



AGENDA
CLEARWATER PLANNING COMMISSION MEETING
MONDAY, MARCH 17, 2025

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m.**
- 2. Oaths of Office**
- 3. Selection of Officers**
- 4. Approval of Agenda**
- 5. Approval of Minutes from September 16, 2024 Regular Meeting**
- 6. Review By-laws**
- 7. Comprehensive Plan Project**
- 8. Discussion - Proposed Ordinances**
 - a. Shipping Containers**
 - b. Mobile Food Units and Food Carts**
 - c. Development Security**
- 9. Next Meeting Date**
 - a. Monday, April 21, 2025 at 7:00 p.m.**
- 10. Adjournment**



OATH OF OFFICE

OATH

State of Minnesota

SS:

Counties of Wright and Stearns

I, _____, do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will discharge faithfully the duties of the office of Planning Commissioner for the City of Clearwater, Wright and Stearns Counties, the State of Minnesota, to the best of my judgment and ability.

Signature

Subscribed and sworn to before me this ____ day of _____ 2025.

*Kimberlie Gramsey
Community Development Specialist
City of Clearwater, Minnesota*

**CLEARWATER PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 16, 2024**

Call to Order: 7:00 p.m. at Clearwater City Hall/Pledge of Allegiance/Roll Call

- Chair Schindele called the Clearwater Planning Commission meeting to order Monday, September 16, 2024, at 7:00 p.m. in the Council Chambers. The Pledge of Allegiance was recited. Members present were Schindele, Thomes, Mol, Luhmann, and Scott. A quorum was present. Other attendees included City Planner Kevin Shay, City Administrator Annita Smythe, and other members of the public.

1. Approval of Agenda

- **MOTION** by Scott to approve Agenda as presented, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

2. Approval of Minutes from April 15, 2024 Special Joint Meeting

- **MOTION** by Luhmann to approve the minutes as presented, seconded by Thomes, all voted aye. **MOTION CARRIED.**

3. Approval of Minutes from April 15, 2024 Regular Meeting

- **MOTION** by Thomes to approve the minutes as presented, seconded by Scott, all voted aye. **MOTION CARRIED.**

4. City Code Text Amendment for Fencing

a. Staff Memo

- Administrator Smythe summarized her staff memo, explaining the proposed text amendment and the reasons the applicant is requesting this amendment.

b. Public Hearing

- Chair Schindele opened the public hearing at 7:03 p.m.
- Applicant Renae Kelly explained that she owns a vacant lot next to Spring Street Park. Because of the proximity to the park, people are trespassing on her property to cut through to the park from Main Street. These include children on foot and sometimes people on ATVs, which is causing a safety hazard for her family. She had removed the old house that was formerly on the property due to its age and poor condition.
- There were no comments from the public.
- Public hearing was closed at 7:06 p.m.

c. Committee Discussion and Consideration of Draft Ordinance 2024-07

- Member Scott stated he was confused by this request and noted it was too bad the house was torn down before the fence went up. Smythe noted that, per the city attorney, authorization for accessory uses ends when the principal use is removed, so the timing doesn't really solve the issue.
- Member Luhmann stated she understands the concerns, but if the amendment applies city-wide, the city could end up with fences everywhere. Member Mol asked her to articulate why this is a concern. Luhmann explained that there were reasons for the original ordinance and the city didn't want fences everywhere around vacant lots.

- Member Thomes asked if the property could be fenced if owned by the property next door. Smythe explained that the land next door has a different owner and that this and other options had been explored first.
- Chair Schindele noted the same concern as Luhmann, and stated there would be fences all over the place.
- Member Luhmann pointed out that the city had spent a lot of time over the last few years working on the fence ordinance and thought it should remain intact.
- Member Thomes stated she understands the need and would also be concerned about trespassers on the property.
- Member Mol stated he didn't see an issue so long as all other fence ordinance provisions were followed.
- d. Resolution PZ24-03 – Recommendation on Ordinance 2024-07**
- **MOTION** by Luhmann to recommend against adopting Ordinance 2024-07, seconded by Scott. Voting aye – Luhmann, Scott, Schindele. Voting nay – Thomes, Mol. **MOTION CARRIED 3-2.**
- The stated findings against the application were that it opens the door for all vacant lots to have fencing.

5. Cannabis Amendments to City Code

a. Staff Memo

- Smythe explained the purpose of the proposed ordinance and provided some background on the new state laws. She referred Members to the city attorney's report for more details.

b. City Attorney Report

- The city attorney's report was included in the materials and explained the different types of cannabis products that the proposed ordinance would regulate.

c. Public Hearing

- Chair Schindele opened the public hearing for the zoning portion of the proposed ordinance at 7:18 p.m.
- Resident Butch Donat asked why the city is considering this ordinance now instead of in January 2025, noting that there are still some "dry" townships for liquor. Smythe explained that the city council had directed staff to complete an ordinance as soon as feasible and that state law allows some early-adopter groups to apply for licensing right now.
- An unknown resident suggested that the ordinance include a buffer zone around churches. Smythe noted that the city attorney had included in the ordinance all of the buffers outlined in the statute. She is not sure if additional ones can be added. She also pointed out that the state law does not allow the city to ban legal cannabis products.
- Smythe further explained that the city council wanted to allow businesses to offer legal products, and that the city may benefit due to the local option sales tax. Member Luhmann added that the city council also wanted to have regulations that limit where cannabis activities can occur. Without the ordinance, there are no limits.
- Member Scott asked if the ordinance could be tabled until an answer could be obtained about a buffer around churches.
- Business owner Lori Johnson asked why the city would want to limit the opportunities of their local businesses, noted that cannabis products are highly regulated, must follow strict rules outlined by the state, and must obtain licensing from the state. She stated businesses that follow the rules should have a right to be open.
- City Planner Shay also pointed out that the ordinance makes cannabis a conditional use, so each applicant would have to first come before the Planning Commission before opening.

- Resident Donat stated he is also concerned about lounges. There was a side discussion about how lounges would operate.
- Public hearing was closed at 7:25 p.m.
- d. Committee Discussion and Consideration of Draft Ordinance 2024-08**
- Member Scott reiterated his request to add a buffer for churches. Planner Shay stated that the board could add that as a suggested change subject to the city attorney weighing in on whether it's allowed.
- Member Scott asked where lounges would be. It was explained that they would be similar to a bar, where users could gather in a place where cannabis is allowed per statute.
- e. Resolution PZ24-04 – Recommendation on Ordinance 2024-08**
- **MOTION** by Luhmann to recommend approval of Ordinance 2024-08 without any changes, seconded by Thomes.
- Member Mol asked if personal users would be impacted by the ordinance. It was explained that the ordinance only regulates business users.
- Voting aye – Luhmann, Thomes, Mol, Schindele. Voting nay – Scott. **MOTION CARRIED 4-1.**

6. Preliminary Plat - JCubed

a. City Planner Memo

- Member Scott asked where the sewer connection is located. Jeff Madejczyk on behalf of developer stated that the water and sewer connections are both along the northwest property line.
- City Planner Shay outlined the project, explaining that the request is for a plat to subdivide Outlot A into 6 lots. There is no site plan submitted yet, and plat approval includes the condition that the site plans also require separate approval. Lot sizes and proposed setbacks are consistent with city code requirements.
- Administrator Smythe explained that there is also a city stormwater pond proposed as part of the project, which allows the city to manage it under the Wellhead Protection Plan. Member Scott asked if it was lined. Mr. Madejczyk stated that it would be lined.

b. Public Hearing

- Chair Schindele opened the public hearing at 7:36 p.m.
- An area resident stated that he didn't receive mailed notice of the proposed plat. Staff confirmed that his property is located outside of the 350 foot notice area.
- A resident asked if the lots would be sold. Developer Jeff Johnson stated that some of the lots would be sold for commercial development.
- Someone asked why this property could have an access on T.H. 24 when the cold storage project was not allowed one. Smythe explained that MnDot's access control begins south of County Road 7. This property does not have access control, however, the access would only be a right-in/right-out only access, per MnDot's comments.
- Someone had questions about the T.H. 24 project. They were referred to MnDot's project manager.
- Developer Lori Johnson noted that there is also a trail easement on the property for the city's proposed trail.
- Audience members had questions about what type of businesses would go there. The developers explained that it is planned for commercial/retail businesses. There are deed restrictions from Kwik Trip that place some limits, however, the plan is to determine what businesses are needed for the community. Smythe noted that the property is zoned C4 –

Highway Commercial, which includes businesses that benefit from highway access, such as retail businesses.

- The public hearing was closed at 7:45 p.m.

c. Committee Discussion and Consideration of Preliminary Plat – Jcubed

- Member Luhmann favors the proposal.
- Member Thomes stated she preferred this proposal with six free-standing lots over a strip-mall.
- Member Mol referenced the Comprehensive Plan, and stated it would be nice to grow the retail business sector south of I94 so families could access businesses without having to cross the bridge.

d. Resolution PZ24-05 – Recommendation on Preliminary Plat – Jcubed

- **MOTION** by Luhmann to recommend approval of Resolution PZ24-05, seconded by Mol, all voted aye. **MOTION CARRIED.**

7. Next Meeting Date – Monday, October 21, 2024 at 7:00 p.m. (tentative)

- The board is tentatively scheduled to meet Monday, October 21, 2024, at 7:00 p.m. The board will not meet if there are no items to discuss.

8. Adjournment

- **MOTION** to adjourn by Luhmann, seconded by Thomes, all voted aye. **MOTION CARRIED.** Meeting adjourned at 7:48 p.m.

ATTEST

APPROVED

Annita M. Smythe
City Administrator/Zoning Administrator

William “Bud” Schindele
Planning Commission Chair

Clearwater Planning Commission By-laws

Section 1: Introduction

The by-laws outlined below are approved procedures for the Clearwater Planning Commission. Members should review and understand City Code Part 2, Chapter 101, Article II - Planning Commission included in the appendix of these by-laws. In the event of a conflict between the City Code and the Clearwater Planning Commission by-laws, the City Code will prevail.

Some components of these by-laws are common across all City boards and commissions. From time to time the City Council may make changes to board and commission by-laws and will notify the board and commission of these changes. Boards and commissions should consult with the City Administrator if they want to propose a change to the by-laws. Proposed by-law amendments should be announced one meeting prior to voting on the proposed change. By-law amendments require the approval of a majority of the voting Planning Commission members and approval by the City Council.

In addition to the City Code and these by-laws, the Clearwater Planning Commission will be guided by those policies and procedural documents applicable to the Clearwater Planning Commission or City advisory boards in general. Copies of these documents will be made available to members at the beginning of their service with the Clearwater Planning Commission.

Section 2: Mission and Business Address

Refer to City Code Part 2, Chapter 101, Article II- Planning Commission for the Clearwater Planning Commission purpose and duties.

Section 3: Membership

Membership Composition

Refer to City Code Part 2, Chapter 101, Article II - Planning Commission.

Terms of Membership

Refer to City Code Part 2, Chapter 101, Article II - Planning Commission.

Contact Information

Clearwater Planning Commission members are required to provide a mailing address, phone number, and an email address to the City Administrator. This contact information is available to City staff and members of the public. Planning Commission members may have a city email address assigned to them for Planning Commission business upon request to the City Administrator.

Responsibilities

Clearwater Planning Commission members are expected to be present and adequately prepared for all meetings and to actively participate in meeting discussions. Members who are unable to complete assigned tasks should notify the Chair and City Administrator as soon as possible.

Clearwater Planning Commission By-laws

Attendance

If a member cannot attend a regular meeting, he or she should notify the City Administrator as soon as possible and ideally no later than three hours prior to the start of the meeting.

Resignation or Removal

The Clearwater Planning Commission may ask the City Council to review a member's appointment based on the member's failure to perform the responsibilities outlined above.

Section 4: Meetings

Meeting Notice

All board and commission meetings are open to the public. To comply with legal requirements and ensure accessibility to the public, the City Administrator gives official notice of all Clearwater Planning Commission meetings on the City's website and at City Hall.

Regular Meetings

Regular meetings of the Clearwater Planning Commission are held at Clearwater City Hall or another officially noticed location on the third Monday of each month. A regular meeting may be rescheduled by the Clearwater Planning Commission at a prior meeting.

Annual Meeting

In January, the Clearwater Planning Commission will hold an annual meeting to:

- Elect officers for the upcoming year,
- Review and update by-laws as necessary, and
- Affirm the regular meeting schedule for the upcoming year.

Special Meetings

Special meetings of the Clearwater Planning Commission may be called by the Chair, City Council, City Administrator, a developer who shall reimburse the city for the costs, or by the directive of a majority of the Clearwater Planning Commission voting members. Members will be notified of the special meeting by written or email communication at least three calendar days in advance of the meeting. To comply with the open meeting law and to ensure accessibility to the public, the City Administrator posts official notice of all special meetings.

Cancelling Meetings

Meetings of the Clearwater Planning Commission can be cancelled by the Chair, City Administrator or by the directive of a majority of the Clearwater Planning Commission voting members. Meetings may be cancelled for insufficient business, lack of quorum, conflict with a holiday, inclement weather or in the event of a community emergency.

Quorum

Three members must be present to constitute a quorum.

Clearwater Planning Commission By-laws

Meeting Agendas

Meeting agendas will be prepared by the City Administrator in consultation with the Planning Commission Chair. Members may request that items be added to the agenda. Members that request for items to be added will be required to provide supporting documentation to the City Administrator by the Wednesday prior to a regularly scheduled meeting. The meeting agenda and related materials will be sent electronically the Thursday prior to the scheduled regular meeting.

Meeting Proceedings

During regular meetings, business will be conducted in the order listed below. The order of business may be changed with the support of a majority of the voting members.

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of agenda
- Approval of minutes from preceding meeting
- Public Forum
- Commission Business Action Items & Recommendations
- Reports
- Set Next Meeting Date
- Adjournment

Meetings will be conducted according to the latest edition of *Roberts Rules of Order*.

Public Forum

During Public Forum the Chair will ask to hear from those in attendance who would like to speak about something not on the agenda that is relevant to the Clearwater Planning Commission. Individuals must limit their presentations to three minutes. Chair has the right to limit the number of speakers making similar statements and to limit comments related to matters previously discussed. The Clearwater Planning Commission is not required to respond to the comments. In order to maintain a respectful environment for all those in attendance, disruptive behavior such as the use of signs, clapping, cheering or booing is not allowed.

Motions and Voting

A simple majority of voting members present and voting will decide all motions before the Clearwater Planning Commission. At the request of a member, a roll call vote will be taken when there is a divided vote on any item. A tie vote on any motion will result in a failure to pass.

Meeting Minutes

The Planning Commission Secretary will prepare minutes for the Clearwater Planning Commission meetings. The minutes will include which members were present and absent, a summary of each item discussed and any motions proposed, and the votes on those motions. If the Planning Commission Secretary is not present to record minutes, the Clearwater Planning Commission will appoint a secretary to prepare the minutes. The secretary will prepare draft minutes within two weeks of the meeting date and forward the draft to the City Administrator or designee. Approved minutes will be posted on the City's website. The City Administrator may provide a staff person to act as Planning Commission Secretary in accordance with City Code Section 2-253.

Clearwater Planning Commission By-laws

Section 5: Officers

The Clearwater Planning Commission will hold elections for the officer positions of Chair and Vice Chair at the annual meeting in January. The Chair may make and second motions and vote on all motions. The duties of the Chair include but are not limited to:

- Assist in the preparation of the agenda in consultation with the City Administrator or designee.
- Lead the meeting in accordance with the agenda and facilitate discussion on agenda items.
- Invoke a reasonable time limit for speakers during public testimony.
- Ensure that the bylaws are followed and actions are properly taken.
- Maintain meeting decorum.
- Extend meetings or schedule special meetings as necessary.
- Cancel meetings, in consultation with the City Administrator.
- Facilitate the development of the annual work plan.
- Develop annual calendar of anticipated agenda items for each month.
- Consult with members regarding attendance issues.
- Encourage active participation by Clearwater Planning Commission members and members of the public.

The Vice Chair performs the duties of the Chair in his/her absence. If both the Chair and the Vice Chair are absent, an acting chair may be assigned in advance by either officer or at the meeting by a majority vote of the members.

The City Staff Liaison shall serve as Secretary.

Section 6: City Staff Liaison

The City Administrator or designee shall be the City Staff Liaison and will serve as Secretary to the Commission. The Staff Liaison is expected to work cooperatively with Clearwater Planning Commission members. Members may not direct City staff but can request assistance through the Staff Liaison to carry out the Clearwater Planning Commission mission. The duties include but are not limited to:

- Work with Chair to prepare and distribute meeting agendas.
- Prepare meeting minutes.
- Post meeting and other legal notices as required by statute.
- Reserve meeting rooms and other needed meeting equipment.
- Provide technical expertise and access to City resources.
- Work with Chair to ensure bylaws are followed and annual work plans are submitted.
- Relay information or directives from City Council meetings or work sessions relevant to the Clearwater Planning Commission in collaboration with City Council Liaison.
- Respond to Clearwater Planning Commission inquiries in a timely manner.
- Forward information to and between Clearwater Planning Commission members.
- Provide orientation materials to new members and Chair.
- Handle funds allocated to the Clearwater Planning Commission in accordance with its directives, City policies and legal requirements.
- Serve as the custodian of Clearwater Planning Commission records.

Clearwater Planning Commission By-laws

Section 7: Committees and Working Groups

Introduction

Committees or Working Groups may be established by a majority vote of the Clearwater Planning Commission to study issues in greater depth and report findings. Committees or Working Groups present their analysis to the Clearwater Planning Commission for discussion and recommendations. The Clearwater Planning Commission has the sole authority to make final recommendations on all matters on which a Committee or Working Group has given guidance. The Clearwater Planning Commission defines the scope and the duration of the Committee or Working Group's mission. In no case may the Committee or Working Group exceed the authority granted by the Clearwater Planning Commission.

Committee and Working Group participants may not include enough voting Clearwater Planning Commission members to constitute a quorum for the Clearwater Planning Commission. Committees or Working Groups may be designated as standing (ongoing) or temporary in nature.

Definitions

Committees and Working Groups may be comprised of two or more people, one of whom is the chair appointed by the Clearwater Planning Commission. Committees or Working Groups are led by a Clearwater Planning Commission member, but will also include members of the public.

Working Group Announcement

Notice will be given to the public of the formation of any Working Group, including a press release from the City to local media outlets. Individuals will have a minimum of 14 days after the public notice to express interest in joining before members are selected.

Public Access

Based on the potential public interest in the topic, some Committee and Working Group meetings may be designated as public meetings by the Clearwater Planning Commission or the City Council. If a Committee or Working Group's meetings are designated as public meetings, official meeting notices, written agendas and written minutes are required. Refer to Section 4 of these bylaws for additional information on meeting notices.

Appointments and Chair Assignments

Committees: The Clearwater Planning Commission Chair will ask for Committee volunteers from the Clearwater Planning Commission membership. A majority vote may approve the Committee appointments once sufficient volunteers are established. A temporary Committee Chair will be appointed by the Planning Commission at the time of Committee formation. The Committee will elect its own chair and notify the Planning Commission Chair.

Clearwater Planning Commission By-laws

Working Groups: The Clearwater Planning Commission Chair will ask for volunteers from the Clearwater Planning Commission to serve as the Working Group Chair. The Working Group Chair is approved by a majority of the Clearwater Planning Commission members. The Working Group Chair will recommend other Working Group members. By definition, those members will include individuals outside of the Clearwater Planning Commission. The Chair may also nominate a co-chair who is not a Clearwater Planning Commission member. Working Group appointments will be made by a majority vote of Clearwater Planning Commission members.

The duties of the Committee or Working Group Chair(s) include but are not limited to:

- Set the meeting schedule and, if required, notify the City Administrator for public notification.
- Prepare and distribute a written meeting agenda, if required.
- Lead the meeting in accordance with the agenda and facilitate discussion on agenda items.
- Ensure that this section of the bylaws and Clearwater Planning Commission directives are followed.
- Maintain meeting decorum.
- Recommend members and notify Clearwater Planning Commission of changes in membership (Working Group only).
- Report on the Committee or Working Group's activities at each regular Clearwater Planning Commission meeting.
- Communicate to the Committee or Working Group any directives, questions or input from the Clearwater Planning Commission.

Resignation or Removal

A Committee or Working Group member may voluntarily resign by submitting his or her written resignation to the Chair of the Committee or Working Group. A Committee or Working Group member may be removed by a majority vote of the Clearwater Planning Commission.

Disbanding

A Committee or Working Group may be disbanded at any regular meeting of the Clearwater Planning Commission by a majority vote of the members. Committees or Working Groups will automatically be disbanded if no member of the Clearwater Planning Commission is available to serve or appropriate volunteer membership cannot be established.

Section 8: Communication

Applicability

This section applies to all types of media and communication methods including face-to-face, telephone, email and social media.

Communication Between Members Outside of Meetings

Clearwater Planning Commission-related communication between members when a quorum of voting members is present constitutes a violation of open meeting laws if it takes place outside of publicly-noticed meetings. Members are prohibited from discussing Clearwater Planning Commission business in such a situation. Since email communication is common outside of meetings, the following email protocol is adopted:

- Any email communication intended for a majority of Clearwater Planning Commission members should go through the City Administrator so that an appropriate record can be established.
- Members should not respond "reply all" to group messages.
- Members should not blind copy (bcc) other members.

Clearwater Planning Commission By-laws

Members must not engage in a serial discussion of Clearwater Planning Commission business. A serial discussion occurs when members discuss official business with a majority of voting members through successive communications. Serial communication can occur through a combination of communication methods such as face-to-face, email, telephone or on a social media site.

Communication with the Public Outside of Meetings

Clearwater Planning Commission members are encouraged to share their work with members of the public within the guidelines noted in the paragraph below.

When communicating Clearwater Planning Commission business with the public, members should understand and convey the following:

- The deliberations and decisions of the Clearwater Planning Commission will be based solely on information contained in the public record presented to all Clearwater Planning Commission members participating in the deliberation or action.
- The member's comments do not represent the opinion or viewpoint of other commissioners or the Clearwater Planning Commission as a whole.

Members should exercise care not to communicate how they intend to vote on any pending matter or give the appearance any matter has been pre-decided.

Public Announcements and Press Releases

The City Council Liaison will approve and coordinate any public announcements, press releases or other media contact desired by the Clearwater Planning Commission.

Section 9: Financial Transactions

All financial expenditures by the Clearwater Planning Commission must relate to the Clearwater Planning Commission mission and be covered under the Clearwater Planning Commission budget. All expenditures must be approved in advance by the City Council. The City Administrator is responsible for ensuring that all approved expenditures or reimbursements meet the criteria above as well as other City financial policies. Expenditures that do not meet the criteria above will not be reimbursed. The Clearwater Planning Commission does not have the authority to execute contracts or to otherwise financially obligate the City of Clearwater. Any contract related to Clearwater Planning Commission business will be managed by the City Administrator and may be subject to City Council approval.

Section 10: Ethical and Respectful Conduct

Conflict of Interest

Members may not use their position on the Clearwater Planning Commission for personal benefit. The interests of the Clearwater Planning Commission must be the first priority in all decisions and actions. Any member who has a financial interest in, or who may receive a financial benefit as a result of, any Clearwater Planning Commission action or decision must disclose this fact as a conflict of interest. A member who has disclosed a conflict of interest should abstain from discussion and voting on the matter.

Clearwater Planning Commission By-laws

Gifts

Clearwater Planning Commission members may not receive personal gifts from any “interested person” in conjunction with their board or commission duties. An “interested person” is a person, or representative of a person or an association, who has a direct financial interest in a recommendation under the Clearwater Planning Commission’s purview. This section does not apply to lawful campaign contributions. The Clearwater Planning Commission may recommend acceptance of general gifts or donations through the City’s donation policy.

Respectful Behavior

The City of Clearwater is committed to providing a work environment free from violence for all elected and appointed officials, employees and visitors. The City does not tolerate any form of violence in the workplace including threats or intimidating actions by or against any of the groups cited above. Violence and threats may include, but are not limited to:

- Any act which is a physical assault
- Any threat, behavior or action which is interpreted by a reasonable person to carry the potential to harm or endanger the safety of others, or result in an act of aggression, or destroy or damage City property.

The City Administrator has the right to call for the immediate removal of anyone who threatens or commits an act of violence on City property. In the absence of the City Administrator this right will be the responsibility of the Council Liaison.

Respectful behavior also includes how Clearwater Planning Commission members relate to each other, City staff and members of the public. Members share a joint responsibility in modeling, monitoring and addressing behavior within the group.

During Clearwater Planning Commission interactions, members should strive to:

- Treat people with courtesy, politeness and kindness
- Encourage others to express their opinions and ideas
- Listen to what others have to say
- Use the ideas of others to improve decisions and outcomes
- Recognize cultural differences

Members should avoid:

- Speaking over or cutting off another individual’s comments
- Insulting, disparaging or putting down people or their ideas
- Bullying other members by displaying a pattern of belittling, demeaning, judging or patronizing comments.

How to Report

Members are encouraged to report cases of unethical conduct to the City Administrator or City Council Liaison.

Location	New or Updated	Last Updated	Topics	Date Completed	Cost	Vendor	Link to Comp Plan	Notes
Crow Wing County	Updated	2003	Overview, County Profile, Water & Natural Resources, Land Use, Economic Development, Housing, Recreation, Transportation, Infrastructure & Services, Implementation	Draft May 2024	\$ 103,000.00	Bolton & Menk, Inc.	https://storymaps.arcgis.com/stories/0f8c4c8f29f349b9807359c772e8103d	
City of Rockville	Updated	2004	Introduction, Community Profile, Land Use, Housing, Transportation, Public Infrastructure & Utilities, Parks & Trails, Economic Development, Implementation	TBD - Timeline of March - December 2024	\$ 53,000.00	Bolton & Menk, Inc.	https://storymaps.arcgis.com/stories/2ad4a007dfe4b4c8fb493530fa69338	
City of St. Augusta	Updated	2005	Proposed: City Profile, natural environment, land use, transportation, parks & trails, infrastructure & utilities, economic development	TBD - Timeline of February - November 2024	\$ 46,000.00	Bolton & Menk, Inc.	https://storymaps.arcgis.com/stories/389e850661914553a32368e8e12a996c	
City of Dassel	Updated	2007	Community Profile, Introduction & Overview, Plan Process and Engagement, Community Elements, Land Use and Growth Management, Implementation and Action Plan	March 2022	\$ 31,900.00	MSA	https://dassel.com/sites/default/files/fileattachments/planning_and_zoning/page/2771/2020_dassel_comprehensive_plan_-_adopted_3-21-2022.pdf	Dassel also received responses from: Houseal & Lavigne 87,000 WSB 39,662 Bolton & Menk 45,085
City of Becker	Updated	2012	Introduction, Land Use, Transportation, Parks/Recreation/Trails, Natural Resources, Housing, Utilities & Community Facilities, Economic Development, Image & Opportunities, Finances, Implementation	July 2021	\$ 44,969.00	Bolton & Menk, Inc.	https://www.ci.becker.mn.us/DocumentCenter/View/95/Becker-2040-Comprehensive-Plan-PDF	price is initial quote

Community Context:

- Updated population & demographic data, including household size and age of residents.
- Include visuals for demographic trends (past, current, and future) to show any shifts in demographics and anticipated changes in the future.

Land Use and Housing:

- Include new housing study information.
- Updated annexation map for future land use. (Figure 3, pg. 15)
- Stronger code enforcement program and monitoring of the condition of the existing housing stock.

Economic Development:

- Additional businesses or attractions that would attract or retain more people to work or live in Clearwater.
- Consider adding community programs and activities for residents.
- Explore a branding or marketing campaign to characterize the City of Clearwater as a destination rather than just a pass-through community. Consider emphasizing “small town feel”, with a convenient location between St. Cloud and the metro and the ability to reach larger cities easily via major roadways.

Water and Wastewater:

- Make sure the existing sanitary utilities and water utilities maps are up to date (Figure 5, pg. 35 & Figure 6, pg. 37).
- Did we construct a regional infiltration basin? (discussed on pg. 38)

Parks, Trails, and Open Space:

- Update details for each park – Riverside, Eldorado, Sportsman, Spring Street, & Wayside-Archery Park.
- The trail system stretches a ways and plans are in place to grow the trail systems.
- Update future goals for Parks, Trails, and Open Space – Include a detailed guide for future additions or improvements (implementation strategy).
- Updated Park Lands map (Figure 7, pg. 48) – Updated existing and proposed parks/trails.

Transportation:

- Emphasize location (between St. Cloud and Metro) and access to major roadways for both residents and businesses.
- Mention existing trail systems and future extensions as part of local transportation for pedestrian/bicycle routes.
- Updated traffic study information.
- Future/ongoing improvements to major roadways. (Hwy 24 I-94 bridge project)

ARTICLE V. - MOBILE FOOD UNITS AND FOOD CARTS

Footnotes:

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Editor's note— Ord. No. 2017-05, § 1, adopted Dec. 11, 2017, set out provisions intended for use as art. V, §§ 18-118—18-122. Inasmuch as there were already provisions so designated, the provisions have been included as art. V, §§ 18-141—18-145.

Sec. 18-141. - Purpose.

This article is designed to permit the reasonable use of mobile food units while preventing any adverse consequences to residents, businesses and public property.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 18-142. - Definitions.

The following words and terms when used for this license shall have the following meanings unless the context clearly indicates otherwise.

Food cart means a food and beverage service establishment that is a non-motorized vehicle that is self-propelled by the operator.

Mobile food unit means:

- (1) A self-contained food service operation, located in a motorized, wheeled or towed vehicle, that is readily movable without disassembling and that is used to store, prepare, display, or serve food intended for individual portion service; or
- (2) A mobile food unit as defined in Minn. Stats. § 157.15, subd. 9.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 18-143. - License requirement.

- (a) *Type of license.* An annual license allows mobile food unit or food cart operations in the city for any number of days over 21 days during any calendar year. A mobile food unit or food cart operating 21 days or less shall follow state and county regulations. No city license is necessary to operate for 21 days or less in any calendar year.
- (b) *License fees.* Fees for annual licenses are set forth in the city's fee schedule.
- (c) *License application requirements.* It is unlawful for any person to operate a mobile food unit or a food cart in the city without first obtaining a license from the city. An application for a license shall be filed, along with the required fee, with the city clerk. The applicant must be the owner of the

mobile food unit or food cart. The application shall be made on a form supplied by the city and shall contain information requested by the city, including the following:

- (1) Name of the owner and operator, if different than the owner, of the mobile food unit or food cart and permanent and temporary home and business addresses;
- (2) The applicant's full legal name, date of birth, and driver's license number;
- (3) A description of the nature of the business, the goods to be sold and the license plate number and description for any motorized or unmotorized vehicle to be used in conjunction with the activity;
- (4) A phone number and email address of the applicant, with a designation of a preferred mailing address for notices related to the license;
- (5) The name, address and contact information for the commissary with which the mobile food unit or food cart is affiliated, if applicable;
- (6) A certificate of insurance by an insurance company authorized to do business in the State of Minnesota, evidencing the following forms of insurance:
 - a. Commercial general liability insurance, with a limit of not less than \$1,000,000.00 each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than \$2,000,000.00.
 - b. Automobile liability insurance with a limit of not less than \$2,000,000.00 combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired and non-owned vehicles;
 - c. Food products liability insurance, with a limit of not less than \$1,000,000.00 each occurrence;
 - d. Public liability insurance, with a limit of not less than \$1,000,000.00 each occurrence;
 - e. Property damage insurance, with a limit of not less than \$1,000,000.00 each occurrence;
 - f. Workers compensation insurance (statutory limits) or evidence of exemption from state law; and
 - g. The city shall be endorsed as an additional insured on the certificate of insurance and the umbrella/excess insurance if the applicant intends to operate its mobile food unit or food cart on public property.
- (7) The certificate of insurance must contain a provision requiring notification be sent to the city should the policy be cancelled before its stated expiration date.
- (8) Written consent of each private property owner from which mobile food unit or food cart sales will be conducted;
- (9)

If the mobile food unit or food cart will be located on city property or public right-of-way, a signed statement that the licensee shall hold harmless the city and its officers and employees, and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license;

(10) A copy of each related license or permit if applicable issued by Wright County/Stearns and the State of Minnesota required to operate a mobile food unit or food cart; and

(11) A copy of the applicant's state sales tax ID number.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 18-144. - Conditions of licensing.

A mobile food unit or food cart may only operate if compliant with the following:

(a) *Locations.* A mobile food unit or food cart may only operate in the locations set forth in this subpart. A mobile food unit or food cart may only operate in commercial and industrial zoning districts, with the written consent of the private property owner and must be placed on either concrete or bituminous unless otherwise approved by the city. When operations occur on private residential property, mobile food unit or food cart sales may only be for catering purposes (such as a private graduation party or wedding) and may not be open for sales to the general public. A mobile food unit or food cart may only operate in a city park or on city property with the prior written approval of the city; additional permits may be required for such operations.

(b) *Performance standards.* A mobile food unit or food cart licensee is subject to the following performance standards:

(1) The applicable license fee shall be paid and a site plan will be approved by the planning and zoning commission.

(2) A mobile food unit or food cart shall be operated in strict compliance with the laws, rules and regulations of the United States, State of Minnesota, Wright County and the City of Clearwater.

(3) Wastewater may not be drained into city storm water drains.

(4) A mobile food unit or food cart shall provide and maintain at least one clearly designated waste container for customer use per each food cart or mobile food unit. The operator of a mobile food unit or food cart is responsible for daily removal of trash, litter, recycling and refuse. Public trash cans shall not be used to dispose of waste generated by the operation. The operator shall provide a garbage receptacle with a tight-fitting lid. The receptacle shall be easily accessible for customer use, and located within five feet of the unit.

(5)

A mobile food unit must provide a power supply that is screened from public view and that complies with pertinent city noise regulations. Alternate power sources may be approved during site plan approval.

- (6) A mobile food unit or food cart may operate between 7:00 a.m. and 10:00 p.m. and must not create any unnecessary noise, disturbances or disrupt public traffic or safety in any way. An exemption to hours may be authorized by city council on a per event basis.
 - (7) A mobile food unit or food cart may have a maximum footprint of 300 square feet unless otherwise approved by the city.
 - (8) Operators must clean around their mobile food unit or food cart at the end of each day and the mobile food unit or food cart must be kept in good repair and have a neat appearance.
 - (9) A mobile food unit or food cart operator must be licensed by the Minnesota Department of Health and proof of the Minnesota Department of Health licensing must be provided and posted on the mobile food unit or food cart.
 - (10) A mobile food unit or food cart must comply with any applicable fire department food truck requirements.
 - (11) An out of service mobile food unit or food cart stored within the city must comply with all applicable zoning ordinance requirements.
 - (12) A mobile food unit or food cart may operate on private property in any residential zoned districts for a "one-time" event for catering purposes only.
 - (13) A mobile food unit or food cart may not operate within 100 feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation unless the licensee obtains written permission from the restaurant owner/manager.
 - (14) A mobile food unit or food cart may not operate in city-owned parking lots, except those parking lots adjacent to or inside a city park with the approval of a special event permit.
- (c) *Non-transferable license.* A mobile food unit or food cart license is non-transferable. Proof of license shall be displayed at all times in the mobile food unit or food cart.
- (d) *Practices prohibited.* It is unlawful for any person engaged in the business of a mobile food unit or food cart operation to do any of the following:
- (1) Call attention to that licensee's business by crying out, blowing a horn, ringing a bell, loud music or by any loud or unusual noise, or by use of any amplifying device;
 - (2) Fail to display proof of license and produce valid identification when requested;
 - (3) Leave a mobile food unit or food cart unattended or at an authorized location outside allowed hours of operation;
 - (4) Operate the mobile food unit or food cart in or on public sidewalks or trails;

- (5) Allow a mobile food unit or food cart to remain on the property of another when asked to leave;
- (6) Obstruct the ingress or egress from commercial buildings during the building hours of operation;
- (7) Claim endorsements by the city; or
- (8) Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 18-145. - Suspension or revocation of a license.

A license issued pursuant to this article may be suspended by the city if the licensee has violated the terms of this article, or is otherwise conducting business in such a manner as to constitute a breach of the peace, fraudulent conduct, or any other conduct that is prohibited by local, state or federal laws or regulations. Falsification of information required for a license is also grounds for denial, suspension or revocation of a license. The license shall be automatically revoked if the licensee does not file an appeal pursuant to this section. When taking action on any license issued under this section, the city shall provide the licensee with verbal or written notice of the violation. The notice shall inform the licensee of its right to be heard before the city council. The notice shall also inform the licensee that the license shall be automatically revoked if no appeal is filed within 21 days of the date of the notice by the city. Verbal notice shall be confirmed within five days by a mailed written notice to the licensee. The city council shall not conduct a hearing on a suspension or revocation unless a request is made by the next city council meeting. No city council resolution or other notice calling for a hearing shall be required.

(Ord. No. 2017-05, § 1, 12-11-2017)

Possible definitions:

Portable Storage Unit shall mean a storage unit or container designed, constructed or reconstructed to be capable of movement via towing, hauling, attachment o a vehicle from one site to another and designed to be used without a permanent foundation for the storage or shipment of household goods, wares, building materials or merchandise. Portable storage units shall include semi-trailers, cargo or shipping containers, and similar units which are used primarily for storage rather than transport.

Temporary Outdoor Storage Container: A portable storage unit that does not have a permanent foundation or footing and which includes cargo containers, portable storage containers, and bulk solid waste containers. Such structures shall not be considered a building. A temporary storage structure may include a self-storage container that is delivered to and retrieved from a home or business for long term off-site or on-site storage. Temporary outdoor storage containers shall be permitted for a maximum of one hundred and twenty (120) days.

Sec. 117-1037. Outside storage/display.

(a) *Generally.*

- (1) Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of city ordinances are considered refuse or junk and shall be disposed of pursuant to city regulations.
- (2) Any accumulation of refuse not stored in containers which comply with this Code, or any accumulation of refuse, including car parts, which has remained on a property for more than one week is hereby declared to be a nuisance and may be abated by order of the zoning administrator, as provided by state statutes and this Code. The cost of abatement shall be recovered in accordance with the applicable provisions of this Code.

(b) *Residential zoning districts.*

- (1) All personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - a. Play and recreational facilities.
 - b. Stacked firewood for the burning supply of the property resident.
 - c. Construction and landscaping materials or equipment, if these are used or intended for use on the premises within a period of 12 months.
 - d. Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
 - e. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area, surfaced in compliance with section 117-1164.
 - f. Recreational vehicles and equipment.

(2) *Temporary Outdoor Storage Containers.*

(c) *Commercial, public/institutional and industrial zoning districts.*

- (1) *Outside storage/display.* Exterior storage and display shall be governed by the respective zoning district in which such use is located.

- (2) *Additional standards.* All exterior storage shall be screened so as not to be visible from adjoining properties and public streets except for the following:
 - a. Merchandise being displayed for sale in accordance with zoning district requirements.
 - b. Materials and equipment currently being used for construction on the premises.
 - (3) *Parking of commercial vehicles.* Up to three commercial vehicles such as delivery and service trucks up to 12,000 pounds gross vehicle weight rating (GVWR) may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over 12,000 pounds gross vehicle weight rating (GVWR) shall require screening in compliance with article VIII of this chapter.
- (d) *All zoning districts.*
- (1) Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, industrial manufacturing, testing, or storage of items used with or in a business, commercial or industrial enterprise, unless otherwise approved by the zoning administrator.
 - (2) The city council may order the owner of any property to cease or modify open storage uses including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.
- (e) *Portable Storage Units.*
- (1) *Permitted locations and prohibitions.*
 - a. Residential Districts.
 - 1. Portable storage units may not be permanently placed, stored or used on any residential property. Units with alterations, such as cosmetic or structural changes made for the container to appear more like an accessory building or structure, are not allowed permanently on residential property.
 - 2. A portable storage unit may be temporarily placed, stored or used for storage on residential properties for moving purposes for up to one month in a 12-month period. Only one portable storage unit per residential property is allowed and is subject to the standards within this section and the respective zoning district.
 - 3. A portable storage unit may be temporarily placed, stored or used for storage on residential properties for construction or renovation purposes provided all required permits are obtained for the project, the project remains in compliance, and the portable storage unit is removed from the lot upon completion of the project. Use is subject to the standards within this section and the respective zoning district.
 - b. Commercial, Industrial, and Institutional Districts. Portable storage units shall be allowed subject to the standards within this section and the respective zoning district.
 - (2) *Standards.* The following standards shall apply to portable storage units in all zoning districts.
 - a. No portable storage units shall be modified, retrofitted or used on-site for any purpose other than storage. Portable storage units shall not be provided with refrigeration, heating, electricity or plumbing for the purpose of human habitation or to conduct commercial activities.
 - b. All portable storage units shall be stored in a secure fashion with doors that are fully closed.
 - c. All portable storage units shall be placed on a bituminous or concrete surface.
 - d. Portable storage units shall not be stacked on one another.

- e. No portable storage unit may be placed on public right of way, block a public sidewalk or be placed in a location that does not comply with the requirements of section 117-1035.
- f. Portable storage units shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks, always.
- g. Portable storage units that become unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property where kept, subject to the city's requirements. The city shall provide notice to the owner of the property where the cargo container is located of any condition in violation of this section. After notice to the property owner, any cargo container stored or kept in a manner deemed a dangerous condition and a public nuisance as determined by the city may be immediately removed by the city. Any cost or expense associated with the removal shall be the responsibility of the property owner where the cargo container is located.

(3) Current violations; time to comply.

- a. Portable storage units located on residential property prior to the effective date of this chapter are considered illegal.
- b. All property owners within the city shall have 12 months from the effective date of this chapter to bring the properties, which currently portable storage units that are in violation of the terms of this chapter, into full compliance with the provisions of this section.

(Zoning Ord., § 16.12)

Sec. 113-249. Payment; city-developer agreement; financial guarantee.

- (a) *Payment.* The required improvements to be furnished and installed by the developer are to be furnished and installed at the sole expense of the developer and at no expense to the public. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the city council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, or the city council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the developer will be required only to pay for such portions of the whole cost of said improvements as it will represent the benefit to the property within the subdivision. However, when such improvements are made at the request of a developer and are not determined to be a benefit to the city due to the timing and/or location of the improvements, the city may opt not to provide for any 'city cost' and the development will be 100 percent responsible for such costs without reimbursement, regardless of potential future benefit to the city or other property owners.
- (b) *Petition for city to install.* As an alternative to the provisions of subsection (a) of this section, the owner of the property included in a preliminary plat may petition the city to install certain improvements as designated by the city engineer required by the plat or an attachment thereto. Said petition shall be in accordance with Minn. Stats. ch. 429. The city council reserves the right to reject any or all petitions and refuse to order the project improvements through the city.
- (c) *City-developer agreement.* Prior to the installation of required improvements and prior to approval of the final plat, the developer shall enter into a contract with the city requiring that the developer furnish and construct said improvements at his expense and in accordance with plans and specifications to be designed or approved by the city engineer. The city/developer contract shall stipulate at a minimum the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the city's authority to inspect the construction and the amount of the escrow deposit performance bond, warranty bond and labor and material bond to be furnished. Publicly funded improvements, state aid routes, and chapter 429 assessed projects shall be designed and inspected by the city engineer.
- (d) *Financial guarantees.* With the execution of the city-developer agreement, providing that the developer will construct the required improvements for the plat at his expense, the owner or developer, as the case may require, shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of the city in an amount equal to 125 percent of the estimated cost construction, to include construction, engineering, legal, fiscal and administrative, as approved by the city, of providing and installing all required improvements. Such bond, escrow, or letter of credit shall be in the form approved by the city attorney, shall be conditioned upon the approval of the final plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of final plat approval. In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the city, or any damage to such improvements by reason of a settling of the ground, base or foundation thereof, the city will require that for a period of two years after final acceptance of the required improvements by the city, the proponent shall maintain a bond, escrow account or irrevocable letter of credit, in the amount of 100 percent of the construction costs of the in-place improvements which will be owned and maintained by the city. If during that two-year period any such defects develop, the deposit in escrow, bond, or letter of credit may be applied by the city for any amounts incurred to correct such defects.

(Ord. No. 7.10, § 7.10-6-16, 12-3-2007)

Sec. 117-172. Performance agreement and financial guarantee.

Following the approval of the site plan required by this chapter and before issuance of a building permit, the applicant shall guarantee to the city, as may be applicable, the completion of all private exterior amenities as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below:

- (1) The applicant shall execute the site improvement performance agreement on forms provided by the city. The agreement shall be approved as to form and content by the city attorney and shall define the required work and reflect the terms of this division as to the required guarantee for the performance of the work by the applicant.
- (2) The required work includes, but is not limited to, private exterior amenities such as landscaping, private driveways, parking areas, recreational fields structures or buildings, drainage systems, water quality ponds, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan and reforestation plan, if applicable.
- (3) A financial guarantee shall be submitted with the executed site performance agreement as provided herein:
 - a. Financial guarantees acceptable to the city include cash escrow; an irrevocable letter of credit; or other financial instruments which provide equivalent assurance to the city and which are approved by the zoning administrator.
 - b. The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the zoning administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this division.
 - c. When any instrument submitted as a financial guarantee contains provision for an automatic expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the site performance agreement or of the required work, the expiration date shall be October 31; further, it shall be the responsibility of the applicant to notify the city in writing, by certified mail, at least 60 days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided 30 days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the zoning administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least 30 days prior to the expiration. The term of any extension shall be approved by the zoning administrator. Upon receipt of an acceptable substitute financial guarantee, the zoning administrator may release the original guarantee.
 - d. The amount of the financial guarantee shall be established by the zoning administrator based upon an itemized estimate of the cost of all required work. A cash deposit or irrevocable letter of credit shall be in the amount of 100 percent of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the zoning administrator.
 - e. The applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work.
- (4) The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for

forfeiture to the city to cure a default or reimburse the city the cost of enforcement measures. As various portions of such required work are completed by the applicant and approved by the city, the zoning administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the city has verified survivability of all required plantings through one winter season which is defined for the purpose of this division as the period of October 31 through April 30.

- (5) The applicant shall notify the city in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the zoning administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the average standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and appropriate action to release or to reduce the amount of the financial guarantee shall be taken by the zoning administrator.

(Zoning Ord., § 10.09; Ord. No. 02-2007, § 10.08, 6-4-2007)