

**CITY OF CLEARWATER  
WRIGHT AND STEARNS COUNTIES**

**CITIZEN CONCERNS POLICY**

Adopted by City Council  
June 8, 2020

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### **200.01 GENERAL POLICY STATEMENT**

The City of Clearwater has established ordinances intended to insure the health, safety, and well-being of the general public, in addition to creating an environment that helps to maintain the property values of our citizens. For these reasons, citizens are expected to take an active part in making sure properties under their control are in compliance with city ordinances and assisting their neighbors and other community members when possible.

Recognizing that the majority of city residents respect the rights of others and take pride in maintaining their properties, the city has determined it is not necessary to staff the position of Code Enforcement Officer at the present time. Existing staff, with assistance from the Sheriff's office and city consultants, will handle code compliance issues only when a signed, written request is received in accordance with the procedures stated below.

### **200.02 EXCEPTIONS TO GENERAL POLICY**

The following items are exceptions to the above general policy. These items shall be enforced whether or not a written request has been received.

- A. Any ordinances that are required to be enforced by state or federal statutes or regulations, such as weed compliance.
- B. Any obvious code violations within public view that create an immediate public health or safety concern.
- C. The Wright County Sheriff's Department, in their capacity as the local police department, will enforce all city ordinances and may issue citations as they see fit in accordance with their department policies.

### **200.03 PROCEDURES FOR FILING**

Anyone that wishes to report a code violation or other concern shall do so by completing a Citizens Concern Form similar to that attached below and submitting the form to City Hall.

- A. Forms may be submitted in person to City Hall during regular business hours.
- B. Forms may be submitted by mailing to City of Clearwater, PO Box 9, Clearwater, MN 55320.
- C. Forms may be submitted by e-mail to the City Administrator with subject line "Citizen Concern".

***All concerns must be submitted in writing and on the form provided.*** Forms must be completed in full, and must include the submitter's name, address, and telephone contact information. No action will be taken on anonymous concerns or concerns submitted through other means. Citizens filing concerns with the city shall be kept confidential in accordance with Minnesota Statutes Section 13.44, subd. 1.

### **200.04 INTERNAL HANDLING**

Upon receipt of a completed Citizens Concern form, the following steps shall be taken within a reasonable period of time:

- A. The form will be reviewed for completeness and verification of the issue. If staff is uncertain about the nature of the concern, staff will contact the submitter for further information.
- B. Staff will research city ordinances to determine if the concern raised violates any city ordinance.
  - 1. If the concern raised is a violation of any city ordinances, proceed to step C.
  - 2. If the concern raised is not a violation of any city ordinance, staff shall issue a written statement to the submitter indicating that fact. In addition, if staff are aware of another agency that could address the concern, staff shall include that information in the written statement.
- C. Staff shall investigate the alleged violation and take steps to confirm whether or not a violation exists. City Code Chapter 3 grants authority to the City Administrator to administer and enforce the City Code. The City Administrator or designee will make the determination as to whether or not a violation exists, subject to appeal to the City Council.
  - 1. If a violation exists, proceed to step D.
  - 2. If, after investigation, it is determined that no violation exists, staff shall send a written notification to the submitter that no violation was found.
- D. Staff shall send a written notification to the property owner of record per the county's property tax information, along with a copy to the occupant, if known, that a violation of city ordinance exists at their property. The notice shall contain the following information:
  - 1. The nature of the violation;
  - 2. The applicable code section(s) being violated;
  - 3. What actions are required to bring the property into compliance; and
  - 4. The time frame within which compliance must occur.
    - a. The City Administrator may grant an extension of the compliance deadline upon request, if the request is determined to be a reasonable, good-faith effort to comply.
- E. If the issue is not resolved by the given deadline, and no extensions have been granted, a second notice shall be sent. The second notice shall include the following information:
  - 1. State that it is a second and final notice;
  - 2. State that further delay in complying with city code shall result in a hearing before the City Council;
  - 3. State that the City Council may pursue legal action, administrative fines, or other penalties; and
  - 4. State that any costs related to the code enforcement activity undertaken by the city to bring the property into compliance shall be assessed to the property taxes.
- F. If, following the second notice, the issue is not resolved, a hearing before the City Council shall be scheduled with the property owner to determine what actions shall be taken. The property owner may be present, and may have counsel present, if desired.

Following any hearing, staff shall pursue the course of action dictated by the City Council.

- G. Following a resolution of the matter, a written notice shall be sent to the property owner and occupant, if applicable, explaining the resolution and that the matter is closed, with a confidential copy being sent to the citizen that filed the original concern.
- H. All documents pertaining to a code enforcement issue shall be filed in the property/address file for the property and maintained in accordance with the city's retention schedule.

#### **200.05 SPECIAL CIRCUMSTANCES**

In certain special circumstances, the City Administrator may decline to pursue a written concern. These include the following situations:

- A. Where a Concern Form was filed and previously addressed for the same violation at the same property within the last three months.
  - 1. A subsequent violation of the same, previously addressed, matter may bypass the normal procedures and be referred directly to the City Council for a hearing.
- B. Where the Concern Form addresses the job conduct or performance of a member of the city staff.
  - 1. These concerns shall be addressed utilizing the procedures as laid out by the Personnel Policy and state law.
- C. In situations where multiple Concern Forms have been filed by the same individual, and it appears that the underlying issue is a private dispute between property owners, in the opinion of the City Administrator. The City Administrator shall document this determination and notify the submitter that no action will be taken. The submitter may appeal this decision to the City Council.
- D. Where multiple Concern Forms have been filed by the same individual, and it appears that the submitter is only filing the concerns as a means of harassing the staff or city. In this case, the Concerns shall be forwarded to the City Council for direction (with confidential data redacted).
- E. In situations where the Concern Form raises an issue that could create a safety hazard for staff if pursued. In these cases, the Concern shall be forwarded to the Sheriff's office for handling.

**CITY OF CLEARWATER**  
**CITIZEN CONCERN FORM**

Please select the area of concern:

- City Staff
- City Hall
- Public Works
- Fire Department
- City Consultant
- Streets
- Parks
- Specify Park \_\_\_\_\_
- Public Utilities
- Circle: Water/Sewer/Storm Sewer
- Private Property – Specify Address \_\_\_\_\_
- Zoning/Land Use
- Nuisance (please specify) \_\_\_\_\_
- Other (please specify) \_\_\_\_\_

Please explain your concern in detail:

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*All personal information will be kept strictly confidential pursuant to MN Statutes § 13.44*

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature of Citizen \_\_\_\_\_ Date \_\_\_\_\_

.....  
**Office Use Only**

Concern # \_\_\_\_\_ Date Received \_\_\_\_\_

Action Taken \_\_\_\_\_

**PLEASE RETURN COMPLETED FORM TO CITY HALL**

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