Nisswa
P.O. Box 410
Nisswa, MN 56468

Re: Conditional Approval of City of Nisswa Shoreland Ordinance Amendment

Dear Steve:

Thank you for sending your proposed shoreland ordinance amendments to the DNR for formal conditional approval review on 4/14/2026. I am pleased to inform you that the proposed amendments are substantially compliant with the statewide rules and hereby approved, provided all conditions of approval in this letter are met.

Ordinance Evaluation
We have reviewed the following sections that you propose to amend in your draft ordinance received on February 25, 2026, for compliance with state shoreland rules (MR 6120.2500 – 6120.3900).

Conditions of Approval
The following conditions must be met before the DNR will issue final approval:

1. Return the attached "Ordinance Processing Checklist" and documents identified on the checklist.

Next Steps
Following are the steps for completing and receiving final DNR approval for your amendments:

1. Consider making further modifications to the proposed ordinance revisions based on comments contained in the attached draft ordinance revisions document. Specific reasons for DNR comments are listed directly within the ordinance proposal document.
2. The city council adopts the amendments revised according to the listed conditions.
3. Email the completed Ordinance Processing Checklist (attached) and the documents identified on the checklist within 10 days of city council adoption to: a. Jacob.frie@state.mn.us, and Ordinance.review.dnr@state.mn.us.
4. We will review the amendments adopted by the city council for consistency with the above conditions.

5. If the adopted amendments are consistent with the conditions, I will send you a "final approval" letter. State rules require DNR final approval of shoreland ordinances and amendments for those ordinances to be effective.

A shoreland ordinance is an important land use regulation that helps to protect surface water quality, near shore habitat, and shoreland aesthetics of Minnesota's public waters. We appreciate your efforts to protect these resources for all present and future Minnesotans. Jake Frie is available to assist with ordinance technical guidance and to consult with you on other land and water-related projects.

Sincerely,

Darrin Hoverson Digitally signed by Darrin Hoverson
Date: 2026.04.20 08:26:24 -05'00'

Darrin Hoverson –Ecological and Water Resources District Manager

Attachments: Proposed Ordinance with DNR comments
Ordinance Processing Checklist

cc: Jacob Frie, DNR Area Hydrologist
Ordinance.review.dnr@state.mn.us

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.

Commented [JF1]: Although removal of this provision technically still meets minimum State Shoreland Rules, the DNR does not recommend removal of this provision. For lakes, land conditions closest to the water greatly influence water quality. This proximity principle is key to understanding the value of natural shorelines—they are the first and last defense to protect lake quality. Functional lake shorelines hold and filter runoff; stabilize banks and bluffs; reduce erosion and limit sedimentation; provide habitat for fish and wildlife; and offer scenic screening of shoreline development. Having a buffer of natural/native vegetation along shore is critical, even if behind natural rock riprap. This vegetation allows sediment contained in stormwater runoff to settle out and water to infiltrate into the ground near where it falls. Pollutant removal increases with increasing vegetation cover. Vegetative buffers provide shade, privacy screening, and wildlife habitat that cannot be replicated with natural rock riprap.

If there are issues and/or challenges associated with installing a vegetative buffer when a sand blanket, retaining wall, or other shoreline feature is present, we suggest working through those likely uncommon issues by modifying the design of the buffer on those specific properties to address those issues. That way, the rule remains intact while providing flexible solutions for potential "challenging" individual properties.

DEPARTMENT OF NATURAL RESOURCES

ORDINANCE PROCESSING CHECKLIST

After ordinance or amendment adoption, please complete, sign, and return this checklist with the listed documents by email to the DNR at Ordinance.review.dnr@state.mn.us

1. **Date(s) of public hearing(s).** Attach the notice(s) with this checklist in PDF format.

   _____

   _____

   _____

2. **Date of ordinance adoption.** Attach the adopted ordinance or amendment signed by the chief elected official in PDF format.

   _____

Do not include newspaper documentation of summary publications for the ordinance/amendment or of public hearings.

_____

Signature of Clerk/Zoning Administrator

_____

Name of Community

Revised: 8/02/24

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Amber Moon Peterson

Date: May 19, 2026

Item: Community Center Pay Application #1

Action Requested: Motion to approve Pay Application #1 for Community Center updates

Background: Work began on March 31 and updates are substantially complete.

Budget Impact: $136,398.57

Attachments:

Pay Application #1

HYTEC
CONSTRUCTION

11360 Business 371, PO Box 621
Brainerd, MN 56401

(218) 829-8529 (218) 829-5383 FAX

Invoice Number	:	15689
Invoice Date	:	04/30/2026
Customer Number	:	NISS03
Job Number	:	26018
Due Date	:	05/30/2026

Sold To:

City of Nisswa
5442 City Hall St.
PO Box 410
Nisswa, MN

Job:

Nisswa Community Center
25628 Main Street
Nisswa, MN 56468

ALL INVOICES ARE DUE PER THE CONTRACT OR NET 30 DAYS. FINANCE CHARGES OF 18.0%/YR WILL BE ASSESSED ON ALL LATE INVOICE

Date	Description	Amount
04/30/2026	Pay Application #1	136,398.57
	GROSS BILLINGS :	136,398.57
	NET BILLINGS :	136,398.57

Thank You

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702 PAGE ONE OF ??? PAGES

TO OWNER City of Nisswa
256289 Main Street
Nisswa, MN 56468

PROJECT: Nisswa Comm Center
Nisswa, MN 56401

APPLICATION NO: ONE

Distribution to:
- [ ] OWNER
- [ ] ARCHITECT
- [ ] CONTRACTOR
- [ ]
- [ ]

PERIOD TO: April 30, 2026

FROM CONTRACTOR:
Hy-Tec Construction of Brainerd, Inc
PO Box 621, 11360 Business 371
Brainard, MN 56401

VIA ARCHITECT:

PROJECT NO:

CONTRACT FOR: General Construction Work

CONTRACT DATE: January 21, 2026

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM		$ 141,400.00
2. Net change by Change Orders		$ 751.25
3. CONTRACT SUM TO DATE (Line 1 ± 2)		$ 142,151.25
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)		$ 136,398.57
5. RETAINAGE:		
a. _____ % of Completed Work (Column D + E on G703)	$	
b. _____ % of Stored Material (Column F on G703)	$	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)		$ 0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)		$ 136,398.57
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)		$ 0.00
8. CURRENT PAYMENT DUE		$ 136,398.57
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	$	5,752.68

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS	$0.00	$0.00
NET CHANGES by Change Order	$0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Hy-Tec Construction of Brainerd, Inc

By: _____ Date: 4-30-26

State of: MINNESOTA County of: CR
Subscribed and sworn to before me this 30th day of APR
Notary Public: Brenda Bray
My Commission expires:

BRENDA BRAY
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2030

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... $ _____

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and onthe Continuation Sheet that are changed to conform with the amount certified.)
ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

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CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing
Contractor's signed certification is attached.
In tabulations below, amounts are stated to the nearest dollar.
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: ONE
APPLICATION DATE: 04/25/2026
PERIOD TO: 04/30/2026
ARCHITECT'S PROJECT NO: Nisswa Comm. Center

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
	General Requirements	$14,590.10	$0.00	$13,131.09	$0.00	$13,131.09	90.00%	$1,459.01	
	Project Closeout	$1,506.00	$0.00	$1,355.40	$0.00	$1,355.40	90.00%	$150.60	
	Shelters	$543.86	$0.00	$543.86	$0.00	$543.86	100.00%	$0.00	
	Mobilization	$1,392.83	$0.00	$1,253.55	$0.00	$1,253.55	90.00%	$139.28	
	Demolition	$5,237.93	$0.00	$4,714.14	$0.00	$4,714.14	90.00%	$523.79	
	Rough Carpentry	$321.87	$0.00	$321.87	$0.00	$321.87	100.00%	$0.00	
	Cabinets	$4,002.00	$0.00	$4,002.00	$0.00	$4,002.00	100.00%	$0.00	
	Siding	$3,480.00	$0.00	$0.00	$0.00		0.00%	$3,480.00	
	Overhead Doors	$1,902.40	$0.00	$1,902.40	$0.00	$1,902.40	100.00%	$0.00	
	Gypsum Drywall	$4,156.32	$0.00	$4,156.32	$0.00	$4,156.32	100.00%	$0.00	
	Painting	$2,133.31	$0.00	$2,133.31	$0.00	$2,133.31	100.00%	$0.00	
	Acoustical Ceilings	$815.79	$0.00	$815.79	$0.00	$815.79	100.00%	$0.00	
	Ceramic Tile	$30,593.84	$0.00	$30,593.84	$0.00	$30,593.84	100.00%	$0.00	
	Flooring	$15,462.80	$0.00	$15,462.80	$0.00	$15,462.80	100.00%	$0.00	
	Bath Accessories	$13,387.27	$0.00	$13,387.27	$0.00	$13,387.27	100.00%	$0.00	
	Window Treatment	$4,788.48	$0.00	$4,788.48	$0.00	$4,788.48	100.00%	$0.00	
	Mechanical	$34,823.20	$0.00	$34,823.20	$0.00	$34,823.20	100.00%	$0.00	
	Electrical	$2,262.00	$0.00	$2,262.00	$0.00	$2,262.00	100.00%	$0.00	
	CO#1	$751.25	$0.00	$751.25	$0.00	$751.25	100.00%	$0.00	
	PAGE TOTALS	$142,151.25	$0.00	$136,398.57	$0.00	$136,398.57	95.95%	$5,752.69	$0.00

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THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006-5232

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Thomas Blomer, Public Works Director

Date: 5/13/2026

Item: Cost Sharing Agreement for the 2027 Road Bond Lakers Lane and ISD181 Improvements

Action Requested: Review and approve the cost sharing agreement, for preliminary engineering, for the ISD 181 and City of Nisswa Road and Sidewalk Improvements, on Lakers Lane.

Background: This is to allow costs for the engineering work to be equitably split between the school district and the city.

Budget Impact: N/A

Attachments: A copy of the Cost Sharing Agreement from the City Attorney and Widseth for Preliminary Engineering for the ISD 181 and City of Nisswa Road and Sidewalk Improvements on Lakers Lane.

PROFESSIONAL SERVICES COST SHARE AGREEMENT

NISSWA ELEMENTARY SCHOOL – LAKERS LANE INTERNAL (SCHOOL) AND EXTERNAL (ADJACENT SIDEWALK AND ROADWAY)

THIS AGREEMENT is made and entered into, effective this 19th day of May, 2026, by and between the City of Nisswa, Minnesota (hereinafter the "City"), and Independent School District No. 181 (hereinafter the "School").

Recitals

WHEREAS, the School plans certain site drainage, sidewalk, and ingress and egress improvements; and

WHEREAS, coinciding with School's plans for infrastructure improvements, City intends to address storm sewer, street, and infrastructure repairs related to the sidewalk on Lakers Lane in the City, which abuts the School; and

WHEREAS, the School's site improvements and the City's infrastructure improvements will most efficiently and economically be constructed together and will comprise the initial joint effort of preliminary planning and design (hereinafter the "Project"); and

WHEREAS, the City and School wish to retain professional services, including engineering and architecture to provide Preliminary Design services for the Project; and

WHEREAS, School and City both have a vested interest in the outcome of the Project; and

WHEREAS, School and City desire to enter into a Cost Share Agreement to apportion responsibility for costs associated with each party's portion of the Preliminary Design, respectively; and

WHEREAS, the School and Widseth have an existing master contract and that contract dictates the relationship between the School and Widseth for services to be rendered to the Project.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the sufficiency of which is hereby acknowledged, it is hereby agreed between the parties as follows:

Agreement

1. **Services**. Commencing on or about February 10, 2026, (the "Effective Date"), School and City shall utilize the services of Widseth to provide the following services and to perform the following work for the Project:

    a. As to School, the bullet pointed categories in the Widseth proposal dated February 10, 2026, including preliminary planning and design for:

1). Student waiting and bus loading improvements.
2). Pedestrian safety enhancements.
3). Parent pick-up and traffic circulation improvements.
4). Accessibility and north entry improvements.
5). Canopy, materials, and other considerations.

b. As to City, preliminary planning and design for:

1). Storm sewer, street, and infrastructure repairs related to the sidewalk on Lakers Lane in the City.

Prior to commencement of work, Widseth shall provide the parties with a full detail of the work to be performed for the respective categories identified above.

2. **Costs**. The District will enter into a contract with Widseth. Upon completion of the services described, the District will invoice the City. The costs of the work on the Project identified above shall be shared between School and City as follows:

a. School ___23_____ %
b. City ___77_____ %

3. **Contracts.** School and City will be asked to provide input during the preliminary engineering and design process. After collecting input and reviewing the final concepts for design, the District and City shall make a final decision on the selected joint concept that will move on to final design and construction with each party's elements of final design and construction identified with regard to cost responsibilities. Any requested changes or amendments to the preliminary design will be routed to each party, through Widseth. This may include either School or City requesting additional analysis or work that is specific to their own priorities and cost responsibilities or could be additions to the scope of the overall Project. Costs for any additional services will be determined on a case-by-case basis.

Upon completion of the preliminary design process, the City and District will contract separately for final design, bidding, and construction for their respective project improvements with the exception that the street crossings and associated rectangular rapid flashing beacon (RRFB), sidewalk improvements and ingress/egress (concrete and bituminous pavements abutting Lakers Lane and including pedestrian ramps and crosswalks in that area) are agreed to best be included with the City's infrastructure improvement contract and to be constructed using the City's contractor. All other ISD 181 site improvements, including plumbing, drainage, erosion control, building modifications, and associated improvements will be designed and constructed to coincide with the City's 2027 Street Improvement project where each Project elements interface at Lakers Lane.

4. **Timeline Performance.** The final design, bidding, and construction of the Project is intended to commence immediately upon agreement between School and City of the final concept with construction occurring in 2027 with the City's planned 2027 Street Improvement

project. For budgeting purposes, the School and City can anticipate invoices for the Project to be sent in 2026 and 2027. Invoices shall be due within thirty (30) days of delivery.

5. **Ownership of Documentation.** The originals of all studies, reports, recommendations and other documents prepared for the Project shall be the joint property of the School and the City.

6. **Authorized Agents.**

a. ISD #181 Brainerd Public Schools:

Jeff Flaten, Director of Buildings and Grounds
Marci Lord, Director of Building Services
Washington Educational Services Building
804 Oak St.
Brainerd, MN 56401

b. City of Nisswa:

Tom Blomer, Public Works Director
Nisswa City Hall
5442 City Hall Street
PO Box 410
Nisswa, MN 56468

IN WITNESS WHEREOF, the parties have caused the execution of this Agreement the day and year first above written.

CITY OF NISSWA

Date: _____, 2026

_____
By: Jennifer Carnahan
Its: Mayor

Date: _____, 2026

_____
By: Maggi Wentler
Its: Interim City Administrator

INDEPENDENT SCHOOL DISTRICT NO. 181

Date: _____, 2026

_____

By: _____

Its: _____

AIA® Document B221™ – 2018

Service Order for use with Master Agreement Between Owner and Architect

SERVICE ORDER number 05 made as of the nineteenth day of February in the year two thousand twenty-six
(In words, indicate day, month, and year.)

BETWEEN the Owner:
(Name, legal status, address, and other information)

ISD #181 – Brainerd Public Schools
804 Oak Street
Brainerd, MN 56401

and the Architect:
(Name, legal status, address, and other information)

Widseth Smith Nolting & Associates, Inc., dba "Widseth"
216 South Main Street
Crookston, MN 56716

for the following **PROJECT:**
(Name, location, and detailed description)

Nisswa Elementary Site and Lakers Lane Improvements
5533 Lakers Lane
Nisswa, MN 56468

Project #2026-10435

THE SERVICE AGREEMENT
This Service Order, together with the Master Agreement between Owner and Architect dated the thirteenth day of February in the year two thousand twenty-five
(In words, indicate day, month, and year.)

form a Service Agreement.

The Owner and Architect agree as follows.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

This document provides the Architect's scope of services for the Service Order only and is intended to be used with AIA Document B121™–2018, Standard Form of Master Agreement Between Owner and Architect

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User Notes: (1313500516)

TABLE OF ARTICLES

1 INITIAL INFORMATION

2 SERVICES UNDER THIS SERVICE ORDER

3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

4 COMPENSATION

5 INSURANCE

6 PARTY REPRESENTATIVES

7 ATTACHMENTS AND EXHIBITS

ARTICLE 1 INITIAL INFORMATION

§ 1.1 Unless otherwise provided in an exhibit to this Service Order, this Service Order and the Service Agreement are based on the Initial Information set forth below:
(State below details of the Project's site and program, Owner's contractors and consultants, Architect's consultants, Owner's budget and schedule, anticipated procurement method, Owner's Sustainable Objective, and other information relevant to the Project.)

Per attached Professional Design Services Proposal dated February 10, 2026.

§ 1.2 The Owner and Architect may rely on the Initial Information. Both parties, however, recognize that such information may materially change and, in that event, the Owner and the Architect shall appropriately adjust the schedule, the Architect's services, and the Architect's compensation. The Owner shall adjust the Owner's budget for the Cost of the Work and the Owner's anticipated design and construction milestones, as necessary, to accommodate material changes in the Initial Information.

ARTICLE 2 SERVICES UNDER THIS SERVICE ORDER

§ 2.1 The Architect's Services under this Service Order are described below or in an exhibit to this Service Order, such as a Scope of Architect's Services document.

§ 2.1.1 Basic Services

(Describe below the Basic Services the Architect shall provide pursuant to this Service Order or state whether the services are described in documentation attached to this Service Order.)

Per attached Professional Design Services Proposal dated February 10, 2026.

§ 2.1.2 Additional Services

(Describe below the Additional Services the Architect shall provide pursuant to this Service Order or state whether the services are described in documentation attached to this Service Order.)

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 Unless otherwise provided in an exhibit to this Service Order, the Owner's anticipated dates for commencement of construction and Substantial Completion of the Work are set forth below:

.1 Commencement of construction date:

To be determined

.2 Substantial Completion date:

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User Notes: (1313500516)

To be determined

ARTICLE 4 COMPENSATION

§ 4.1 For Basic Services described under Section 2.1.1, the Owner shall compensate the Architect as follows:

.1 Stipulated Sum
(Insert amount)

Design Services described in attached Professional Design Services Proposal: Lump sum fee of fifty-five thousand dollars ($55,000.00).

.2 Percentage Basis – Not applicable
(Insert percentage value)

.3 Other – Not applicable
(Describe the method of compensation)

§ 4.2 For Additional Services described under Section 2.1.2 or in the Master Agreement, the Architect shall be compensated in accordance with the Master Agreement unless otherwise set forth below:
(Insert amount of, or basis for, compensation if other than as set forth in the Master Agreement. Where the basis of compensation is set forth in an exhibit to this Service Order, such as a Scope of Architect's Services document, list the exhibit below.)

If mutually agreed to by the Owner and Widseth, additional services are to be charged on an hourly basis per Exhibit A – Fee Schedule (Current Year's Version).

§ 4.3 For Reimbursable Expenses described in the Master Agreement, the Architect shall be compensated in accordance with the Master Agreement unless otherwise set forth below:
(Insert amount of, or basis for, compensation if other than as set forth in the Master Agreement. Where the basis of compensation is set forth in an exhibit to this Service Order, such as a Scope of Architect's Services document, list the exhibit below.)

§ 4.4 When compensation identified in Section 4.1 is on a percentage basis, progress payments for each phase of Basic Services shall be calculated by multiplying the percentages identified in this Article by the Owner's most recent budget for the Cost of the Work. Compensation paid in previous progress payments shall not be adjusted based on subsequent updates to the Owner's budget for the Cost of the Work.

ARTICLE 5 INSURANCE

§ 5.1 Insurance shall be in accordance with section 3.3 of the Master Agreement, except as indicated below:
(Insert any insurance requirements that differ from those stated in the Master Agreement, such as coverage types, coverage limits, and durations for professional liability or other coverages.)

§ 5.2 In addition to insurance requirements in the Master Agreement, the Architect shall carry the following types of insurance.
(List below any other insurance coverage to be provided by the Architect, not otherwise set forth in the Master Agreement, and any applicable limits.)

Coverage	Limits

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User Notes: (1313500516)

ARTICLE 6 PARTY REPRESENTATIVES

§ 6.1 The Owner identifies the following representative in accordance with Section 1.4.1 of the Master Agreement:
(List name, address, and other information.)

Marci Lord, Director of Business Services
ISD #181 – Brainerd Public Schools
804 Oak Street
Brainerd, MN 56401
Telephone Number: 218-454-6914
Email Address: marci.lord@isd181.org

Jeff Flaten, Director of Buildings & Grounds
ISD #181 – Brainerd Public Schools
804 Oak Street
Brainerd, MN 56401
Telephone Number: 218-454-6975
Email Address: jeff.flaten@isd181.org

§ 6.2 The Architect identifies the following representative in accordance with Section 1.5.1 of the Master Agreement:
(List name, address, and other information.)

Lindsey Kriens, CID, VP
Widseth
7804 Industrial Park Road S
Baxter, MN 56425
Telephone Number: 218-316-3610
Email Address: lindsey.kriens@widseth.com

ARTICLE 7 ATTACHMENTS AND EXHIBITS

§ 7.1 The following attachments and exhibits, if any, are incorporated herein by reference:

.1 AIA Document, B121™-2018, Standard Form of Master Agreement Between Owner and Architect for Services provided under multiple Service Orders;

.2 Other Exhibits incorporated into this Agreement:
(Clearly identify any other exhibits incorporated into this Agreement.)

Exhibit A: Fee Schedule (Current Year's Version)

.3 Other documents:
(List other documents, if any, including additional scopes of service forming part of this Service Order.)

Professional Design Services Proposal dated February 10, 2026.

This Service Order entered into as of the day and year first written above.

OWNER *(Signature)*	**ARCHITECT** *(Signature)*
(Printed name and title)	Lindsey Kriens, CID, VP *(Printed name, title, and license number, if required)*

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OWNER *(Signature)*	**ARCHITECT** *(Signature)*
(Printed name and title)	David Reese, PE, VP, Office Manager *(Printed name, title, and license number, if required)*

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Additions and Deletions Report for

AIA® Document B221™ – 2018

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Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 09:53:46 ET on 02/19/2026.

PAGE 1

SERVICE ORDER number 05 made as of the nineteenth day of February in the year two thousand twenty-six

...

ISD #181 – Brainerd Public Schools
804 Oak Street
Brainerd, MN 56401

...

Widseth Smith Nolting & Associates, Inc., dba "Widseth"
216 South Main Street
Crookston, MN 56716

...

Nisswa Elementary Site and Lakers Lane Improvements
5533 Lakers Lane
Nisswa, MN 56468

Project #2026-10435

...

This Service Order, together with the Master Agreement between Owner and Architect dated the thirteenth day of February in the year two thousand twenty-five

PAGE 2

Per attached Professional Design Services Proposal dated February 10, 2026.

...

Per attached Professional Design Services Proposal dated February 10, 2026.

...

To be determined

PAGE 3

To be determined

...

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Design Services described in attached Professional Design Services Proposal: Lump sum fee of fifty-five thousand dollars ($55,000.00).

.2 Percentage Basis – Not applicable

...

~~( ) % of the Owner's budget for the Cost of the Work, as calculated in accordance with Section 4.4.~~

.3 Other – Not applicable

...

If mutually agreed to by the Owner and Widseth, additional services are to be charged on an hourly basis per Exhibit A – Fee Schedule (Current Year's Version).

PAGE 4

Marci Lord, Director of Business Services
ISD #181 – Brainerd Public Schools
804 Oak Street
Brainerd, MN 56401
Telephone Number: 218-454-6914
Email Address: marci.lord@isd181.org

Jeff Flaten, Director of Buildings & Grounds
ISD #181 – Brainerd Public Schools
804 Oak Street
Brainerd, MN 56401
Telephone Number: 218-454-6975
Email Address: jeff.flaten@isd181.org

...

Lindsey Kriens, CID, VP
Widseth
7804 Industrial Park Road S
Baxter, MN 56425
Telephone Number: 218-316-3610
Email Address: lindsey.kriens@widseth.com

...

Exhibit A: Fee Schedule (Current Year's Version)

...

Professional Design Services Proposal dated February 10, 2026.

...

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User Notes: (1313500516)

OWNER *(Signature)*	**ARCHITECT** *(Signature)*
	Lindsey Kriens, CID, VP
(Printed name and title)	*(Printed name, title, and license number, if required)*
PAGE 5	
	David Reese, PE, VP, Office Manager

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I, , hereby certify, to the best of my knowledge, information and belief, that I created the attached final document simultaneously with its associated Additions and Deletions Report and this certification at 09:53:46 ET on 02/19/2026 under Order No. 3104240140 from AIA Contract Documents software and that in preparing the attached final document I made no changes to the original text of AIA® Document B221™ – 2018, Service Order for use with Master Agreement Between Owner and Architect, other than those additions and deletions shown in the associated Additions and Deletions Report.

(Signed) Jennifer F. Masterman

Project Coordinator, CDT, CCCA
(Title)

02/19/2026
(Dated)

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Exhibit A

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.

WIDSETH
ARCHITECTS ▪ ENGINEERS
SCIENTISTS ▪ SURVEYORS

February 10, 2026

ISD #181 Brainerd Public Schools
Jeff Flaten, Director of Buildings & Grounds
Marci Lord, Director of Business Services

Washington Educational Services Building
804 Oak Street
Brainerd MN, 56401

Professional Services Proposal – Phase 1 Project Area – Preliminary A/E Design Services
2026 Nisswa Elementary | Lakers Lane Joint Improvements Project

Dear Mr. Jeff Flaten and Mrs. Marci Lord,

Thank you for the opportunity to assist Brainerd Public Schools in the 2026 Nisswa Elementary/ Lakers Lane Joint Improvements Project. This project is proposed as a joint project with the City of Nisswa and would include improvements to Lakers Lane and associated drainage infrastructure. As a follow-up to our meeting at Widseth on January 7, 2026, Widseth Smith Nolting & Associates, Inc. (dba Widseth) is pleased to submit the following proposal for preliminary design services. This proposal, as dated above, shall be governed by the attached AIA Document B121 and amended to include the following information.

Project Understanding

Widseth is please to propose preliminary site design and public infrastructure coordination services to improve safety, accessibility, and functionality along the North side of Nisswa Elementary's school campus. The North site is where students enter and exit the building and wait for bus loading and unloading. This area currently experiences constrained space, traffic congestion, drainage challenges, and accessibility deficiencies that create safety and maintenance concerns.

Our proposal approach focuses on enhancing student safety, improving traffic flow, addressing drainage and erosion issues, and upgrading deficient infrastructure to meet current accessibility and code requirements. The goal is to provide durable, low-maintenance solutions appropriate for a school site. The scope of work, as we understand, is as follows:

- Student waiting and bus loading improvements
    - Reconfiguration of north sidewalk zone to create expanded student waiting areas separated from pedestrian circulation.
    - Improved organization and safety for students boarding and exiting buses in a tight, high-traffic location.
    - Coordinate bus alignment and spacing along Lakers Lane to improve operational safety.
- Site drainage, erosion, and infrastructure repairs
    - Addressing ongoing drainage issues contributing to erosion and deterioration along the north edge of the site.
    - Replace curb, gutter, and sidewalk.
    - Incorporate storm sewer in the city street fronting the school.
    - Reroute building roof drains beneath the sidewalk to prevent erosion, ponding, and winter ice buildup.

- Pedestrian Safety Enhancements
  - Design of a new pedestrian crosswalk and signals at Lakers Lane to provide a defined crossing location.
- Parent pick-up and traffic circulation improvements
  - Revise and/or expand the parent pick-up circle and exit access point to the city roadway.
  - Funnel outbound traffic to an eastbound-only exit, eliminating the existing bottleneck created by left turning exiting traffic.
  - Improve overall traffic flow and reduce conflicts between buses, parents, and through traffic as is feasible giving existing site constraints.
- Accessibility and north entry improvements
  - Address the deteriorated north entry with replacement of concrete, railings and stairs.
  - Redesign the non-accessible pedestrian route to comply with current ADA and code requirements.
  - Replace non-accessible exterior door with a fully compliant door and hardware assembly.
- Canopy, materials, and other considerations
  - Evaluate the need for the north exterior canopy and propose a repair or removal plan.
  - Investigate the use of artificial turf to replace existing grass on the north end of the site.
  - Study feasibility of radiant heat system beneath sidewalks to assist with snow and ice removal.

Design Schedule

Based on the Project Understanding and Scope of Services, this Preliminary Design agreement shall be from the date of signature in this Letter Agreement until the completion of the Preliminary Design review phase. The ultimate objective of the project is to complete the proposed improvements prior to September 4, 2026. A tentative project calendar is attached to this proposal.

Scope of Services

Based on the Project Understanding outlined above, Widseth proposes the following Scope of Services:

- Architectural Design – During this Preliminary Design Phase Widseth will provide conceptual plans, narratives and budget cost estimates.

- Structural Engineering – Not included in scope of work but can be provided as additional services if required.

- Mechanical Engineering – During this Preliminary Design Phase Widseth will provide narratives and budget cost estimates.

- Electrical Engineering – During this Preliminary Design Phase Widseth will provide narratives and budget cost estimates.

- Civil Engineering – Widseth will prepare removal plan, traffic, pickup lane, and crossing layout, storm sewer sizing and layout, curb/gutter design, and site grading plan.

- Survey – An initial collection of Lakers Lane survey data in front of the school property was completed in 2025. This will be supplemented with additional survey information as needed to coordinate site improvements with the Lakers Lane improvements.

Not Included in the Scope of Services

Any service not specifically described herein to be performed, if mutually agreed to by the Owner and Widseth, will be considered an Additional Service. This will result in an increase in Widseth's professional services fee and an adjustment in the contract time. Examples of additional services include public informational meetings or hearings, or other scope expansion. Such services will be provided as needed on an Hourly Rate basis per the attached Fee Schedule.

Proposed Fees

Preliminary Design Services: Widseth proposes to complete the Preliminary Design Scope of Services described above for a Lump Sum fee of **$55,000.00** plus expenses (mileage, equipment, reproduction costs, etc.) as may be incurred by Widseth. We anticipate this fee will be prorated between ISD 181 and the City of Nisswa in accordance with a separate cost-share agreement. However, our contract will be solely with ISD 181.

A supplementary proposal for Final Design, Bidding and Construction Administration Services will be provided upon completion of Preliminary Design when the final project scope has been determined.

If you have any questions or would like to discuss any items in more detail, please call Lindsey Kriens directly at 218-316-3610 to address your concerns. Thank you for this opportunity to propose and serve as your Architect and Engineer. Widseth is eager to contribute our expertise, and we look forward to working with you on this exciting project.

Sincerely,

Widseth Smith Nolting & Assoc., Inc.

David Reese, VP
Civil Engineer

Lindsey Kriens, VP
Interior Design, CID

Attachments:
- AIA Document B121
- Site exhibits

Cc w/attachments: Tom Blomer, Nisswa Public Works Director
Maggi Wentler, Interim City Administrator

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Thomas Blomer, Public Works Director

Date: 5/13/2026

Item: Final Engineering for the 2027 Road Bond Consideration and Approval

Action Requested: Review the proposal from Widseth to finish the engineering for the 2027 Road Bond.

Background: This is a follow-up to the Monday, May 11th Special Public Works Committee Meeting, Sidewalk Summit. The Public Works Committee made recommendations for the work outlined in Widseth's proposal for final engineering for the 2027 Road Bond.

Budget Impact: Approval of this proposal commits the city to spending $345,000.00 to be reimbursed by bond proceeds.

Attachments: A copy of Widseth's proposal for final engineering for the 2027 Road Bond.

WiDSETH

Brainerd/Baxter
7804 Industrial Park Road
Baxter MN 56425

218.829.5117
Baxter@Widseth.com
Widseth.com

CLIENT: City of Nisswa

LOCATION: Nisswa, MN

DATE: May 12, 2026

SERVICE REQUESTED BY: City of Nisswa

PROJECT: **Proposed 2027 Street Improvements-Downtown Area**
Final Design and Bidding Proposal

The City of Nisswa requested Widseth to prepare a proposal for final engineering design for the following streets that are anticipated to be improved in the 2027 construction year. These streets are part of the 2027 bonded street improvement projects. These projects will not be assessed.

- City Hall Street/Nisswa Avenue- From Church Street to MnDOT Hwy 371 Right of Way with a conventional intersection design at Main Street (no roundabout)
- Church Street- From Lakers Lane to Park Avenue
- Church Street- From Park Avenue to Birch Avenue
    - This portion of Church Street will require additional public engagement and meetings with property owners before finalizing the design concept in this segment
- Lakers Lane- Mini-roundabout at the intersection with Church Street and full width reconstruction to Wooddale Road abutting the Nisswa Elementary School frontage on Lakers Lane

100% Complete Design Scope – Plans/Specifications

City Hall Street/Nisswa Avenue - Church Street to MnDOT Hwy 371 Right-of-Way

- The proposed improvements were identified during preliminary design, stakeholder meetings, and public informational meeting involvement.
- The improvements associated with City Hall Street/Nisswa Avenue include drainage, erosion control, improved safety elements, improved pavement section, and accessibility to properties on either side of the roadway.
- Our fee is based on the understanding the city supports a conventional intersection design at the City Hall Street and Main Street Intersection.
- Final design of walkways for pedestrians on City Hall Street/Nisswa Avenue
- Final design of storm sewer conveyance, treatment, infiltration and storage
    - The proposed storm water basin areas were identified during the 30% design phase
- Review preliminary plans with utility representatives to obtain feedback
- Facilitate an open house to review the 90% design, scheduling and phasing to obtain feedback from residents and businesses

Church Street- Lakers Lane to Park Avenue

- The proposed improvements were identified during preliminary design, stakeholder meetings, and public informational meeting involvement.
- The improvements associated with Church Street include drainage, erosion control, improved safety elements, improved pavement section, and accessibility to properties on either side of the roadway
- Final design of walkways for pedestrians and bicycles on City Hall Street/Nisswa Avenue
- Final design of storm sewer conveyance, treatment, infiltration and storage
    - Storm water basins were identified during the 30% plan phase
- Review plans with utility representatives to obtain feedback
- Facilitate an open house to review the 90% design, scheduling and phasing to obtain feedback from residents and businesses

Church Street- Park Avenue to Birch Avenue

- Additional public engagement and feedback is needed for this portion of Church Street to fully develop the desired scope for the final design for such items as:
    - Drainage improvements
        - Discussions with current property owners for drainage easements needed
    - Street design- urban, rural, or combination design concept
    - Right of way
        - Further design development will aid in determining the area necessary to accommodate trail and drainage amenities for final construction plans and specifications for this portion of Church Street.
    - Work with City Staff to address historical maintenance and construction related issues associated with this project area
    - Further define walkway, pedestrian, bicycle, and other multimodal transportation needs for this project area to complete the final design
    - Facilitate an open house to review the 30% and 90% design, scheduling and phasing to obtain feedback from residents and businesses

Lakers Lane- Mini-roundabout at the intersection with Church Street and full width reconstruction to Wooddale Road abutting the Nisswa Elementary School frontage on Lakers Lane

- The improvements associated with Lakers Lane include drainage, erosion control, improved safety and accessibility elements, mini-roundabout, enhanced pedestrian crosswalks, and traffic controls along the North side of Nisswa Elementary's school campus.
- Our fee is based on the understanding the city supports a mini roundabout that would be designed and constructed at the intersection with Church Street and Lakers Lane.
- Widseth will sub-consult SRF Consultants for the roundabout traffic analysis, geometrics and ancillary improvements. The sub-consultant cost is included in this proposal/agreement scope and fee.
- Final design of walkway and ADA compliant ramps on Lakers Lane
- Final design of storm sewer conveyance, treatment, and storage
    - Conveyance of storm water to the east along Lakers Lane was identified during the 30% plan phase. This will enter the existing ditch at the southeast corner of the intersection.
- Facilitate an open house to review the 90% design, scheduling and phasing to obtain feedback from residents and businesses
- The Lakers Lane improvements are based on the understanding the City of Nisswa will complete the Lakers Lane improvements jointly with ISD 181 improvements that have been identified in preliminary design, and ISD 181 will (in a separate construction contract) complete site improvements that include roof leader extensions that will tie into the city's storm sewer system, sidewalk modifications abutting the school property and near the school bus staging area, site grading and other drainage, erosion control, and building modifications identified for the school's facilities and property.

Pickle Parking Area

- The improvements associated with the Pickle Parking Area increases the number of parking spaces, and includes drainage improvements, pedestrian/traffic safety elements, improved pavement section, and erosion control for the Pickle Parking Lot area.
- Final design of walkways identified in the 30% design.
- Project access for WB-50 semi-trucks at the loading dock area on the southeast corner of the Pickle building.
- Final design of storm sewer conveyance, treatment, infiltration and storage
    - Storm water basin area was identified during the 30% plan phase
- Review plans with utility representatives to obtain feedback
- Facilitate an open house to review the 90% design, scheduling and phasing to obtain feedback from residents and businesses

The proposed 100% Design scope of work for the identified City of Nisswa project areas includes:

- Preparing final plans and specifications
    - Street alignment, cross-sections, and profiles
    - Parking area grading plan
    - Stormwater management facilities – ponding, storm sewer, swales, ditches
    - Pavement section design including base and pavement thickness
    - Parking spaces and striping plan along the streets and for the Pickle Parking lot
    - Street pavement marking plans
    - Erosion and sedimentation controls and SWPPP plans
    - Project storm water utility plans and details
    - Construction quantities and standard details for construction
    - Specifications and contract bidding documents
- Identify right-of-way and easement areas and locations
    - Sketch and legal descriptions or right-of-way platting as appropriate for acquisition purposes will be considered additional services and will be billed hourly in accordance with our fee schedule. This information will be forwarded to the city attorney for determination of values, drafting of conveyance documents, and follow-up execution and recording of easements with property owners
- Prepare bidding documents for a unit price contract
- Facilitate bidding for the 2027 Street Improvement project

PROPOSED PROJECT SCHEDULE

100% Design:	June – September 30, 2026
Easement Sketch/Descriptions:	October 31, 2026
Bidding:	February/March 2027
Construction Contract Award:	March/April 2027
Construction Completed:	November 30, 2027

ITEMS NOT INCLUDED IN THE SCOPE OF WORK – These services can be provided as additional services if needed:

1. *Resolution of private property drainage, irrigation, fencing, or landscaping issues*
2. *Wetland Delineations and Permitting*
3. *Geotechnical Investigations and Material Testing*
4. *Right of Way or Easement Acquisition*
    a. Sketch and legal descriptions or right-of-way plat
5. *Environmental or Historical Clearances and Permits*
6. *Facilitating utility relocations*
7. *Design and layout of streetscaping elements, lighting, and wayfinding improvements, etc*

Fee Summary

WiDSETH proposes to perform these final design and bidding services described on a lump sum basis for a total fee of **$345,000.00.** If you agree with this proposal/agreement, please sign and return one copy of this letter as our authorization to proceed.
Very truly yours,

Widseth Smith Nolting & Associates Inc.



David S. Reese, P.E.
Civil Engineer | Vice President

Attachments: General Provisions of Professional Services Agreement
2026 Widseth Fee Schedule

Proposed by Widseth Smith Nolting & Associates Inc. (Widseth)



Aric L. Welch, P.E. | Vice President

Accepted by City of Nisswa: The above Proposal/Agreement 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.

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Thomas Blomer, Public Works Director

Date: 5/12/2026

Item: Expanding the Cemetery Consideration and Approval

Action Requested: Review the proposal from Widseth to expand the cemetery into the undeveloped land on the North side of the existing cemetery.

Background: The city has been approached by Andy Anderson to consider expanding the cemetery into the property the city currently owns for the purpose of expanding the cemetery. He has asked Widseth to put together a proposal to expand the cemetery that could be considered by the City Council. Mr. Anderson has indicated he is willing to pay for all, or most of, the cost of the expansion. The Council may want to consider items that Mr. Anderson may not pay for, as part of the complete project, such as paving a portion of Centennial Lane. The forementioned proposal from Widseth is attached to the Council packet for consideration. Mr. Anderson is expected to attend the meeting to talk about this opportunity.

Budget Impact: N/A

Attachments: Proposal from Widseth for design and platting services for cemetery expansion.

WIDSETH

Brainerd/Baxter
7804 Industrial Park Road
Baxter MN 56425

218.829.5117
Baxter@Widseth.com
Widseth.com

March 9, 2026

City of Nisswa
Maggie Wentler
Interim City Administrator
5442 City Hall Street, PO Box 410
Nisswa, MN 56468

Re: Proposal for Cemetery Platting Services, Landscaping Design Services and Civil Engineering Services for the Greenwood Cemetery in Section 12 Township 135, Range 29, Crow Wing County, Nisswa, MN

Dear Maggie,

Thank you for contacting us regarding improvements and platting services for the existing Greenwood Cemetery. Our preliminary design discussion meeting with City staff gave us insight into the design goals and desired cemetery elements that are important items to consider for this cemetery expansion.

Widseth is pleased to submit this proposal letter for the professional Land Surveying, Landscape Architecture and Civil Engineering services necessary for the planning and layout of the proposed Greenwood Cemetery addition consisting of approximately 3 acres. We have completed many cemetery design and expansion projects of this type and understand the requirements for your project. Based on our experience with other similar cemetery's, our detailed review of the existing cemetery layout and understanding of the desired design elements provided we propose the following specific scope of services:

CEMETERY CONCEPT DESIGN LAYOUT SERVICES $10,000.00

- Utilize the City's project design elements, existing cemetery map, surveys and available site information as the base for our work
- Prepare two conceptual cemetery layouts consisting of the following:
  - Development of currently undeveloped cemetery area
  - Road and alley alignment
  - Traditional and cremation grave plots
  - Columbarium area
  - Veterans Memorial area location
  - Drives and walkways
  - Gate entrance concepts (two entrance design options)
  - Future expansion/phasing options
  - Tree preservation consideration
  - Potential stormwater retention areas
  - Typical section to upgrade Centennial Lane to City Standards up to the north cemetery property line.
- Meeting with the City's team to review the two proposed layouts and gather feedback on the final preferred layout

- Make the desired revisions and prepare the final approved layout. Concept plan will consist of the items indicated above and will be suitable for final design and platting.

Following the approval of the concept design layout the next step in the process is to prepare the construction documents and final Cemetery plat suitable for recording

Cemetery Platting Services $12,500.00

Drawings and Calculations

- Utilize approved cemetery concept design as the base for the platting process.
- Locate the current site improvements, visible and marked utilities, and topography within the project limits.
- Compile the field data collected and prepare a preliminary plat of the approximately 3 acre cemetery utilizing the approved layout consisting of new plots, columbaria, blocks, walkways and roads.
- Prepare final cemetery plat meeting the local ordinance and State Cemetery Statute requirements according to MN Chapter 306.
- Review plat with County Recorder for comment.
- Obtain mylar copies suitable for recording (approximately $1,000.00, included in our proposed fee).

Final Plot Corner Staking Services

- Place 3-inch diameter monument at one lot corner of each lot as required by State Statute section 306.66 that is stamped indicating the respective lot and block numbers.
    - Price per monument is approximately $12.00 (for the purpose of this proposal we have estimated 110 monuments $1,320.00 included in our proposed fee).
- Additional iron pipe monuments will be placed to identify the boundary of cemetery.
- 2” cemetery monuments are a good option for intermediate and key lot corners for an approximate cost of $4.00 per monument (which would be additional to the proposed costs indicated).

Meetings
We have allotted two meetings for the concept design scope, two meetings for the platting scope. We would be happy to participate in additional meetings if needed. Time for additional meetings and travel will be charged at our normal hourly rates.

Concept Design:
- Two (2) Concept Design review meetings

Cemetery Platting (Land Survey):
- One City of Nisswa Planning Commission Meeting
- One City of Nisswa Council Meeting

Additional Services Available
Additional services Widseth can provide, that are not included as part of this proposal are:
- Geotechnical Investigation and Report
- Final Design and Construction Documents
  - Landscape Architecture and Civil Engineering
- Earthwork Calculations / Quantity Take-Off
- Small Utilities (i.e. gas, telephone, electric, etc.) Location/Relocation
- Bidding procurement
- Construction Observation
- Construction Meetings
- Record Drawing Surveys and Plans
- Construction Administration
- Construction Staking for final plans

Widseth would be pleased to submit a separate Proposal for these services upon request.

Proposed Schedule
Based on the Scope of Services, Widseth proposes the following tentative design schedule:
- Concept Design 3-4 Weeks

FOLLOWING APPROVED CONCEPT DESIGN
- Cemetery Platting 2-3 Weeks

Proposed Fees
Based on the services requested and our experience in the area we estimate a project cost of **$22,500.00**. If this proposal meets your approval, please sign and return a copy of the executed agreement to our office and we will schedule our work accordingly. We look forward to contributing our experience with cemetery planning and development with the city on this project. Please feel free to contact us with any questions.

Sincerely,
WIDSETH

William K. Westerberg, PE
Civil Engineer

Chad Conner, LS CFedS
Vice President

Accepted by the City of Nisswa: The above proposal and the attached General Provisions of Professional Services Agreement are satisfactory and Widseth Smith Nolting and Associates, Inc., (DBA WIDSETH) is authorized to do the work as specified.

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

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.

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.

BOLTON & MENK

Real People. Real Solutions.

MEMORANDUM

Date: May 12, 2026

To: Tom Blomer – Nisswa Public Works Director

From: Morgan Salo, PE
Bryan Drown, PE

Subject: Lift Station No. 1 Reconstruction Project
City of Nisswa, MN
BMI Project No.: 25X.141651.00

We have prepared this memorandum to summarize our discussion at the April 16, 2026 plan review meeting and to provide a status update of the project.

We have completed the minor plan redlines discussed with you and Mike Deck on April 16th and plans and specifications are 98% complete. The one outstanding design item is to have a soil boring completed at the proposed location of the new lift station. The technical design components are complete at this time. The soil boring is needed to verify site soils, verify groundwater levels, and complete buoyancy calculations for the proposed concrete structures. As the City of Nisswa does not control the land the proposed lift station is to be located on, we are unable to complete the soil boring and finalize plans and specifications until a soil boring is completed.

With the city not having control over the land the proposed lift station is to be located on we recommend the lift station construction be delayed until 2027 due to the lead times for the contractor to obtain the control panel and generator. However, we think that bidding a project in the Fall of 2026 will provide benefit for the City to allow the contractor time to procure materials over the winter months and have all materials ready to go by Spring 2027 for construction. Automatic Systems has indicated the lead time on the control panel to be 4 to 6 months from the time submittals are approved and the lead time for the natural gas generator is 30 weeks once a shop drawing is approved and released back to the contractor. It can take anywhere from 2 – 4 weeks for shop drawings to be initiated and sent to the engineer to review and release. Based on the lead times of critical lift station elements we recommend the following project schedule:

- August 18, 2026 – City Council approve plans and specifications and authorize Bid Advertisement
- August 24, 2026 – Upload plans and specifications on Quest
- August 24 – September 29: Advertisement period on Quest and City Legal Paper
- September 29, 2026 – Bid Opening online via Quest at 2 pm
- October20, 2026 – City Council award Construction Contract
- October 29, 2026 – Finalize construction contracts
- November 2026 – March 2027 - Review and approve construction material submittals

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- Spring 2027 (date TBD depending on contractor) – Construction with control panel and generator procured and available.

This schedule should be considered flexible and is based on the City of Nisswa acquiring the land the proposed lift station will be located on and completing the necessary soil boring to finalize the plans and specifications in the next 3 months, by the end of July 2026. To expedite the completion of the plans and specifications we are wondering if the City could explore obtaining a temporary access agreement with Consolidated Telephone Company (CTC) to have access for a drill rig to complete the soil boring if the property cannot be purchased before July 2026. That could help expedite the timeline for finalizing design and bidding a project in the Fall of 2026 as indicated above.

Bolton & Menk is an equal opportunity employer.

CITY OF NISSWA

To: Nisswa City Council

Prepared by: Thomas Blomer, Public Works Director

Date: 5/12/2026

Item: Review of Cole Johnson Probation Status and Move to Permanent Full-time Status.

Action Requested: A motion to remove Cole Johnson from probationary status by a simple majority vote.

Background: Cole was hired October 15th, 2025. He was eligible to be removed as of April 15th, 2026. Cole has done outstanding work and is great addition to our Public Works department. I recommend his move to permanent, full-time status ASAP. Thank you.

Budget Impact: None

Attachments: None

EXTRACT OF MINUTES OF A MEETING
OF THE CITY COUNCIL
CITY OF NISSWA, MINNESOTA

HELD: MAY 19, 2026

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Nisswa, Crow Wing County, Minnesota, was duly called and held at the Nisswa City Hall on May 19, 2026, at 6:00 P.M., for the purpose of, in part, of authorizing the issuance and awarding the sale of $3,910,000 General Obligation Street Reconstruction Bonds, Series 2026A.

The following members were present: _____

and the following were absent: _____

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF $3,910,000 GENERAL OBLIGATION STREET RECONSTRUCTION BONDS, SERIES 2026A, AND LEVYING A TAX FOR THE PAYMENT THEREOF

A. WHEREAS, the City of Nisswa, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to issue $3,910,000 General Obligation Street Reconstruction Bonds, Series 2026A (the "Bonds" or individually, a "Bond"), pursuant to Minnesota Statutes, Chapter 475 and Section 475.58, Subdivision 3b, to finance street reconstruction projects under the City's Street Reconstruction Plan adopted on February 17, 2026 (the "Improvements"); and

B. WHEREAS, on February 17, 2026, following duly published notice thereof, the Council held a public hearing on the issuance of not to exceed approximately $5,750,000 principal amount of bonds to finance the Improvements and all persons who wished to speak or provide written information relative to the public hearing were afforded an opportunity to do so; and

C. WHEREAS, no petition signed by voters equal to 5 percent of the votes cast in the City in the last municipal general election requesting a vote on the issuance of the street reconstruction bonds has been filed with the Interim City Administrator within 30 days after the public hearing on March 19, 2026; and

D. WHEREAS, the Bonds, together with any outstanding bonds of the City that are subject to the City's net debt limit, do not exceed the City's net debt limit; and

E. WHEREAS, the City has retained PFM Financial Advisors LLC, in Minneapolis, Minnesota ("PFM"), as its independent municipal advisor for the sale of the Bonds and was therefore authorized to sell the Bonds by private negotiation in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9) and proposals to purchase the Bonds have been solicited by PFM; and

F. WHEREAS, the proposals set forth on Exhibit A attached hereto were received by the Interim City Administrator, or designee, at the office of PFM, at 11:15 A.M. on the date hereof, pursuant to the Requests for Proposals for the Bonds; and

G. WHEREAS, it is in the best interests of the City that the Bonds be issued in book-entry form as hereinafter provided;

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

1. Acceptance of Proposal. The proposal of _____ (the "Purchaser"), to purchase the Bonds, in accordance with the Requests for Proposals established for the Bonds, at the rates of interest hereinafter set forth, and to pay therefor the sum of $_____, plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable proposal received, is hereby accepted and the Bonds are hereby awarded to the Purchaser.

2. Bond Terms.

(a) Original Issue Date; Denominations; Maturities; Term Bond Option. The Bonds shall be dated June 2, 2026, as the date of original issue, shall be issued forthwith on or after such date in fully registered form, shall be numbered from R-1 upward in the denomination of $5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations") and shall mature on February 1 in the years and amounts as follows:

Year	Amount	Year	Amount
2028	$	2035	$
2029		2036	
2030		2037	
2031		2038	
2032		2039	
2033		2040	
2034		2041	

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

(b) Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or its successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds, and to this end:

(i) The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 5 and 10 Authorized Denominations for any Bond

shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.

(ii) Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by the Bond Registrar (as hereinafter defined) in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

(iii) With respect to the Bonds neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

(iv) The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.

(v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10, references to the Nominee hereunder shall refer to such new Nominee.

(vi) So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the case may be, to the Depository as provided in the Letter of

Representations to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").

(vii) All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.

(viii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

(ix) Any successor Bond Registrar in its written acceptance of its duties under this Resolution and any paying agency/bond registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

(c) Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:

(i) The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Bond if it determines that the Depository is

no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.

(ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with paragraph 10. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10, the Bonds will be delivered to the Beneficial Owners.

(iii) Nothing in this subparagraph (c) shall limit or restrict the provisions of paragraph 10.

(d) Letter of Representations. The provisions in the Letter of Representation are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representation shall control.

3. Purpose. The Bonds shall provide funds to finance the Improvements. The total cost of the Improvements, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bonds. Work on the Improvements shall proceed with due diligence to completion. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Improvements proceeds with due diligence to completion and that any and all permits and studies required under law for the Improvements are obtained.

4. Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2027, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

Maturity Year	Interest Rate	Maturity Year	Interest Rate
2028	$	2035	$
2029		2036	
2030		2037	
2031		2038	
2032		2039	
2033		2040	
2034		2041	

5. Redemption. All Bonds maturing on February 1, 2037, and thereafter shall be subject to redemption and prepayment at the option of the City on February 1, 2036, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the Bond Registrar and to each affected registered holder of the Bonds at least thirty (30) days prior to the date fixed for redemption.

To effect a partial redemption of Bonds having a common maturity date, the Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each $5,000 of the principal amount of such Bond. The Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to the Bonds, as many numbers as, at $5,000 for each number, shall equal the

principal amount of the Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each Bond of a denomination of more than $5,000 shall be redeemed as shall equal $5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Registrar (with, if the City or Registrar so requires, a written instrument of transfer in form satisfactory to the City and Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the City shall execute (if necessary) and the Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

6. Bond Registrar. U.S. Bank Trust Company, National Association, in St. Paul, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered Holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12.

7. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the form set forth on Exhibit B attached hereto.

8. Execution. The Bonds shall be in typewritten form, shall be executed on behalf of the City by the signatures of its Mayor and Interim City Administrator and be sealed with the seal of the City; provided, as permitted by law, both signatures may be photocopied facsimiles and the corporate seal has been omitted. In the event of disability or resignation or other absence of either officer, the Bonds may be signed by the manual or facsimile signature of the officer who may act on behalf of the absent or disabled officer. In case either officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Bond, substantially in the form set forth on Exhibit B attached hereto, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue of June 2, 2026. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the

Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or the Holder's attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The Interim City Administrator is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

12. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the

"Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the Interim City Administrator to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Funds. There is hereby established a special fund to be designated the "General Obligation Street Reconstruction Bonds, Series 2026A Fund" (the "Fund") to be administered and maintained by the Interim City Administrator as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. There shall be maintained in the Fund the following two (2) separate accounts, to be designated the “Construction Account” and “Debt Service Account”, respectively.

(a) Construction Account. To the Construction Account there shall be credited the proceeds of the sale of the Bonds. From the Construction Account there shall be paid all costs and expenses of making the Improvements, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65. Moneys in the Construction Account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the anticipated date of commencement of the collection of taxes herein levied or covenanted to be levied; and provided further that if upon completion of the Improvements there shall remain any unexpended balance in the Construction Account, the balance shall be transferred to the Debt Service Account.

(b) Debt Service Account. There are hereby irrevocably appropriated and pledged and shall be credited to the Debt Service Account: (i) all collections of taxes herein or hereafter levied for the payment of the Bonds and the interest thereon; (ii) on the closing date of the Bonds, available funds of the City in the amount of $_____ which is sufficient to pay interest due on the Bonds on or before February 1, 2027; (iii) all funds remaining in the Construction Account after completion of the Improvements and payment of the costs thereof; (iv) all investment earnings on funds held in the Debt Service Account; and (v) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The amount of any surplus remaining in the Debt Service Account when the Bonds and interest thereon are paid shall be used consistent with Minnesota Statutes, Section 475.61, Subdivision 4. The Debt Service Account shall be used solely to pay the principal and interest on the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said account as provided by law.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire

higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of five percent of the proceeds of the Bonds or $100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Construction Account or Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the bonds payable therefrom) in excess of amounts which under then applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

16. Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

Years of Tax Levy	Years of Tax Collection	Amount

See attached schedule in Exhibit C

The tax levies are such that if collected in full they, together with other revenues herein pledged for the payment of the Bonds, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levies shall be irrepealable so long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

17. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

18. Continuing Disclosure. The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described:

(a) to provide or cause to be provided to the Municipal Securities Rulemaking Board, by filing at www.emma.msrb.org, (i) at least annually, its audited financial statements for the most recent fiscal year, and (ii) notice of the occurrence of certain events with respect to the Bonds in

not more than ten (10) business days after the occurrence of such event, in accordance with the Undertaking; and.

(b) its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking is intended to be for the benefit of the Holders of the Bonds and shall be enforceable on behalf of such Holders; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

The Mayor and Interim City Administrator or any other officer of the City authorized to act in their place (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the City Council subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the Purchaser of the Bonds, and (iii) acceptable to the Officers.

19. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

20. Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than sixty days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional

purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Program"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Program; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Program, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar prefatory costs, which in the aggregate do not exceed twenty percent of the "issue price" of the Bonds, and (ii) a *de minimis* amount of Reimbursement Expenditures not in excess of the lesser of $100,000 or five percent of the proceeds of the Bonds.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Bonds or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Bonds, and not later than three years after the later of (i) the date of the payment of the Reimbursement Expenditure, or (ii) the date on which the Program to which the Reimbursement Expenditure relates is first placed in service.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Bonds are issued, shall be treated as made on the day the Bonds are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its bond counsel for the Bonds stating in effect that such action will not impair the tax-exempt status of the Bonds.

21. Certificate of Registration and Tax Levy. A certified copy of this resolution is hereby directed to be filed with the County Auditor of Crow Wing County, Minnesota, together with such other information as the County Auditor shall require, and there shall be obtained from the County Auditor a certificate that the Bonds have been entered in the County Auditor's Bond Register and the tax levy required by law has been made.

22. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to bond counsel, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

23. Negative Covenant as to Use of Proceeds and Improvements. The City hereby covenants not to use the proceeds of the Bonds or to use the Improvements, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Improvements, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

24. Tax-Exempt Status of the Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (i) requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Bonds, and (iii) the rebate of excess investment earnings to the United States if the Bonds (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceed the small issuer exception amount of $5,000,000.

For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements for governmental units issuing $5,000,000 or less of bonds, the City hereby finds, determines and declares that (i) the Bonds are issued by a governmental unit with general taxing powers; (ii) no Bond is a private activity bond; (iii) ninety five percent or more of the net proceeds of the Bonds are to be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); and (iv) the aggregate face amount of all tax exempt bonds (other than private activity bonds) issued by the City (and all entities subordinate to, or treated as one issuer with the City) during the calendar year in which the Bonds are issued and outstanding at one time is not reasonably expected to exceed $5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

25. Designation of Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

(a) the Bonds are issued after August 7, 1986;

(b) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;

(c) the City hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

(d) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2026 will not exceed $10,000,000;

(e) not more than $10,000,000 of obligations issued by the City during this calendar year 2026 have been designated for purposes of Section 265(b)(3) of the Code; and

(f) the aggregate face amount of the Bonds does not exceed $10,000,000.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

26. Official Statement. The Official Statement relating to the Bonds prepared and distributed by PFM is hereby approved and the officers of the City are authorized in connection with the delivery of the Bonds to sign such certificates as may be necessary with respect to the completeness and accuracy of the Official Statement.

27. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

28. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

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

and the following voted against the same: _____

Whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF CROW WING
CITY OF NISSWA

I, the undersigned, being the duly qualified and acting Interim City Administrator of the City of Nisswa, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council duly called and held on the date therein indicated, insofar as the minutes relate to considering proposals and awarding the competitive negotiated sale of $3,910,000 General Obligation Street Reconstruction Bonds, Series 2026A.

WITNESS my hand on _____, 2026.

_____
Interim City Administrator

EXHIBIT A

Bid Tabulation

EXHIBIT B

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF MINNESOTA
CROW WING COUNTY
CITY OF NISSWA

R-_____ $_____

GENERAL OBLIGATION STREET RECONSTRUCTION BOND, SERIES 2026A

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
%	February 1, 20	June 2, 2026	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF NISSWA, CROW WING COUNTY, MINNESOTA (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, without option of prior payment, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2027, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of U.S. Bank Trust Company, National Association, in St. Paul, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in the Letter of Representations, as defined

in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this Bond. Until termination of the book-entry only system pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Optional Redemption. The Bonds of this issue (the "Bonds") maturing on February 1, 2037, and thereafter, are subject to redemption and prepayment at the option of the Issuer on February 1, 2036, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the Bond Registrar and to each affected registered holder of the Bonds at least thirty (30) days prior to the date fixed for redemption.

Prior to the date on which any Bond or Bonds are directed by the Issuer to be redeemed in advance of maturity, the Issuer will cause notice of the call thereof for redemption identifying the Bonds to be redeemed to be mailed to the Bond Registrar and all Bondholders, at the addresses shown on the Bond Register. All Bonds so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption have been duly deposited.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of $3,910,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on May 19, 2026 (the "Resolution"), for the purpose to finance reconstruction projects within the Issuer. This Bond is payable out of the General Obligation Street Reconstruction Bonds, Series 2026A Fund of the Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely in fully registered form in Authorized Denominations (as defined in the Resolution) and are exchangeable for fully registered Bonds of other Authorized Denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or by the Holder's attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and

deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an Authorized Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided herein with respect to the Record Date) and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Qualified Tax-Exempt Obligation. This Bond has been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law; that the Issuer has covenanted and agreed with the Holders of the Bonds that it will levy a direct, annual, irrepealable ad valorem tax upon all of the taxable property of the Issuer, without limitation as to rate or amount, for the years and in amounts sufficient to pay the principal and interest on the Bonds as they respectively become due, if any sums irrevocably appropriated to the Debt Service Account are insufficient therefor; and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Nisswa, Crow Wing County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its Interim City Administrator, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration: _____

Registrable by: U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION

Payable at: U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the Resolution mentioned Within.

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION
St. Paul, Minnesota
Bond Registrar

By: _____
Authorized Signature

CITY OF NISSWA,
CROW WING COUNTY, MINNESOTA

/s/ Facsimile
Mayor

/s/ Facsimile
Interim City Administrator

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common
TEN ENT - as tenants by the entireties
JT TEN - as joint tenants with right of survivorship and not as tenants in common
UTMA - _____ as custodian for _____
(Cust) (Minor)
under the _____ Uniform Transfers to Minors Act
(State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated:_____ _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

_____

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____
_____
_____

(Include information for all joint owners if the Bond is held by joint account.)

EXHIBIT C

TAX LEVY SCHEDULE

CITY OF NISSWA

May 19, 2026

To: Nisswa City Council
From: Maggi Wentler, Interim City Administrator

Re: 2026-2027 Liquor License Renewals

Action Requested: Approval of the 2026-2027 Liquor Licenses as Presented.

Background Information: Attached please find a list of the liquor licenses within the City of Nisswa. The renewal covers the period of 7/1/2026 – 6/30/2027. Approval of the Liquor Licenses will be contingent upon:

- Paying all fees
- Completing and submitting all paperwork / forms
- There are no outstanding issues of noncompliance

Once all items have been completed in full, signed, and submitted by the licensee, the forms will be mailed to the state for processing, if approved by Council.

Nisswa Liquor/Wine/Beer
License Renewal 2026-2027

AUTHORITY CODE	LICENSE TYPE	NAME
NISSWA CITY OF	MOONSL	NISSWA COMMUNITY CENTER
NISSWA CITY OF	MOCMBN	NISSWA MUN LIQU. (PICKLE FACTORY)
NISSWA CITY OF	MOOFSL	SPIRITS OF NISSWA
NISSWA CITY OF	MCLONSS	AM. LEGION BILLIE BROWN POST 627
NISSWA CITY OF	BEERWK	FRITZ'S RESORT & CAMPGROUND
NISSWA CITY OF	ONSS	ETOC CO INCE PINES CLUBHOUSE
NISSWA CITY OF	ONSS	ETOC CO INC GRAND VIEW LODGE
NISSWA CITY OF	BEERWK	ETOC CO INC
NISSWA CITY OF	BEERWK	HOLIDAY STATIONSTORES INC
NISSWA CITY OF	BEERWK	SCHAEFERS FOODS
NISSWA CITY OF	ONSS	MAIN STREET HOSPITALITY INC
NISSWA CITY OF	TRONSS	BIG AXE BREWING CO LLC - off-sale
NISSWA CITY OF	BROFSL	BIG AXE BREWING CO LLC - on-sale + Sunday
NISSWA CITY OF	MWNONSB	RAFFERTY'S PIZZA
NISSWA CITY OF	BEERWK	RAFFERTY'S PIZZA
NISSWA CITY OF	ONSS	WINE DOWN INC