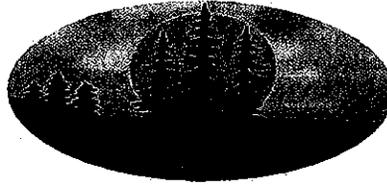


CITY OF MILACA
CITY COUNCIL MEETING
COUNCIL AGENDA
October 19, 2017

1. Call Meeting to Order 6:30 p.m.
2. Pledge of Allegiance
3. Roll Call- Present: Mayor-Pete Pedersen__ Council Members; Dave Dillan__ Ken Muller__ Norris Johnson__ Laurie Gahm__
Absent;_____
4. **Approval of Agenda** MB__2nd__AIF__O__
5. **Consent Agenda** MB__2nd__AIF__O__
 - A. Approval of the Minutes – September 21, 2017
 - B. Approval of Bills
 - C. Approval of Treasurer’s Report
 - D. Resolution 17-43- Accepting Donations
 - E. Resolution 17-44- Assess unpaid Water and Sewer-
 - F. Resolution 17-45 –Assess Lawn Mowing
 - G. Approve AT Group-Employee Benefits – Savings of \$2,159.88
6. **Citizen Open Forum-** MNDOT- Tom Dumont HWY 23 Safety Audit
7. **Public Hearing- Street Vacation-6th Ave NE and 13th St. NE**
Resolution 17-46 Approving Street Vacation MB__2nd__AIF__O__
8. **Requests and Communications-**
9. **Ordinances and Resolutions** MB__2nd__AIF__O__
 - A. Adoption of Ordinance 429- Rental Code- Planning and Zoning Recommendation
10. **Reports of Departments, Boards and Commissions**
 - A. Police Department- Monthly Activity- Dangerous Dog Owner Hearing
 - B. Parks Commission- Minutes-
 - C. Public Works Department- Introduce PW Supervisor Gary Kirkeby
 - D. Planning Commission – Minutes October 9th
 - E. Economic Development Commission-September 20th Review minutes- Next Meeting October 23rd
 - F. Fire Department- Policy and Procedures Manual –Revisions and updates MB__2nd__AIF__O__
 - G. Airport Commission- No meeting in September
 - H. MCAT-IF Training-
 - I. Joint Powers Board- No meeting
 - J. Safety Committee-No Meeting
11. **Unfinished Business**
12. **New Business-** Genesis Wireless Site Lease Agreement- Old Water Tower. MB__2nd__AIF__O__
13. **Council Comments**
14. **Adjourn** _____p.m. MB__2nd__AIF__O__



City of Milaca

MEMO

To: Honorable Mayor and Council Members

Date: 10/19/17

Re: Agenda Overview and Comments

From: City Manager- Tammy Pfaff

.....
Consent Agenda

Employee Benefits- This is an opportunity to lower the cost of the life insurance, short-term disability and the long-term disability by \$2,159.88 per year.

Citizen Open Forum- MNDOT HWY 23 Safety Audit- Tom Dumont will be present at this meeting to go over the HWY 23 Safety Audit and the future plans.

PUBLIC HEARING- Street Vacation of a portion of 6th Ave NE and 13th St. NE

Ordinances- Ordinance No. 429- Rental Code- This is an addition to the zoning code and the Planning Commission held the public hearing on October 9th and approved the recommendation to council to adopt the ordinance.

Reports of Departments (I have added departments to this section)

Police Department – Police Chiefs activities report. Dangerous Dog Hearing

Parks Department/Commission- Update on Park Projects from the Mayor

Public Works Department- Introduction of Public Works Supervisor Gary Kirkeby

Planning Commission- Review of minutes

New Business- Genesis site lease agreement on the old water tower will help to generate additional lease income.

Respectfully submitted;

A handwritten signature in cursive script that reads "Tammy Pfaff".

Tammy Pfaff
City Manager

**MILACA CITY COUNCIL MINUTES
SEPTEMBER 21, 2017 MEETING**

Call to Order Roll Call

The regular meeting of the Milaca City Council was called to order at 6:30 p.m. by Mayor Pedersen. Upon roll call the following council members were present: Mayor Pedersen, Councilors Muller, Johnson, Dillan and Gahm:

Councilors Absent:

Staff present: City Manager Tammy Pfaff, City Attorney Damien Toven.

Also Present (Signed In): Roxanne Gerads, Shannon Snyder, Darryl Stimmler, Shawn Dockter, Mary Gedde-Bergmann, Holly Japlonski, and Carolyn Peters.

Approval of the Agenda

On a motion by Gahm seconded by Johnson, the agenda was approved. Motion carried unanimously.

Consent Agenda

Motion by Johnson, second by Muller, to approve the consent agenda items as follows:

- a) Minutes of the August 17th, 2017 City Council Meeting and August 28th, Special Meeting
- b) Bills for Payment
- c) Approval of Treasurer's Report
- d) Resolution 17-36 Accepting a \$3,000 donation from Dorothy Gorecki for soundproofing panels for the Gorecki Building.
- e) Resolution 17-37 Assess unpaid Water and Sewer for Next Phase Property of \$214.10.
- f) Resolution 17-38 Approve MNDOT Airport Mower contract for a grant that will pay 95% of the cost of a new mower.
- g) Contract amendment with the City of Ogilvie. The contract increased to \$50,500.
- h) Resolution 17-39 Council adopted by resolution the 2018 Preliminary budget and tax levy. The tax levy increased by 1%, the manager shared information with the public and the council the impact of the increase on residential homes and commercial properties base on the value of the property.
- i) Set the Truth and Taxation Public Hearing. The council called the public hearing to be set for December 21st, 2017

Citizens Forum-Results of the MNDOT Highway 23 Safety Audit for Foley to Milaca. The City Manager went over briefly the findings as to the improvements that MNDOT has in the preliminary plans which include left hand turn lanes, improvements by the school, and improvements to the traffic lights to add a left turn signal. Mayor Pete Pedersen added that we have invited Tom Dumont to either the October or November meeting to discuss the plans with the council.

Public Hearing

Sale of Industrial Park Land. Mayor Pedersen opened the public hearing at 6:38 p.m. Mayor Pedersen explained that the lots would be sold to Shawn Dockter the owner of Heggies Pizza's. Mayor Pedersen then asked about the street to clarify what portion of the streets would be vacated. Shawn addressed the council by showing them the portions of the streets that would be vacated and stated that it would be vacated after the blacktop to the end of the cul-de-sac and that 13th street would also be vacated where it runs along the lot. It was also explained to Shawn Dockter that the city would retain the utility easement for the water and sewer lines that run for a portion of 6th Avenue and all of 13th Street. It was explained that the utilities cannot be built upon. Shawn questioned the vacation of the streets and asked why they could not be vacated as part of the purchase agreement. The city attorney explained that the city must follow the state statutes for street vacations and that the property must first be owned by the buyer. The public hearing was then closed at 6:48 p.m. Resolution 17-40 Approving the Sale of the Industrial Park

land was introduced upon a motion by Dillan and seconded by Gahm. All voted in favor of the sale of the industrial park property.

Mayor Pedersen then called for a motion to approve Resolution 17-42 to call a Public Hearing for the vacation of the streets within the industrial park property. The Public Hearing was set for October 19th, 2017 and upon a motion by Johnson and seconded by Gahm the resolution is passed. Motion carried unanimously.

Requests and Communications-

Ordinances and Resolutions

Reports of Departments, Boards and Commissions

Police Department- Council reviewed the monthly report. Brought before the council by the Police Chief is a dangerous dog report and the owner requested to be heard before the city council. The council reviewed the documents submitted by the Police Chief and reviewed the city ordinance and state statutes as it related to dangerous dogs with the city attorney and the public. The council heard the requests from the owner and she pleaded to the council not to deem her dog a dangerous dog and did not feel her dog was dangerous. The owner of the dog explained that she and the other owner of the dog that was attacked have been talking and are working through the matter. Council member Gahm stressed the importance of placing a potential dangerous dog on the attacking dog due to the severity of the attack and felt that the city should proceed with due diligence as this could have been a child that could have been attacked. Council member Johnson concurred with Gahm and agreed that it would be best to label the dog a potential dangerous dog and proceeded to introduce his statement as a motion. The motion is then seconded by Gahm. Motion carried unanimously.

Parks Department- Mayor Pedersen reported on the park commission meeting. Mayor Pedersen reviewed with the council the new commission member appointment of Josh DeHart due to Teresa Nelson is unable to continue with the commission. Council had no objections to the appointment of Josh DeHart to the Park Commission. Mayor Pedersen then proceeded with an update as to the development of a broomball and Disc golf programs and hopes to have teams in place soon. Mayor Pedersen also informed the council that the Rum River Community Foundation will be raising money to pay for the statue to be replaced, and that the city can remove this from the 2018 budget.

Public Works Department- Presented before the council by the City Manager is the water tower inspection report received from KLM and stated the need to have a three year maintenance contract to continue to be on top of any water tower issues. The City Manager also informed the council that the Public Works Supervisor is to start employment on Monday and also that the Public Works and Parks staff have been working hard to clean up the department and thanked them for their efforts. The council also thanked them for all the hard work they have been doing and thanked Darryl for managing everything in the absence of a supervisor. The City Manager informed the council that they have unused equipment that will be placed for sale by bid. The 5th Street SW project follow up to the Resident Feedback Questionnaire. The City Manager referred to the findings of the questionnaires and that it resulted in only two residences wanting the utility improvements. The council then tabled the project as it did not warrant a favorable response to proceed with the project.

Planning Commission-

Liquor Store- Council reviewed the Liquor Store debt schedule as presented. The City Manager informed the council that the debt could be paid off early and would save over \$26,000 in interest. The payoff requires a 60 day notice to Wells Fargo and the amount to pay off the debt is \$271,939.60. A motion is introduced by Gahm to pay off the debt early and Adopt Resolution 17-41. The motion is then seconded by Muller and the resolution is approved for adoption. Motion carried unanimously.

Economic Development Commission- Review of current activity.

Airport Commission- Council appointed the following members to the Airport Commission; Steve Nelson as acting Chairperson. Leo Vos, Doug Ostien, Dave Smith, Tim Ammerman. The appointments were accepted upon a motion by Gahm and seconded by Johnson. Motion carried unanimously.

MCAT -They are continuing to trying to get a committee together.

Joint Powers Board with City of Braham; Mayor Pedersen reported to the council that the Joint Powers has meet and approved the 2018 budget and stated that it remained the same as the 2017 budget. Mayor Pedersen also stated that the Joint Powers had purchased a new car.

Safety Committee- No meeting in September.

Unfinished Business

New Business- Special Event Permit- Dawn Blonigan requested a street closure for a birthday party to have a street dance. Upon a motion by Muller and seconded by Johnson, the request is denied upon all council members voting in opposition of the request.

Council Comments

Mayor Pedersen asked the council for comments:

- Muller stated that they are having some interest in hangars at the Airport
- Dillan stated that they have 6000 runners attending the Mega Meet.
- Gahm- Congratulates the Police Department for finding the people who damaged the car wash.
- Dillan- Gave Darryl Stimmler a special thanks for their department for working so hard.
- Johnson- Commented on the campsites at the park and how nice they will look.

Adjourn

With no other business presented before the council, a motion to adjourn was made by Gahm, seconded by Johnson, all present voted in favor and the meeting adjourned at 7:56 p.m.

Motion carried unanimously.

Mayor Harold Pedersen

ATTEST

Tammy Pfaff, City Manager

CITY OF MILACA
Check Summary Register
10100 General Bank - ACH

	Name	Check Date	Check Amt	Description
Paid Chk# 817212E	EFTPS-STATE TAXPAYMENT	9/19/2017	\$1,695.73	STATE W/H
Paid Chk# 817213E	EFTPS-STATE TAXPAYMENT	9/19/2017	\$146.96	STATE W/H
Paid Chk# 817220E	EFTPS-STATE TAXPAYMENT	10/4/2017	\$1,666.34	STATE W/H
Paid Chk# 817221E	EFTPS-STATE TAXPAYMENT	10/4/2017	\$146.96	STATE W/H
Paid Chk# 817228E	CENTERPOINT ENERGY	10/19/2017	\$454.09	NATURAL GAS
Paid Chk# 817229E	EAST CENTRAL ENERGY	10/7/2017	\$9,153.50	ELECTRIC
Paid Chk# 817230E	MILACA LOCAL LINK	10/20/2017	\$296.51	PHONE SERVICE
Paid Chk# 817231E	UNION SECURITY INSURANCE CO.	10/2/2017	\$499.23	LTD - OCT 2017
Paid Chk# 817232E	MN DEPT OF REVENUE	10/19/2017	\$1,890.00	W/S SALES TAX
Paid Chk# 817233E	INCONTACT INC	10/30/2017	\$137.39	LONG DISTANCE SERVICE
Paid Chk# 817234E	MN DEPT OF LABOR & INDUSTRY	10/19/2017	\$414.00	3RD QTR SURCHARGE
Paid Chk# 817235E	MIDCONTINENT COMMUNICATIONS	10/6/2017	\$65.00	INTERNET-OCT
Paid Chk# 817236E	SELECT ACCOUNT	10/2/2017	\$15,648.98	4TH QTR CONTRIBUTIONS
	Total Checks		\$32,214.69	

CITY OF MILACA
Check Summary Register
10100 General Bank - Checks

	Name	Check Date	Check Amt	Description
Paid Chk# 043606	AMAZON	9/26/2017	\$2,053.42	WIRELESS KEYBOARD/MOUSE-FIRE
Paid Chk# 043607	BLUE CROSS BLUE SHIELD OF MINN	9/26/2017	\$9,658.80	MEDICAL INSUR-OCT 2017
Paid Chk# 043608	DELTA DENTAL OF MINNESOTA	9/26/2017	\$26.20	PED DENTAL- OCT 2017
Paid Chk# 043609	FAMILY HERITAGE LIFE INS CO	9/26/2017	\$135.00	SUPPL LIFE INS - SEP 2017
Paid Chk# 043610	L.E.L.S.	9/26/2017	\$245.00	POLICE UNION DUES-OCT 2017
Paid Chk# 043611	MN BENEFITS	9/26/2017	\$555.43	LIFE/DENTAL-OCT 2017
Paid Chk# 043612	USABLE LIFE	9/26/2017	\$242.90	DISABILITY/LIFE-OCT 2017
Paid Chk# 043613	VERIZON WIRELESS	9/26/2017	\$339.26	CELL PHONE SVC-SEP
Paid Chk# 043614	VISA	9/26/2017	\$1,166.75	MGMT SKILLS TRNG-T PFAFF-PRYOR
Paid Chk# 043615	U.S. POSTAL SERVICE	9/27/2017	\$242.02	SEPT BILLINGS
Paid Chk# 043616	BARCODES INC	10/6/2017	\$251.85	BARCODE SCANNER-DEP REG
Paid Chk# 043617	FRONTIER	10/6/2017	\$890.92	PHONE SVC-DEP REG
Paid Chk# 043618	JIM'S MILLE LACS DISPOSAL	10/6/2017	\$691.88	GARBAGE-PARKS
Paid Chk# 043619	MILACA BLDG CENTER	10/6/2017	\$986.43	SUPPLIES-AIRPORT
Paid Chk# 043620	HOLLENKAMP, NICOLE	10/9/2017	\$600.00	DISC GOLF SIGNS
Paid Chk# 043621	AMERIPRIDE	10/19/2017	\$199.05	RUGS-LIBRARY
Paid Chk# 043622	ARAMARK	10/19/2017	\$190.87	UNIFORMS
Paid Chk# 043623	ASHWORTH APPLIANCE	10/19/2017	\$14,134.71	NEW CAMERA SYSTEM-REC PARK
Paid Chk# 043624	AW RESEARCH LABORATORIES	10/19/2017	\$329.00	TESTING-WATER
Paid Chk# 043625	BANYON DATA SYSTEMS, INC.	10/19/2017	\$765.00	PERMITS/PROP MGMT SUPPORT
Paid Chk# 043626	BILLINGS SERVICE	10/19/2017	\$1,243.28	GAS-PARKS
Paid Chk# 043627	BILLINGS, SHERIE	10/19/2017	\$50.00	AUG/OCT PLANNING COMMISSION
Paid Chk# 043628	BRIGGS & MORGAN	10/19/2017	\$5,500.00	LEGAL SVCS-2017 LIBRARY REFUND
Paid Chk# 043629	BROTHERS FIRE & SECURITY	10/19/2017	\$400.00	FIRE SPRINKLER INSPECTION
Paid Chk# 043630	CAPP, INC.	10/19/2017	\$270.90	RECORDING CHART PAPER-SEWER
Paid Chk# 043631	CORE & MAIN LP	10/19/2017	\$1,166.31	WATER PARTS
Paid Chk# 043632	CORNER MART	10/19/2017	\$2,244.30	GAS-AIRPORT
Paid Chk# 043633	CRAWFORDS EQUIPMENT	10/19/2017	\$5,290.00	BRUSH CUTTER-PARKS
Paid Chk# 043634	DAVES EXCAVATING	10/19/2017	\$900.00	INSTALL DRIVEWAY-PW
Paid Chk# 043635	DOVE FRET LAND PLLP	10/19/2017	\$3,669.44	CRIMINAL RETAINER-SEPT
Paid Chk# 043636	E.C.M. PUBLISHERS, INC.	10/19/2017	\$343.90	SUBSCRIPTION RENEWAL-CITY
Paid Chk# 043637	FIRE EQUIPMENT SPECIALTIES INC	10/19/2017	\$568.16	5 GALLON PAILS OF FOAM
Paid Chk# 043638	FIRSTSOURCE SOLUTIONS	10/19/2017	\$56.95	DRUG SCREEN-KIRKEBY
Paid Chk# 043639	GANN-OLEHY, TRACY	10/19/2017	\$238.00	REIMB-ONLINE TRNG COURSES
Paid Chk# 043640	GK CONSULTING LLC	10/19/2017	\$1,500.00	OCT NETWORK
Paid Chk# 043641	GOPHER STATE ONE-CALL, INC.	10/19/2017	\$39.15	SEPT LOCATES
Paid Chk# 043642	GRANITE ELECTRONICS	10/19/2017	\$183.00	RADIO REPAIR-FIRE
Paid Chk# 043643	GRANITE LEDGE ELECTRICAL	10/19/2017	\$1,378.21	WIRING OFF PEAK MINI SPLIT-FIR
Paid Chk# 043644	HABERMAN, DIONNE	10/19/2017	\$159.12	SEP 17 OGILVIE MILEAGE
Paid Chk# 043645	HARLICKER, SCOTT	10/19/2017	\$50.00	AUG/OCT PLANNING COMMISSION
Paid Chk# 043646	HARTMAN, PAMELA	10/19/2017	\$36.62	REIMB-MLG/PRKG-MDRA ANNL MTG-9
Paid Chk# 043647	HAWKINS, INC.	10/19/2017	\$2,659.79	CHEMICALS
Paid Chk# 043648	HY-TECH AUTOMOTIVE	10/19/2017	\$550.65	99 DODGE REPAIR
Paid Chk# 043649	HY-TECH AUTOMOTIVE-PRINCETON	10/19/2017	\$60.00	TOWING-CAR WASH CASH MACHINE
Paid Chk# 043650	ISAACSON, JACOB	10/19/2017	\$24.17	REIMB-GLOCK ARMORER-9/28
Paid Chk# 043651	JOHNSON OIL CO.	10/19/2017	\$33.50	OIL CHANGE-JP
Paid Chk# 043652	JOHNSON, ARLA	10/19/2017	\$50.00	AUG/OCT PLANNING COMMISSION

CITY OF MILACA
Check Summary Register
10100 General Bank - Checks

	Name	Check Date	Check Amt	Description
Paid Chk# 043653	KIRKEBY, GARY	10/19/2017	\$169.99	WORK BOOTS
Paid Chk# 043654	KIRVIDA FIRE INC	10/19/2017	\$1,024.26	PUMPER TRUCK REPAIR
Paid Chk# 043655	KNIFE RIVER CORP. - NORTH CENT	10/19/2017	\$2,264.48	CLASS 5 AGGREGATE
Paid Chk# 043656	KOCH'S HARDWARE HANK	10/19/2017	\$2,634.85	SUPPLIES-POLICE
Paid Chk# 043657	LEAGUE OF MN CITIES INSUR TRST	10/19/2017	\$538.00	16 -17 WORK COMP AUDIT
Paid Chk# 043658	M.E. PLUMBING & HEATING	10/19/2017	\$5,258.00	REPAIR THERMOSTAT-FIRE
Paid Chk# 043659	MID STATE TREE SERVICE	10/19/2017	\$800.00	TREE STUMP GRINDING
Paid Chk# 043660	MILACA AUTO VALUE	10/19/2017	\$34.84	PARTS-PW
Paid Chk# 043661	MILACA GENERAL RENTAL CENTER	10/19/2017	\$168.78	POST POUNDER RENTAL-AIRPORT
Paid Chk# 043662	MILACA, CITY OF	10/19/2017	\$51.00	BLDG PERMIT-FIRE-DUCTLESS AC/H
Paid Chk# 043663	MILLE LACS COUNTY DAC	10/19/2017	\$756.27	CLEANING SVCS - SEPT
Paid Chk# 043664	MN COMPUTER SYSTEMS, INC.	10/19/2017	\$28.88	COPIER MAINTENANCE-DEP REG
Paid Chk# 043665	MN DEPT MANAGEMENT & BUDGET	10/19/2017	\$40.00	ADMINISTRATIVE FINES-SEP 2017
Paid Chk# 043666	MN STATE AUDITOR	10/19/2017	\$139.00	ANNUAL CONF-T GANN-OLEHY
Paid Chk# 043667	MTI DISTRIBUTING	10/19/2017	\$25.22	TORO MOWER PARTS-PARKS
Paid Chk# 043668	NOVAK, PAM	10/19/2017	\$50.00	AUG/OCT PLANNING COMMISSION
Paid Chk# 043669	QUILL CORPORATION	10/19/2017	\$237.87	OFC SUPPLIES-DEP REG
Paid Chk# 043670	ROHMAN LAWN CARE LLC	10/19/2017	\$55.00	MOWING
Paid Chk# 043671	STRUNTZ, THOMAS	10/19/2017	\$32.33	OVERPMT-405 3RD AVE NW
Paid Chk# 043672	TOTAL CONTROL SYSTEMS, INC.	10/19/2017	\$2,050.37	LIFT STATION REPAIR
Paid Chk# 043673	ULINE	10/19/2017	\$596.97	SEALER-POLICE
Paid Chk# 043674	WEINREICH, JACOB	10/19/2017	\$204.99	WORK BOOTS
	Total Checks		\$79,531.04	

CITY OF MILACA
Check Summary Register
10900 Liquor Bank - ACH

	Name	Check Date	Check Amt	Description
Paid Chk# 917037E	EAST CENTRAL ENERGY	10/7/2017	\$1,702.33	ELECTRIC
Paid Chk# 917038E	CENTERPOINT ENERGY	10/11/2017	\$33.21	NATURAL GAS
Paid Chk# 917039E	MN DEPT OF REVENUE	10/19/2017	\$17,683.00	LIQUOR SALES TAX
Paid Chk# 917040E	MILACA, CITY OF (WATER/SEWER)	10/16/2017	\$31.43	WATER/SEWER
	Total Checks		\$19,449.97	

CITY OF MILACA
Check Summary Register
10900 Liquor Bank - Checks

	Name	Check Date	Check Amt	Description
Paid Chk# 024192	MN MUNICIPAL BEVERAGE ASSOC.	9/19/2017	\$30.00	REGIONAL MMBA MTG-JEYS/NELSON
Paid Chk# 024193	VERIZON WIRELESS	9/19/2017	\$41.52	SEP DIGITAL SIGN
Paid Chk# 024194	ARTISAN BEER COMPANY	10/4/2017	\$41.50	BEER
Paid Chk# 024195	BELLBOY CORP.	10/4/2017	\$2,873.60	LIQUOR
Paid Chk# 024196	BERNICKS	10/4/2017	\$3,954.95	NA
Paid Chk# 024197	BREAKTHRU BEVERAGE MN	10/4/2017	\$3,747.32	BEER
Paid Chk# 024198	C & L DISTRIBUTING CO.	10/4/2017	\$33,059.08	WINE
Paid Chk# 024199	DAHLHEIMER DISTRIBUTING CO.	10/4/2017	\$34,632.66	NA
Paid Chk# 024200	FRONTIER	10/4/2017	\$143.24	OCT PHONE SVC
Paid Chk# 024201	J.J. TAYLOR DIST OF MN	10/4/2017	\$175.10	DELIVERY
Paid Chk# 024202	JOHNSON BROTHERS LIQUOR CO.	10/4/2017	\$21,581.71	DELIVERY
Paid Chk# 024203	MCDONALD DISTRIBUTING	10/4/2017	\$122.55	BEER
Paid Chk# 024204	NORTHERN HOLLOW WINERY	10/4/2017	\$377.88	WINE
Paid Chk# 024205	PAUSTIS WINE CO.	10/4/2017	\$3,511.51	DELIVERY
Paid Chk# 024206	PHILLIPS WINE AND SPIRITS	10/4/2017	\$4,006.75	WINE
Paid Chk# 024207	SOUTHERN GLAZERS OR MN	10/4/2017	\$13,142.55	LIQUOR
Paid Chk# 024208	THE WINE COMPANY	10/4/2017	\$218.00	WINE
Paid Chk# 024209	VINOCOPIA	10/4/2017	\$1,838.50	DELIVERY
Paid Chk# 024210	WINE MERCHANTS	10/4/2017	\$486.55	DELIVERY
Paid Chk# 024211	JIM'S MILLE LACS DISPOSAL	10/12/2017	\$63.18	REFUSE COLLECTION
Paid Chk# 024212	SOUTHERN GLAZERS OR MN	10/12/2017	\$298.17	LIQUOR
Paid Chk# 024213	AMERICAN BOTTLING CO.	10/19/2017	\$116.08	NA
Paid Chk# 024214	AMERIPRIDE	10/19/2017	\$168.68	RUGS
Paid Chk# 024215	CRYSTAL SPRINGS ICE	10/19/2017	\$671.22	ICE
Paid Chk# 024216	GRANITE CITY JOBBING	10/19/2017	\$4,959.58	MISC
Paid Chk# 024217	HIBU	10/19/2017	\$53.90	WEBSITE HOSTING-SEPT/OCT
Paid Chk# 024218	JEYS, VICTORIA	10/19/2017	\$85.17	MMBA REG MTG/PAUSTIS SHOW-9/20
Paid Chk# 024219	KOCH'S HARDWARE HANK	10/19/2017	\$31.63	SUPPLIES
Paid Chk# 024220	LEAGUE OF MN CITIES INSUR TRST	10/19/2017	\$900.00	16 - 17 WORK COMP AUDIT
Paid Chk# 024221	M. AMUNDSON LLP	10/19/2017	\$3,736.71	MISC
Paid Chk# 024222	MILLER TRUCKING INC.	10/19/2017	\$39.60	DELIVERY
Paid Chk# 024223	QUILL CORPORATION	10/19/2017	\$370.38	PRINTER TONER
Paid Chk# 024224	TRUE BRANDS	10/19/2017	\$1,232.96	MISC
Paid Chk# 024225	VIKING BOTTLING CO.	10/19/2017	\$636.79	NA
	Total Checks		\$137,349.02	

CITY OF MILACA

Council Monthly Budget Report September 2017

DEPT Descr	2017 YTD Budget	2017 YTD Amt	Balance	2017 % of Budget Remain
Airport	\$89,925.00	\$50,359.08	\$39,565.92	44.00%
Assessing	\$12,000.00	\$0.00	\$12,000.00	100.00%
Auditing	\$6,000.00	\$6,250.00	(\$250.00)	-4.17%
Building Inspection	\$52,495.00	\$47,475.78	\$5,019.22	9.56%
City Attorney	\$45,550.00	\$33,142.56	\$12,407.44	27.24%
City Hall	\$297,395.00	\$235,471.79	\$61,923.21	20.82%
City Manager	\$23,180.00	\$18,796.89	\$4,383.11	18.91%
Council	\$12,750.00	\$11,310.79	\$1,439.21	11.29%
Elections	\$0.00	\$0.00	\$0.00	0.00%
Fire Dept.	\$124,620.00	\$99,713.32	\$24,906.68	19.99%
Historical Society	\$13,000.00	\$2,276.33	\$10,723.67	82.49%
Liaison Officer	\$73,515.00	\$16,725.79	\$56,789.21	77.25%
Libraries	\$25,950.00	\$13,852.05	\$12,097.95	46.62%
Ogilvie	\$49,475.00	\$47,298.87	\$2,176.13	4.40%
Parks	\$271,480.00	\$240,212.05	\$31,267.95	11.52%
Planning Comm.	\$1,500.00	\$741.97	\$758.03	50.54%
Police Dept.	\$476,005.00	\$383,892.24	\$92,112.76	19.35%
Public Works	\$260,150.00	\$149,656.35	\$110,493.65	42.47%
Recreation	\$2,500.00	\$2,702.75	(\$202.75)	-8.11%
Treasurer	\$28,555.00	\$22,433.70	\$6,121.30	21.44%
Unallocated	\$11,045.00	\$6,932.11	\$4,112.89	37.24%
	\$1,877,090.00	\$1,389,244.42	\$487,845.58	25.99%

2017 INVESTMENT
September

MORGAN STANLEY

Purch Date	Maturity Date	Int Rt	Balance 12/31/16	Purchase	Cost	Maturities	Book Balance 12/31/17	Market Value	Interest Received	Interest Paid	Cash Balance
6/8/17	6/8/17	1.85%	200,000.00		200,000.00	200,000.00	-	-	1,905.77	-	1,943,728.79
6/20/12	6/20/17	1.80%	150,000.00		150,000.00	150,000.00	-	-	1,346.30	-	(33,423.89)
10/31/12	10/31/17	1.50%	145,000.00		145,000.00	145,000.00	-	-	1,078.56	-	(1,518.75)
3/23/17	1/17/18	0.9%	-	100,000.00	100,000.00	100,000.00	145,000.00	145,032.20	554.50	1,787.49	51,645.66
3/13/18	4/13/18	1.10%	-	100,000.00	100,000.00	100,000.00	100,000.00	99,937.00	3,600.00	-	3,820.14
8/29/13	8/29/18	2.00%	150,000.00		150,000.00	150,000.00	150,000.00	96,280.32	1,728.00	-	58,382.24
9/24/14	9/24/18	1.80%	96,000.00		96,000.00	96,000.00	96,000.00	160,190.40	1,269.48	-	366.68
11/13/15	11/13/18	1.60%	160,000.00		160,000.00	160,000.00	160,000.00	119,770.80	837.70	-	40,355.85
12/26/16	12/26/18	1.40%	120,000.00		120,000.00	120,000.00	120,000.00	100,536.00	997.26	-	656.75
12/30/13	12/31/18	2.00%	100,000.00		100,000.00	100,000.00	100,000.00	84,879.30	642.74	-	4,428.11
3/18/17	3/18/19	1.50%	-	85,000.00	85,000.00	85,000.00	85,000.00	14,978.70	113.42	-	94,288.53
3/18/17	3/18/19	1.50%	-	15,000.00	15,000.00	15,000.00	15,000.00	100,337.00	2,050.00	-	96,946.30
7/29/15	7/29/19	2.05%	100,000.00		100,000.00	100,000.00	100,000.00	100,746.00	2,520.00	-	510.03
8/12/15	8/12/19	2.00%	100,000.00		100,000.00	100,000.00	100,000.00	120,895.20	2,520.00	-	106,416.13
8/19/15	8/19/19	2.10%	120,000.00		120,000.00	120,000.00	120,000.00	110,000.00	1,090.96	-	193,241.93
9/30/15	9/30/19	2.00%	110,000.00		110,000.00	110,000.00	110,000.00	121,130.40	2,220.00	-	235.80
1/23/15	1/23/20	1.85%	120,000.00		120,000.00	120,000.00	120,000.00	99,890.00	882.19	-	8,837.00
3/16/17	3/16/20	1.75%	-	100,000.00	100,000.00	100,000.00	100,000.00	29,920.20	213.80	-	22,813.21
4/7/17	4/7/20	1.70%	-	30,000.00	30,000.00	30,000.00	30,000.00	60,077.40	502.09	-	6,533.97
6/22/17	6/22/20	1.90%	-	60,000.00	60,000.00	60,000.00	60,000.00	45,448.20	258.36	-	782,970.46
9/16/15	9/16/20	2.20%	100,000.00		100,000.00	100,000.00	100,000.00	25,092.25	112.19	-	(112,915.93)
9/30/15	9/30/20	2.25%	45,000.00		45,000.00	45,000.00	45,000.00	95,497.80	424.41	-	25,239.20
3/17/17	3/17/21	2.05%	-	25,000.00	25,000.00	25,000.00	25,000.00	45,027.00	602.51	-	1,072,064.95
3/28/14	3/28/21	1.30%	35,000.00		35,000.00	35,000.00	35,000.00	99,535.00	1,520.00	-	879,051.08
3/30/17	4/5/21	2.30%	-	95,000.00	95,000.00	95,000.00	95,000.00	75,420.75	850.68	-	142,945.22
3/28/17	4/1/21	2.25%	-	45,000.00	45,000.00	45,000.00	45,000.00	126,405.00	1,052.05	-	50,904.20
5/26/15	5/26/21	1.35%	90,000.00		90,000.00	90,000.00	90,000.00	201,082.00	1,300.00	-	-
9/15/14	9/15/21	1.60%	95,000.00		95,000.00	95,000.00	95,000.00	100,663.00	862.50	-	-
9/20/17	9/20/21	2.10%	-	100,000.00	100,000.00	100,000.00	100,000.00	196,538.00	1,437.50	-	-
3/14/17	3/14/22	2.25%	-	75,000.00	75,000.00	75,000.00	75,000.00	110,703.60	51.26	-	-
3/30/17	4/7/22	2.40%	-	125,000.00	120,000.00	120,000.00	125,000.00	126,405.00	3,992.47	-	-
6/14/17	6/14/22	2.40%	-	200,000.00	200,000.00	200,000.00	200,000.00	100,663.00	-	-	-
6/21/17	6/21/22	2.35%	-	100,000.00	100,000.00	100,000.00	100,000.00	196,538.00	-	-	-
10/27/16	10/27/23	1.30%	200,000.00		200,000.00	200,000.00	200,000.00	114,467.55	-	-	-
3/23/16	4/19/24	1.50%	115,000.00		115,000.00	115,000.00	115,000.00	110,703.60	-	-	-
9/30/16	9/30/24	1.25%	1,606.55		1,606.55	1,606.55	12,230.78	12,230.78	-	-	-
			1,953,136.14	468,298.89		1,501,631.02	919,804.01	919,804.01			

4-M FUND
MONEY MARKET

209,232.51	Payroll
476,816.70	Gen Chkling
121,531.21	Liq Chkling
5,228,323.11	Motor

4,842,311.15

4,842,311.15

**General Bank Reconciliation
September 2017**

	<u>Balance</u>	<u>Receipts</u>	<u>Disburse</u>	<u>Balance</u>
Balance	65,847.12	198,078.40	181,207.16	82,718.36
Current Month Outstanding			22,845.41	(22,845.41)
Last Month Outstanding	(25,551.00)		(25,551.00)	
ACH Fees		(34.48)	(34.48)	
Bank Charges		0.00	0.00	
Credit Card Fees		(96.78)	(96.78)	
Deposit in transit				
Deposit correction		0.00	0.00	
Deposit not recorded				
NSF Check				
Balance	40,296.12	197,947.14	178,370.31	59,872.95
Book Balance		197,947.14	109,186.71	
Motor			319.89	
Payroll			68,863.71	
		<u>197,947.14</u>	<u>178,370.31</u>	
		0.00	0.00	

**Liquor Bank Reconciliation
September 2017**

	<u>Balance</u>	<u>Receipts</u>	<u>Disburse</u>	<u>Balance</u>
Balance	607,819.02	188,993.60	215,333.83	581,478.79
Current Mnth Outstanding			124,088.18	(124,088.18)
Last Mnth Outstanding	(159,975.05)		(159,975.05)	
Deposit in Transit		9,067.58		9,067.58
Last Mnth Deposit in Transit	2,721.71	(2,721.71)		
Bank Charges		0.00	0.00	
Deposit Correction		0.00	0.00	
Credit Card Fees		(2,369.62)	(2,369.62)	
Balance	450,565.68	192,969.85	177,077.34	466,458.19
Book Balance		192,969.85	159,444.71	
Payroll			17,632.63	
			<u>177,077.34</u>	
		0.00	0.00	

**Deputy Registrar Bank Reconciliation
September 2017**

	<u>Balance</u>	<u>Receipts</u>	<u>Disburse</u>	<u>Balance</u>
Balance	141,556.85	283,559.93	260,049.09	165,067.69
Last Month Outstanding	(7,959.75)		(7,959.75)	
Current Month Outstand			43,941.22	(43,941.22)
Last Mnth Dep in Transit	9,011.25	(9,011.25)		
Current Deposit in Transit		21,521.75		21,521.75
ACH TRANSACTION		(1,423.50)	(1,423.50)	
Bank Charges		0.00	0.00	
Deposit in transit		0.00	0.00	
Deposit correction		0.00	0.00	
NSF Check				
Guinn 5/17	14.75	0.00	0.00	14.75
Hamilton 6/17	88.75	0.00	0.00	88.75
Larsen 1/17	14.75	0.00	0.00	14.75
Reams 5/17	61.75	0.00	0.00	61.75
Veerkamp 9/17	0.00	(117.00)	(234.00)	117.00
Book Balance	142,788.35	294,529.93	294,373.06	142,945.22
Book Balance		294,529.93	282,326.69	
Payroll			12,366.26	
Gen Exp			<u>(319.89)</u>	
		294,529.93	294,373.06	
		0.00	0.00	

2017

**Third Quarter
Interest Allocation
\$40,235**

□ ECON DEVELOP, (\$314)

□ GENERAL, \$13,328

□ WATER, \$7,790

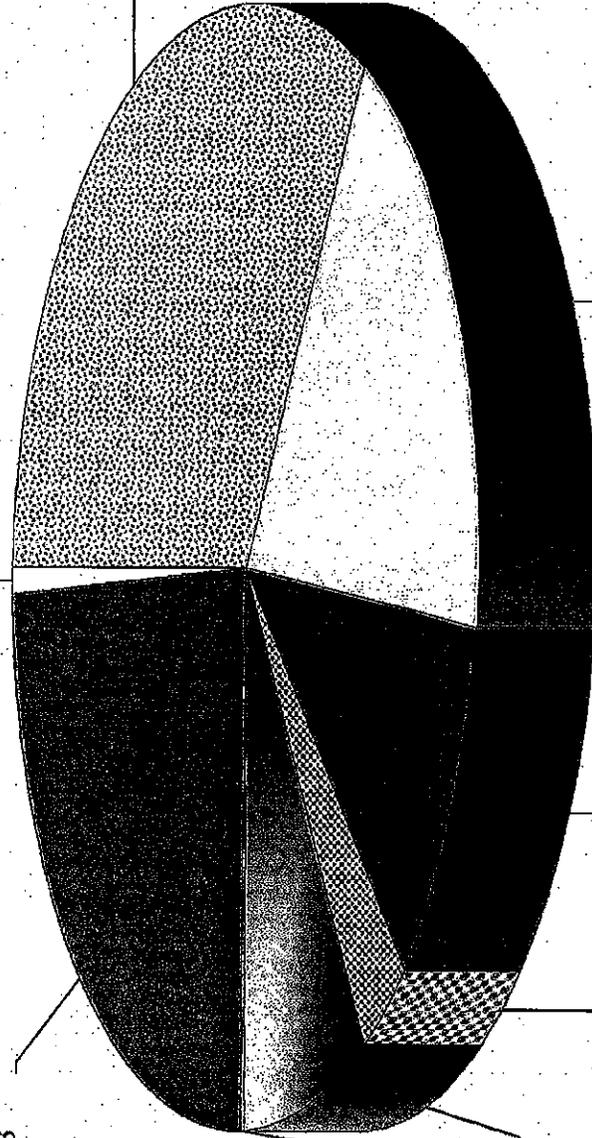
□ SEWER, \$10,003

□ DEBT SERV, \$4,466

□ MOTOR, \$101

□ LIQUOR, \$3,468

□ SPEC REV, \$1,393



Sewer Fund Profit/Loss

January - September
2017

REVENUES:

Sales	\$221,683
Penalty	2,347
Reserve	<u>15,750</u>
	\$239,780

EXPENSES:

Salaries	\$101,171
Utilities	9,140
Supplies	2,952
Insurance	4,045
Professional/Contracted Services	38,164
Repairs/Maintenance	2,781
Depreciation	82,500
Miscellaneous	<u>3,550</u>
	\$244,304

NET PROFIT/LOSS

(\$4,523)

NON OPERATING REV/EXP

Connections	\$6,000
Interest	10,003
Interest Expense/Fiscal Agent Fees	(3,968)
Bond Discount Amortization	0

\$7,512

Bond Principal	\$30,000
Capital Expenditures	0

Water Fund Profit/Loss

January - September
2017

REVENUES:

Sales	\$389,091
Miscellaneous Charges	15,128
Penalties	4,330
	<hr/>
	\$408,549

EXPENSES:

Salaries	\$98,667
Utilities	26,617
Supplies	21,737
Insurance	4,610
Professional/Contracted Services	18,189
Repairs/Maintenance	2,473
Depreciation	135,000
Miscellaneous	4,347
	<hr/>
	\$311,640

NET PROFIT/LOSS

\$96,909

NON OPERATING REV/EXP

Connections	\$4,000
Assessed Repairs	3,340
Interest	7,790
Interest Expense/Fiscal Agent Fees	(18,239)
Bond Discount Amortization	0

\$93,799

Bond Principal	\$162,000
Capital Expenditures	0

Deputy Registrar Profit/Loss

January - September
2017

REVENUES:

Vehicle License	\$88,014
Drivers License	37,577
DNR	6,110
Miscellaneous	1,293
	<hr/>
	\$132,993

EXPENSES:

Salaries	\$112,363
Utilities	2,213
Supplies	1,754
Professional/Contracted Service	2,254
Depreciation	0
Miscellaneous	1,905
Repairs/Maintenance	0
Rent Expense	0
	<hr/>
	\$120,490

NET PROFIT/LOSS

\$12,504

NON OPERATING REV/EXP

Interest \$101

\$12,604

Liquor Profit/Loss
January - September
2017

REVENUES:

Sales:

Liquor Sales	\$468,612		
Cost of Goods	<u>334,017</u>	134,595	29%
Wine Sales	153,980		
Cost of Goods	<u>101,825</u>	52,155	34%
Beer Sales	825,015		
Cost of Goods	<u>625,697</u>	199,317	24%
Tobacco	89,487		
Cost of Goods	<u>61,117</u>	28,371	32%
Mix-NonAlcoholic	28,358		
Cost of Goods	<u>15,855</u>	12,503	44%
Miscellaneous	37,770		
Cost of Goods	<u>20,914</u>	16,857	45%

Miscellaneous Revenue

0
\$443,797

EXPENSES:

Salaries	\$167,592	
Utilities	18,653	
Supplies	5,326	
Insurance	8,034	
Professional Services	12,131	
Repairs/Minor Equipment	5,713	
Depreciation	33,000	
Miscellaneous	7,151	
Freight	8,764	
Credit Card Fees	20,104	
Unallocated	<u>0</u>	
		<u>\$286,468</u>

NET PROFIT/LOSS

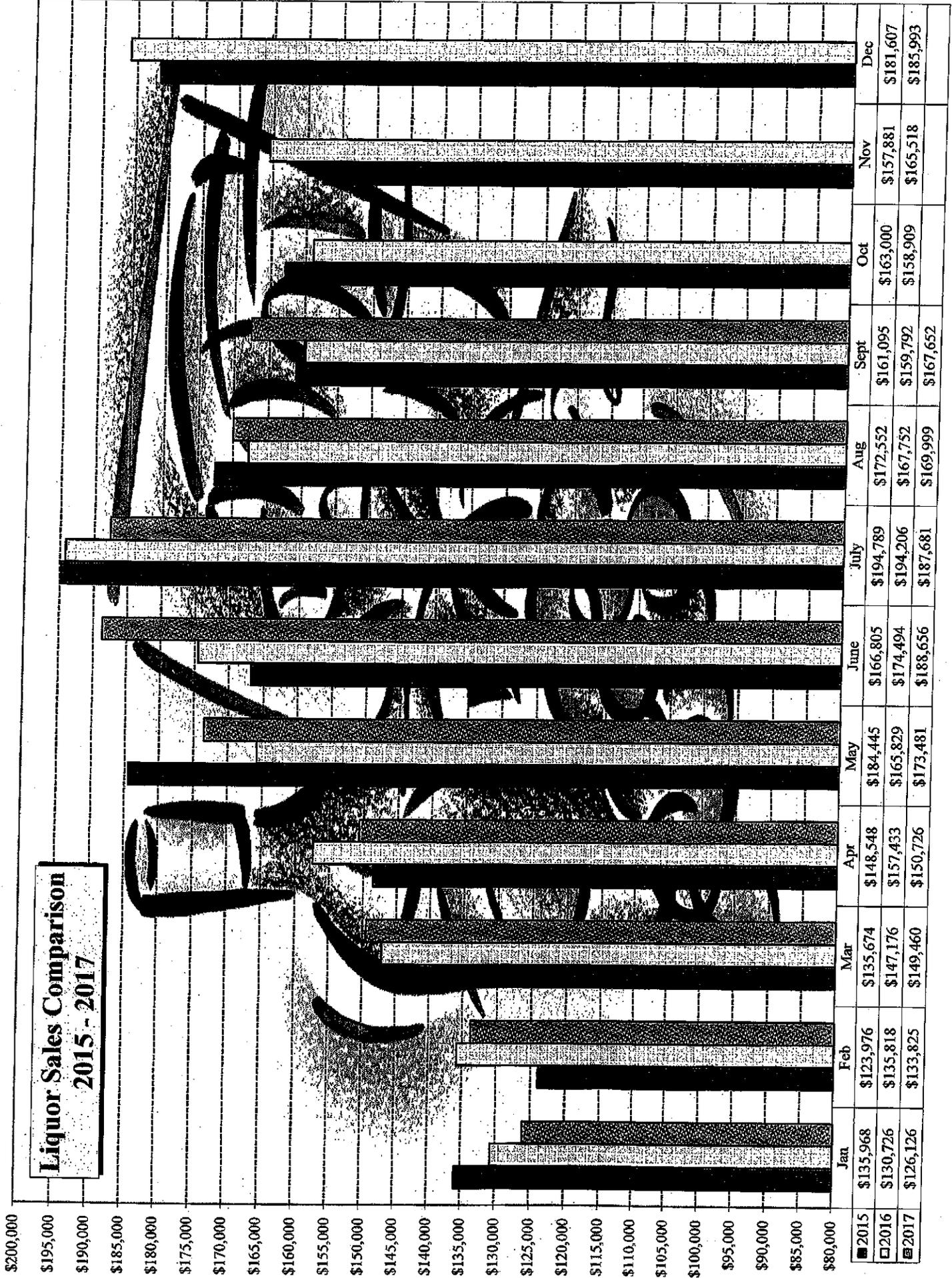
\$157,329

NON OPERATING REV/EXP

Interest	\$2,468	
Interest Expense/Fiscal Agent Fees	(\$6,898)	
Transfer to General Fund	\$0	
		<u>\$152,899</u>

Bond Principal	\$26,013
Capital Expenditures	0

**Liquor Sales Comparison
2015 - 2017**



RESOLUTION NO. 17-43
RESOLUTION ACCEPTING DONATIONS

WHEREAS, The City of Milaca 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 and public safety services pursuant to Minnesota Statutes Section 471.17; and

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

<u>Name of Donor</u>	<u>Amount</u>	<u>Committed To</u>
Jim's Mille Lacs Disposal	\$100.00	Railroad Bridge
Rum River Sno-Riders, Inc.	\$735.00	Railroad Bridge
Rachelle & Joshua Nelson	\$ 50.00	CPR Compression System
Anthony Asher	\$200.00	CPR Compression System
Trunk Consulting, Inc.	\$ 30.00	CPR Compression System
Jan Jude Law LLC	\$ 50.00	CPR Compression System
Scott Minks	\$ 50.00	CPR Compression System
J&T Auto Repair	\$ 50.00	CPR Compression System
Home Security Abstract & Title Company	\$ 50.00	CPR Compression System
Jensen Andersen Company	\$ 50.00	CPR Compression System
Granite Ledge Electrical Contractors	\$ 50.00	CPR Compression System
TDT Computers	\$ 50.00	CPR Compression System
Mike Nelson's Auto Glass Inc.	\$ 50.00	CPR Compression System
Cash Donation	\$160.00	CPR Compression System

WHEREAS, All such donations have been contributed to assist the city in the establishment and operation of recreational facilities/programs and public safety services 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 MILACA, MINNESOTA, AS FOLLOWS:

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

Adopted this 19th day of October, 2017.

Mayor Harold Pedersen

ATTEST

Tammy Pfaff, City Manager

RESOLUTION NO. 17 -44

RESOLUTION ASSESSING UNPAID WATER/SEWER BILLS

BE IT RESOLVED that the following unpaid water and sewer bill be levied against the described property for 2018 property taxes, for 1 (one) year, at a rate of 7 (seven) percent per annum:

PID #	OWNER	ADDRESS	ASSESSED
21-043-0760	Lahr, Mitchell	305 3 rd Ave SE	\$316.91

Adopted this 19th day of October, 2017.

Mayor Harold Pedersen

ATTEST

Tammy Pfaff, City Manager

RESOLUTION NO. 17 - 45

RESOLUTION ASSESSING MOWING COSTS

BE IT RESOLVED by the Milaca City Council that the council hereby assess the following cost of a nuisance abatement for a period of 1 (one) year at the rate of 7 (seven) percent payable for 2018 taxes:

PID #	OWNER	ADDRESS	DATE OF MOWING	ASSESSED
21-025-1900	Eggert, Bill and Jenna & Jordan Kovarik	710 3 rd St SE	09-13-17	\$60.00

Adopted this 19th day of October, 2017.

Mayor Harold Pedersen

ATTEST

Tammy Pfaff, City Manager

City of Milaca

Bill Singer
Group Consultant

Employee Benefits - Covering Employees / Protecting Employers



Phone: 763-754-8898
Toll Free: 877-902-8898
Fax: 763-754-8496
Bill.Singer@at-group.net

PO Box 48033
Minneapolis, MN 55448

	Current	Proposed
<u>LIFE INSURANCE</u>		
Life and AD&D Benefit	\$10,000	\$20,000
Volume	\$170,000	\$170,000
Rate per \$1,000 of Benefit	Age Based	0.21
Rate Guarantee		2 years
Dependent Life (Spouse \$2,000/Children \$1,000)	\$1.00	\$1.64
Monthly Premium	\$60.00	\$86.16
<u>SHORT TERM DISABILITY</u>		
Benefit Percentage	60%	60%
Maximum Weekly Benefit	\$250	\$800
Elimination Period for Injury	0	14
Elimination Period for Illness	7	14
Benefit Duration	11 weeks	11 weeks
Volume	\$8,499.84	\$9,911.04
Rate	Age Based	0.145
Monthly Premium	\$178.25	\$143.75
<u>LONG TERM DISABILITY</u>		
Benefit Percentage	60%	60%
Maximum Monthly Benefit	\$3,000	\$4,000
Elimination Period	90 Days	90 Days
Elimination Interruption	15 Days	30 Days
Partial Disability	Zero Day	Zero Day
Own Occupation	36 Months	36 Months
Work Incentive Benefit	100% for 12 months	100% for 12 months
Benefit Duration	SS Normal Ret. Age	SS Normal Ret. Age
Mental Disorder / Substance Abuse	24 months	24 months
Survivor Benefit	3 months	3 months
Recurring Disability	6 months	6 months
Covered Payroll	\$71,579.73	\$71,579.73
Rate Guarantee		2 years
Rate Per \$100 of Covered Payroll	Age Based	0.45
Monthly Premium	\$560.00	\$322.11
TOTAL MONTHLY PREMIUMS	\$798.25	\$552.02
TOTAL MONTHLY SAVINGS		\$246.23
Total Monthly Savings - Employee		\$66.24
Total Monthly Savings - City		\$179.99
Total Monthly City Savings - General Fund		\$113.89
Total Monthly City Savings - Enterprise Funds		\$66.10
Total Annual City Savings - General Fund		\$1,366.68
Total Annual City Savings - Enterprise Funds		\$793.20

Total Savings

\$ 715.9.88

Tammy Pfaff

From: Dumont, Thomas (DOT) <tom.dumont@state.mn.us>
Sent: Monday, October 02, 2017 10:12 AM
To: Tammy Pfaff
Subject: RE: October Council Meeting Invite

I have it on my schedule Tammy.

From: Tammy Pfaff [mailto:TPfaff@milacacity.com]
Sent: Wednesday, September 27, 2017 8:54 AM
To: Dumont, Thomas (DOT) <tom.dumont@state.mn.us>
Subject: October Council Meeting Invite

Good Morning Tom,

I just wanted to check with you to see if you would be available to come to the October Council Meeting on October 19th at 6:30 p.m.

Please let me know if you are able to attend.

Thanks and have a great day.

Tammy Pfaff

City Manager

City of Milaca

320-983-3141



Highway 23—Foley to Milaca

Road Safety Audit

The newly completed draft Highway 23 Road Safety Audit, and its findings, are part of a multi-agency effort to improve safety along 16 miles of Highway 23 between Foley and Milaca in Benton and Mille Lacs counties.

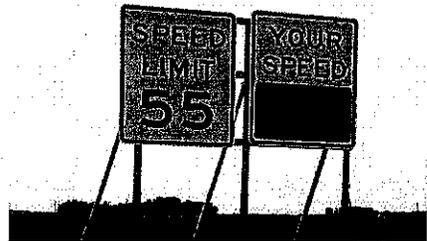
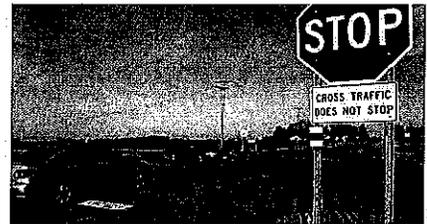


Four Primary Concerns

1. High speeds
2. Safe pedestrian and bicycle connectivity and crossings in urban areas
3. High speed rear-end crashes in rural areas
4. Head-on collisions

Primary Strategies

- Partner with local communities to develop a three-lane roadway section in urban areas.
- Plan for the future design and layout of the corridor. Be ready before any future MnDOT reconstruction occurs.
- Improve pedestrian and bicycle crossing amenities in urban areas.
- Potentially convert selected Highway 23 intersection approach lanes in rural areas from through/right-turn lane into through/left-turn lane approaches. Right-turn lanes can be added in long term.
- Develop raised medians and left-turn lanes in urban areas.
- Develop median buffer lanes and centerline rumble strips in rural areas.

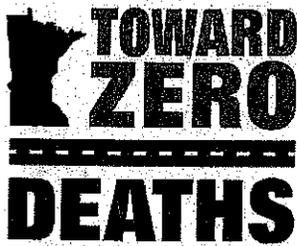


*View the Highway 23 Road Safety Audit online,
at mndot.gov/d3/projects/h23foleytomilaca/*

Community Action

What we need from you!

- Work with the regional Toward Zero Deaths partners to develop and implement education initiatives.
- Develop plans for how you want the Highway through your community to look, operate, and function.
- Utilize these strategies when opportunities to implement are funded and being realized.
- Plan now – before a project is realized and implemented.
- Be prepared to use local funding and apply for competitive grants and safety funding. Coordinate with future MnDOT and County projects.



www.minnesotatzd.org

Contact Us

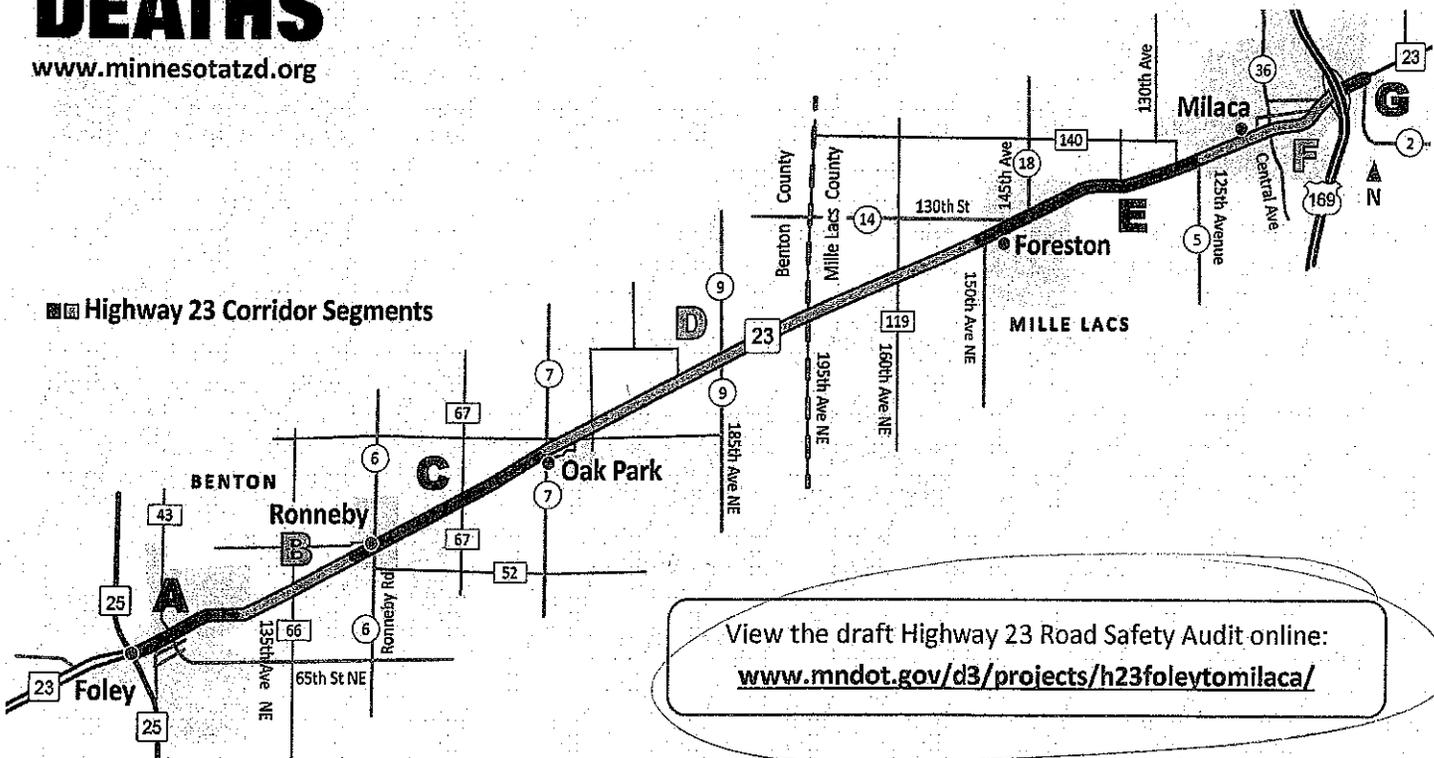
HIGHWAY 23 ROAD SAFETY AUDIT

Derek Leuer, Traffic Safety Engineer, MnDOT Office of Traffic, Safety and Technology
derek.leuer@state.mn.us

Bryan Nemeth, Consultant Project Manager, Bolton & Menk, Inc.
bryanne@bolton-menk.com

LOCAL MnDOT CONTACT

Tom Dumont, District Traffic Engineer, MnDOT District 3
tom.dumont@state.mn.us



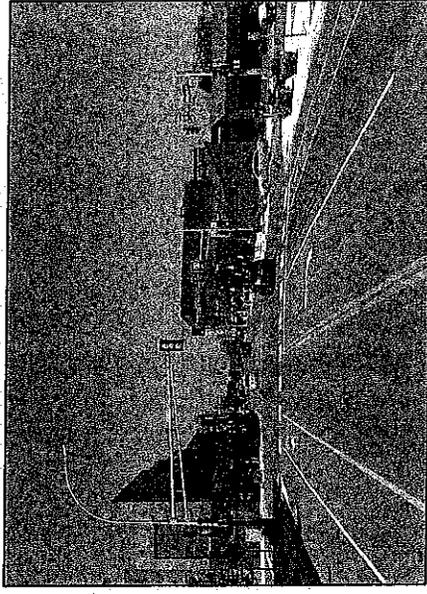
View the draft Highway 23 Road Safety Audit online:
www.mndot.gov/d3/projects/h23foleytomilaca/

The Road Safety Audit is one part of a multi-agency effort to improve safety on Highway 23 in Benton and Mille Lacs counties. For more information about the Highway 23 safety improvement effort, or to learn how to get involved with safety efforts along Highway 23, contact Tom Nixon, East Central Minnesota Toward Zero Deaths Coordinator at thomas.nixon@state.mn.us.

Highway 23 Road Safety Audit Findings – Community Meeting, Foley City Hall, Sept. 11, 2017

Segment F (Milaca) Strategies – Short and Mid-Term

- Develop a community roadway plan
- Restripe left turn lanes at Central Ave, 3rd Ave and school access
- Pedestrian ramp and striping improvements at 3rd Ave
- Restripe as 3-lane roadway from Central Ave to 3rd St SE (short to mid-term)
- Pedestrian crossing enhancements at 3rd Ave (mid-term)
- Signal improvements at Central Ave



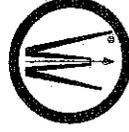
Segment G (Milaca) Strategies – Short to Long Term

Short Term

- Restripe a left turn lane at CSAH 2 (remove bypass lane)

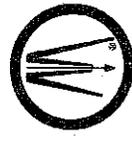
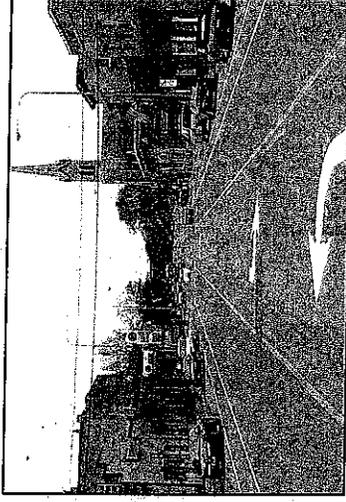
Long Term

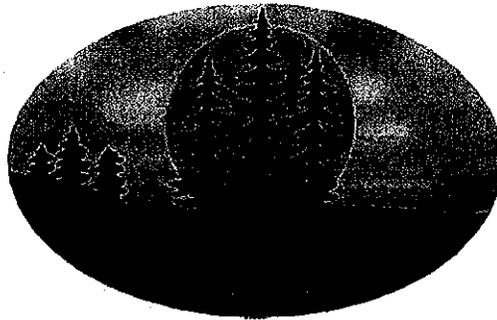
- Add trail or sidewalk from 10th Ave to 1st St
- Construct roundabout at either CSAH 2 or 10th Ave
 - If roundabout at 10th Ave, add left turn lane at CSAH 2
 - If roundabout at CSAH 2 (preferred), $\frac{3}{4}$ access at 10th Ave
- Provide continuous lighting from Hwy 169 Interchange to CSAH 2



Segment F (Milaca) Strategies – Long Term

- Transition corridor to context sensitive urban roadway from Central Ave to 3rd St SE
- Tight urban section (10' thru lane, 11' turn lane, 10' thru lane) – parking on north side
- Complete Streets design (crossing locations, sidewalk, street furniture, lighting)
- 3-lane roadway from Central Ave to 3rd St SE
- Add left turn lanes at Central, 3rd, and school access
- Explore potential of a roundabout at 3rd Ave and pedestrian underpass east of 3rd Ave





**CITY OF MILACA
PUBLIC NOTICE
PUBLIC HEARING
STREET VACATION**

Thursday, October 19, 2017

6:30 p.m.

Milaca City Hall

NOTICE IS HEREBY GIVEN that the Milaca City Council will call a meeting on Thursday, October 19th, 2017, at 6:30 p.m., to conduct a PUBLIC HEARING on a portion of street vacations located on 6th Avenue NE and 13th Street NE. 6th Avenue NE a vacation of a 60 foot width and 940 feet in length and of 13th Street NE a vacation of a 60 foot width and 320 feet in length within the platted Highway 169 Industrial Park 2nd Addition, within the City of Milaca. All persons interested are invited to attend said hearing and be heard. Written comments may be submitted to the City Manager's office 255 First Street East, Milaca Minnesota 56353. Please contact the City Manager's office at, 320-983-3141 if you have any questions.

Tammy Pfaff
City Manager
City of Milaca

Published October 4th, October 11th, 2017

CITY OF MILACA

RESOLUTION NO. 17-46

A RESOLUTION VACATING CITY STREETS

WHEREAS, the City Council previously passed Resolution No. 17-42 noting its interest in vacating, pursuant to Minnesota Statute §412.851, two city streets legally described as:

A portion of street vacation on 6th Ave. NE and 13th St. NE, as indicated on the plat of the Highway 169 Industrial Park 2nd Addition. 6th Avenue NE a vacation of a 60 foot width and 940 in length and of 13th Street NW a vacation of a 60 foot width and 320 feet in length with in the platted Highway 169 Industrial Park 2nd Addition attached hereto and incorporated by reference and set a public hearing to consider the vacation of such streets; and

WHEREAS, a public hearing to consider the vacation of such street was held on the 19th day of October, 2017, before the City Council in the City Hall located at 255 1st St. E., Milaca, MN 56353 at 6:30 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Manager on the 23rd day of October, 2017 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because

1. All of the city owned lots on the affected plat have been sold to one private party.
2. The private party has indicated its intent to combine lots thereon and that it cannot do so with the public right of way still of record.
3. A specific condition of the sale of the lots by the city to the private party is that the public right of way be vacated.

4. As one owner will own all of the affected property, there no longer remains a need for a public right of way.

And WHEREAS, at least four-fifths of all members of the City Council concur in this resolution;

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

That request for vacation is hereby granted and the street described as follows is hereby vacated:

6th Ave. NE and 13th St. NE, as indicated on the plat of the Highway 169 Industrial Park 2nd Addition, attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED, that the Mayor and City Manager are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

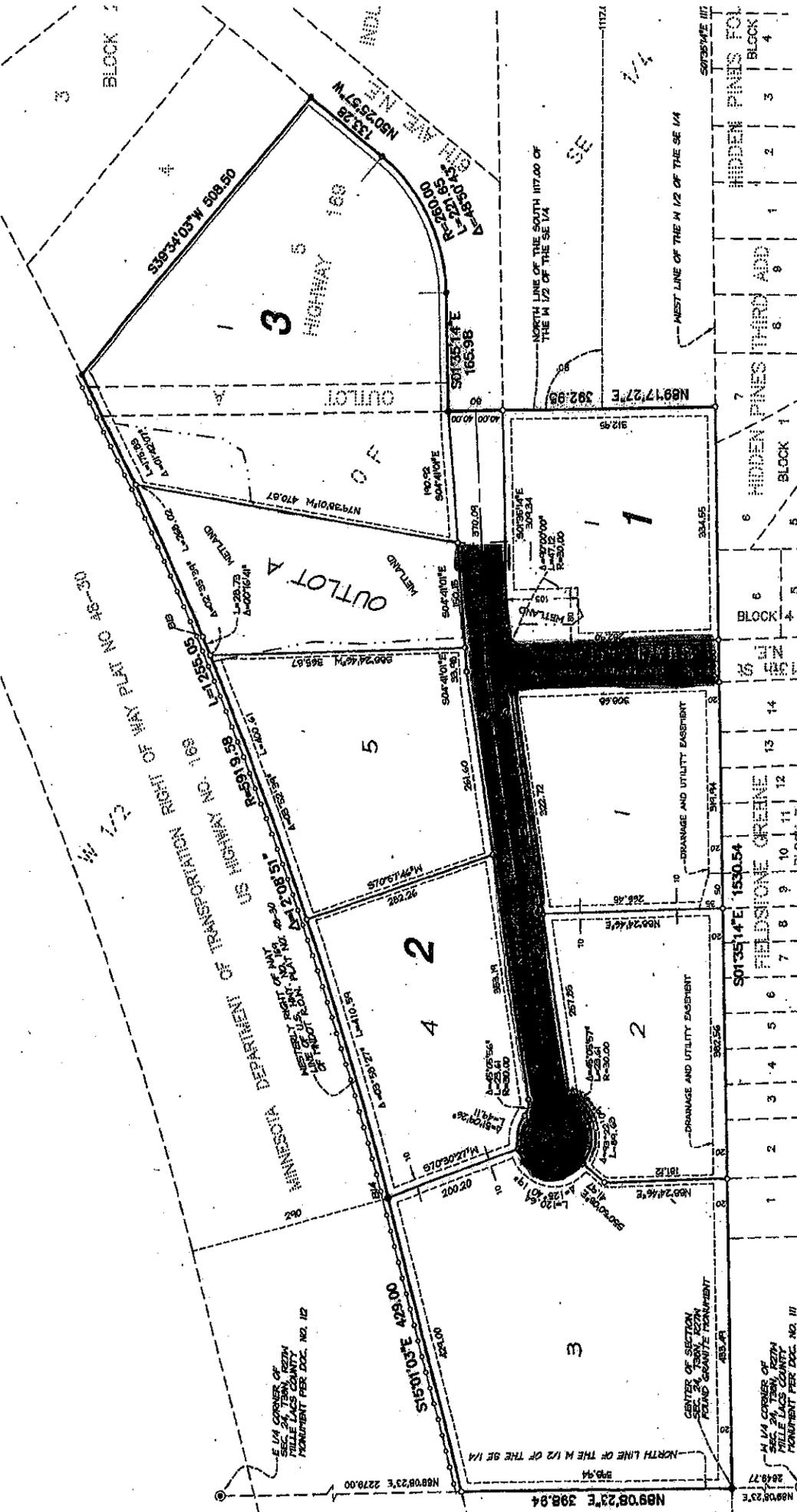
Passed by the City Council of Milaca, Minnesota this 19th day of October, 2017.

Harold "Pete" Pederson
Mayor

Attested:

Tammy Pfaff, City Manager

HIGHWAY 169 INDUSTRIAL PARK 2ND ADD



I hereby certify that I have surveyed and plotted the property described on this plat as HIGHWAY 169 INDUSTRIAL PARK 2ND ADD, and that the same is in accordance with the correct representation of the surveys that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly designated on the plat and that the outside boundary lines are in accordance with the correct representation of the surveys that all distances are correctly designated, other than as shown.

I, S. Block 2 and Outlot A, Highway 169 Industrial Park, according to the plat file and of record in the Office of the County Recorder, Mills County, Minnesota, we consent the same to be surveyed and plotted as HIGHWAY 169 INDUSTRIAL PARK 2ND ADDITION and do hereby designate to the public for public use forever the easements and out-of-the-way easements and also depicting the easements as shown on this plat.

I hereby certify that I have surveyed and plotted the property described on this plat as HIGHWAY 169 INDUSTRIAL PARK 2ND ADD, and that the same is in accordance with the correct representation of the surveys that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly designated on the plat and that the outside boundary lines are in accordance with the correct representation of the surveys that all distances are correctly designated, other than as shown.

I, S. Block 2 and Outlot A, Highway 169 Industrial Park, according to the plat file and of record in the Office of the County Recorder, Mills County, Minnesota, we consent the same to be surveyed and plotted as HIGHWAY 169 INDUSTRIAL PARK 2ND ADDITION and do hereby designate to the public for public use forever the easements and out-of-the-way easements and also depicting the easements as shown on this plat.

Checked and approved for Mills County as to compliance with Chapter 505, Minnesota State Statutes on this _____ day of _____, 20____.

Daniel D. Pederson, Mills Lacis County Surveyor
Minnesota License Number 10065

I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and execution on this _____ day of _____, 20____.

Richard Schaeffer, City Attorney
This plat was recommended for approval this _____ day of _____, 20____.

Checked and approved for Mills County as to compliance with Chapter 505, Minnesota State Statutes on this _____ day of _____, 20____.

Daniel D. Pederson, Mills Lacis County Surveyor
Minnesota License Number 10065

I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and execution on this _____ day of _____, 20____.

Richard Schaeffer, City Attorney
This plat was recommended for approval this _____ day of _____, 20____.



VICINITY
NOT TO SCALE

MEMO

October 11, 2017

To: City Council
From: Marshall Lind
Zoning Administrator

RE: Rental Ordinance

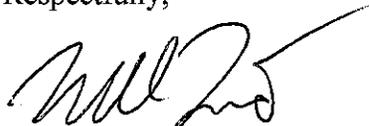
If City Council passes the different ordinances for the rental code, when would like to implement the ordinance. I know you will adopt it, but are you planning on giving the rental owners some time to meet the new ordinance?

If the ordinance is passed, I was planning on sending a letter to all of the owners of rental properties explaining that the City has adopted the ordinances, along with that, I would send them the rental property checklist, informing them that they must be able to meet the checklist by the date Council decides.

Part of the Crime Free Housing Program Certificate, is that each landlord or their agent needs to attend a class put on by the Milaca police department or another Cities program. Todd Quaintance will be getting the certification the week of October 16, so he can administer this class.

So the direction I need from Council, if or once the ordinance is passed, is when do you want to start administering and enforcing the ordinance.

Respectfully,



Marshall Lind
Zoning Administrator

ORDINANCE NO. 429

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES
FOR THE CITY OF MILACA, MN
Title IX General Regulations to Chapter 97, Rental Code

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the S-10 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Minnesota code; and

WHEREAS, it is the intent of the city council to accept these updated sections in accordance with the changes of the law of the State of Minnesota; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date; and

WHEREAS, the intent of this Ordinance is provide a permanent mode of protecting and regulating the living conditions of these residents by providing minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of rental property by providing minimum standards for light ventilation necessary for the health and safety, and minimum standards for the maintenance of existing private and rental residential buildings; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MILACA:

Section 1. That the 2014 S-10 Supplement to the Code of Ordinance of the City of Milaca as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Milaca City Council, and the City Manager is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the City Manager.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

Passed this 19th day of October, 2017.

Mayor Harold Pedersen

ATTEST

Tammy Pfaff, City Manager

1st reading: 10-19-17

2nd reading: __ - __ -17

Published _____

Ordinance 429

TITLE IX: GENERAL REGULATIONS

Chapter 97 Rental Code

97.01 PURPOSE AND INTENT

Subd 1. Purpose: The purpose of this Ordinance is to protect the public health, safety and welfare of the residents of the City of Milaca who have, as their place of abode, a dwelling unit, manufactured home, lot or room furnished to them for the payment of a rental charge to another.

Subd 2. Intent: The intent of this Ordinance is to provide a permanent mode of protecting and regulating the living conditions of these residents by providing minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of rental property by providing minimum standards for light and ventilation necessary for the health and safety, and minimum standards for the maintenance of existing private and rental residential buildings.

Subd 3. Savings Clause: With respect to rental disputes, and except as otherwise specifically provided by the terms of this Ordinance, it is not the intention of the City to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord that are not specifically and clearly relevant to the provisions of this Ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government. Neither, in enacting this Ordinance, is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

97.02 DEFINITIONS The following words and phrases shall have the meanings given them in this ordinance:

- A. Building: Shall mean any structure used or intended for supporting or sheltering any use or occupancy.
- B. Dwelling Unit: Consists of one (1) or more rooms that are arranged, designed, or used as living quarters. Each room or group of rooms shall be a separate dwelling unit. A rooming house shall be considered a single dwelling unit, but may charge a fee based on the number of sleeping rooms. A structure that is self-enclosed and arranged, designed and used as living quarters to a single family or group of persons under a single lease or agreement shall be considered a single dwelling unit.

- C. Familial Relation: Shall mean a legally recognized son, daughter, father, mother, grandfather, grandmother, grandson, granddaughter, sister, or brother.
- D. Housing Inspector: Shall mean a designee appointed by the Milaca City Council authorized to administer and enforce this Ordinance.
- E. License: Shall mean a provisional license, which is issued after receipt of fees and may be revoked if such rental property is found not to be in compliance with ordinances, codes or statutes.
- F. Lot: Shall mean an area within a manufactured home park or otherwise maintained and made available for occupancy by a manufactured home.
- G. Manufactured Home: Shall mean as provided in Ordinance 341 Sect. 156.006.
- H. Manufactured Home Park: Shall mean any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
- I. Maximum Occupancy: Shall mean that for each occupant in a dwelling unit, 100 square feet of space must be provided.
- J. Occupant: Shall mean any person (including the owner or operator) living, sleeping, cooking, or eating in a dwelling unit.
- K. Operator: Shall mean the owner or agent who has charge, care, control or management of a building or manufactured home park or part hereof, in which dwelling units, manufactured homes, lots or rooming units are let.
- L. Owner: Shall mean any person who, alone or jointly or severally with others, shall be in actual possession of, or have charge, care or control of any dwelling unit, manufactured home, lot, rooming house or sleeping unit within the City.
- M. Person: Shall mean any natural person his/her heirs, executors, administrators or assignees, and also includes a firm, partnership, and limited liability company, cooperative or corporation, it's or their successors or assigns, or the agent of any of the aforementioned.
- N. Rental Property: Shall mean a dwelling unit offered for rent or occupied by a person or persons in the status of tenant, but does not include motels. This term

shall not include property in which the dwelling unit or manufactured home is owned by the occupant, but the land or lot is rented or leased.

- O. Rooming House: Shall mean a building or structure providing a room or rooms intended for living and sleeping for persons in the status of tenant in which the toilet and kitchen facilities are shared, and the common or shared areas of the structure are actively maintained by the operator. This term shall include boarding houses, day cares, lodging houses, bed and breakfasts, fraternity and sorority houses, but does not include hotels, motels, or hospitals.
- P. Sleeping Rooms: Shall mean a room or enclosed floor space in a rooming house or dwelling unit, as defined herein, used or intended to be used primarily for sleeping purposes.
- Q. Tenant: Shall mean one who has as his/her place of abode a dwelling unit, manufactured home, lot, rooming house or sleeping room furnished to him/her for payment of a rental charge to another.

97.03 INTERNATIONAL PROPERTY MAINTENANCE CODE ADPTED BY REFERENCE

The International Property Maintenance Code, 2015 Edition, as from time to time amended or modified, is hereby adopted by reference, so far as it applies to rental property, and is made a part of this Ordinance as if fully set out in length.

97.04 LICENSE REQUIRED

No person shall occupy, allow to be occupied, or let to another for occupancy any dwelling unit in the City of Milaca for which a license has not been properly issued by the City of Milaca. No rental dwelling shall be issued a license by the City unless it complies with the ordinances of the City of Milaca and the statutes of the State of Minnesota, which pertain to such properties. A rental property solely occupied by the owner or a familial relation of the owner is exempt from this requirement.

Subd 1. License Fee: The City Council may establish a licensing fee schedule for each dwelling unit or sleeping room in each rental property. The schedule may include a separate fee for licenses, inspections, crime prevention program participation and delinquencies. Said license fees shall be payable at the time of application for licensing or renewal of a license and shall be a prerequisite to the issuance of the required license. Once issued, a licensee shall not be entitled to a refund on any license fee upon suspension or revocation.

- a. Rental property which is licensed as a “Curing Home” (Nursing Home) or a “Boarding Care Home” by the State of Minnesota Department of Health pursuant to Minnesota Statutes Chapter 157 shall be exempt from the

registration fee required under this Section. This exception shall not apply if no services are provided to the tenants, or the services are incidental to, or independent of, the landlord/tenant relationship.

- b. If the license fee required hereunder is paid after March 31 for the next license year, penalties shall be imposed as established by the licensing fee schedule.
- c. All licenses shall expire March 31, two calendar years following the year it was issued. Application for any license in which an inspection is required shall be 30 days prior to expiration. For cause, the Housing Inspector may waive the application deadline for an applicant.
- d. A delinquency fee shall be charged to the owner of rental property operated without a valid license. The imposition of this fee by the Housing Inspector may be appealed to the City Council by submitting a request to the City within twenty (20) days of the mailing or posting of the notice of the fee.

Subd 2. License Application: The application for license shall be made and filed on a form furnished by the City of Milaca for such purpose and shall set forth the following information:

- a. Name, residence address and phone number of the owner of any rental property, or property manager authorized by the owner to accept service of process and to receive and give receipt for notices. In cases where the owner of any rental property lives outside the City of Milaca, the license application shall be made by an agent who shall be legally responsible for compliance with this and other City Ordinances. Such agent shall live within Minnesota;
- b. Name, address and phone number of any agent actively managing the rental property;
- c. Street address of the rental property;
- d. Tax parcel number of the rental property or manufactured home park in which the rental property is located;
- e. Number and description of units within the rental property (dwelling units, manufactured homes, or sleeping rooms), including square footage of each room in unit;

- f. Name, address and phone number of the person authorized to make or order repairs and/or service to the rental property, to provide required services necessary to protect the health, safety, and welfare of the occupants, or are able to contact the person so authorized;
- g. Maximum number of people permitted per dwelling unit, manufactured home, lot, rooming house, or sleeping room;
- h. Crime-Free Rental Housing Phase I Training Required. The Licensee or the Manager with control over the rental dwellings and rental dwelling units must attend, at a minimum, the Phase I crime-free rental housing educational course or similar course as approved by the City Manager as a condition of receiving or renewing a license. The cost of attending the educational requirements under this section shall be paid in addition to any license and inspection fees. Course attendance will be required on a schedule to be determined by the City Manager. Certification of completion of Crime Free Rental Program.

Subd 3. Manner of Application: The license application shall be made by the owner, if such owner is a natural person; if the owner is a corporation, cooperative or limited liability company, by an officer thereof; if a partnership, by one of the partners; and if an unincorporated association, by the manager or managing officer thereof, on the appropriate form available from the Housing Inspector.

Subd 4. Inspection: All rental units will be subject to a biennial inspection conducted by the Housing Inspector, or his/her authorized representative, prior to issuance of the license. The Housing Inspector may grant a license contingent on an inspection being completed within thirty (30) days, if all other requirements, including payment of the license fees, are met. After thirty (30) days, the license shall expire unless the Housing Inspector has certified the required inspection.

Subd 5. License Before Occupancy: All rental property required to be licensed pursuant to the provisions of this Ordinance shall be licensed prior to occupancy or the letting to another for occupancy, and thereafter all licenses of such rental property shall be renewed pursuant to 97.04, Subd. 1(c).

Subd 6. Transfers: Every new owner of a rental property (whether as fee owner, contract purchaser, or otherwise entitled to possession) shall apply for and obtain a license under this Ordinance before taking possession.

97.05 DISPLAY OF LICENSE. For dwellings containing four or more dwelling units, the rental license certificate must be displayed in the lobby or other common area visibly accessible to all tenants of the licensed dwelling. The license certificate must be encased in a frame with a

clear glass or plastic surface over the certificate and must be mounted securely to the wall. For dwellings less than four dwelling units, the Licensee must provide a copy of the rental license certificate to each tenant by attaching a copy to the Tenant's copy of the executed lease agreement. A copy of the license certificate must be displayed at or near the front of the electrical panel of the home of the building for which it was issued and shall be reasonably protected from wear by a plastic cover or similar protective device.

97.06 INSPECTION. Right of Entry: In order to insure compliance with this Ordinance's requirements, or upon receiving a written, signed complaint, the Housing Inspector shall have the authority to enter any building or manufactured home park at reasonable times upon notice to the landlord and tenant, to determine if the building or manufactured home park is operated as a "rental property" as defined in this Ordinance or to enforce the International Property Maintenance Code, or both.

97.07 HEALTH DEPARTMENT INSPECTION. The Mille Lacs County Health Department and/or the City Building Official shall have the right to inspect any dwelling, whether rental or owner-occupied, to enforce sanitation requirements.

97.08 HOUSING ADVISORY AND APPEALS BOARD. The City Council shall appoint a Housing Advisory and Appeals Board ("Housing Board") as provided below. The Housing Board shall be the Planning Commission Board. In addition to the responsibilities enumerated in the International Property Maintenance Code, the Housing Board shall serve in an advisory capacity in making recommendations concerning the housing and rental programs. It shall be the duty of the Housing Advisory and Appeals Board to study City Ordinances and Codes concerning housing from time to time and to make recommendations for new ordinances. The term of the members shall each be for three (3) years, with a maximum of three full three-year terms. Except in the event of a vacancy, appointments shall be effective January 1 of each year. Appointments shall be effective January 1 of each year and provide for staggered, overlapping terms. The initial appointments shall be made such that two (2) members appointed shall serve for three years, two (2) shall serve for two years, and one (1) shall serve for one year. Any vacancy shall be filled for the remainder of the term in the same manner as an original appointment. If a Board member shall no longer serve in the capacity under which they qualified for appointment, the City Council shall declare a vacancy. The Board members shall continue until their successor has been appointed.

97.09 EXCESSIVE LAW ENFORCEMENT CALLS. Notwithstanding any finding of the Housing Inspector for other violations, any rental property whose property receives more than one (1) law enforcement call per dwelling unit within a twelve (12) month period, or receives twenty-four (24) law enforcement calls or complaints within a twelve (12) month period, whichever number is less, shall appear before the Milaca City Council, upon notice, to review the continuation of the rental license. This review is not an exclusive remedy.

97.10 CRIMINAL BACKGROUND CHECKS

Subd 1. Purpose: The Milaca City Council has determined that there are persons residing in rental property in the City of Milaca engaging in disorderly conduct which results in a hostile environment for other Milaca citizens living near or close to the rental property. It is the declared purpose and intent of this section to protect and preserve the City's neighborhoods and the public health, safety, and welfare of its citizens by providing a system at the local level for criminal history/background investigation of prospective tenants.

Subd 2. Background Investigations: Each Operator shall conduct criminal history/background investigations on prospective tenants in rental property through the Milaca Police Department. No such investigation shall be conducted using the state Criminal Justice Data Communications Network (CJDN) and no information obtained from the CJDN shall be disseminated unless the Operator presents an Informed Consent/Waiver form signed by the prospective tenant. The Informed Consent/Waiver form must meet the requirements of Minnesota Statutes Section 13.05, Subd. 4 (d). Each request must be on a form approved or provided by the Milaca Police Department. The Operator shall pay a fee as established by Council resolution.

97.11 LANDLORD LIABILITY. The owner of a rental unit, manufactured home park, rooming house or sleeping room shall be responsible to cause persons occupying the rental unit to conduct themselves in such a manner as to not cause the premises to be in violation of the prohibition against noise as set forth in the City of Milaca's Noise Ordinance, nor to allow to exist on the premises a public nuisance.

97.12 APPLICABLE LAWS. Licensees shall be subject to all of the Ordinances of the City of Milaca and the applicable State and Federal laws relating to dwellings. In the event this Ordinance conflicts with any other applicable ordinance or law, the more restrictive shall apply.

97.13 ENFORCEMENT. Enforcement of this Ordinance is accomplished by the Housing Inspector who is authorized to conduct inspections, issue licenses, investigate complaints, and seek penalties of property owner(s) found to be in violation.

97.14 PENALTY. Any person who operates rental property in violation of this Ordinance shall be guilty of a misdemeanor and subject to the maximum penalty permitted by law. Each violation of this Ordinance shall constitute a separate offense. As an alternative to criminal penalties, the City may seek the following corrective action. The Housing Advisory Board will consider such penalties and/or actions after providing written notice and an opportunity to be heard to the owner of the rental property.

Subd 1. Require a Phase Two Participant or a Phase Three Participant:

Phase Two Participant (Includes Phase One plus the following)

- a. Complete a security assessment and complete the security improvements recommended. This phase will certify that the rental dwelling has met the security requirements for the tenant's safety
- b. For rental dwellings with four or more units, attend a minimum of 25 percent of Owners/Managers Association meetings
- c. For rental dwellings with less than four units, attend Licensee/Manager refresher training at least once every three years and conduct an exterior inspection of the property at least once every six months.

Phase Three Participant (Includes Phase One and Two plus the following)

- a. For rental dwellings with four or more units, conduct resident training annually for the residents where crime watch and crime prevention techniques are discussed.
- b. For rental dwellings with four or more units, hold regular resident meetings.
- c. For rental dwellings with four or more units, attend a minimum of 50 percent of Licensee/Managers Association Meetings.
- d. Have no unresolved City Code violations within the past year.
- e. For rental dwellings with less than four units, attend annual refresher training approved by the City Manager at least one time per year and verify attendance.
- f. For rental dwellings with less than four units, meet with tenants at least one time per year, inspect the exterior of the dwelling at least quarterly, and inspect the interior of the dwelling unit at least one time per year and provide written verification on the form provided by the City.

Subd 2. License Denial, Suspension, or Revocation: Every operating license issued under this Ordinance is subject to suspension or revocation. If the City suspends or revokes an operating license, it shall be unlawful for the owner or the duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental units until the operating license is restored. Current tenants will be allowed to remain until the end of their lease or one (1) year, whichever is less. In the case of revocation, restoration of the license shall occur only after the premises' owner has applied for a new license, paid a new application fee and complied with all sections of this or any applicable City Ordinance. The City Manager may deny or not renew a license and the City Council may revoke or suspend a license for any of the following reasons that shall also constitute a violation:

- a. The property does not conform to City Ordinance.
- b. The property does not comply with a health, building, maintenance, or other provisions of the City Ordinances or State Law.
- c. The Licensee has failed to pay the license fee, inspection fees, the investigation fee, or a fine that has been imposed.
- d. The Licensee has made fraudulent statements, misrepresentations, or false statements in the application or investigation or in any information required by this Chapter.
- e. Conviction of a background check crime as defined in Minnesota Statutes Section 299C.67, subd. 2 as may be amended from time to time; or any crime related to the business licensed and failure to show, by competent evidence, rehabilitation and present fitness to perform the duties of the business.
- f. Operating or allowing the rental property to be used in such a manner as to constitute a breach in peace, a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the Chief of Police.
- g. Actions unauthorized or beyond the scope of the license granted.
- h. The Licensee's rental license to operate a rental dwelling in another jurisdiction has been denied, revoked, or suspended.
- i. Failure to schedule and/or allow rental or building inspections of the licensed premises, for the purpose of ensuring compliance with rental licensing requirements, City Code requirements, State Building Codes, or other applicable State and Federal law.
- j. Failure to continuously comply with all conditions required as precedent to the approval of the license.
- k. Real estate or personal property taxes have become delinquent and the property owner and the Licensee are the same person or entity, or have any common ownership where they are different person or entity.
- l. Violation of any regulation or provision of the City Code applicable to the activity for which the license has been granted, or any regulation or State or Federal law that may be applicable.
- m. Excessive calls for service as determined by the Chief of Police or the Fire Department Chief based on the number and nature of the calls compared to the number of dwelling units on the property when the Licensee has been notified of the call by the Chief of Police or the City Fire Chief and the Licensee has failed to supply

- an appropriate written action plan for reducing the calls for service, or when the calls for service exceed an established threshold.
- n. Failure to actively pursue the eviction of tenants who have violated the provisions of the crime free lease addendum or who have otherwise created a nuisance in violation of the provisions of the written lease.
 - o. Other good cause as determined by the City Council after conducting a public hearing.

The City Council may revoke a license or suspend a license for a set period of time or until violations of City Code, or State or Federal law are corrected and, in addition, impose a civil penalty for each violation or impose a combination of these sanctions:

- (1) Temporary Suspension: The City Council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgement, the public health, safety, and welfare is endangered by the continuance of the licensed activity.
- (2) Notice: Before the suspension or revocation of the rental license, the City must provide written notice informing the Licensee of the right to a hearing. The notice must provide at least 20 calendar days' notice of the time and place of the hearing and must state the grounds for the proposed suspension or revocation of the license. The notice may be served upon the Licensee personally, by leaving the notice at the licensed premises with the designated Manager, or by certified mail to the address listed on the license application.
- (3) Hearing: A hearing will be conducted before the City Council at a public meeting. The Licensee shall have the right to be represented by Counsel, the right to respond to the charge violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the City
- (4) Council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.
- (5) Final Decision: Following the hearing, the Council may revoke or suspend the license for all or any part of the licensed premises may stay the revocation or suspension upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of

the Chapter, or grant or continue the license. The decision by the City Council following a hearing is final. Upon a decision to suspend a license, no new application from the current Licensee for the same rental dwelling will be accepted for a period of time specified in the Council's decision, not exceeding one year. A decision to revoke a license will result in no new application being accepted from the same Licensee for a minimum of one year.

- (6) Appeal of Decision to Deny or not Renew License: If the City Manager denies or does not renew a license, the Licensee shall be notified in writing, specifying the reasons for denying or not renewing the license. If the Licensee corrects the conditions leading to the denial or non-renewal within seven days, the City Manager shall issue the license. A Licensee whose license has been denied or not renewed by the City Manager may appeal the decision by filing with the City Manager a written notice of appeal with seven days of receiving notice of the City Manager's decision. The hearing will be conducted pursuant to 97.14 (2)2.
- (7) Notification to Tenants: Upon denial, suspension, revocation or other enforcement action of a license, the City will notify all affected tenants of the action against the license. If the license is revoked or suspended the Licensee may not let, rent or allow to be occupied any vacant dwelling units, or dwelling units that become vacant during the revocation of suspension period.

Subd. 3. Minimum Penalties: The following are the minimum penalties for a Licensee's failure to comply with applicable Federal or State law or the requirements of this Chapter relating to the license. However, the level and order of the penalties will be at the sole discretion of the City Council, based upon the nature of the infraction. When appropriate, the City may impose penalties exceeding those stated below based on the history of the compliance and the severity of the violation, up to a maximum amount of \$10,000 per violation:

Violation Minimum Penalties	Phase 3 Participant	Phase 2 Participant	Phase 1 Participant
1 st - Violation	\$200	\$300	\$500
2 nd - Violation within 12 months	\$500	\$600	\$1,000
3 rd - and subsequent Violation with 12 months	\$1,000	\$1,200	\$2,000

Subd 4. Hazardous Building Declaration: If a dwelling is unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with state law. Whenever any rental dwelling or rental dwelling unit is found to be hazardous or unfit for human habitation, it shall be posted by the Chief Building Official or designee on the door of the rental dwelling or rental dwelling unit, whichever the case may be, to prevent further occupancy. No person, other than the Chief Building Official or designee, shall remove or alter any posting. The Chief Building Official or designee will post the date the rental dwelling or rental dwelling unit shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling or rental dwelling unit until the Chief Building Official or City Council permits it.

97.15 VIOLATIONS. In addition to any other sanctions or administrative penalties imposed, any violation of this Chapter shall constitute a misdemeanor offense, punishable as defined by State law. Each day of violation constitutes a separate offense.

97.16 NO WARRANTY BY THE CITY. By enacting and undertaking to enforce this Chapter, neither the City nor its Council, agents or employees warrant or guaranty the safety, fitness or suitability of any rental dwelling or rental dwelling unit in the City. Licensees and occupants should take appropriate steps to protect their interests, health, safety and welfare.

97.17 RENTAL CODE. This Ordinance shall be known as the City of Milaca Rental Code.

97.18 SEVERABILITY. Every section, provision or part of this ordinance is declared severable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

97.19 EFFECTIVE DATE. This Ordinance shall be effective immediately upon its passage and publication, except as follows:

A. Existing rental properties (those operating as such on the Effective Date) will be required to apply for a Rental License by March 1, 2018, and obtain a license by March 31, 2018; and

B. Dwelling units already constructed, or having obtained a building permit, but not used as a rental property on the Effective Date, are exempt from requirements of 97.04, Subd. 2(h) for any license obtained within ninety (90) days from the Effective Date.

Ordinance 429
TITLE IX: GENERAL REGULATIONS
Chapter 99 Fire Code

99.01 Fire Code Adopted: The Minnesota State Fire Code, 2015 Edition , is hereby adopted and is made a part of this Ordinance.

99.02 Open Flame: No person shall kindle, maintain, or cause any fire, open flame, or burning charcoal on any rental property balcony or rental property garage, or on the ground within fifteen (15) feet of the perimeter of any rental property building or rental property garage. Charcoal must be stored in an enclosed airtight metal container with tight fitting lids to prevent spontaneous combustion.

99.03 Fire Department Lock Box(es) and Building Entry Keys: Pursuant to Section 506 of the MN State Fire Code, 2015 Edition, all residential rental properties shall have at least one Fire Department key box, as approved by the fire code official or Fire Chief. Owners are required to purchase, install, maintain and provide keys for the entry into each structure. Newly constructed buildings shall have an approved key box installed and keys secured to the Fire Department prior to issuance of the Certificate of Occupancy. Residential rental properties with fewer than four units, in which the dwelling unit is accessed directly and not through a secured common are, shall not be required to provide a Fire Department key box.

99.04 Fire Code: This Ordinance shall be known as the City of Milaca Fire Code.

99.05 Penalty: A violation of this section shall be a misdemeanor and subject to the maximum penalty permitted by law. Each day of violation, and each individual violation, shall constitute a separate offense.

99.06 Severability: Every section, provision or part of this ordinance is declared severable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

99.04 Effective Date: Chapter 99 shall be effective upon adoption and publication.

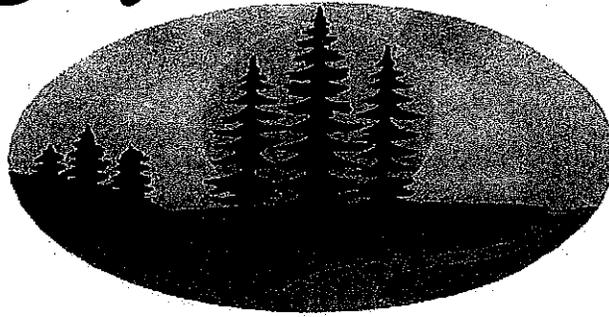
**LICENSING OF RENTAL PROPERTY
FEE SCHEDULE**

Below is a list of fees related to licensing of a rental property and renewing a rental license in the City of Milaca.

<p>This is a property I am converting from owner occupied to a rental. If this property was not previously licensed as a rental property you must pay a one-time conversion fee. This fee includes the first year rental license fee, initial inspection fee and one re-inspection fee if needed. It does not include the 8 Hour "Crime Free Rental Housing Training" or the criminal background investigation fee.</p>	<p>\$200 + \$15/unit over 3 units</p>
<p>I have purchased a rental property in Milaca that is currently licensed by someone else and wish to continue to operate that property as a rental business. Rental licenses for a property are not transferrable to a new owner. The new owner must pay the license and inspection fees to obtain a new Rental Property License. All properties are allowed one follow-up inspection at no additional cost. Any "no-shows" or additional inspections will be charged a re-inspection fee of \$75. It does not include the 8 Hour "Crime Free Rental Housing Training" or the criminal background investigation fee.</p>	<p>\$100/bldg + \$50 inspection fee + \$15/unit over 3 units</p>
<p>I am renewing an existing rental license and it is not an inspection year. There has not been a change in ownership, and the property is not due for a rental property inspection by the City of Milaca Building Official</p>	<p>\$100</p>
<p>I am renewing an existing rental licensed and it is an inspection year. There has not been a change in ownership and the property is due for a rental property inspection by the City of Milaca</p>	<p>\$100/bldg + \$50 inspection fee + \$15/unit over 3 units</p>
<p>Neither I nor my manager (if applicable) have ever completed an 8 Hour "Crime Free Rental Housing Training" Registration fee to attend a course offered by the City of Milaca Police Department. If the City of Milaca date does not work, attend the class offered in another city.</p>	<p>\$40</p>
<p>I have never possessed a Rental Property License for any property in the City of Milaca If this is the first time that you have licensed a rental property in the City of Milaca you must pay a one-time criminal background investigation fee.</p>	<p>\$40</p>

City of Milaca

255 First Street East
Milaca, MN 56353



320-983-3141
320-983-3142 (fax)

www.cityofmilaca.org

Rental Property Checklist

Completion of the rental license application is the first step toward obtaining licensure. After a completed application is received, you will be contacted by the city housing inspector. The housing inspector will arrange a property inspection with reasonable accommodations to be made to the scheduling needs of property owners and tenants. However, inspections must occur during regular business hours and the property owner or authorized agent shall be present during the property inspection. State law requires the owner notify tenants in advance of upcoming inspections.

As a guide, the following is a checklist of items inspected. And while it is impossible to list every potential violation of the housing code, this checklist contains violations commonly found during routine inspections. If there are items noted during the inspection that are not in compliance with the housing code or city ordinances, they must be corrected prior to the issuance of a license. The inspector will identify those items and schedule a re-inspection as needed. The initial inspection fee includes on follow-up inspection if needed. The property owner will be charged \$50.00 each for any additional inspections necessary.

Please be aware that building permits are required for most alterations and must be obtained prior to work being done. If you have a specific situation or concern, please contact the City Building Dept. at 320-983-3141.

Inspection Checklist

EXTERIOR

- Are street numbers visible from the road
- Soffit and fascia in good repair
- Is siding and paint in good condition
- Siding is weather tight and intact
- Is foundation structurally sound and free from holes or gaps
- Are the steps, decks and landings in good condition and safe to use

- Are handrails and guardrails in place and to code
- What is the general condition of the roof, is it free of leaks, structurally sound, no loose or missing shingles
- Existing gutters and downspouts free of debris and properly attached and drains away from structure
- Chimney has proper tuck-pointing/ mortar in good repair and flue liner in good repair
- Garages/sheds in good repair and structurally sound, not open to trespass, exterior surfaces weather-protected
- Fences well-maintained and wood surfaces weather-protected
- Are green areas cut, trimmed and free of noxious weeds
- Proper grading and ground cover
- No litter, car parts, yard waste, construction waste or other miscellaneous debris
- Firewood neatly stacked and properly stored, compost is properly contained
- No abandoned, unlicensed or inoperable vehicles. Vehicle repair is prohibited (except minor repairs to occupant-owned vehicles)
- Are electrical service wires in good repair and not hanging below 10 above grade

INTERIOR

Windows

- No broken/cracked glass
- Easily openable and remains open without the use of a prop
- Openable window must have screens in good repair (no rip, tears or holes)
- Must be weathertight
- Window frame and sashes must be free of cracked, chipped, peeling, chalking or flaking paint and caulk
- All windows within 12 feet of ground must have operable latching hardware

Surface Coverings

- All walls and ceilings free from peeling paint, wall paper, loose plaster, free of holes
- Walls, Ceilings and Floors free from water damage
- Floor coverings in good condition (no torn carpet or unsecured carpet)

Hallway/Stairs

- All exits to the building must be unobstructed at all times. No storage allowed in the stairwells, corridors or in front of doors
- Handrails/guardrails securely attached
- Continuous guardrail required on open side of landings/stairways 30 inches or more above grade
- Graspable handrails installed
- A second means of exiting must be provided from the second floor when the occupancy load exceeds 10 (2000sq ft.). Third floors and above must always have a means of exiting to the outside

Doors

- Fits frame and closes and latches securely
- Proper working hardware
- Weathertight and rodent proof

- Storm/screen doors are maintained in good condition with functioning closures
- All apartment doors have single cylinder deadbolt locks
- In a multi-family apartment – do the fire doors self-close to latching
- In older homes – are the skeleton key locks removed or disabled (on all doors throughout the house)

Lockboxes

- Approved fire department lock box installed
- Are the lock box keys secured to the Milaca Fire Department (residential rental properties with fewer than four units, in which the dwelling unit is accessed directly and not through a secured common area, shall not be required to provide a fire department lock box)

Bedrooms

- Proper egress window or door open to the outside is required
- Floor space shall be no less than 70 square feet with a seven foot minimum width
- Minimum ceiling height of seven feet
- Proper light and ventilation
- Minimum of two duplex electrical outlets or one duplex outlet and one switched overhead light fixture required per sleeping room
- Smoke detector inside and outside of each bedroom installed correctly

Kitchen

- Cabinets and counters must be in good repair
- Hot (120 degrees) and cold running water with adequate pressure
- No loose or dripping faucets
- Drains must function properly, free of obstructions
- Appliances must be in working condition
- Appliances are plugged directly into outlets without use of extension cords or adapters
- Gas appliances must be connected properly with approved fittings/connectors
- Is there adequate outlets and circuits (at least one outlet over every counter surface, and GFI protection within 6 feet of the sink)

Livingroom

- At least one outlet on each wall, two on walls over 14 feet in length
- Update pull chain lights to wall switch controlled
- Ceiling height a minimum of seven feet

Bathroom

- Toilet properly installed with all components intact and properly secured, maintained and functioning
- Sink and tub/shower properly installed and maintained in good repair with caulking intact
- Faucets must have a minimum one inch gap above the spill line
- Must have an operable vent fan to the outside or an operable window
- Light fixture required

- GFI outlet present and working
- Door closes and latches to provide privacy
- Are the tiles or tub enclose in good shape
- Is the floor covering impervious to water
- No loose or leaking faucets
- Hot and cold running water with adequate pressure required to each fixture

Basements

- Stairs safe? No broken treads, loose runners, even size treads and heights
- Handrails in place and to code
- Guardrails in place and to code (if needed)
- Plumbing leaks? Pipes supported properly
- Check the water heater for a pressure relieve valve and metal drip leg. Are the cold water supply and gas shut off valves functioning? Is the vent installed properly
- Does the hot water heater supply adequate water at a minimum of 120 degrees Fahrenheit and a maximum of 130 degree Fahrenheit
- Dryer vent installed to the outside and made of metal
- Washer properly hooked up and drained
- Date of last service to the furnace and filter reasonable clean
- Check the clearances on the flues (6 inches normal minimum)
- Gas lines and shut off valves in good condition
- Smoke detectors working
- Sleeping in basement is prohibited except as permitted by code
- Are the basement wall wet or damp, is there evidence of mold
- Please note that in older homes, it may pay to have a plumbing contractor evaluate the plumbing system to determine if it is safe and in adequate condition
- Openings in the furnace, venting and chimney which allow exhaust fumes to escape into the household environment are very serious. Exhaust leaks are difficult to detect by the inspector. The inspector may require a licensed contractor to certify the equipment

Plumbing

- Faucets must have a minimum one inch gap above spill line
- All plumbing must be installed and maintained to code
- Gas flex connectors must be UL listed and approved
- Hot and cold running water with adequate pressure required to each fixture
- Waste lines must be properly installed and vented, "S" traps are not allowed, no flexible waste lines
- ABS (black) and PVC (white) cannot be glued together
- Hand held showers must have backflow prevention
- No leaking faucets or pipes
- Unused gas & plumbing lines and vents must be capped
- Are cleanout covers loose or missing
- All pipes must be free from defects and obstructions, and properly secured

Electrical

- Cover plates required on all outlets, switches and junction boxes
- New electrical wiring has to be done under a permit and by a licensed electrical contractor
- Switched light fixtures are required in kitchens and bathrooms. Pull chains as the only light source is prohibited in bedrooms
- Fuses properly sized
- Bare, exposed, obsolete or worn wiring; splices or fixtures installed without a junction box will not be permitted
- Cover plates on the panel box must identify all circuits
- 36 inches of clearance in front of panel
- Incandescent light bulbs must have a 12 inch clearance to combustibles
- Use of extension cords in place of permanent wiring is not permitted
- Are the outlets wired properly (improper polarity, neutral connected)
- Many other conditions require electrical repairs or upgrades. Please contact a licensed electrician to evaluate the electrical system to determine if it is in safe and adequate condition

Mechanical

- Heating facility must be properly installed and maintained
- Maintain interior temperature of 68 degrees from October to May
- Temporary portable heating devices shall not be used
- Fuel burning facility must be connected to an approved chimney, flue or vent
- A safety check of heating facilities over 10 years old is required every two years

Fire Protection General

- Storage of paint, paper, boxes, rags or other combustible/flammable material not allowed within 10 feet of gas-fired appliances (furnaces, water heaters, etc.)
- Path of egress shall not be blocked by debris, storage, trash, snow, ice or other obstruction
- Third floor units require continuous, graspable handrails
- Building with three or more units require fire extinguishers
- If multiple units of a three unit or greater building lead into a common area, doors leading from the units shall be fire rated doors with closers

Fire Protection Smoke Detectors

- All smoke detectors shall be installed to code and manufacture's requirements with working batteries and functional connections
- Locate at least one smoke detector in each bedroom and within 10 feet of bedroom doors and on each level, not including crawl spaces and uninhabitable attics
- Any smoke detector located within 20 feet of a cooking appliance must be equipped with a silencing switch or be photoelectric

Carbon Monoxide Detectors

- All carbon monoxide detectors shall be installed to code and to manufacture's requirements with working batteries and function connection
- Locate carbon monoxide detectors within 10 feet of sleeping rooms and one on every level

Fire Systems/ Equipment

- Automatic detection fire alarm systems are required for apartment buildings of 15 or more units or three stories above grade
- Fire alarm tests must be done yearly by a qualified contractor
- Sprinkler systems, standpipes, fire pumps, and other fire protection systems must be tested in accordance with their respective standards by qualified personnel and documented
- Fire extinguishers - A 2A10BC fire extinguisher must be available in the hall within 50 feet of any apartment door on the same level or a 1A10BC fire extinguisher in each apartment, Laundry rooms and furnace/boiler rooms require 2A10BC extinguishers

Other

- Does each room (particularly bedrooms and bathrooms) have adequate heat?
- Portable heaters are not permitted
- Are there too many people living in the unit? There must be 50 square feet of area in a bedroom per person (including babies) if there are more than two in a room
- Every apartment must have at least one room with 120 square feet of area
- Are there adequate containers for the disposal of trash
- Rental license certificate – for dwellings containing four or more dwelling units, the rental license certificate must be displayed in the lobby or other common area visible accessible to all tenants. The license certificate must be incased in a frame with a clear glass or plastic surface. For dwellings with less than four units, a copy of the license certificate must be displayed at or near the front of the electrical panel of the dwelling and shall be reasonably protected from wear by a plastic cover or similar protective device.
- Proof of Crime Free Rental Housing Program Certification
- Cellars/crawl spaces shall not be used as habitable space
- Basements and attics must meet all permit construction requirements for light, ventilation, egress, etc. prior to being used as habitable space
- Dwellings must be mice and rodent free

Permit Requirements

- Electrical permits are required for all work other than minor maintenance issues. Electrical contractors are required to perform all work in the rental property. Contact the MN State Electrical Inspector, Tim Emery, at 320-692-4104 office hours 7:00am-8:30am Mon-Fri.
- Plumbing permits are required for all work other than minor maintenance issues. A licensed plumbing contractor is required to perform all work on rental property
- Mechanical (heating and cooling) permits are required for all work other than routine maintenance on these systems. Mechanical contractors are required to perform all work in a rental property
- Building permits are required for just about anything beyond decorating. Most permits will only be issued to a licensed contractor or to the property owner
- Rental license must be current with fees paid and up to date contact information before a permit can be issued
- Plumbing, Mechanical and Building permits may be applied for at the City of Milaca offices, 320-983-3141

Marshall Lind

From: Damien Toven <dtovendfvvlaw@yahoo.com>
Sent: Monday, September 11, 2017 3:59 PM
To: Marshall Lind
Subject: Re: Rental Ordinance

I went through again. I see no issues of substance. It looks great.

Only 1 typo I saw (97.03) you need to correct the word "adopted" in the title.

I say it is good to go.

Damien F. Toven
Dove Fretland, PLLP
413 S. Rum River Dr., Suite 6
Princeton, MN 55371
Phone: (763) 389-2214
Fax: (763) 389-5506

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From: Marshall Lind <mlind@milacacity.com>
To: Damien Toven <dtovendfvvlaw@yahoo.com>
Sent: Monday, September 11, 2017 11:18 AM
Subject: RE: Rental Ordinance

OK, I'll wait to hear from you.

Marshall

From: Damien Toven [mailto:dtovendfvvlaw@yahoo.com]
Sent: Monday, September 11, 2017 11:18 AM
To: Marshall Lind
Subject: Re: Rental Ordinance

OK. I didn't see anything major but I want to go through it again today.

MEMO

October 11, 2017

To: City Council
From: Marshall Lind
Zoning Administrator

Last month the EDC brought up the Coin-Tainer site and having it cleaned up so there is some industrial park property available. City Manager Pfaff asked the Planning Commission to take a look at the property and make a recommendation to City Council.

I sent Mr. Walters a letter and stated that the Planning Commission would be reviewing his property and that it does not meet City Ordinance 156.111

Mr. Walters did come in and see him. Mr. Walters stated that he would like an extension on the time, because he has been working with Winkleman Builders about constructing another building. The building would be 30,000 sq. ft. and they know they cannot use the same foundations or footings, so the building would be 5 feet wider on each side and they would use the existing slab for the floor. Mr. Walters explained about the jobs he creates and the people he employs. Mr. Walters asked for another year, he didn't want the expense of removing the concrete, footings and foundations if he would be able to use them again.

Mr. Walters also talked about bringing in more containers to store stuff. I informed him that is not allowed by City ordinance.

Planning Commission has made the recommendation to Council to give Mr. Walters another 6 months to do something with the site.

What would Council like me to do about the old Coin-Tainer site? If you grant him more time, do you want something done about the canvas structure and machinery that he has stored on the site?

Respectfully,



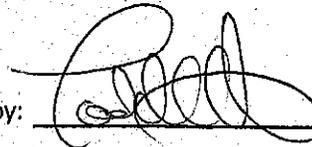
Marshall Lind
Zoning Administrator

September MONTHLY STATS

911 Hangups	1
Accident	4
Agency Assist	29
Alarm	10
Animal	15
Arrested	0
Assault	1
Burglary	1
CDTP	1
Child Abuse	0
Child Custody	1
Civil Issue	7
Community Contact	11
CSC	2
DANCO Violation	0
Death Investigation	1
Debris	0
Disturbance	9
Domestic	2
Driving Complaint	6
Drugs	1
Family Services Referral	9
Fire	2
Found Property	4
Fraud-Forgery-Scam	3
Funeral Escort	0
Garbage Dumping	1
Gas Drive Off	1
Gas Leak	0
Harassment Complaint	5
Icr Misc	10
Juvenile Complaint	6
Lockout	10
Lost Property	0
Medical	27
Missing Adult	0
Missing Juv	1
Motorist Assit	2
Noise Complaint	2
OFF Violation	1
Parking Complaint	14
Property Exchange	2
Property Watch	0
Public Assist	19
Pursuit	0
Recovered Property	0
Remove Unwanted	1
Search Warrant	0
Suicidal Party	0
Suspicious Activity	17
Theft	21
Threats Complaint	7
Traffic	28
Trespass Complaint	0
Vulnerable Adult Report	2
Warrant Arrest	5
Welfare Check	11
Zoning Violation	1

Community Events Attended	2
Training	68
Citations	8
Parking Citations	10
Park Related Incidents	7
Arrests	5
TOTAL CALLS:	314

List created by:





Milaca Police

To Protect and Serve

October 12, 2017

Milaca City Council Members:

Dear Milaca City Council Members::

- Attached to this letter are documents associated with a recent dog bite case in the city of Milaca. A dog was declared a Dangerous Animal as a result of the dog bite. The owner of the Dangerous Animal has chosen to contest the declaration that the dog is a Dangerous Animal.

The dog owner will have the opportunity to contest the Dangerous Animal declaration at the next city council meeting on October 19, 2017. As part of the hearing process I am providing documents to be reviewed in advance of the meeting. These documents have been redacted to remove private information.

You will have an opportunity to hear from the owner of the Dangerous Animal at the council meeting.

I have included:

- Milaca Police Department supplemental reports from this incident
- Milaca city ordinance regarding Dangerous Animals Chapter 95
- a letter given to the owner of the Dangerous Animal regarding the declaration/ the letter is signed by the owner requesting a hearing
- MN statute regarding requirements for Dangerous Dogs
- photo of the person's arm that was bitten during the incident

This police packet is being provided prior to the regular council packet. **Please bring these documents to the regularly scheduled City Council meeting.**

If you have any questions please call at (320) 983-6166.

Respectfully,


Todd C. Quaintance
Chief of Police

Enclosures

Todd C. Quaintance
Chief of Police



Milaca Police

To Protect and Serve

September 13, 2017

Lisa Michele Brown
9th Street
Milaca MN 56353

Dear Ms. Brown,

Milaca Police Department received a complaint regarding a dog bite/attack that occurred on September 7th, 2017 at about 3:15 pm. The bite/attack occurred in the area of 9th St NE, Milaca. The dog described as an English Mastiff came from a neighbor's yard and bit a person, causing injuries which required medical attention. According to the owners records the English Mastiff is currently vaccinated.

Be advised at this point your dog, English Mastiff, is being declared a **dangerous animal**. The authority to declare the dog as a dangerous animal comes under Milaca City Ordinance 95.11. The dog bit a person causing bodily injury or disfigurement and the incident was unprovoked; the circumstances would indicate that the dog is a danger to public safety.

If you wish to contest the designation as a **dangerous animal** you must request a hearing concerning the dangerous dog declaration. Failure to do so within 14 days of the date of notice will terminate your right to a hearing. If an appeal request is made within 14 days of this notice, you must immediately comply with the requirements of Minnesota Statute section 347.52 paragraphs (a) and (c), and until such time as the hearing officer issues an opinion. If the hearing officer affirms the dangerous dog declaration, you will have 14 days from receipt of that decision to comply with all other requirements of Minnesota statute sections 347.51, 347.515, and 347.52. In the event that the declaration is upheld by the Hearing Officer, actual expenses of the hearing up to a maximum of \$1000.00 will be the responsibility of the dog's owner, the person claiming an interest in the dog.

All actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

Below is the request for hearing form that must be signed and returned to the Milaca Police Department within 14 days of the date of receipt of this letter.

REQUEST FOR HEARING: I am requesting a hearing because I disagree with the Dangerous Animal declaration made by the Milaca Police Department.			
<i>Lisa Brown</i>			
Printed name			
<i>[Signature]</i>	9 th St NE, Milaca		9/20/17
Your signature	Your address	Your telephone	Date

Sincerely,

[Signature]
Todd C. Quaintance
Chief of Police

Todd C. Quaintance
Chief of Police

Tammy Pfaff

From: Pete Pedersen <cmappete@yahoo.com>
Sent: Wednesday, October 04, 2017 11:35 AM
To: Tammy Pfaff
Subject: Fwd: Dog Aggression Evaluator

Sent from my iPhone

Begin forwarded message:

From: Dan Moscho <whisperingpineslabs@outlook.com>
Date: September 28, 2017 at 8:05:21 PM CDT
To: "cmappete@yahoo.com" <cmappete@yahoo.com>
Subject: Dog Aggression Evaluator

Pete,

As mentioned I trained under a guy that evaluates dogs and interviews the owners of dogs that bite for St. Cloud. He also works with the St. Cloud Police canine units. He told me he makes a recommendation to the police dept with what should be done. Best case results with the owner and dog go through training to address aggression. Worst case the dog is put down. Troy owns Sam & Dani's Boarding which is on the east side of St. Cloud right on Hwy 23. The business ph# is 320.252.2844.

Regards,
Dan Moscho

Todd - Will contact them.

Park Commission Notes

10/03/2017

Disc Golf

- Hole #8 will be moved with a new pad installed.
- Hole #10 will be moved with a new pad installed.
- Hole #17 Basket has been moved.
- Pete has received a quote to have tri-fold score cards put together and have a disc golf slide show put together for the city website. Nicole Hollenkamp is the contact and she will also be putting together some graphic display signage for the course. **(Quote \$1240.00)**
- Tim Mackey to visit and offer input in the Spring of 2018.
- Mark to complete sign holders for Disc Golf stations.

New Name chosen for the Disc golf course:

Milaca Rum River Disc Golf

Rec Park

- Happy with new camera system in park.
- Broomball Leagues to start when rink is ready and Mitch Nelson will coordinate the tournaments. Broomball to be held on Sundays.
- "Friends of the Park" volunteers to possibly get involved with the campsites as far as set-up, clean-up ????
- Look into grant money for decking on the railroad bridge from the WK Kellogg Foundation. Possibly \$1500.00 available for walkways in the parks.
- Discussed projects such as campsites, tree removal, bridge repair, hockey rink painted. These are projects completed or in motion.

Trimble Park

- Rum River Community Foundation to raise funds for replacement wood statue. Statue will be picked up in mid -November and will need a deposit made to begin work.
- Pete has raised \$2000.00 to date.

Milaca Economic Development Committee

Meeting September 22, 2017

7:30 a.m. City Hall

Present- Joe Cronin, Rodney DeFouw, Ken Muller John Creasy, Joe Tapp, Dave Dillan, and City Manager- Tammy Pfaff

Call to Order

The meeting was called to order by Joe Cronin.

General Discussion- Joe Cronin began the discussion with the sale of the industrial park property to Heggies. Joe commented that we will now need to search for other land that can be put as industrial park property. It was discussed that there is property on the north side of 10th Street and also on the east side of Highway 169 as well as the west side of the city. ECE will provide a map of the infrastructure and will also continue to do the application fee for the shovel ready process. In other developments in the city, Marshall stated the daycare still plans to build this year.

Container was discussed as to when it would get cleaned up and it was suggested that Marshall send a letter to get the property cleaned up and to invite them to the Planning and Zoning meeting to address the matter.

New Business

Joe brought before the commission the meeting dates and asked if everyone would be in approval of changing the meeting dates to the first Monday after the council meeting. All present were in favor. The next meeting will be October 23rd.

The discussion then proceeded to discuss the properties that have been sold, such as the rumor that the Embers restaurant building may be sold and also the High Way Café. Marshall commented that all the lots have been sold in Oak Meadows development and houses are being built, and that Fieldstone Green has 3 lots left to sell.

Industrial Park Sign- Heggies will allow us to keep the sign and we will need to change the information on the sign. We will need to come up with ideas as to what the signage will be and the cost. Dave Dillon suggested we use vinyl, so it can be changed. The Manager would like to get ideas from everyone so we can come up with a design. The topic of billboards was discussed and the idea is to place it on the city property by the Holiday Station to also help promote the city.

In other discussion it was stated by Marshall that the assisted living facility is under construction. Ken Muller stated that we do have a party interested in getting a hanger at the airport.

Joe stated that Crystal Cabinets is expanding in Princeton.

With no other items brought before the committee for discussion the meeting was adjourned.

Adjourn- 8:48 a.m.

Next Meeting October 23, 2017

Respectfully Submitted

Tammy Pfaff-City Manager

FIRE DEPARTMENT ORGANIZATION AND POLICY AND PROCEDURES MANUAL

PURPOSE

1. The purpose of the Milaca Fire Department (MFD) is to protect and preserve lives and property by the prevention and extinguishment of fires, and by assisting in medical emergencies, rescue, and natural disasters within the City of Milaca, and designated service areas.

2. The Department shall consist of no more than twenty-five qualified Firefighters, including Officers, with the number and rank to be determined from time to time by the City Manager. Membership of the department shall also be governed by the Milaca Fire Department Ordinance.

MEMBERSHIP

There shall be two classes of firefighters. They include: Probationary Firefighter and Regular Firefighter.

A. Probationary Firefighter. An applicant may become a Probationary Firefighter by completing the following procedure:

- 1) An applicant for Probationary Firefighter must complete an application supplied by the City.
- 2) The applicant will be interviewed by the Department Officers to determine initial eligibility based upon the applicant meeting the following criteria. The applicant must:
 - a) Be 18 years of age or older.
 - b) Reside within fifteen (15) minute travel time of the Fire Hall while obeying all traffic laws.
 - c) Possess a valid Minnesota driver's license.
 - d) Have earned a high school diploma or equivalent.

Any applicant not meeting these criteria is not eligible to become a Probationary Firefighter and will be notified of their ineligibility.

- 3) An applicant meeting the above criteria will be interviewed by Fire Department Officers and will be given a brief history of the department, furnished a Firefighter job description, a description of the conditions of employment, question the applicant, and answer any questions the applicant may have.
- 4) Upon completion of the interview, the candidate must sign an injury waiver and pass the agility test, herein described in Exhibit B. The agility test must be witnessed by two department Officers.

- 5) After successful completion of the agility test, a physical examination will be conducted through a designated medical clinic at the expense of the City. The applicant must waive medical privilege and the Department Officers shall review and approve the medical report, consulting with the examining physician, if necessary.
- 6) Upon successful completion of Steps 1-5, the applicant becomes a Probationary Firefighter and will be notified when to report to the fire hall to be issued gear, a pager, and a fire hall key.
- 7) A Probationary Firefighter must successfully pass a Department-approved Firefighter I course or First Responder course within one (1) year of the date of hire. The Probationary Firefighter must then pass the remaining course within the second year of employment.

B. Regular Firefighter.

- 1) Probationary Firefighters shall have a six month performance review conducted by the Department Officers. Any deficiencies or issues will be explained to the Probationary Firefighter. At the one year anniversary of the date of employment, the Regular Firefighters shall conduct a written performance evaluation. The evaluations will be forwarded to the City Manager for a final determination of assigning the Probationary Firefighter to regular status.
- 2) Probationary Firefighters who have served the MFD at least one year, have satisfactorily met all the requirements of a Probationary Firefighter, and have been approved by the City Manager, are awarded Regular Firefighter status. They may hold office, be eligible for life insurance, and are eligible for the retirement benefits according to the provisions of the Milaca Firefighter's Relief Association. There shall be no more than twenty-five regular Firefighters and upon reaching the age of 70, retirement is mandatory.
- 3) Regular Firefighters must meet the following criteria each year to maintain Regular Firefighter status:
 - a) Firefighters must reside or work within a three mile radius of the MFD fire hall. Those who work within three miles of the fire hall must be available for daytime calls.
 - b) A Regular Firefighter must attend 18 drills each year, of which 6 must be Monday meeting and drill combinations. All

Firefighters shall be present by 5 minutes before drill time, and will be allowed credit up to 30 minutes after drill time, at the discretion of the Department's Officers.

- c) Each Firefighter shall be required to respond to a minimum of twenty-five percent of all calls from November 1 to October 30 of the following year.
 - d) Failure to meet the minimum drill or call attendance requirements will result in the firefighter being placed on probationary status for a period of one year. A firefighter placed on probation shall have their attendance monitored on a quarterly basis. If, during any three month period, the firefighter's attendance at drills or calls falls below the required minimums, the firefighter may be subject to additional discipline, up to and including discharge. Firefighters shall be permitted only one probationary period during their career. Should a firefighter's attendance fall below the minimums in any one year period (Nov. 1 to Oct. 30 the following year) following a probationary period due to poor attendance, the Officers shall recommend dismissing the firefighter. Any discipline shall be enforced by the City Manager.
 - e) Any Firefighter who becomes inactive must reapply for active status within 2 years of becoming inactive.
 - f) Every Firefighter must maintain a valid Minnesota driver's license.
- 4) Any Firefighter who can demonstrate to the City Manager that working or residing outside a three mile radius of the fire hall would not unreasonably affect the Firefighter's response time, may be granted a waiver by the City Manager.

MANAGEMENT

1. The primary management of the Department and its affairs is vested in and shall be exercised by the Fire Chief and City Manager.

2. No bills, liabilities, obligations, or pledges of the Department shall be incurred or made, or funds disbursed without the authorization and approval of the Fire Chief, City Manager and City Council.

FIREFIGHTER'S DUTIES

The description of the duties of Officers and Firefighters are described in the job descriptions maintained by the MFD. Descriptions may be amended or modified by the City Manager, from time to time, as the City Manager may deem necessary to have an efficient personnel system.

FIREFIGHTER'S – RESIGNATION/REMOVAL

A Firefighter may resign at any time, and shall be terminated by removal of the Firefighter's residence from a three mile radius from the fire hall, unless on an approved leave of absence or a waiver granted by the City Manager. Discipline, up to and including removal, from the Fire Department may also be imposed for the following reasons:

- A. Disciplinary Measures. Firefighters may receive a written warning, written reprimand, suspension, demotion, dismissal, or be subjected to other disciplinary measures as determined by the City Manager. It is the policy of the City to administer disciplinary measures without discrimination.

- B. Just Cause. Every disciplinary action shall be for just cause, and the Firefighter may use the grievance procedure of this policy with respect to any disciplinary action which the Firefighter believes is either not justified by the facts or disproportionate to the offense committed. Just cause shall include but not be limited to evidence of any of the following:
 - 1) Incompetence or ineffective performance of duties.
 - 2) Involvement in the commission of any gross misdemeanor, or in the commission of any felony offense.
 - 3) Insubordination.
 - 4) Violation of any lawful or official rule, regulation or order, or failure to obey any lawful direction made and given by a superior.
 - 5) Intoxication on duty or the consumption of alcoholic beverages on duty.
 - 6) Physical or mental defect which, in the judgment of the City Manager, incapacitates the Firefighter from the proper performance of their duties. (An examination by a licensed

physician may be required and imposed by the City Manager.)

- 7) Wanton use of offensive conduct or language toward the public, municipal Officers, superiors or fellow Firefighters.
- 8) Carelessness and negligence in the handling or control of municipal property.
- 9) Inducing or attempting to induce an Officer or Firefighter of the municipality to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order.
- 10) Knowingly file or make a false report/or official statement.
- 11) Proven dishonesty in the performance of duties.
- 12) Violations of the provisions of this policy.
- 13) Failure to report any interest arising from any relationship which may create a substantial conflict of interest with respect to official duties for the City of Milaca.
- 14) Theft or unauthorized personal use of city property.
- 15) Violation of the City's sexual harassment policy.

C. Disciplinary steps. Except for severe infraction, disciplinary action against any Firefighter shall be progressive and follow the steps listed below in numerical order:

- 1) Oral reprimand.
- 2) Written Reprimand. A written reprimand shall state the Firefighter is being warned for misconduct; describe the misconduct; describe past actions taken by the supervisor to correct the problem; urge prompt correction or improvement by the Firefighter; include time tables and goals for improvement when appropriate; and outline future penalties should the problem continue. The Firefighter shall be given a copy of the reprimand and shall sign the original acknowledging that he has received the reprimand. The signature of the Firefighter does not mean that the Firefighter agrees with the reprimand.

- 3) **Suspension Without Pay.** Prior to the suspension or as soon thereafter as possible the Firefighter shall be notified in writing of the reason for the suspension and its length. Upon the Firefighter's return to work, the Firefighter shall be given a written statement outlining further disciplinary actions should the misconduct continue. A Firefighter may be suspended pending investigation of an allegation. A copy of each written statement shall be placed in the Firefighter's personnel file, but if the suspension is for investigation and the allegation proves false, the statement shall be removed.
- 4) **Dismissal.** The City Manager may dismiss any Firefighter after the Firefighter is given written notice at least five working days before the effective date of the dismissal. The notice shall contain the reasons for the dismissal; the Firefighter's rights under these rules and the veterans' preference law if the Firefighter is a veteran; and a statement indicating that the Firefighter may respond to the charges both orally and in writing and that the Firefighter may appear personally before the City Manager. The decision of the City Manager in such cases will be final.

In the case of suspension, dismissal, or demotion, the Firefighter shall be granted a hearing before the City Manager, if the Firefighter submits a written request for such hearing to the City Manager within five working days of notification of the action taken. The Firefighter and city shall retain the right to have respective legal counsel present at the hearing. The hearing shall be held within ten working days from the date the request filed unless the City and the Firefighter agree on an earlier or later date. If the disciplinary action involves the removal of a veteran, the hearing shall be held in accordance with Minnesota Statutes, Section 197.46.

GRIEVANCE POLICY

1. **Definitions and Interpretations.**
 - A. **Grievance.** A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms, conditions, and application of this policy.
 - B. **Representative.** The Firefighter may be represented during any step of the procedure by any person or agent designated by the Firefighter to act on his or her behalf.

- C. City Designee. Person or agent appointed by the City Manager to represent the City and to act on the City's behalf.
- D. Extension. Time limits specified in this procedure may be extended by mutual agreement.
- E. Days. Reference to days regarding time periods in this procedure shall refer to the Firefighter's scheduled working days.
- F. Computation of Time. In computing any period of time prescribed or allowed by procedures herein, the date of the act, event, or default for which the designated period of time begins to run shall be included. The last day of the period so computed shall be counted, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- G. Filing and Postmark. The filing or service of any notice or document herein shall be by United States mail and shall be timely if it bears a postmark of the United States mail within the time period.
- H. Waiver. If a grievance is not presented within the time limits set forth it shall be considered "waived." If a grievance or an appeal thereof within the specified time limits, the aggrieved Firefighter and/or their representative may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the City Manager and the grieved Firefighter and/or their representative.
- I. Denial of Grievance. If the City Manager does not answer a grievance or an appeal thereof within the specified time limits, the aggrieved Firefighter and/or their representative may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the City Manager and the aggrieved Firefighter and/or their representative.

2. Adjustment of Grievance. Grievances shall be resolved in conformance with the following procedure:

- A. An Firefighter claiming a grievance shall, within fourteen (14) calendar days after such alleged violation has occurred, present such grievance in writing to the City Manager and/or the City Manager's appointed representative, and shall discuss with the City Manager the events giving rise to the grievance within fourteen (14)

days of the date of filing the grievance. The City Manager shall give the City's answer in writing within seven (7) days following the meeting with the City Manager and the grieved Firefighter and/or their respective representatives.

B. Appeal. In the event that the Firefighter and the City Manager are unable to resolve any grievance, the grievance may be submitted to the City Council.

1) Request. To submit a grievance to the City Council, written notice signed by the aggrieved party must be filed in the office of the City Manager within ten (10) days following the decision of the City Manager.

2) Prior procedure required. No grievance shall be considered by the City Council which has not been first duly processed in accordance with the grievance procedure and appeal provisions.

3) Process. Upon the proper submission of a grievance under the terms of this procedure, the City Council, within thirty (30) days after the request, shall hear and decide the grievance.

DEPARTMENT OFFICERS – DUTIES/REMOVAL/VACANCIES

1. A committee composed of three members, composed of a city council member, current member of the fire department, and one retired member of the fire department, shall annually meet and review the qualifications of members who have expressed an interest in becoming an officer, and shall make a recommendation to the City Manager and City Council for appointment. The City Manager, except in the case where the City Manager is an applicant for one of the officer positions, may select from the nominees, the Fire Chief, two Deputy Chiefs, and two Captains, provided, however, that in the event the City Manager finds a more qualified applicant who has not been nominated, the City Manager has the discretion to appoint any qualified Firefighter for any of the stated positions. In the event the City Manager is an applicant for an officer position, the City Council shall have the authority to appoint the fire department officers. Each appointment shall be for a period of one calendar year commencing on January 1.

2. Roll call shall be ordered by the Officer in charge after every alarm, but not until all trucks are back from service and all work pertaining to the Fire Department equipment has been completed, or released by the Officer in charge.

3. The Officers shall perform such duties as are set forth in the rules, regulations, this Handbook, and by the Department.

4. Any Officer may be removed from office for willfully neglecting their duties or abuse of his/her authority. Prior to action on a recommendation, the City Manager will determine that the grievance process was adhered to pursuant to the policy and applicable state and federal laws.

5. When an appointive office becomes vacant in any way, the office shall be filled for the unexpired term through nomination by the Fire Chief, and approval of the City Manager, or City Council should the applicant be the City Manager.

6. Removal from office need not constitute loss of Firefighters in the Department.

MEETINGS AND DETERMINATION OF QUORUM

1. All department meetings shall be held on the second, third and fourth Mondays of each month at the Milaca Fire Hall unless otherwise designated. Meetings shall start at 7:00 p.m. unless otherwise designated.

2. Special meetings may be requested by the Fire Chief.

3. A quorum shall consist of a simple majority of all regular and probationary Firefighters.

UNIFORMS

The official uniform of the department shall be as follows: A white shirt with navy blue tie, navy blue dress pants, and navy blue sweater, and navy blue hat. All of these uniform components shall be provided by the City. The official uniform shall be worn to functions as determined by the Fire Chief.

COMPENSATION

Compensation of the Officers and Firefighters of the MFD shall be such amounts as are established by the City Council.

RETIREMENT

All rules, regulations, and requirements concerning retirement for eligible Firefighters shall follow the guidelines set forth in the Milaca Fire Fighter's Relief Association bylaws.

SERVICE AREA

The MFD shall provide service to areas beyond the corporate limits of the City of Milaca, as contracts are approved by the Milaca City Council. The City may also enter into mutual aid agreements with other governmental units for the purpose of providing additional fire protection for those service areas.

GENERAL GUIDELINES

All Firefighters of the Milaca Fire Department shall be subject to, and abide by the following guidelines:

- A. For the purpose of efficient service and discipline, all Firefighters shall be subject to the orders of their superior Officers at all times.
- B. No Firefighter shall report for duty under the influence of any intoxicant or be so influenced while on duty.
- C. Every Firefighter shall be held responsible for the safe keeping and proper care of all department property under his/her control.
- D. Every Firefighter shall immediately report to the Officer in charge of any accident or injury to him/herself incurred in the line of duty, no matter how trivial the injury may seem at the time.
- E. No Firefighter shall transmit by radio, telephone, or otherwise any orders as to the need for equipment, men, etc., at an emergency scene unless ordered to do so by the Officer in charge of the scene.
- F. Requests for information concerning anything about a fire or emergency that the department has responded to shall be referred to the Chief.
- G. When a Firefighter receives an order which is in conflict with a previous order, he/she shall inform the Officer who issued the most recent order.
- H. Every Firefighter shall promptly report any change of address or telephone number to the Chief.
- I. Every Firefighter, upon resigning or being removed from the Department, shall promptly surrender, to the Chief, all Milaca Fire Department, or other city property, in his/her possession.
- J. No Milaca Fire Department apparatus or equipment of any kind shall be taken from the station for any non-emergency purpose whatsoever except with permission of the Chief.
- K. No Firefighter shall drive any piece of apparatus to a fire or other emergency unless he/she is proficient in the operation of all aspects of the apparatus. It is incumbent on the Firefighter to familiarize themselves with the equipment and its operation.

- L. No one except Firefighters of the Milaca Fire Department shall be allowed to ride on any Fire Department apparatus at any time without the permission of the Chief.
- M. No Milaca Fire Department vehicles responding to an alarm shall not be driven at a greater speed than can be maintained with due regard to the safety of both fire department personnel and civilians.
- N. All Milaca Fire Department vehicles responding to an alarm shall use warning lights and sirens, unless advised by IC to respond routine.
- O. All responses of the Milaca Fire Department shall be considered to be emergency conditions unless specifically stated otherwise.
- P. In the event of an accident involving any Milaca Fire Department apparatus or vehicle enroute to or from any emergency, that vehicle and driver shall be left at the scene of the accident and the police or appropriate law enforcement agency shall be notified.
- Q. Any Firefighter involved in an accident while driving a Milaca Fire Department apparatus or vehicle, shall immediately submit to an alcohol test, or as soon as practical following the accident.
- R. No public or private vehicles shall be permitted to drive over any hose lines – charged or uncharged.
- S. Apparatus shall not be driven over hose lines when it can be avoided.
- T. When backing an apparatus, there shall be a spotter at the rear to guide the operator whenever deemed necessary by the operator.
- U. In the event of any suspicion of arson at a fire, the Officer in charge shall immediately summon the Chief and the fire investigation Officer. Under no circumstances shall the premises be left unattended until their arrival.
- V. In the event of a fatality at a fire, the Officer in charge shall immediately notify the Chief and fire investigation Officer. The police and State Fire Marshal's office shall also be notified. Officers shall become familiar with Line of Duty Death reporting requirements. All effort shall be made to keep from broadcasting the names of any fatalities over the radio or any other method of public communication.
- W. At all fires, the Officer in charge shall have the Consent form signed by the owner of the property before leaving the scene.

- X. If the property owner will not sign the consent form, the Officer in charge shall not release control of the fire scene until a thorough investigation can be made as to the cause and origin of the fire.
- Y. No person other than Firefighters or duly authorized persons shall be permitted to enter a scene in which a fire has occurred and where the Department is still in charge without the permission of the Officer in charge. Should permission be granted, the Officer in charge shall direct a Firefighter to accompany the person and remain with that person until the person leaves the proximity of the fire.
- Z. Should the loss of property at a fire be reported to a Firefighter, he/she shall immediately notify the Officer in charge. Every attempt shall be made to recover the property. If it is not located, a report of the loss, together with a description and estimated value of the lost property, shall be forwarded to the Chief.
- AA. Should any discrepancy be claimed in articles of value returned to the owner, the Officer in charge shall investigate the circumstances and report his/her findings to the Chief.
- BB. Social gatherings or other use of the fire hall meeting room shall not occur without the permission of the Chief.
- CC. All Firefighters shall respond directly to fire hall upon receiving the page for fire/rescue/medical calls unless one of the following conditions exist:
 - 1) In event of medical emergency (non-traffic accident related) – Firefighters may respond directly to the scene if the ambulance is on scene requesting assistance.
 - 2) In event of traffic accidents – if a Firefighter passes by the scene on the most direct route to fire hall, the Firefighter may stop at the scene only if the Firefighter has a Class 3 traffic safety vest, and appropriate personal protective equipment for the conditions encountered. To ensure adequate apparatus response, no more than two firefighters shall stop at a traffic accident scene.
 - 3) In event of fire – a Firefighter may make contact with the fire hall or dispatch and request that their personal protective gear be brought to the scene by a responding truck. Under no circumstances shall a Firefighter engage in fire suppression duties until the proper gear is worn.
- DD. Upon arriving at the fire all, trucks shall be staffed and respond with the specified number of Firefighters, in the specified order, for the type of call received, as posted at the fire hall. Additional Firefighters available shall

notify command of the number of additional Firefighters available and shall be directed by command.

- EE. Firefighters of the Milaca Fire Department shall not report to any fire or emergency without complete personal protective equipment.
- FF. Firefighters of the Milaca Fire Department shall wear complete safety equipment at all fires and other emergencies as necessary.
- GG. All Firefighters of the Milaca Fire Department must abide by all traffic laws when responding to the station to any alarm or other emergency.

Adopted this 19th Day of October 2017 by the Milaca City Council.

SITE LEASE AGREEMENT

THIS SITE LEASE AGREEMENT, entered into this ____ day of _____, 2017, by and between the City of Milaca, a Minnesota municipal corporation hereinafter designated and referred to as Lessor, and Genesis Wireless, hereinafter referred to as Tenant,

WHEREAS the Lessor owns a municipal water tower located at 145 Central Avenue South, Lot 10 Block 39 Kerrs Subdivision, City of Milaca that is suitable for the installation of wireless communication equipment; and

WHEREAS tenant is in the business of selling wireless communication services to the public and tenant currently desires a location to install their wireless communication equipment;

NOW THEREFORE BE IT RESOLVED that the parties hereby set forth the terms and provisions of their agreement

PROPERTY SUBJECT TO LEASE. Lessor in consideration of an exchange for services in lieu of rent and covenants hereinafter mentioned, to be performed by said Tenant, does hereby demise, lease, and let unto the said tenant, and the said tenant does hereby hire and take from the said Lessor, space on the old municipal water tower for up to ____ antennas and space outside the water tower together with any and all connecting wires and cables, which area is situated in the City of Milaca, County of Mille Lacs, State of Minnesota. Facilities shall be limited to those depicted and described on Attachment A to this Agreement and shall not be altered, enlarged, moved, or expanded without the written approval of the City.

To have and to hold the above premises just as they are, without any liability or obligation on the part of said Lessor of making any alterations, improvements or repairs of any kind on or about said premises, or the equipment and fixtures in, upon or serving same.

TERM OF THE LEASE. The term for the lease shall be for an initial two years beginning on _____, 2017 and ending on _____, 2019, The Tenant must provide a written 90 (ninety) day notice of intent to renew mailed via certified mail to the following address:

Lessor: City of Milaca- City Manager 255 First Street E, Milaca, MN 56353
Phone Number: 320-272-4822

Tenant: Genesis Wireless, 205 Southwest Second St., Braham, MN 55006
Phone Number: 320-396-2990

CANCELLATION OF LEASE. Either party can cancel this lease agreement upon providing a 90 (ninety)-day written notice of its intent to cancel.

Notice of intent to cancel shall be mailed via certified mail to the following address:

Lessor: City of Milaca, 255 First Street Milaca, MN 56353

Tenant: Genesis Wireless, 205 Southwest Second St., Braham, MN 55006

SITE LEASE PAYMENTS. The agreed upon MONTHLY site lease payment of \$150.00 shall be provided by Tenant each month in accordance with the terms set forth. Payment shall be made to the City of Milaca. Failure to provide the agreed monthly site lease payment a period lasting longer than one month shall result in lease cancellation and removal of equipment will begin as outlined in "DISPOSITION OF IMPROVEMENTS ON TERMINATION OF LEASE/PERFORMANCE SECURITY."

UTILITIES. Lessor shall provide Tenant with a 20-amp service that will be available at the water tower. Lessor shall be responsible to pay for electric used by Tenant at said location.

REPAIRS AND MAINTENANCE. Tenant shall be responsible for all repairs and maintenance required to be performed on the equipment that is installed by Tenant pursuant to this agreement. Tenant is also obligated to maintain the equipment in a manner that assures that it is safe to the public and to any agents or employees of Lessor who may be working at or near the leased premises.

ACCESS TO THE PREMISES. Tenant acknowledges that unrestricted access to the area of the water tower where the equipment will be installed is not reasonable. Lessor acknowledges that Tenant needs access to the equipment and connecting cables on the water tower for repairs and for maintenance. Accordingly, Tenant shall give notice to Lessor prior to performing any inspections, installations, repairs or maintenance to the equipment or connecting cables in the water tower, and Lessor shall provide access for such purposes upon reasonable notice and request made by Tenant. In the case of non-routine inspections or repairs Lessor shall make every effort to provide access to the water tower to Tenant as soon as appropriate city employees can be dispatched to the premises.

INSURANCE. Tenant shall at all times during the term of this lease agreement and at Tenant's sole expense obtain and keep in effect a personal injury liability insurance policy covering the premises and appurtenances installed and/or used by Tenant in the amount of \$1,500,000 (One million five hundred thousand dollars) for injury to or death of any person(s). Tenant shall name Lessor as first loss payee under the policy and shall provide Lessor or Lessor's designee with a certificate of insurance required herein. Tenant shall provide its own personal property damage or loss insurance. Tenant shall see that all persons or companies who/which do work on the premises carry liability insurance.

REDELIVERY OF PREMISES. The tenant agrees to return said premises peaceably and promptly to the Lessor at the end of the term of this lease, or at any previous termination thereof, in as good condition as the same are now in or may hereafter be put in, loss by fire and ordinary wear excepted, Further, at the end of the term of this lease, Tenant agrees to remove all equipment from the premises at Tenant's expense and to affect such repairs as well as be required to restore the premises to the condition they were in prior to this agreement.

INDEMNIFICATION OF LESSOR: The Tenant further agrees that the Lessor shall not be liable for any damage, either to person or persons or property or the loss of property sustained by the Tenant, or by any other person or persons due to the demised premises, premises access, or the building of structure of which the demised premises are a part, or the equipment, fixtures, appliances or machinery in or upon the same, or due to any action or neglect of the tenant, or any other tenant or occupant of said premises, or of any other person, persons, or corporations.

The Tenant assumes all liability and obligation arising from all damages on account of the matters and things above referred to, and agrees to save the Lessor harmless thereon and therefrom, and to indemnify the Lessor on account thereof.

ASSIGNMENT. This lease agreement shall not be assignable by Tenant without the written consent of Lessor, except that Tenant may assign this lease to a business entity that is owned by the Tenant.

SUBLEASING. There shall be no subleasing of the premises.

DEFAULT. In the event of any breach of the lease agreement by Tenant, Lessor, in addition to the other rights or remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the demised premises. The property may be removed and stored in a public warehouse or elsewhere at the cost and for the account of Tenant Should Lessor elect to re-enter, as shall be specifically allowed by this lease agreement, or should it take possession pursuant to legal proceedings or pursuant to any notice provided by law, Lessor may either terminate this lease agreement or it may from time to time, without terminating this lease agreement re-let the demised premises or any part of the demised premises for such term or terms (which may be for a term extending beyond the term of this lease agreement) and at such rental or rentals and on such other terms and conditions as Lessor in the sole discretion of Lessor may deem advisable with the right to make alterations and repairs to the demised premises.

Should Lessor at any time terminate this lease agreement for any breach, in addition to any other remedy it may have, Lessor may recover from Tenant all damages incurred by Lessor in being restored to possession of the premises and in addition Lessor shall be entitled to recover all costs, expenses, and attorney fees incurred in recovering possession of the premises.

DISPOSITION OF IMPROVEMENTS ON TERMINATION OF LEASE/PERFORMANCE SECURITY. On termination of this lease agreement for any cause, Tenant shall promptly remove its equipment from the site, If Tenant fails to remove the equipment, Lessor will remove the equipment and bill all costs to Tenant. Tenant waives its rights to object to the costs if the equipment is not removed within 90 days after termination.

Signed this _____ day of _____, 2017

Lessor- City of Milaca

Mayor- "Pete" Harold Pedersen

City Manager- Tammy Pfaff

Tenant-Genesis Wireless

Print Name _____

Signature _____

Print Name _____

Signature _____