

City Council Meeting
Tuesday, April 21, 2009
City Council Chambers
7:30 p.m.
AGENDA



Call to Order
Pledge of Allegiance

1. Approval of Minutes
 - Council Minutes – April 7, 2009
2. Consent Agenda
 - Minutes
 - Utility Commission – March 31, 2009
 - EDA Commission - April 8, 2009
 - Park and Recreation Commission – April 13, 2009
 - Planning and Zoning Commission – April 14, 2009
 - Library Board – April 14, 2009
 - Street Committee – April 15, 2009
 - Correspondence
 - Minnesota Department of Health – Notice on Confidence Report
 - Stephanie Schwalbach – Resignation from Park and Recreation Comm.
3. Department Heads
4. 2009 Airport – Runway Reconstruction Project
 - Resolution Approving Plans and Specs and Ordering Advertisement for Bids
5. Park & Recreation Commission Recommendation
6. MN DOT Detour Contracts
7. Building Permit Fees Discussion
8. Regular Bills
9. Unfinished Business
10. New Business
11. Council Concerns
12. Adjourn



**Council Meeting
Windom City Hall, Council Chamber
April 7, 2009
7:30 p.m.**

1. Call to Order: The meeting was called to order by Mayor Kruse at 7:30 p.m.

2. Roll Call: Mayor: Kirby Kruse

Council Members: Jean Fast, Corey Maricle, Robert Messer and JoAnn Ray

Council Members Absent: Bradley Powers

City Staff Present: Steve Nasby, City Administrator; Marv Grunig, Electric Utility Manager; Bruce Caldwell, Street Superintendent; Mike Haugen, Water\Wastewater Superintendent; Jim Kartes, Building & Zoning Official; Craig Mueller, Wenck & Associates and Terry Glidden, Telecom

Public Present: Ken Hoffman, Jeff Becthold, Todd Hagen, Kevin Freking, Paul Goeman

3. Pledge of Allegiance

4. Approval of Minutes:

Motion by Fast, second by Ray, to approve the March 17, 2009 minutes. Motion carried 4 – 0.

5. Consent Agenda:

Kruse said the Consent agenda contained the minutes from the following Boards and/or Commissions:

- Street Committee -- March 31, 2009

Correspondence was received from the Minnesota Pollution Control Agency regarding Windom's wastewater system inspection report.

Motion by Ray, second by Maricle, to approve the Consent Agenda. Motion carried 4 – 0.

6. Public Comment:

Kevin Freking, 1236 3rd Avenue, said that he had a tractor that he would like to store outside in his yard and he does tractor pulls during the season.

Messer asked if Freking had other tractors on-site. Freking said he had one in a garage.

No action was taken by the City Council to allow the tractor storage.

7. Department Heads:

Mike Haugen, Water\Wastewater Superintendent, noted that the correspondence in the packet from the Minnesota Pollution Control Agency (MPCA) was a follow-up to the on-site inspection MPCA conducted regarding Windom's waste water system on March 23, 2009. The report noted the previous incident in May 2007 and that there have not been any problems since. Pre-treatment for PM Windom was mentioned as an on-going activity. Everything was in order and the Windom Municipal Wastewater System passed the inspection.

8. Consolidated Ready Mix Access & Utility Easement:

Haugen said that the access agreement with Consolidated Ready Mix covers a municipal production well, monitoring well for the former landfill, road into Cottonwood Lake park and a utility easement along Cottonwood Lake Drive. The easements for the two wells are for 25 years and the easements for the park road and utility easements are perpetual. There is no cost to the City for the easements.

Motion by Messer, seconded by Maricle, to approve the Access & Utility Easements agreement between Consolidated Ready Mix and the City of Windom. Motion carried 4 —0.

9. A Workplace Accident and Injury Reduction (AWAIR) Program:

Jeff Bechhold, Minnesota Municipal Utilities Association, introduced himself and noted that AWAIR is an injury prevention and safety program that is mandated by OSHA and the State. AWAIR replaces the old safety program and is more streamlined. Windom's safety committee and administration has reviewed the plan. The Utility Commission reviewed and recommended approval of the plan at their March 31 meeting.

Council member Fast introduced the Resolution No. 2009-13, entitled "RESOLUTION ADOPTING AWAIR PROGRAM" and moved its adoption. The resolution was seconded by Ray and on roll call vote: Aye: Ray, Fast, Maricle and Messer. Nay: None. Absent: Powers. Resolution passed 4 – 0.

10. CMMPA Agreement Update:

Marv Grunig, Electric Utility Manager, said that the City of Windom had previously entered into Market Participant and Additional Service Agreements with CMMPA for the purchase of power and transmission management. These agreements have had several minor, non-substantial changes consisting of clarifying language and technical corrections. The City Attorney has concurred the changes are non-substantive. To have a record of the City's agreement with these two revised agreements Grunig is asking the City Council to approve these changes. The Utility Commission recommended approving the revisions at their March 31st meeting.

Motion by Messer, seconded by Fast, to approve the revisions to the CMMPA Market Participant and Additional Services Agreements. Motion carried 4 —0.

Grunig thanked the Council and invited the City Council members to attend a presentation on Wind Energy that is being held in Windom with the Utilities Commission on April 29th at 10 am at City Hall.

11. License Applications:

Kruse stated that an application for a Municipal Dance License was received from the Windom Fire Department for the Fireman's Dance held at the Windom Community Center on April 18th.

Motion by Maricle, seconded by Ray, to approve a Municipal Dance License for the Fireman's Dance held at the Windom Community Center on April 18th. Motion carried 4 —0.

12. LMCIT Annual Insurance Renewal:

Ken Hoffman, introduced himself as the agent for the League of Minnesota Cities Insurance Trust (LMCIT). Hoffman reviewed the policies, claims and coverage held by the City for its operations, buildings and equipment. The City of Windom has been a member of the LMCIT since 1987 and the dividend to Windom last year was \$10,386.

Messer asked if the valuation on equipment covered all the items. Hoffman said that items under \$25,000 were on the schedule specifically and then there is a base assumption adjusted for population. The City's autos and trucks are not included in this amount and are covered in the auto portion of the policy. Hoffman said that the City has two non-LMCIT policies for the power house boiler and coverage for miscellaneous bonds. In 2008 the property and liability claims totaled \$19,872 and the worker's compensation claims totaled \$14,350.

Motion by Messer, seconded by Maricle, not to waive the state statutory tort claim limit. Motion carried 4 —0.

Motion by Messer, seconded by Maricle, not to accept excess coverage of \$1,000,000 Motion carried 4 —0.

Fast noted that the excess coverage would add \$17,441 to the cost of the policy.

13. 2009 Seal Coat – Bid Award:

Craig Mueller, Wenck Associates and Bruce Caldwell, Street Superintendent introduced themselves.

Mueller provided an overview of the project and the quotes received for the proposed project. Two quotes were received and both were well over the engineer's estimates as the cost of oil was much higher than anticipated. The Street Committee is recommending that the quotes be rejected.

Caldwell said the Street Committee has began to discuss alternatives such as overlays, banking funds for larger projects, re-bidding the project and prioritizing the streets in the event a re-bid also comes in high.

Messer said that he would agree to reject the bids and would like to see it re-bid in 30 – 45 days as the price of oil has been lower for other projects in the area.

Caldwell said that overlays were estimated to cost \$20,000 per block and this may be preferable as some streets would not benefit much from just a seal coat, but this is more expensive and the Council would need to discuss options to pay for the projects.

Messer noted it is hard to bank or carry forward funds. Caldwell agreed.

Motion by Maricle, seconded by Fast, to reject the bids\quotes and refer the matter back to the Street Committee. Motion carried 4 —0.

Motion by Messer, seconded by Fast, to have the Street Committee prioritize the list of streets and obtain additional bids. Motion carried 4 —0.

14. 2009 Street Project Bond Financing:

Todd Hagen, Ehlers & Associates, introduced himself and presented the pre-sale report to the City Council. Hagen said the sale amount would be \$1,510,000 which is comprised of \$1,389,954 for the Street Project, \$49,042 for the Sykora Addition Wastewater Project, \$40,694 in capitalized interest and bond issuance costs. He encouraged the City to obtain a Standard and Poors bond rating as this would likely help the issue get a lower interest rate and be more appealing to bidders. The cost of a bond rating is approximately \$4,500, but this expense should be made up for through lower interest rates. Hagen expects the City to get an "A" or possibly "AA" rating.

Fast asked if the \$4,500 was an additional fee. Hagen said it is in their issuance cost.

Nasby said that the bond was a 15-year bond and that the repayments for the assessments to the property owners was for 15 years compared to the 10 year period in previous projects. This change was due to the City Council's discussion with property owners at the public hearing for the project. Fast confirmed that payments on the assessments were brought up as an issue with some homeowners. Hagen said by going out 15 years for repayment it would be more affordable. Messer asked if the interest rates were higher for 15 years than if it were for 10 years. Hagen said the yield curve goes up fairly sharply so the interest is higher, but within a reasonable range.

Council member Messer introduced the Resolution No. 2009-14, entitled "RESOLUTION APPROVING THE SALE OF \$1,510,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2009" and moved its adoption. The resolution was seconded by Fast and on roll call vote: Aye: Fast, Maricle, Messer and Ray. Nay: None. Absent: Powers. Resolution passed 4 – 0.

15. 2009 Airport Project:

Nasby said that the City had gotten an official award letter from the FAA for \$1,196,250 in federal stimulus funds for the reconstruction of the runway. Due to the time constraints the FAA will require the City to execute the grant agreement quickly. The resolution in the packet authorizes the Mayor or City Administrator to execute the grant agreement. The terms and conditions for the grant, covering 28 pages, were included for the Council's review and approval.

Council member Maricle introduced the Resolution No. 2009-15, entitled "AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR THE MUNICIPAL AIRPORT" and moved its adoption. The resolution was seconded by Messer and on roll call vote: Aye: Maricle, Messer, Ray and Fast. Nay: None. Absent: Powers. Resolution passed 4 – 0.

16. COPS Hiring Recovery Program:

Nasby said that this is another part of the federal stimulus program providing grant funding to Police Departments. Windom would be applying for approximately \$300,000 to help pay for two positions for three years.

Council member Ray introduced the Resolution No. 2009-16, entitled "RESOLUTION IN SUPPORT OF PURSING FUNDING THROUGH THE COMMUNITY ORIENTED POLICING SERVICES (COPS OFFICE) FOR FUNDING UNDER THE COPS HIRING RECOVERY PROGRAM (CHRP)" and moved its adoption. The resolution was seconded by Fast and on roll call

**vote: Aye: Messer, Ray, Fast and Maricle. Nay: None. Absent: Powers.
Resolution passed 4 – 0.**

17. Donations:

Council member Messer introduced the Resolution No. 2009-17, entitled “AUTHORIZATION TO ACCEPT A DONATION FROM KEVIN JACKSON FOR THE WINDOM COMMUNITY CENTER” and moved its adoption. The resolution was seconded by Ray and on roll call vote: Aye: Fast, Maricle, Messer and Ray. Nay: None. Absent: Powers. Resolution passed 4 – 0.

Council member Ray introduced the Resolution No. 2009-18, entitled “AUTHORIZATION TO ACCEPT A DONATION FROM EDISON MISSION OPERATION & MAINTENANCE, INC. FOR THE WINDOM FIRE DEPARTMENT” and moved its adoption. The resolution was seconded by Maricle and on roll call vote: Aye: Maricle, Messer, Ray and Fast. Nay: None. Absent: Powers. Resolution passed 4 – 0.

Council member Ray introduced the Resolution No. 2009-19, entitled “AUTHORIZATION TO ACCEPT A DONATION FROM THE KRUEGER FAMILY FUND FOR THE WINDOM FIRE DEPARTMENT” and moved its adoption. The resolution was seconded by Maricle and on roll call vote: Aye: Messer, Ray, Fast and Maricle. Nay: None. Absent: Powers. Resolution passed 4 – 0.

18. Disposition of Surplus Equipment:

Nasby said that the City, Cottonwood County and the Windom Area School District would be holding a joint surplus equipment sale on April 25th at the City Arena. The City needed a motion to dispose of surplus items and equipment with an estimated value over \$100. A list of the City’s items was included in the packet.

Motion by Fast, seconded by Ray, to approve the disposition of surplus equipment and materials. Motion carried 4 —0.

19. Regular Bills:

Motion by Fast, seconded by Ray, to approve the regular bills. Motion carried 4 – 0.

20. Unfinished Business:

None

21. New Business:

Kruse said he had two re-appointments to the Hospital Board. He is requesting the Council's approval to re-appoint Terry Utech and Judy Woizeschke.

Motion by Ray, seconded by Fast, to approve the re-appointments of Terry Utech and Judy Woizeschke to the Hospital Board. Motion carried 4 – 0.

22. Council Concerns:

Ray noted that Spring Clean-up is coming soon and encouraged everyone to spruce up their properties.

Messer said that the federal government and others were taking steps to stimulate the economy and thought the City of Windom could help by lowering the cost of building permits for 2009. The City Council agreed to discuss this proposal at the next meeting.

Fast also mentioned Spring Clean-up and the dates were April 25th and May 2nd depending on the household's regular garbage collection day.

23. Adjourn:

Kruse adjourned the meeting by unanimous consent.

Meeting adjourned at 8:35 p.m.

Kirby Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

UTILITY COMMISSION MINUTES
City Hall, Council Chamber
March 31, 2009

Call Meeting to Order: The Utility Commission meeting was called to order at 10:00 a.m., on March 31, 2009 in the City Hall Council Chamber.

Members Present: Utility Commission Chairperson: Mike Schwalbach

Members Present: Chris Johnson and Keith Bloomgren

Members Absent: None

City Council Liaison: Jean Fast

City Staff Present: Steve Nasby, City Administrator; Brigitte Olson, Assistant City Administrator; Marv Grunig, Electric Utility Manager and Mike Haugen, Water/Wastewater Superintendent

Others Present: Randy Dittmann, General Manager, Poet Bio-Refinery

APPROVAL OF MINUTES:

Motion by Bloomgren, seconded by Johnson, to approve the February 25, 2009 minutes with a correction on page three, first paragraph from “Jo Hauger” to “Joe Hauger”.

Motion carried 3-0.

WATER AND WASTEWATER ITEMS:

Water/Wastewater Year End Review – Haugen reviewed with the Utility Commission the water pumped and billed for in 2008. Haugen also reviewed the total usage for wastewater. Johnson asked about the 21.35 Million gallons water loss for 2008. Haugen said that this amount is for flushing hydrants, and other non-billable, un-metered usages and leakage. This represents about 6% of the total pumped and is within acceptable loss guidelines. Haugen said that the static well levels are increasing slowly.

Haugen also noted that the water loss at Poet Bio-Refinery is increasing again, and that Bingham Lake and Poet Bio-Refinery are working to try to find the leak and repairing it.

Haugen also presented a precipitation graph as it relates to flow at the wastewater treatment plant for 2008.

Haugen indicated that Poet Bio-Refinery has their zero discharge system in place, and they should be using less water in the future.

Johnson asked Dittmann if they were still planning on using Red Rock Rural Water as a non-potable water source. Dittmann said that they are still planning to do that, however the first step in getting permitted for the non-potable water source through Red Rock Rural Water was to get their zero discharge system in place. Dittmann indicated that because they now have that system in place they feel that using water from Red Rock Rural Water will take place the third quarter of 2009.

MN Dept of Health Inspection Report – Haugen inform the Utility Commission that the Mn Dept of Health preformed a routine inspection of the City of Windom’s water supply. Haugen said that their were no deficiencies observed.

MN Pollution Control Agency – Haugen said that a Compliance Evaluation Inspection was performed on the City’s Wastewater Treatment Plant. Inspection summary and comments are highlighted as follows:

- No effluent violations in the past 21-month period with the terms and conditions set forth in the NPDES/SDS Permit during the review period
- An influent report was completed for the 12-month period of January 2008 to December 2008. The NPDES/SDS Permit indicates that the average wet weather design flow is 1,830,000 gallons per day. The average daily influent flow as 1,011,915 gallons per day during the review period.
- The City’s 2008 Pretreatment Annual Report was discussed during the inspection. The City has two Significant Industrial Users that discharge to the Facility, PM Windom and The Toro Company. The Annual Report indicated that Toro did not have any violations of their permit; however the report indicated that PM Windom had CBOD violations in January, February, March & December 2008 and PM Windom was surcharged on their sewer billings.
- The City received a Notice of Violation on May 7, 2007 as a result of Nirtogen Ammonia violation that was attributed to TKN and other high-strength waste loading from PM Windom. The City indicated that as of May 29, 2007 they are working with PM Windom to review the TKN loading parameters contained in the SIU agreement.
- The City of Windom indicated a long range goal of achieving an average of 4.5mg/L total phosphorous in the Phosphorous Management Plan that was submitted on December 29, 2004. The facility had been making progress in reducing its average effluent TP between the years of 2003-2005 and averaged 5.6mg/L in 2005. The facilities average effluent TP has increased since 2005. The facility had an average effluent TP of 6.54 mg/L in 2006, 7.32mg/L in 2007 and 8.05 mg/L in 2008. The facility continues to receive high phosphorous loading from PM Windom, and the recommendation is for the City of Windom Wastewater Department to continue to work with PM Windom to reduce the TP loading.

Haugen said that at the present time the MN Dept. of Health does not have a limit on phosphorous in their permitting for effluent discharge.

Access & Utility Easement Between Consolidated Ready Mix and City of Windom Utilities – Nasby reviewed the Access & Utility Easement between Consolidated Ready Mix and the City

of Windom Utilities with the Utility Commission. He said the contract was for twenty five years with no charge to the City of Windom Utilities and can be reviewed after the twenty five years and that all easements were incorporated in this document.

Schwalbach said that he did not believe the road was included in the easements, and Nasby said that it is included in the paperwork and that the City of Windom would have had a prescriptive easement on the road.

Motion by Johnson, seconded by Bloomgren to approve the Access & Utility Easement for twenty five (25) years between Consolidated Ready Mix and the City of Windom Utilities. Motion carried 3-0.

Sykora Addition Sanitary Sewer – Haugen informed the Utility Commission that the Economic Development Authority (EDA) has agreed to participate in the Sykora Addition Sanitary Sewer in the amount of \$13,000 for economic development in the North Industrial Park, and Cottonwood County Environmental Services have pledged \$1,500 per property. This leaves a shortfall that the property owners are unwilling to pay.

The general consensus of the Utility Commission was that the Sykora Addition Sanitary Sewer benefits the following:

- City of Windom in increased tax revenue
- Home owners
- Economic Development Authority (EDA),

Therefore, the commission does not feel that this amount should come from the wastewater fund. The extra cost could come from a higher contribution from the EDA as the boring cost was about \$15,000.

It was determined that the wastewater fund would donate \$2,300 to the EDA for economic development for the North Industrial Park.

Happy Chef Service Line - Haugen said that this is the time to replace the service line to the Happy Chef, as they are remodeling and repairing their building after the fire. Haugen's suggestion was to assess the total bill back to the Happy Chef, as this is what was done when BP Amoco replaced their service line.

The Commission directed Haugen to get a cost projection for the project and contact the Happy Chef.

Total Maximum Daily Loadings (TMDL) – Haugen informed the Utility Commission of the upcoming meeting for the West Fork Des Moines River (TMDL) Implementation Plan Meeting

Minnesota Pollution Control Agency Type 4 Certification – Haugen informed the Utility Commission of the Waste Disposal Facility Operator Certification

Wellhead Protection – Haugen said the workshop for the Minnesota Rural Water Association USDA-FSA Source Water Protection Specialist Program was held on Tuesday, March 24, 2009 at the Red Rock Rural Water Office Conference Room, Jeffers, Minnesota.

ELECTRIC ITEMS:

Review Market Participation Agreement – Grunig said that there are twelve (12) members instead of the original nine (9), and he reviewed the minor changes that were made to the document. Grunig also said that the City Attorney, Dan McDonald had reviewed the changes that were made from the approved document and said that he did not feel that they were substantive to the content of the document.

Motion by Bloomgren, seconded by Johnson to approve the change to the Market Participant Agreement and Additional Services Agreement. Motion carried 3-0.

Vehicle Order Agreement – Grunig said that his vehicle, Unit 30 which is a 1998 pick-up is worn out. He said that he had received quotes from Higley Ford and Wick Ford. Grunig requested that the pick-up be purchased locally as the price difference was less than a couple thousand dollars after the tow package was added and chrome bumper, plus there would be a delivery fee from Wick Ford.

Motion by Johnson, seconded by Bloomgren to authorize Grunig to order the pick-up from Higley Ford in Windom. Motion carried 3-0.

Big Stone Power Plant – Grunig said that the MN Public Utilities Commission (MN PUC) written order in the Big Stone II transmission certificate of need was received. The written order approves the transmission lines and finds the construction of the Big Stone II project reasonable in every applied condition when compared to other options. The bullet points for findings that were reviewed are as follows:

- Approves the transmission lines
- Finds the applicants have a total of 380 to 395 MW (which exceeds the 200 MW needed to justify the proposed lines).
- Finds that the Big Stone II project is at least as reasonable and prudent as any other alternative in the record.
- Finds that the proposed facilities will be a benefit to society
- Finds that 350 MW to 365 MW cannot be met more cost-effectively by conservation.
- Finds that under reasonable assumptions the Big Stone II proposal is less expensive, including environmental costs, than power generated from other sources.
- Applies the conditions of the Settlement Agreement, carbon capture-ready, a study of ultra-supercritical technology, and retirement of Otter Tail's Hoot Lake plant.

Power Outage – Grunig updated the Commission on the original power outage on March 23, 2009 and the repair outage on March 29, 2009 at 7:00 a.m.

REGULAR BILLS:

Motion by Johnson, seconded by Bloomgren to approve payment of the bill as presented. Motion carried 3-0.

Wenck Associates \$450.00

OLD BUSINESS:

Utility Pre-Payment - Olson said that City staff has had several customers that are purchasing their homes on "Contract for Deed" and are requesting determination on whether these people should be treated as a renter, and be subject to a utility pre-payment or homeowner and be exempt from that payment.

Upon discussion it was determined that these "Contract for Deeds" are not recorded, and that the property owner is not the individual living in the home.

Motion by Johnson, seconded by Bloomgren, to direct City staff to collect Utility Pre-payments on homes that are "Contract for Deed" but to create a form that has the customer sign the document indicating if they are a homeowner, renter or contract for deed property. Motion carried 3-0.

AWAIR Program – Nasby reviewed the AWAIR Program with the Utility Commission. This program is to be implemented by Minnesota Municipal Utilities Association's (MMUA) safety program, and entitled "A Workplace Accident Injury Reduction Program" (AWAIR) which the City is a member of.

Utility Commission member Johnson introduced the Resolution No. 2009-1, entitled "RESOLUTION ADOPTING AWAIR PROGRAM" and moved its adoption. The resolution was seconded by Bloomgren and on roll call vote Aye: Schwalbach, Bloomgren and Johnson. Nay: None, Absent: None. Resolution passed 3-0.

On motion the meeting was adjourned at 12:15 p.m.

Mike Schwalbach, Chairperson

Attest: _____
Steve Nasby, City Administrator

**ECONOMIC DEVELOPMENT AUTHORITY OF WINDOM
SPECIAL MEETING
TOUR WITH CONGRESSMAN TIM WALZ
MINUTES
APRIL 8, 2009**

Call to Order: The meeting was called to order by President Slette at 12:55 p.m.

Roll Call & Guest Introductions:

EDAWN Commissioners: Trevor Slette, Juhl Erickson, Nestor Palm, and Bob Messer.
Absent: Corey Maricle.

Also Present: EDA Staff – Aaron Backman, Executive Director; Steve Nasby, City Administrator; Kirby Kruse, Mayor; Councilmember Jean Fast (met bus at North Windom Industrial Park); Sally Larson, WADC Liaison; Dennis Johnson, City Engineer; Senator Jim Vickerman and Wava Vickerman; Congressman Tim Walz, Matt Wohlman, and Ruth Nieto; Elwyn Tinklenberg (met bus at North Windom Industrial Park); and Mark Redman from Bingham Lake.

Purpose of Special Meeting: To meet with Congressman Tim Walz and his staff members to discuss possible federal funding sources for the North Windom Industrial Park infrastructure.

Those in attendance were taken by Cottonwood County Transit bus to the North Windom Industrial Park. The bus stopped in several locations along the way. Director Backman highlighted the locations of proposed roads, fiber optics, water and sewer extensions and presented an overview of the EDA's plans for the first phase of infrastructure at the North Windom Industrial Park.

Congressman Walz provided a brief outline of funding options.

Adjourn: By consensus, the special meeting was adjourned at 1:25 p.m.

Nestor Palm, Secretary

Attest: _____
Aaron Backman, Executive Director

**PARK AND RECREATION COMMISSION MEETING
MINUTES APRIL 13, 2009**

1. Call to Order: The meeting was called to order by Terry Fredin at 5:24 p.m. at City Hall.
2. Roll Call:

Commission Present:	Steph Schwalbach Sherri Zimmerman & Kay Clark
Commission Absent:	Angie Blanshan & Jeff LaCanne
City Staff Present:	Recreation Director Al Baloun & Park Director Bruce Caldwell
Council Liaisons:	Corey Maricle
Public:	Don Jackson & Rahn Larson Windom Baseball Assoc.
3. Approve Agenda
Motion by Clark, seconded by Zimmerman to approve with deletion of swim team & add Island Park Baseball Field Building Improvement
Motion Carried 3-0
4. Approve Minutes, March 9, 2009
Motion by Schwalbach, seconded by Clark
Motion Carried 3-0
5. Island Park Baseball Field Building Improvements Windom Baseball Assoc.
Representatives Ron Larson & Don Jackson
The gentlemen said they are working on applying for a grant from the Remick Foundation to build a new storage shed within the baseball field complex. The old building is in poor condition and they would like to construct a larger structure so they can store maintenance items, practice equipment and install a new sound system at a total cost of \$10,000. Three local contractors volunteered to provide free labor to build the structure and funding would be completely through the grant. The city wouldn't have any cost for the project other than some minor administrative fees if the funding of the grant could be run through the city which they desired. Questions were raised on ownership of the current and future buildings on the grounds. Al Baloun & Bruce Caldwell will contact the City Administrator concerning their request.
Motion by Clark, Seconded by Zimmerman to approve running the funding through the city if the City Administrator approves.
Motion Carried 3-0
6. Park Superintendent-Bruce Caldwell
Staff has been working on getting the fields ready for the first games beginning on this date. Caldwell stated that the park restrooms are planned to be open by the end week. Staff will also be working on getting the leaves and garbage cleaned up at the tennis courts following that the nets will be installed for the summer.
7. Recreation Director's Report- Al Baloun
 - a. Community Education Booklet - the booklet has been sent out to the area residences and the summer recreation programs are listed. Registration night will be on May 7th from 5:00-7:00 pm at the Community Center.
 - b. Summer Fun Baseball Games-- Baloun stated that he has been asked to reserve a ball field so kids can hold fun games on a weekly basis. Kids would pick teams each night and just have fun. Adult volunteers would be needed to keep the play in order but the concept would be just for fun. There wouldn't be any fees for the kids to play. Baloun will check the field schedules and see what may work. This event would be for kids in 3rd - 5th grades.

c. Pool

Girl Scout Swim Team Baloun stated that he was contacted by the lead person from the swim team asking if the fees could be eliminated for their events at the pool. Baloun stated that the fees are for life guards and he didn't want to change the format. The commission members also agreed with Baloun and the rates are affordable, leave as is.

- d. Summer Recreation – Maricle had some questions on the ages for the summer ball leagues. Baloun stated the reason for the grades as follows : T-Ball is for 1st – 3rd Graders, Overhand is for 4th – 6th graders, 3rd graders are allowed to play both T ball and Overhand for one year for one fee and must play both to participate in overhand. Problems have existed in the past where children in third grade would only want to play Overhand, thus reducing the number of participants that were in T-ball

e. Arena

1. Staff is currently working on taking out the ice and mats will be removed by the April 23rd.
2. There will be a government auction at the Arena on April 25th. The city, county, school district and Mn/Dot will be selling excess inventory. Interested people and go to the City of Windom web site for a link showing the items to be sold to the highest bidder. The event will start at 10:00 am.
3. A new horse show will be added to the list for this year. A Christian trainer will rent the building for a day during the summer. Details will need to be worked out as time gets closer to the event.

8. Change in Governing By-Laws

The commission discussed the possibility of reducing the number of members from seven to five. The last several years it has been difficult to get all the members to participate. With the busy schedules some meetings have needed to be cancelled due to the lack of a quorum. Some adjustments will need to be worked out on concerning terms of the members. According to Article VII, Amendments. Section 1. These by-laws may be amended by an affirmative vote of the majority of the members at any regular meeting of the commission and ratified by the City Council.

Motion by Clark, seconded by Zimmerman Change the following to read;

Article III Section 1. The commission shall consist of five members.

Section 2. The members of the Commission shall be appointed according to Chapter 2 Sectin 2.50, of the City of Windom Charter. (Sec. 2.50 Park, Recreation and Arena Commission Subd. 1. Establishment and Composition. A Park, Recreation and Arena Commission is hereby established consisting of five members to be appointed by the Mayor with the consent of the council. Four members will serve two year terms and one member a one year term. The Mayor shall appoint annually two members of the City Council to serve as ex-officio members of the Commission.

Motion Carried-3-0.

9. Meeting Time; discussion was held on what time the monthly meetings should be held. It was decided to keep them at 5:15 pm on the given day of the meetings for another couple months as a test period.

10. Open Mike: none

11. Meeting Adjourned at 6:10 P.M.

Next Park & Recreation Meeting May 11, 2009 5:15 p.m. Council Chambers

**CITY OF WINDOM
PLANNING COMMISSION
MINUTES
APRIL 14, 2009**

1. Call to Order: The meeting was called to order by Chairman Hunter at 7:04 p.m. and he welcomed the returning Commissioner Grandprey.
2. Roll Call & Guest Introductions:
Planning Commission: Loie Grandprey, Tim Hacker, Gary Hunter, Greg Pfeffer, Marilyn Wahl, and Council Liaison Brad Powers.
Absent: Lindsey Cartwright, Renee Giefer, and Greg Holt.
Also Present: Planning/Zoning Staff - James Kartes (Zoning Administrator), Mary Hensen (Adm. Asst.).
3. Oath of Office: The oath of office was administered to returning Commissioner Loie Grandprey.
4. Approval of Minutes:
Motion by Commissioner Wahl, seconded by Commissioner Pfeffer, and carried to approve the Planning Commission Minutes for the meeting held on January 13, 2009. Motion carried 5-0.
5. Review of Planning Commissioner Training Information
 - A. Minnesota Valley Council of Governments & LMC: Copies of materials from recent training sessions were presented to the members. Jim Kartes presented an overview concerning the accessory use definition, conditional uses, variances, findings of fact, the 60-day rule, and public hearings.
6. Unfinished Business: There was a clarification concerning the new \$1.00 monthly fee to defray costs of spring cleanup. This new fee is included in residents' utility bills. Spring cleanup dates and allowable items were reviewed.
7. New Business: Information was provided concerning the target area for a possible SCDP grant.
8. Planning Commission Comments, Concerns, Suggestions: There was a discussion concerning a residential property with an old sign and possible violations of Chapter 13.
9. Adjourn: On motion, the meeting was adjourned at 7:42 p.m.

Gary Hunter, Chairman

Attest: _____
James Kartes, Zoning Administrator

Windom Library Board Meeting
Windom Library
April 14, 2009
5:05 p.m.

1. Call to order: The meeting was called to order by Jan Johnson at 5:05 p.m..
2. Roll Call: Members Present: Kathy Hiley, Anita Winkel, Mary Erickson, Jan Johnson and John Duscher.

Members Absent: Charles Reid and Tina Peiffer

Library Staff Present: Dawn Aamot

City Council Member Present:

3. Agenda and Minutes:
Motion by Anita Winkel, seconded by John Duscher to approve the Agenda and Minutes.

4. Financial Report

Motion by John Duscher seconded by Mary Erickson to approve the Financial Report.

5. Librarians Report:

Dawn reported that Joan has completed her report to the state. Information about the library is imputed into a computerized form. Jan Johnson signed the report.

Dawn informed the board that the library's new employee, Julie VandeWiele, is a good fit and she is being given more hours.

Dawn hosted Head Start and 2 classes from the Sonshine School in March.

The Friends of the Library have agreed to pay mileage and the fee for a returning puppeteer to perform during the summer reading program. They also agreed to funding 3 new computers for the library.

Dawn was going to look into the possibility of including some of the library's collection of framed art in the County's upcoming auction.

Motion by Kathy Hiley and seconded by Anita Winkel to approve the librarian's report.

6. Old Business:

None

7. New Business:

None.

8. New Book Suggestions

The board presented their suggestions.

9. Adjourn:

Motion by Anita Winkel, seconded by John Duscher to adjourn.

Meeting adjourned at 5:15 p.m..

Respectfully submitted,

Kathy Hiley, recording secretary

**STREET DEPARTMENT COMMITTEE
MINUTES APRIL 15, 2009**

Call to Order: The meeting was called to order at 5:45 P.M. in the City Hall Council Chambers

Members Attending: Committee Member: Brad Powers, JoAnn Ray

City Staff Present: Street Superintendent Bruce Caldwell, City Administrator Steve Nasby & Wenck Representative Craig Mueller

Public: None

Items Discussed:

1. Discussion 2009 Street Seal Coat Project

The committee discussed the possibility of calling for new quotes. Following the City Council meeting on April 7, 2009 Caldwell & Mueller reevaluated the scheduled streets for seal coat in 2009. They also looked at other streets that need serious bituminous patch work. 20th street from 9th ave to the north end, 9th ave from 17th street to 20th street & 6th ave from 10th street to the Perkins Creek Bridge were removed from any further seal coat projects strictly due to the poor asphalt conditions. The remaining streets that were scheduled could get by for a year without any seal.

The committee agreed that the department needs do some major asphalt patching to help delay any further crumbling of the bituminous surfaces on several streets throughout the community. The asphalt budget for 2009 is only \$9,000 dollars, which will not cover what needs to be accomplished. The staff will do what they can and if needed hire outside contractors to do larger areas. MR Paving could help on this because they are the asphalt contractor for the 2009 4th ave project. In closing the committee agreed to not seal coat in 2009 and use that expense line item dollars to do asphalt repairs.

2. Street and Utility Management Plan Because of the discussion on the condition of our road surfaces it was agreed that the city staff and Wenck need to design a new street and utility management plan. This plan would be a block by block study. City staff would do most of the work for this project and Wenck will put all the information together. We would use as-build plans and physical inspections to gain the information needed. Craig Mueller from Wenck said if our staff takes care of the leg work, Wenck would put the plan together at little or no cost to the city. This plan would be a great tool for the departments. The plan would be revisited on a bi-annual basis once it is completed which will help forecast future reconstruction projects. Wenck will design a grading system that our staff can use, and then when time permits we will begin to gather the information. With this plan we will be able to prioritize what streets need reconstruction first. Dead line for completing the management plan is July of 2010 prior to the budget hearing for 2011. Nasby stated that due to budget constraints the city council would most likely want to hold off one or two years on any further major projects.

3. Reviewed Request for Handicap Cross walk in residential area from John Loken. Caldwell stated that Mr. Loken 908 River Road again requested the city to add a crosswalk at his driveway going west across the street to 905 River Road. Mr. Loken is considered blind and he likes to take walks down River Road to the downtown area. This crosswalk would be a pre-warning for vehicle traffic on the street. Mr. Loken said he would pay for the signage and any other expenses. This request was reviewed earlier in 2008 by the former street committee and also City Attorney Dan McDonald.

Following that discussion the committee denied the request. Caldwell met with Mr. Loken and looked at the area. Caldwell stated to Mr. Loken that there is a sidewalk that ends at his south property line and perhaps he could hire a contractor to add a new sidewalk on his property to make the connection, then he wouldn't need to cross River Road. Mr. Loken said he didn't want to do that.

The committee agreed not to permit the request for a new crosswalk.

Meeting Adjourned at 6:20 p.m.



Minnesota Department of Transportation

Transportation District 7
501 South Victory Drive
Mankato, MN 56001-5302

Office Tel:507/304-6100
Fax:507/304-6119

February 25, 2009

Kirby Kruse
Mayor
444 9TH Street
PO Box 38
Windom, MN 56101-0038

Subject: Proposed Detour Agreement No. 94232
City of Windom
S.P. 1703-67 (T.H. 60)
State cost compensation for road life
consumed by the T.H. 60 detour.

Dear Mr Kruse:

Transmitted herewith in triplicate is a proposed agreement with City of Windom. This agreement provides for payment by the State to the City for road life consumed on Sixteenth Street and Lakeview Avenue which will be used as a Temporary Trunk Highway detour.

Kindly present this agreement to the City Council for their approval and execution that includes original signatures of the City Council authorized officers on all copies of the agreement. Also required are three original copies of a resolution passed by the City Council authorizing its officers to sign the agreement on its behalf. A suggested form of such resolution is enclosed. A fourth copy of the agreement is provided for your use until you receive a "fully executed" copy.

It is requested that the executed agreement and resolutions (three originals of each) be returned to me. A copy will be returned to the City when fully executed.

Sincerely,


Ken Wenkel
District 7 Traffic Operations

Enc. Proposed Agreement (4)
Suggested Resolution (4)

cc: Maryanne Kelly-Sonnek – M.S. 682
File



Protecting, maintaining and improving the health of all Minnesotans

IMPORTANT INFORMATION

April 3, 2009

PWSID: 1170006

Windom City Council
c/o Mr. Steve Nasby, Administrator
Windom City Hall
444 Ninth Street, Box 38
Windom, Minnesota 56101-0038

Dear Council Members:

All community water systems must distribute a drinking water report, officially known as a Consumer Confidence Report (CCR), annually, to their customers before July 1.

A packet has been sent to your water superintendent that includes a CCR for your water supply and a Certification Form. The packet also includes instructions on how to distribute the report. Your system may reformat the CCR and/or add additional information about your water system, however, that is not necessary. Using the CCR that we have provided will satisfy the requirements. If you choose to reformat the CCR, all the information in the CCR that was sent to your system must be included in your newly reformatted CCR.

It is your responsibility to ensure that the CCR is distributed to your customers before July 1. A copy of the CCR that you distribute and the completed Certification Form must be returned to the Minnesota Department of Health (MDH) on or before July 1, 2009.

You must keep a copy of the CCR for at least three years. Failure to produce and distribute a CCR as required, as well as failure to return a copy of the CCR to MDH along with the completed Certification Form by July 1, 2009, may result in enforcement actions, including fines, from the U. S. Environmental Protection Agency and/or the MDH.

If you have any questions, please call the message center at 1/800-818-9318.

Sincerely,

A handwritten signature in black ink, appearing to read "Karla R. Peterson", is written over a horizontal line.

Karla R. Peterson, P.E., Supervisor
Community Public Water Supply Unit
Environmental Health Division
P.O. Box 64975
St. Paul, Minnesota 55164-0975

KRP:kar

March 18, 2009

Mayor Kruse
Windom City Hall
444 9th Street, P.O. Box 38
Windom, MN 56101-0038

Dear Mayor Kruse,

Please accept my official resignation from the Windom Parks and Rec Board effective May 15, 2009. I am moving to Marshall, Minnesota in June.

I have enjoyed my experience of serving the city of Windom, as well as living in wonderful Windom for the past 30 years.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Schwalbach". The signature is written in black ink and is positioned above the printed name.

Stephanie Schwalbach



Memo

To: Mayor and City Council Members
From: Airport Commission
Date: 4/17/2009
Re: Recommendation to the City Council

The Airport Commission met on April 16th. The Commission reviewed plans and specifications for the reconstruction of the runway and taxiway and seal coating of the entrance road, parking lots, drives and apron. Following the review of the documents, the Commission recommends approval of the Plans and Specifications for the 2009 Airport Improvement Project.

Funding for the reconstruction of the runway will be provided through the Federal Stimulus Funding. The seal coating and taxiway reconstruction funding will be provided through the Federal Aviation Administration (FAA) Airport Improvement AIR 21 Entitlement Program. Total funding anticipated to be allocated through the Stimulus Funding and the Entitlement Program is \$1,196,250 and \$311,006 respectively.

The Engineer's estimated project costs for the improvements are \$1,489,843.00. Stimulus Funding is 100% with no match required. However the Entitlement funding requires the City to provide a 5% match to the grant of approximately \$15,550.00.

The Airport Commission makes the following recommendation to the Mayor and City Council.

The Airport Commission recommends that the City Council adopt the resolution "Approving Plans and Specifications and Ordering Advertisement for Bids for the 2009 Airport Improvement Project".

RESOLUTION #2009-

INTRODUCED:

SECONDED:

VOTED: **Aye:**
 Nay:
 Absent:

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING
ADVERTISEMENT FOR BIDS
FOR THE 2009 AIRPORT IMPROVEMENT PROJECTS**

WHEREAS, pursuant to a resolution passed by the Council on March 17, 2009, Wenck Associates has prepared plans and specifications for the proposed 2009 Airport Improvement Project and has presented such plans and specifications to the Council for approval.

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

1. Such plans and specifications, which are made a part hereof as if fully set forth herein, are hereby approved and shall be filed in the office of the City Clerk.
2. The city administrator shall prepare and cause to be inserted in the official paper and the Construction Bulletin an advertisement for bids for the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be received by the city administrator until 2:00 p.m. on May 20, 2009. At which time they will be publicly opened in the council chambers of the city hall by the city administrator and city engineer. Bids will then be tabulated and will be considered by the city council. The bid awarded will be determined by FAA funding. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the clerk for 5% of the amount of such bid.

Adopted by the Council this 21st day of April, 2009.

Kirby G. Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

ORDINANCE NO. 133, 2ND SERIES

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 278, ADOPTED ON THE 3RD DAY OF JANUARY, 1978, AND TITLED "AN ORDINANCE ESTABLISHING A PARK AND RECREATION COMMISSION FOR THE CITY OF WINDOM".

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, DOES ORDAIN:

SECTION 1. of Ordinance No. 278 adopted on January 3, 1978, and titled "An Ordinance Establishing a Park and Recreation Commission for the City of Windom" is amended to read:

Section 1: There is hereby created a Park and Recreation Commission consisting of five members to be appointed by the Mayor with the consent of the City Council. Two members shall serve until January 15, 1979, two until January 15, 1980, and three until January 15, 1981. Thereafter each member shall serve for a term of three years from the date of his appointment, and until his successor is appointed and qualified. The Council shall appoint one of its members to serve as ex-officio member of the Commission.

EFFECTIVE DATE OF ORDINANCE. This ordinance becomes effective from and after its passage and publication.

Adopted and passed by the City Council of the City of Windom, Minnesota, this 5th day of May, 2009.

Kirby G. Kruse, Mayor

ATTEST:

Steve Nasby, City Administrator

1st Reading: April 21, 2009
2nd Reading: May 5, 2009
Adoption: May 5, 2009
Published: May 13, 2009

AN ORDINANCE ESTABLISHING A PARK AND RECREATION COMMISSION
FOR THE CITY OF WINDOM

BE IT ORDAINED BY THE CITY OF WINDOM, MINNESOTA, AS FOLLOWS:

Section 1: There is hereby created a Park and Recreation Commission consisting of seven members to be appointed by the Mayor with the consent of the City Council. Two members shall serve until January 15, 1979, two until January 15, 1980, and three until January 15, 1981. Thereafter each member shall serve for a term of three years from the date of his appointment, and until his successor is appointed and qualified. The Council shall appoint one of its members to serve as ex-officio member of the Commission.

Section 2: The Commission shall elect one of its number as chairman. The Park and Recreation Director of the City of Windom shall serve as Secretary of the Commission. The Commission shall keep an accurate record of its proceedings and shall meet at such times as it may determine.

Section 3: The Park and Recreation Commission shall have the following powers and duties:

- a) To prepare and recommend to the City Council a comprehensive plan of parks and recreational facilities, looking to the present and future needs of the City and its inhabitants. Such comprehensive plans shall be prepared in cooperation with other City Boards and Commissions.
- b) To prepare and recommend to the City Council from time to time such changes in the plan or any part thereof as may be deemed necessary by the City Council or by the Commission.
- c) To prepare and recommend to the City Council from time to time plans and recommendations for specific improvements in pursuance of said plan.
- d) To give aid to the City officials charged with the implementation of such plan, to further the making of improvements and generally to promote the realization of the plan.
- e) To prepare and recommend to the City Council prior to the first council meeting in August of each year a comprehensive budget covering general recreation programs, swimming pool and park programs.

Section 4: All receipts on account of the City Parks and Recreation centers, whether arising from rentals, donation or sale of any part thereof, shall be deposited in the Park and Recreation Fund in the City treasury.

Passed and Adopted this 3rd day of January, 1978.

ATTEST:

Wes Lee, Mayor

DDH082

Windom Park, Recreation and Arena Commission BY-LAWS

ARTICLE I Name of Commission.

- Section 1. The name of this organization shall be the Park, Recreation and Arena Commission.

ARTICLE II Authorization.

- Section 1. The authorization for the establishment of this Park, Recreation and Arena Commission is set forth under the City of Windom Charter, Chapter 5, Section 5.02, and Windom City Code Chapter 2, Section 2.50.
- Section 2. The Commission is empowered to carry out all business and Acts incidental to the proper conduct and management affairs of the Commission.
- Section 3. The purpose of the Park, Recreation and Arena Commission shall be:
1. To provide broad directions to managers fitting into goals set By the Council.
 2. To implement and enforce all goals, policies and regulations established by the City Council.
 3. To establish goals and long range plans and recommends them to City Council for approval.
 4. To promote communications and information gathering and dissemination for the benefit of the organization and the general public.
 5. To evaluate services and overall operational efficiencies at the Park, Recreation and Arena facilities.
 6. To evaluate the managers annually, based on preset expectations.
 7. To monitor the budget, the condition of the facilities, the service to the customers and the morale of the staff.
 8. To promote the social-recreational values of the community and to promote the Park, Recreation and Arena as an economical resource for business and industry in the region.
 9. To promote customer focus and teamwork.
 10. To recommend personnel actions:
 - a. Salary schedule/changes
 - b. Change in staffing patterns
 11. The Park, Recreation and Arena Commission shall serve as an Advisory body to the City Council in matters of directing the future operation of the Park, Recreation and Arena facilities.

- The Park, Recreation and Arena Commission shall, upon request of the council to make studies, investigations and recommendations to the Council regarding matters affecting the Park, Recreation and Arena Commission.
12. To approve program changes, fee changes additions and additions and hours.

ARTICLE III Membership and Terms of Office

- Section 1. The Commission shall consist of **(5) five** members. The Park, Recreation and Arena Managers shall be an ex-officio, non-voting members on the Park, Recreation and Arena Commission.
- Section 2. The members of the Commission shall be appointed according to Chapter 2 Section 2.50, of the City of Windom Charter. (Sec. 2.50 Park, Recreation and Arena Commission Subd. 1. Establishment and Composition. A Park, Recreation And Arena Commission is hereby established consisting of seven Members to be appointed by the Mayor with the consent of the Council. **Two members shall serve until December 31, 2009, Two members until December 31, 2011 and one member until December 31, 2010. Thereafter, Council appointments will be for a three year term. The Mayor shall appoint annually, two Members of the City Council to serve as ex-officio members of the Commission.**)
- Section 3. Members of the Commission are appointed by the City Mayor with the consent of the City Council.

ARTICLE IV Election, Vacancy and Duties of Officers.

- Section 1. Following the Commission members appointment, the Commission shall elect officers at their annual organizational meeting in January of the new year. The newly elected officers will be president, vice-president and secretary, and shall serve for one year. Said Secretary shall record and transcribe the minutes of all Park, Recreation and Arena Commission meeting. Said minutes after approval by the Park, Recreation and Arena Commission, shall be signed by the President and Secretary.
- Section 2. In the event of death, retirement, resignation, removal or Disqualification of any officer during his/her term of office, the President shall appoint an interim officer who shall be a member in good standing. These appointees shall serve until the final regular meeting of the Commission during that year. The vice-president will automatically succeed the president in lieu of any of the circumstances creating a vacancy.

Section 3. The officer shall have the following privileges and duties:

- a. The president shall conduct the business of the commission and shall preside at all meetings of the commission. He/she shall act ex-officio on all committees. The president shall appoint a chair person for all standing committees as specifically set forth in these by-laws and may appoint any such temporary or special committee as deemed necessary; the duties and functions will not overlap the duties and functions of any standing committee. It will be the duty of the president to advise the Commission of any intentions regarding special projects and once discussed, shall be voted upon by the Commission for approval. The President shall vote only in the case of ties. The Park, Recreation and Arena annual budgets will be developed by the managers, and presented for review and recommendation for approval by the Commission, and will be submitted to the City Council for review and approval.
- b. The duties of the vice-president are to assist the president in the discharge of his/her duties, and to conduct him/herself to obtain the greatest possible acquaintance with the affairs and personnel of this commission; so as to enable him/her to preside all meetings in the president's absence.
- c. The secretary shall keep a correct and permanent record of all meetings and business transactions of the commission. He/she shall receive and distribute the necessary reports to all members and committee chairperson. He/she shall keep an accurate up-to-date roster of all members.
- d. The past-president is available for counsel for the president and the Commission

ARTICLE V

Meetings.

- Section 1. The regular business meetings of the Commission shall be Conducted once monthly at 7:00 p.m. the second Monday of month.
- Section 2. Special meetings may be called by the president or a majority of the Commission.
- Section 3. A simple majority of four will constitute a quorum at the Commission meeting.

ARTICLE VI Standing Committees.

Section 1. The standing committees of the commission shall be:

1. Finance & Promotion
 - a. Programming
 - b. by-laws
 - c. Budget (members of Commission)
 1. President
 2. Vice-President
2. Building & Ground Maintenance/Improvements
 - a. Special Projects (members of Commission (2) two
3. Parks/Pool/Arena Activities (Operational) (members of Commission as assigned by Chair)
 - a. Ice Hockey
 - b. Ice Skating
 - c. Racquetball
 - d. Wallyball
 - e. Archery
 - f. High School
 - g. Summer Recreation Programs
 - h. Fall Recreation Programs
 - i. Swim Lessons/Pool
 - j. Horse Show
4. Liaison committee
 - a. The purpose of the liaison committee will be to increase or broaden the promotional base by utilizing available resources such as individual expertise and volunteer efforts to optimize the on-going activities of the Park, Recreation and Arena programs.
 - b. Members of the Commission will serve as co-chairs for one liaison committee and will appoint members from the community-at-large to assist or serve on these respective committees.
5. The Arena Booster Club (ABC) is recognized by the Commission as a fund raising arm of the Arena. The ABC will help promote the arena.

Section 2. The president shall appoint the chairperson of each committee and shall be ex-officio of each committee.

ARTICLE VII Amendments.

- Section 1. These by-laws may be amended by an affirmative vote of the majority of the members at any regular meeting of the commission and ratified by the City Council.
- Section 2. By-laws should be distributed to all commission members amended promptly, when appropriate. The by-laws should be distributed to any new members during their attendance at the first commission meeting following their appointment to the commission.
- Section 3. To help define the responsibilities of new Commission members the by-laws should be reviewed each January.

ARTICLE VIII Parliamentary Authority.

- Section 1. All meetings of the commission shall be governed by the Parliamentary rules and procedures stipulated in the "Roberts Rules of Order".

ATTEST:

Park and Recreation Commission President _____

Park and Recreation Commission Secretary _____

City of Windom, Mayor

City Clerk

ADOPTED THIS DATE:
BY CITY COUNCIL

REVISED 4/2009

CITY OF WINDOM
OFFICE OF CITY ATTORNEY
Daniel M. McDonald - City Attorney
Ronald J. Schramel - Ass't. City Attorney
P.O. Box 505
Windom, MN 56101

Phone (507) 831-1301
Fax (507) 831-4200

April 2, 2009

STEVEN NASBY
CITY OF WINDOM
PO BOX 38
WINDOM MN 56101

RE: MNDoT Detour Agreement/Highway 60

Dear Steve:

I have now had a chance to review the detour agreement with MNDoT concerning the detour and the use and consumption of 16th Street and Lakeview Avenue during that detour. This appears a standard agreement, and I have very few comments or changes. They are as follows:

Article III – I just want you to know that payment will not be until after the detour signs have been removed and you have submitted a written request signed by the state district engineer's authorized representative.

Article IV – Section A – I just want to make you aware that this section waives other remedies against the State and Commissioner of Department of Transportation by the signing of this Agreement, which remedy would require MNDoT to restore the city street to as good a condition as it was before the detour. The reason why I point this out is that the statute creates a mandatory duty that is not qualified by funding.

Article IV – Section B – These paragraphs allow both MNDoT and the City of Windom to terminate the Agreement with or without cause with sufficient notice. One of the termination rights is tied to the State's failure to fund the project. Interesting also is the fact that the obligation for MNDoT to pay the City even when the City is entitled to payment for services satisfactorily performed is qualified with the wording "to the extent the funds are available".

If you have any questions concerning these comments, do not hesitate to give me a call. Thank you.

Very truly yours,


Daniel M. McDonald
Windom City Attorney

DMM:bsw

DISTRICT 7

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
DETOUR AGREEMENT

Mn/DOT
AGREEMENT NO.
94232

S.P. 1703-67 (T.H.60)
State Funds

The State of Minnesota
Department of Transportation, and the
City of Windom

Re: Compensation for road life
consumed by the T.H. 60 detour

ORIGINAL
AMOUNT ENCUMBERED

\$1000.00

AMOUNT RECEIVABLE

(None)

THIS AGREEMENT is made and entered into by and between the State of Minnesota, Department of Transportation, hereinafter referred to as the "State" and the City of Windom, Minnesota, acting by and through its City Council, hereinafter referred to as the "City".

WHEREAS, the State is about to perform concrete re-habilitation and shoulder replacement construction and other associated construction upon, along and adjacent to Trunk Highway No. 60 from Windom to Butterfield in accordance with State plans, specifications and special provisions designated as State Project No. 1703-67 (T.H. 60); and

WHEREAS, a detour will be required to carry Trunk Highway No. 60 traffic on city streets during the contract construction; and

WHEREAS, Minnesota Statutes Section 161.25 authorizes the Commissioner of Transportation to designate by order, any public street or highway as a temporary trunk highway detour when it is determined that such detour is necessary for the purpose of constructing or maintaining any trunk highway, and the detour shall thereafter be maintained as a temporary trunk highway until the designation is revoked; and

WHEREAS, the State is willing to reimburse the City for the road life consumed by the detour as hereinafter set forth, such reimbursement to be based on the income determined by the "Gas Tax Method" as set forth in the Detour Management Study Final Report dated January 1991; and

WHEREAS, Minnesota Statutes Section 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purpose of constructing, maintaining and improving the trunk highway system.

IT IS, THEREFORE, MUTUALLY AGREED AS FOLLOWS:

ARTICLE I - DETOUR

Section A. Location

Those portions of the Trunk Highway No. 60 detour that utilize City streets are on the City of Windom's Sixteenth Street from Trunk Highway 60 easterly for 0.40 miles to the City of Windom's Lakeview Avenue, and on the City of Windom's Lakeview Avenue from City of Windom's Sixteenth Street southerly for 0.25 miles to Cottonwood County State Aid Road 13.

Section B. Axle Loads and Over-Dimension Loads

The City shall permit 10-ton axle loads on that portion of the Trunk Highway No. 60 detour that is on City streets. Over-dimension loads will not be permitted except in cases of extreme emergency.

Section C. Traffic Control Devices

The State may install, maintain and remove any traffic control devices it considers necessary to properly control the detoured traffic. Roadway markings, such as the centerline, edge lines and necessary messages, may be painted by the State.

Section D. Detour Maintenance

The State will provide any necessary bituminous patching and ordinary maintenance on the roadway or shoulder of the City streets used for the Trunk Highway No. 60 detour, at no cost or expense to the City. Bituminous patching is defined as any work, including continuous full-width overlays, less than 100 feet in length. All State expenditures beyond those required for bituminous patching and

ordinary maintenance will be credited against the road life reimbursement due the City.

Section E. Duration

The Trunk Highway No. 60 detour will begin on the date the State designates same as a detour by the placement of signs thereon and will cease when such signing is removed by the State. The State shall provide the City with advance written notification identifying the dates that the State intends to place and remove the detour signing.

ARTICLE II - BASIS OF STATE COST

Section A. Gas Tax Method

The "Gas Tax Method" formula, as set forth in the Detour Management Study Final Report dated January 1991, multiplies the Combined Tax Factor per mile times the Average Daily Traffic count times the City street length in miles times the duration of the detour in days to determine the State's cost for the road life consumed by the detour.

Section B. Equivalent Overlay Method

The City has the option of doing an "Equivalent Overlay Method" analysis, the procedure for which is set forth in the Detour Management Study Final Report dated January 1991. A State-approved firm, at no cost or expense to the State, must perform testing and analysis.

The City shall keep records and accounts that enable it to verify any claim that it might bring against the State for additional State costs using the "Equivalent Overlay Method".

ARTICLE III - PAYMENT OF STATE COST

It is estimated that the State's cost for the road life consumed by the Trunk Highway No. 60 detour is \$963.14, based on a Combined Tax Factor of 0.00392, an Average Daily Traffic count of 6000 vehicles diverted from Trunk Highway No. 60, a City street length of 0.65 miles and an estimated detour duration of 63 days.

The State's total payment for the road life consumed by the Trunk Highway No. 60 detour is equal to the amount computed by using the "Gas Tax Method" formula plus any amount determined by using the "Equivalent Overlay Method" analysis that is in excess of twice the "Gas Tax Method" amount. However, the maximum obligation of the State under this Agreement shall not exceed \$2000.00, unless the maximum obligation is increased by execution of an amendment to this Agreement..

The State shall pay to the City the State's total road life payment amount after the following conditions have been met:

- A. Execution and approval of this Agreement and the State's transmittal of it to the City.
- B. Encumbrance by the State of the State's total road life payment amount.

- C. Removal of State signing in accordance with Article I, Section E. of this Agreement.
- D. Notification by the State to the City that the detour signing has been removed, and the number of days the detour was in effect.
- E. Receipt by the State of a written request from the City, signed by the State District Engineer's duly authorized representative, for the payment of the State's total road life payment amount.

ARTICLE IV - GENERAL PROVISIONS

Section A. Road Restoration

The City, by accepting the State's road life payment plan and total payment amount, does hereby release the State of its obligation, pursuant to Minnesota Statutes Section 161.25, to restore the City streets used as a Trunk Highway No. 60 detour to as good a condition as existed before the routing of the detour traffic thereon.

Section B. Termination of Agreement

Each party may terminate this Agreement, with or without cause, by providing the other party with written or fax notice of effective date of termination. The State is not obligated to pay for services performed after notice and effective date of termination. Upon such termination, the City is entitled to payment for services satisfactorily performed under this Agreement prior to the effective date of termination.

The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding

source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered under this Agreement. Termination must be by written or fax notice to the City. The State is not obligated to pay for services performed after notice and effective date of termination. Upon such termination, the City is entitled to payment for services satisfactorily performed under this Agreement prior to the effective date of termination, to the extent the funds are available.

Section C. Examination of Books, Records, Etc.

As provided by Minnesota Statutes Section 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices of each party relevant to this Agreement are subject to examination by each party, and either the legislative auditor or the state auditor as appropriate, for a minimum of six years from final payment.

Section D. Agreement Approval

Before this Agreement becomes binding and effective, it shall be approved by a City Council resolution and executed by such State and City officers as the law may provide in addition to the Commissioner of Transportation or their authorized representative.

ARTICLE V - AUTHORIZED AGENTS

The State's Authorized Agent for the purpose of the administration of this Agreement is Kenneth Wenkel, District 7 Traffic Operations, or their successor. Their current address and phone number are 501 South Victory Drive, Mankato MN 56001, (507) 304-6163.

The County's Authorized Agent for the purpose of the administration of this Agreement is Kirby Kruse, Mayor, or their successor. Their current address and phone number are 444 9th Street, PO Box 38, Windom MN 56101-0038, (507) 831-6129.

IN TESTIMONY WHEREOF the parties have executed this Agreement by their authorized officers.

STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.

By _____

Date _____

MAPS Encumbrance No. _____

CITY OF WINDOM

By _____

Title _____

Date _____

By _____

Title _____

Date _____

DEPARTMENT OF TRANSPORTATION

Approved:

By _____
District Engineer

Date _____

Approved as to form and execution:

By _____
Contract Management

Date _____

COMMISSIONER OF ADMINISTRATION

As delegated to Materials Management Division

By _____

Date _____

CITY OF WINDOM

RESOLUTION

IT IS RESOLVED that City of Windom enters into Mn/DOT Agreement No. 94232 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City for the use of Sixteenth Street and Lakeview Avenue as a detour route during the concrete re-habilitation and shoulder replacement construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 60 from Windom to Butterfield under State Project No. 1703-67 (T.H. 60).

IT IS FURTHER RESOLVED that the _____ and the _____
(Title) are authorized to execute the Agreement and any amendments to the Agreement.
(Title)

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Council of the City of Windom at an authorized meeting held on the _____ day of _____, 2009, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to before me this _____ day of _____, 2009

Notary Public _____

My Commission Expires _____

NOTARY
STAMP

(Signature)

(Type or Print Name)

(Title)



MEMO

To: Mayor and City Council
From: James Kartes, Zoning Administrator
Date: April 16, 2009
Re: Building Permit Fees

A question concerning the City's current building permit fees was raised at the April 7, 2009, City Council Meeting. The City Council asked that additional information be provided for its next meeting on April 21, 2009.

The purpose of this Memo is to provide you with background information concerning the building permit fees which are currently in effect for Windom.

Cities with a population in excess of 2,500 are required by the State to adopt and enforce the Minnesota State Building Code. The City of Windom adopted building code ordinances beginning in 1968. Since that time, the City has adopted several ordinances to comply with the updated editions of the Minnesota State Building Code. In July, 2007, the City Council adopted Ordinance No. 129, 2nd Series to adopt the 2007 Minnesota State Building Code and all future editions of said code.

The Minnesota State Building Code ("building code") provides that fees shall be collected for building permits, plan review fees, electrical, gas, mechanical, and plumbing systems or alterations. There is also a state surcharge fee which is collected by each municipality and remitted to the Minnesota Department of Labor and Industry, Construction Codes & Licensing Division. Permit fees are to be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed. Attached are copies of the 2007 Minnesota State Building Code Section 1300.0160, Subparts 1 through 10, concerning building permit fees.

The current building permit fee schedule was adopted by the Windom City Council on November 20, 2001, as Resolution No. 2001-34. The Minnesota State Building Code now mandates that any changes to permit fee schedules are to be made by ordinance. The building code provides that building permit fees shall be based on the valuation (labor and materials) for the project. The State also allows cities to establish a fixed fee for one- and two-family dwelling maintenance permits for roofing, siding, windows, doors, or other minor projects and plumbing, mechanical, electrical, or other building service equipment systems.

At the time of the adoption of Resolution No. 2001-34, no fees were established for electrical, gas, mechanical, or plumbing systems or alterations. Any changes in the current fee schedule would cause the State to require those fees to be implemented. This would include fees for new furnaces, water heaters, etc.

The fee schedule adopted in 2001 was based on the 1994 Uniform Building Code fee table. Attached are copies of the fee tables from the Uniform Building Code beginning in 1985 through the table set forth in the 2006 International Residential Code. The State recommends the 2003 Fee Table. Also attached is a Permit Fee Schedule Comparison for cities in Southwest Minnesota.

Memo to Mayor and City Council
Re: Building Permit Fees
April 16, 2009
Page Two

In 2008, the City issued 202 building permits. The City's 2008 revenue from building permit fees, plan review fees, and the percentage of state surcharge fees returned to the City totaled \$32,076.87. To date in 2009, the City has received building permit and plan review fees in the amount of \$5,414.03 and the main construction season has not yet begun.

A councilmember raised a question concerning a possible stimulus through a reduction in the rates for building permit fees.

Because building permit fees are user fees, there is a limited number of residents who would benefit from a reduction in permit fees. If the City wishes to consider an economic stimulus, the Council should consider a reduction in a fee that would benefit all residents of the City. However, careful consideration needs to be given as to whether the City is currently in a position to do such a stimulus.

One theory set forth was that the increased property valuation from the building projects would make up for lost revenue from reduced permit fees. Research into new construction valuation from 2008 building projects indicates that less than \$3,000.00 would be generated for the City from this increase in real estate tax valuation.

The City has been required to cut capital improvements and budget expenditures because of the shortfall in LGA received in December, 2008. The City will also be required to make additional budget cuts due to further reductions in LGA for 2009 and 2010.

On March 3, 2009, the City Council adopted Resolution No. 2009-10 approving a "fees and charges schedule". In addition to ratifying existing fees, this resolution increased specific fees and created new fees for items previously not on the fee schedule.

Because of the reductions in LGA, any reduction in revenue, including building permit revenue, will necessitate an increase in other fees and taxes for all City residents and property owners.

I will be present at the April 21st City Council Meeting for this agenda item. In the meantime should you have any additional questions, please do not hesitate to contact me.

JK:mah

Attachments

1300.0140 VIOLATIONS.

It is unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by the code, or cause any of those actions, in conflict with or in violation of the code. The building official may serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the code, or in violation of a permit or certificate issued under the code. The order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

1300.0150 VIOLATIONS, PENALTY.

A violation of the code is a misdemeanor under Minnesota Statutes, section 16B.69.

1300.0160 FEES.

Subpart 1. **Schedule of permit fees.** The applicant for a permit for a building; structure; or electrical, gas, mechanical, or plumbing system or alterations requiring a permit shall pay the fee set forth by a fee schedule adopted by the municipality.

When submittal documents are required to be submitted by this chapter, a plan review fee shall be required. The plan review fee shall be established by the fee schedule adopted by the municipality.

Exception: The fee schedule adopted by the municipality may exempt minor work from plan review fees.

Subp. 2. **Fees commensurate with service.** Fees established by the municipality must be by legal means and must be fair, reasonable, and proportionate to the actual

cost of the service for which the fee is imposed.

Subp. 3. **Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Building permit valuation shall be set by the building official.

Exceptions: Building permit valuations for the following structures shall be based on the valuation of on-site work only:

A. manufactured homes containing a Housing and Urban Development (HUD) certification label;

B. prefabricated buildings with a Minnesota Building Codes and Standards Division prefabrication label; and

C. industrialized/modular buildings with an Industrialized Building Commission (IBC) label.

Subp. 4. **Building permit fees.** Building permit fees shall be based on valuation.

Exceptions:

A. one- and two-family dwelling maintenance permits for roofing, siding, windows, doors, or other minor projects may be charged a fixed fee;

B. permits for plumbing, mechanical, electrical, or other building service equipment systems may be based on valuation or charged a fixed fee; and

C. replacement of a residential fixture or appliance cannot exceed the permit fee limitation established by Minnesota Statutes, section 16B.665.

Subp. 5. Plan review fees for similar plans. When submittal documents for similar plans are approved under subpart 6, plan review fees shall not exceed 25 percent of the normal building permit fee established and charged by the jurisdiction for the same structure.

Subp. 6. Plan review of similar plans.

A. Any number of similar buildings may be built from a master plan if:

(1) plan review fees have been paid for the master plan;

(2) a code change has not occurred that impacts the design of a master plan;

(3) the similar building has the same physical dimensions and structural design as the master plan;

Exception: The following modifications to the master plan are not considered to be significant modifications, according to Minnesota Statutes, section 16B.61, subdivision 1, and are permitted for dwelling units and their accessory structures built to the International Residential Code, and residential occupancies built to the International Building Code that are three stories or less in height and their accessory structures:

(a) foundation types to include walkout, lookout, and full basement;

(b) foundation materials to include poured concrete, masonry units, and wood;

(c) garage dimensions;

(d) roof design changed by a revised truss plan approved by the building official;

(e) bays or cantilevered floor areas;

(f) decks and porches; and

(g) other modifications approved by the building official;

(4) occupancy groups other than those identified in the exceptions listed in part 1300.0160, subpart 6, item A, subitem (3), must be the same type of construction and occupancy classification and must have the same exit system;

Exception: Minor changes to the exit access; and

(5) the similar plan is based on a master plan for which the municipality has issued a permit within the last 12 months.

B. Plan review fees for similar building plans must be based on the costs commensurate with the direct and indirect cost of the service, but must not exceed 25 percent of the normal building permit fee established and charged by the municipality for the same structure.

C. The plan review fee charged for similar building plans applies to all buildings regulated by the code regardless of occupancy classification including industrialized/modular buildings constructed under a program specified in Minnesota Statutes, section 16B.75.

D. The applicant must submit a new plan set and other information as required by the building official for each building reviewed as a similar building.

Subp. 7. Payment of fees. A permit shall not be issued until the fees prescribed by the municipality have been paid.

Subp. 8. Work commencing before permit issuance. If work for which a permit is required by the code has been commenced without first obtaining a permit, a special

investigation shall be made before a permit may be issued for the work. An investigation fee established by the municipality shall be collected and is in addition to the required permit fees, but it may not exceed the permit fee.

Subp. 9. **Fee refunds.** The municipality shall establish a permit and plan review fee refund policy.

Subp. 10. **State surcharge fees.** All municipal permits issued for work under the code are subject to a surcharge fee. The fees are established by Minnesota Statutes, section 16B.70. Reports and remittances by municipalities must be filed with the commissioner, directed to the attention of the state building official.

Surcharge fees imposed by the state are in addition to municipal permit fees. Surcharge report forms and information may be obtained by writing the commissioner, to the attention of the state building official.

1300.0170 STOP WORK ORDER.

If the building official finds any work regulated by the code being performed in a manner contrary to the provisions of the code or in a dangerous or unsafe manner, the building official may issue a stop work order.

The stop work order shall be in writing and issued to the owner of the property involved, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

1300.0180 UNSAFE BUILDINGS OR STRUCTURES.

A building or structure regulated by the code is unsafe, for purposes of this part, if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life.

Building service equipment that is regulated by the code is unsafe, for purposes of this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise dangerous to human life. Use of a building, structure, or building service equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in the code are unsafe building appendages.

The building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action.

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26.

1300.0190 TEMPORARY STRUCTURES AND USES.

Subpart 1. **General.** The building official may issue a permit for temporary structures and temporary uses. The permit shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official may grant extensions for demonstrated cause.

RESOLUTION #2001-34

INTRODUCED: Esplan
SECONDED: Knorr
VOTED: Aye: Esplan, Knorr, Meier, Ray & Kruse
Nay: None
Abstained: None
Absent: None

CITY OF WINDOM

RESOLUTION ESTABLISHING FEES FOR BUILDING PERMITS

WHEREAS, City Code Section 4.04 authorizes the City Council to establish fees for permits under this chapter; and

WHEREAS, City Code Section 4.04 requires these fees to be established by resolution; and

WHEREAS, the intent of the fees is to approximate the costs incurred by the jurisdiction in code enforcement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Windom, Minnesota, that the fees for building permits will be established as follows and shall be effective January 1, 2002:

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$500.00	\$21.00
\$501.00 to \$2,000.00	<u>\$21.00</u> for the first \$500.00 PLUS \$2.75 for each additional \$100.00 (or fraction thereof), to and including \$2,000.00.
\$2,001.00 to \$25,000.00	<u>\$62.25</u> for the first \$2,000.00 PLUS \$12.50 for each additional \$1,000.00 (or fraction thereof), to and including \$25,000.00.
\$25,001.00 to \$50,000.00	<u>\$349.75</u> for the first \$25,000.00 PLUS \$9.00 for each additional \$1,000.00 (or fraction thereof), to and including \$50,000.00.
\$50,001.00 TO \$100,000.00	<u>\$574.75</u> for the first \$50,000.00 PLUS \$6.25 for each additional \$1,000.00 (or fraction thereof), to and including \$100,000.00.

TOTAL VALUATION

FEE

\$100,001.00 to \$500,000.00

\$887.25 for the first \$100,000.00 PLUS
\$5.00 for each additional \$1,000.00 (or
fraction thereof), to and including
\$500,000.00.

\$500,001.00 to \$1,000,000.00

\$2,887.25 for the first \$500,000.00 PLUS
\$4.25 for each additional \$1,000.00 (or
fraction thereof), to and including
\$1,000,000.00.

\$1,000,001.00 and up

\$5,012.25 for the first \$1,000,000.00
PLUS \$2.75 for each additional \$1,000.00
(or fraction thereof).

STATE SURCHARGE FEE:

.0005 x Value

PLAN REVIEW FEES:

65% of the Permit Fee for Commercial
35% of the Permit Fee for Residential

DEMOLITION PERMIT:

\$25.00

MOVING PERMIT:

\$50.00

MANUFACTURED HOME SET-UP:

\$150.00

Adopted this 20th day of November, 2001.

s/Coralee Krueger

Coralee Krueger, Mayor

ATTEST:

s/Dennis Nelson

Dennis Nelson, City Clerk/City Administrator

The following 3 tables are examples of fee tables

**Extracted from the 1985, 1988 and 1991
Uniform Building Code**

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$30.00 per hour*
(minimum charge – two hours)	
2. Reinspection fees.	\$30.00 per hour*
3. Inspections for which no fee is specifically indicated	\$30.00 per hour*
(minimum charge – one-half hour)	
4. Additional plan review required by changes, additions or revisions to plans	\$30.00 per hour*
(minimum charge – one-half hour)	
5. For use of outside consultants for plan checking and inspections, or both	Actual costs **

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Extracted from 1994 Uniform Building Code

TOTAL VALUATION	FEE
\$1.00 to \$500	\$21.00
\$501.00 to \$2,000.00	\$21.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$62.25 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$349.75 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$574.75 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$887.25 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,887.25 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,012.25 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$42.00 per hour*
2. Reinspection fees	\$42.00 per hour*
3. Inspections for which no fee is specifically indicated	\$42.00 per hour*
(minimum charge – one-half hour)	
4. Additional plan review required by changes, additions or revisions to plans	\$42.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both	Actual costs **

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

Extracted from 1997 Uniform Building Code

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500	\$23.00
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$47.00 per hour*
2. Reinspection fees	\$47.00 per hour*
3. Inspections for which no fee is specifically indicated	\$47.00 per hour*
(minimum charge – one-half hour)	
4. Additional plan review required by changes, additions or revisions to plans	\$47.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both	Actual costs **

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

LMC/AMM Building Permit Fees Working Group Report (November 2003)

The following is a sample fee schedule that cities may use as a guide in setting local building permit fees. The sample fee schedule was developed using the 1997 Uniform Building Code (UBC) as a base and applying the Consumer Price Index (CPI) adjustment.

Value Range	1997 UBC	2003 Recommended
\$1 - \$500	\$23.50	\$25.00
\$501 - \$2,000	\$23.50 for the first \$500 \$3.05 / for additional \$100	\$25.00 for the first \$500 \$3.25 / for additional \$100
\$2,001 - \$25,000	\$6.25 for the first \$2,000 \$14.00 / additional \$1000	\$73.50 for the first \$2,000 \$14.75 / additional \$1,000
\$25,001 - \$50,000	\$392.25 for the first \$25,000 \$ 10.10 / additional \$1,000	\$415.75 for the first \$25,000 \$10.75 / additional \$1,000
\$50,001 - \$100,000	\$643.75 for the first \$50,000 \$7.00 / additional \$1,000	\$682.50 for the first \$50,000 \$7.50 / additional \$1,000
\$100,001 - \$500,000	\$993.75 for the first \$100,000 \$5.60 / additional \$1,000	\$1,053.50 for the first \$100,000 \$6.00 / additional \$1,000
\$500,001 - \$1,000,000	\$3,233.75 for the first \$500,000 \$4.75 / additional \$1,000	\$3,427.75 for the first \$500,000 \$5.00 / additional \$1,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 \$3.65 / additional \$1,000	\$5,945.25 for the first \$1,000,000 \$4.00 / additional \$1,000

Unlike previous versions of the state building code, the code adopted in 2003 did not contain a sample fee schedule; therefore, members of the League and AMM developed the fee schedule above with information provided by the Construction Codes and Licensing Division.

Extracted from 2006 International Residential Code

APPENDIX L

PERMIT FEES

TOTAL VALUATION	FEE
\$1 to \$500	\$24
\$501 to \$2,000	\$24 for the first \$500 plus \$3 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$40,000	\$69 for the first \$2,000 plus \$11 for each additional \$1,000, or fraction thereof, to and including \$40,000
\$40,001 to \$100,000	\$487 for the first \$40,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000.00
\$100,001 to \$500,000	\$1,027 for the first \$100,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000 plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000
\$5,000,001 and over	\$18,327 for the first \$5,000,000.00 plus \$1 for each additional \$1,000 or fraction thereof

Permit Fee Schedule Comparison

SW Minnesota

December-07

Community		Permit Fee	Plan Review
Fairmont	X	Commercial - 97 UBC Residential - 97 UBC	65% No Fee
Hutchinson	X	97 UBC	65%
Jackson	X	Commercial - 75% of 94 UBC Residential - 75% of 94 UBC	65% 25%
Luverne	X	Commercial - 97 UBC Residential - 80% of 97 UBC	65% No Fee
Madison Lake		Commercial - 97 UBC Residential - 80% of 97 UBC	65% 65%
Mankato	X	Commercial - 97 UBC Residential - 97 UBC	65% No Fee
Mountain Lake	X	91 UBC	65%
New Ulm	X	Commercial - 97 UBC Residential - 97 UBC	25% No Fee
North Mankato	X	Commercial - 97 UBC Residential - 97 UBC	65% No Fee
Pipestone	X	Commercial - 97 UBC Residential - 97 UBC	65% 50%
Redwood Falls	X	Commercial - 94 UBC Residential - 94 UBC	65% \$100 fixed
St. James	X	97 UBC	65%
St. Peter	X	Commercial - 83% of 97 UBC Residential - 83% of 97 UBC	65% 35%
Windom	X	Commercial - 94 UBC Residential - 94 UBC	65% 35%
Worthington	X	Commercial - 99% of 88 UBC Residential - 86% of 88 UBC	65% 65%

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
CITY OFFICE	ELECTRIC FUND	UTILITY BILLING	190.30
CITY OFFICE	MII LIFE	VEBA	198.40
CITY OFFICE	STEVE NASBY	EXPENSE	72.38
Total for Department 103			461.08*
P & Z / BUILDING OFF	ELECTRIC FUND	UTILITY BILLING	43.84
P & Z / BUILDING OFF	MII LIFE	VEBA	148.80
P & Z / BUILDING OFF	VET'S WHOA N'GO	GAS	33.12
Total for Department 106			225.76*
CITY HALL	ELECTRIC FUND	MAINTENANCE	12.40
CITY HALL	ELECTRIC FUND	UTILITY BILLING	638.19
CITY HALL	SANDRA HERDER	CLEANING	357.47
CITY HALL	MELISSA PENAS	CLEANING	357.48
Total for Department 115			1,365.54*
POLICE	ELECTRIC FUND	UTILITY BILLING	73.97
POLICE	MII LIFE	VEBA	1,398.96
POLICE	VET'S WHOA N'GO	GAS	32.11
Total for Department 120			1,505.04*
FIRE DEPARTMENT	AMOCO OIL COMPANY	GAS	58.56
FIRE DEPARTMENT	ELECTRIC FUND	UTILITY BILLING	77.36
FIRE DEPARTMENT	VET'S WHOA N'GO	GAS	81.36
Total for Department 125			217.28*
STREET	AMOCO OIL COMPANY	GAS	369.85
STREET	ELECTRIC FUND	UTILITY BILLING	3,017.28
STREET	ERICKSON OIL CO	GAS	472.62
STREET	MII LIFE	VEBA	755.44
STREET	SOUTH CENTRAL COLLEGE	REGISTRATION	90.00
STREET	VET'S WHOA N'GO	GAS	188.03
Total for Department 140			4,893.22*
PARKS	ELECTRIC FUND	UTILITY BILLING	6.67
PARKS	ERICKSON OIL CO	GAS	48.43
PARKS	MII LIFE	VEBA	185.68
Total for Department 165			240.78*
Total for Fund 01			8,908.70*
WENCK ASSOCIATES, IN SYKORA SEWER PROJECT			450.00
Total for Department			450.00*
Total for Fund 02			450.00*
LIBRARY	ELECTRIC FUND	UTILITY BILLING	326.06
LIBRARY	SANDRA HERDER	CLEANING	357.48
LIBRARY	MELISSA PENAS	CLEANING	357.47
Total for Department 171			1,041.01*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 03			1,041.01*
AIRPORT	RED ROCK RURAL WATER	WATER	23.00
AIRPORT	SO. CENTRAL ELECTRIC	POWER COST	795.87
Total for Department 174			818.87*
Total for Fund 11			818.87*
AMBULANCE	ELECTRIC FUND	UTILITY BILLING	25.07
AMBULANCE	BUCKWHEAT JOHNSON	EXPENSE	28.21
AMBULANCE	BRAD POWERS	EXPENSE	20.05
AMBULANCE	VET'S WHOA N'GO	GAS	845.31
Total for Department 176			918.64*
Total for Fund 13			918.64*
MULTI-PURPOSE BUILDI	ELECTRIC FUND	UTILITY BILLING	1,067.11
MULTI-PURPOSE BUILDI	MII LIFE	VEBA	284.88
MULTI-PURPOSE BUILDI	RIVER BEND LIQUOR	MERCHANDISE	204.23
MULTI-PURPOSE BUILDI	ARACELY SIFUENTES	REFUND - COMM CENTER BOO	175.00
Total for Department 177			1,731.22*
Total for Fund 14			1,731.22*
N IND PARK	SO. CENTRAL ELECTRIC	POWER COST	35.35
Total for Department 147			35.35*
Total for Fund 18			35.35*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDSIE	4,279.10
LIQUOR	ELECTRIC FUND	UTILITY BILLING	793.56
LIQUOR	GRIGGS COOPER	MERCHANDISE	5,043.24
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	9,166.80
LIQUOR	JOHNSON BROS.	MERCHANDISE	2,076.89
LIQUOR	MII LIFE	VEBA	371.36
LIQUOR	PHILLIPS WINE & SPIR	MERCHANDISE	1,444.98
LIQUOR	QUALITY WINE SPIRITS	MERCHANDISE	3,284.34
LIQUOR	BANK MIDWEST	NSF CHECK-RIVER BEND LIQ	55.60
LIQUOR	WINE MERCHANTS	MERCHANDISE	381.00
Total for Department 180			26,896.87*
Total for Fund 60			26,896.87*
WATER	ELECTRIC FUND	UTILITY BILLING	4,088.68
WATER	GOPHER STATE ONE CAL	LOCATES	3.39
WATER	H P SUDS	BILLING CONTRACT SERVICE	150.00
WATER	MIDWEST DATA, INC	SPECIAL SERVICES	9.52
WATER	MIDWEST DATA, INC	UTILITY BILL - SERVICES	1,572.48
WATER	MII LIFE	VEBA	560.22
WATER	MN DEPT OF HEALTH	WATER SUR CHARGE	3,151.00

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Department 181	9,535.29*
		Total for Fund 61	9,535.29*
	SANDIE MARCONIE	REFUND - UTILITY PREPAYM	125.00
		Total for Department	125.00*
ELECTRIC	AMOCO OIL COMPANY	GAS	321.25
ELECTRIC	ELECTRIC FUND	UTILITY BILLING	270.19
ELECTRIC	ERICKSON OIL CO	GAS	45.04
ELECTRIC	GOPHER STATE ONE CAL	LOCATES	3.39
ELECTRIC	H P SUDS	BILLING CONTRACT SERVICE	150.00
ELECTRIC	MIDWEST DATA, INC	SPECIAL SERVICES	9.52
ELECTRIC	MIDWEST DATA, INC	UTILITY BILL - SERVICES	762.42
ELECTRIC	MII LIFE	VEBA	1,049.86
ELECTRIC	BRAD BUSSA	CLEANING	184.60
ELECTRIC	VET'S WHOA N'GO	GAS	40.27
		Total for Department 182	2,836.54*
		Total for Fund 62	2,961.54*
SEWER	AMOCO OIL COMPANY	GAS	92.73
SEWER	ELECTRIC FUND	UTILITY BILLING	13,640.09
SEWER	ERICKSON OIL CO	GAS	56.21
SEWER	GOPHER STATE ONE CAL	LOCATES	3.38
SEWER	MICHEAL HAUGEN	EXPENSE	152.02
SEWER	H P SUDS	BILLING CONTRACT SERVICE	150.00
SEWER	MIDWEST DATA, INC	SPECIAL SERVICES	9.52
SEWER	MIDWEST DATA, INC	UTILITY BILL - SERVICES	762.42
SEWER	MII LIFE	VEBA	931.58
		Total for Department 183	15,797.95*
		Total for Fund 63	15,797.95*
ARENA	AMOCO OIL COMPANY	GAS	25.38
ARENA	ELECTRIC FUND	MAINTENANCE	62.80
ARENA	ELECTRIC FUND	UTILITY BILLING	5,860.45
ARENA	MII LIFE	VEBA	371.36
		Total for Department 184	6,319.99*
		Total for Fund 64	6,319.99*
	BANK MIDWEST	LOAN PAYMENT	1,104.70
		Total for Department	1,104.70*
ECONOMIC DEVELOPMENT	AARON BACKMAN	EXPENSE	128.70
ECONOMIC DEVELOPMENT	ELECTRIC FUND	UTILITY BILLING	115.85
ECONOMIC DEVELOPMENT	MII LIFE	VEBA	235.28
ECONOMIC DEVELOPMENT	BANK MIDWEST	LOAN PAYMENT	2,895.30
		Total for Department 187	3,375.13*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 67			4,479.83*
	CCI SYSTEMS	EQUIPMENT - HEAD END	19,469.95
	FRANCISCO QUINONES	REFUND -STATEMENT CREDIT	.94
Total for Department			19,470.89*
TELECOMMUNICATIONS	AT & T	USAGE CHARGES	126.58
TELECOMMUNICATIONS	COMCAST MEDIA CENTER	SUBSCRIBER	3.25
TELECOMMUNICATIONS	ELECTRIC FUND	UTILITY BILLING	1,366.21
TELECOMMUNICATIONS	GOPHER STATE ONE CAL	LOCATES	10.14
TELECOMMUNICATIONS	H P SUDS	BILLING CONTRACT SERVICE	450.00
TELECOMMUNICATIONS	KARE	SUBSCRIBER	393.90
TELECOMMUNICATIONS	LIFETIME	SUBSCRIBER	656.00
TELECOMMUNICATIONS	LIFETIME MOVIE NETWO	SUBSCRIBER	30.00
TELECOMMUNICATIONS	MIDWEST DATA, INC	SPECIAL SERVICES	41.50
TELECOMMUNICATIONS	MIDWEST DATA, INC	UTILITY BILL - SERVICES	1,667.76
TELECOMMUNICATIONS	MII LIFE	VEBA	665.78
TELECOMMUNICATIONS	NATIONAL CABLE TV CO	SUBSCRIBER	20,075.50
TELECOMMUNICATIONS	QWEST COMMUNICATIONS	DIRECTORY LISTING	293.77
TELECOMMUNICATIONS	VET'S WHOA N'GO	GAS	45.50
TELECOMMUNICATIONS	DENNIS ESPLAN	REFUND - STATEMENT CREDI	8.05
TELECOMMUNICATIONS	FRANCISCO QUINONES	REFUND -STATEMENT CREDIT	31.53
Total for Department 199			25,865.47*
Total for Fund 69			45,336.36*
	COLONIAL LIFE INSURA	INSURANCE	22.05
Total for Department			22.05*
Total for Fund 70			22.05*
Grand Total			125,253.67*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
CITY OFFICE	DENISE NICHOLS	EXPENSE	36.30
		Total for Department 103	36.30*
P & Z / BUILDING OFF	MN DEPT OF LABOR & I	BLDG PERMIT SURCHARGE	161.28
		Total for Department 106	161.28*
POLICE	JEFFREY SHIRKEY	EXPENSE	469.53
POLICE	UNICEL	TELEPHONE	286.72
POLICE	VOYAGER FLEET SERVIC	GAS	40.76
		Total for Department 120	797.01*
FIRE DEPARTMENT	VOYAGER FLEET SERVIC	GAS	76.50
FIRE DEPARTMENT	CHRISTIANIA TOWNSHIP	REFUND - 2009 FIRE CONTR	462.52
		Total for Department 125	539.02*
STREET	MIDWEST WIRELESS	TELEPHONE	100.56
STREET	MN ENERGY RESOURCES	HEATING	1,466.98
STREET	VOYAGER FLEET SERVIC	GAS	95.51
		Total for Department 140	1,663.05*
PARKS	VOYAGER FLEET SERVIC	GAS	46.09
		Total for Department 165	46.09*
		Total for Fund 01	3,242.75*
	MN POLLUTION CONTROL	PERMIT FEE	400.00
		Total for Department	400.00*
		Total for Fund 09	400.00*
AMBULANCE	LINDY'S COLLECTION S	SERVICE	200.00
AMBULANCE	MIDWEST WIRELESS	TELEPHONE	92.69
		Total for Department 176	292.69*
		Total for Fund 13	292.69*
MULTI-PURPOSE BUILDI	MIDWEST WIRELESS	TELEPHONE	13.69
MULTI-PURPOSE BUILDI	VOYAGER FLEET SERVIC	GAS	53.82
		Total for Department 177	67.51*
		Total for Fund 14	67.51*
LIQUOR	BELLBOY CORP	MERCHANDISE	288.00
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	6,675.85
LIQUOR	GRIGGS COOPER	MERCHANDISE	2,768.80
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	6,765.70
LIQUOR	JOHNSON BROS.	MERCHANDISE	3,853.06
LIQUOR	PHILLIPS WINE & SPIR	MERCHANDISE	604.33
LIQUOR	QUALITY WINE SPIRITS	MERCHANDISE	1,671.99
LIQUOR	BANK MIDWEST	NSF CHECK-RIVER BEND LIQ	50.00
		Total for Department 180	22,677.73*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 60			22,677.73*
WATER	H P SUDS	BILLING CONTRACT SERVICE	132.19
WATER	MIDWEST WIRELESS	TELEPHONE	43.42
WATER	VOYAGER FLEET SERVIC GAS		191.60
Total for Department 181			367.21*
Total for Fund 61			367.21*
ELECTRIC	CENTRAL MINNESOTA MU	POWER COST	210,697.92
ELECTRIC	H P SUDS	BILLING CONTRACT SERVICE	132.20
ELECTRIC	MMUA	CONNECTOR LAYOUT	250.00
ELECTRIC	QUEST	TELEPHONE	68.16
ELECTRIC	VOYAGER FLEET SERVIC GAS		81.59
ELECTRIC	DEPARTMENT OF ENERGY	POWER COST	71,876.25
Total for Department 182			283,106.12*
Total for Fund 62			283,106.12*
SEWER	H P SUDS	BILLING CONTRACT SERVICE	132.19
SEWER	MIDWEST WIRELESS	TELEPHONE	43.43
SEWER	MN ENERGY RESOURCES	HEATING	726.63
SEWER	VOYAGER FLEET SERVIC GAS		48.16
Total for Department 183			950.41*
Total for Fund 63			950.41*
RIVERBLUFF ESTATES	UNITED PRAIRIE BANK	LOAN PAYMENT	641.47
Total for Department 166			641.47*
Total for Fund 68			641.47*
	MN 9-1-1 PROGRAM	911 SERVICE	889.62
Total for Department			889.62*
TELECOMMUNICATIONS	B B C AMERICA	SUBSCRIBER	7.80
TELECOMMUNICATIONS	BIG TEN NETWORK	SUBSCRIBER	1,572.17
TELECOMMUNICATIONS	BLUEHIGHWAYS	SUBSCRIBER	27.55
TELECOMMUNICATIONS	DISCOVERY DIGITAL NE	SUBSCRIBER	62.22
TELECOMMUNICATIONS	FOX SPORTS	SUBSCRIBER	5,051.20
TELECOMMUNICATIONS	H P SUDS	BILLING CONTRACT SERVICE	396.55
TELECOMMUNICATIONS	KARE	SUBSCRIBER	289.00
TELECOMMUNICATIONS	RPD TV	SUBSCRIBERS	196.80
TELECOMMUNICATIONS	TOWER DISTRIBUTION C	SUBSCRIBER	215.47
TELECOMMUNICATIONS	VOYAGER FLEET SERVIC GAS		113.68
Total for Department 199			7,932.44*
Total for Fund 69			8,822.06*
Grand Total			320,567.95*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
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CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	CITIZEN PUBLISHING C	ADVERTISING	90.30
MAYOR & COUNCIL	MCDONALD & SCHRAMEL	LEGAL FEES	178.50
	Total for Department 101		268.80*
CITY OFFICE	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	79.59
CITY OFFICE	DAN'S OFFICE SUPPLY	SUPPLIES	204.69
CITY OFFICE	DAVIS TYPEWRITER	MAINTENANCE CONTRACT	118.07
CITY OFFICE	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	181.12
CITY OFFICE	SUNSHINE FOODS	SUPPLIES	49.33
CITY OFFICE	LEAGUE OF MN. CITIES	REGISTRATION	40.00
CITY OFFICE	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	5.78
CITY OFFICE	PITNEY BOWES	SUPPLIES	111.32
CITY OFFICE	SCHWALBACH HARDWARE	MAINTENANCE	39.39
CITY OFFICE	STOREY KENWORTHY	SUPPLIES	23.45
	Total for Department 103		852.74*
P & Z / BUILDING OFF	CITIZEN PUBLISHING C	MAP WORK	25.00
P & Z / BUILDING OFF	DAN'S OFFICE SUPPLY	SUPPLIES	48.96
P & Z / BUILDING OFF	DAVIS TYPEWRITER	MAINTENANCE CONTRACT	127.48
P & Z / BUILDING OFF	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	54.51
P & Z / BUILDING OFF	MCDONALD & SCHRAMEL	LEGAL FEES	73.50
P & Z / BUILDING OFF	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	5.78
P & Z / BUILDING OFF	MIDWEST WIRELESS	TELEPHONE	36.16
P & Z / BUILDING OFF	NAPA AUTO PARTS	MAINTENANCE	22.01
P & Z / BUILDING OFF	STOREY KENWORTHY	SUPPLIES	23.34
	Total for Department 106		416.74*
CITY HALL	COTTONWOOD COUNTY SO	RECYCLING PICK UP	12.00
CITY HALL	CULLIGAN	SERVICE	12.50
CITY HALL	WASTE MANAGEMENT OF	HAUL GARBAGE	81.47
CITY HALL	JUSTIN DERICKSON	SNOW REMOVAL	40.00
CITY HALL	HOLT ELECTRIC	MAINTENANCE	145.68
CITY HALL	RUNNING'S SUPPLY	MAINTENANCE	15.94
CITY HALL	SCHWALBACH HARDWARE	MAINTENANCE	180.18
	Total for Department 115		487.77*
POLICE	COTTONWOOD CO TREASU	DISPATCHING	275.00
POLICE	COTTONWOOD CO TREASU	RENT	1,200.00
POLICE	DELL MARKETING L.P.	COMPUTER	726.38
POLICE	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	323.18
POLICE	GALLS	SUPPLIES	114.97
POLICE	GRAFIX SHOPPE	DETAIL - CAR	475.00
POLICE	MCDONALD & SCHRAMEL	LEGAL FEES	3,895.50
POLICE	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	209.42
POLICE	SCHWALBACH HARDWARE	MAINTENANCE	7.44
POLICE	STREICHER'S	EQUIPMENT	152.27
POLICE	STOREY KENWORTHY	SUPPLIES	23.34
POLICE	WINDOM AREA HOSPITAL	TESTING HEP "B"	74.82
POLICE	COUNTRY PRIDE SERVIC	MAINTENANCE	20.00
POLICE	WINDOM QUICK PRINT	SUPPLIES	170.24
POLICE	WINDOM TOWING CO	TIRES	128.87

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
POLICE	WATONWAN COUNTY TREA	MAINTENANCE	19.66
POLICE	DIGITAL INTELLIGENCE	MAINTENANCE	311.00
POLICE	PRORIDER INC	SUPPLIES	155.00
		Total for Department 120	8,282.09*
FIRE DEPARTMENT	COTTONWOOD CO TREASU	DISPATCHING	212.50
FIRE DEPARTMENT	DAN'S OFFICE SUPPLY	SUPPLIES	35.04
FIRE DEPARTMENT	HEIMAN FIRE EQUIP. C	TURN OUT GEAR	485.95
FIRE DEPARTMENT	LUCAN COMMUNITY TV I	MAINTENANCE	119.70
FIRE DEPARTMENT	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	5.78
FIRE DEPARTMENT	RIVERSIDE LAUNDRY	SERVICE	31.95
FIRE DEPARTMENT	SCHWALBACH HARDWARE	MAINTENANCE	64.79
FIRE DEPARTMENT	SOUTH CENTRAL COLLEG	REGISTRATION	595.00
FIRE DEPARTMENT	WINDOM AREA HOSPITAL	TESTING HEP "B"	299.28
FIRE DEPARTMENT	WINDOM FARM SERVICE	MAINTENANCE	106.45
FIRE DEPARTMENT	MY-LOR, INC	SUPPLIES	375.54
FIRE DEPARTMENT	P. M. REPAIR	TIRES	1,105.55
		Total for Department 125	3,437.53*
EMERGENCY MANAGEMENT	COTTONWOOD CO TREASU	DISPATCHING	12.50
EMERGENCY MANAGEMENT	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	200.00
		Total for Department 130	212.50*
ANIMALS	COTTONWOOD-SLAYTON V	VETERINARY SERVICE	77.75
		Total for Department 135	77.75*
STREET	COTTONWOOD COUNTY LA	GARBAGE	160.00
STREET	COTTONWOOD CO TREASU	DISPATCHING	125.00
STREET	CRYSTEEL TRUCK EQUIP	MAINTENANCE	270.79
STREET	WASTE MANAGEMENT OF	HAUL GARBAGE	124.94
STREET	FOX BROTHERS	MAINTENANCE	162.23
STREET	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	218.05
STREET	GEMPLER'S	SUPPLIES	352.95
STREET	JERRY'S REPAIR	MAINTENANCE	102.03
STREET	JOHNSON HARDWARE	MAINTENANCE	13.05
STREET	KOLANDER TREE SERVIC	STUMP REMOVAL	225.00
STREET	LAMPERTS YARDS, INC.	MAINTENANCE	353.85
STREET	MCDONALD & SCHRAMEL	LEGAL FEES	315.00
STREET	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	5.78
STREET	NAPA AUTO PARTS	MAINTENANCE	57.44
STREET	NORTHLAND CHEMICAL C	SUPPLIES	222.25
STREET	PRAXAIR DISTRIBUTION	SERVICE	67.73
STREET	RDO EQUIPMENT	MAINTENANCE	114.70
STREET	RUNNING'S SUPPLY	MAINTENANCE	115.45
STREET	SCHWALBACH HARDWARE	MAINTENANCE	110.89
STREET	STAPLES OIL CO	FUEL	118.48
STREET	WINDOM AREA HOSPITAL	TESTING HEP "B"	74.82
STREET	WINDOM QUICK PRINT	SUPPLIES	180.68
STREET	CARQUEST AUTO PARTS	MAINTENANCE	41.68
STREET	DAVID DERICKSON	MAINTENANCE	53.25

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
STREET	JHD MANUFACTURING, I	MAINTENANCE	216.04
STREET	STAN HOUSTON EQUIP.	MAINTENANCE	65.33
	Total for Department 140		3,867.41*
RECREATION	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	39.75
	Total for Department 150		39.75*
PARKS	COTTONWOOD CO TREASU	DISPATCHING	37.50
PARKS	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	36.99
PARKS	MTI DISTRIBUTING, IN	MAINTENANCE	353.77
PARKS	NAPA AUTO PARTS	MAINTENANCE	107.51
PARKS	SCHWALBACH HARDWARE	MAINTENANCE	54.58
PARKS	WINDOM AREA HOSPITAL	TESTING HEP "B"	37.41
PARKS	BSN SPORTS COLLEGIAT	MAINTENANCE	370.83
	Total for Department 165		998.59*
	Total for Fund 01		18,941.67*
	WENCK ASSOCIATES, IN	SYKORA SW PROJECT	400.00
	Total for Department		400.00*
	Total for Fund 02		400.00*
LIBRARY	B B C AMERICA	BOOKS	224.52
LIBRARY	CARSON INDUSTRIES, I	COMP SERVICE	134.95
LIBRARY	CENTER POINT LARGE P	BOOKS	62.31
LIBRARY	COTTONWOOD COUNTY SO	RECYCLING PICK UP	12.00
LIBRARY	DAN'S OFFICE SUPPLY	SUPPLIES	11.64
LIBRARY	JUSTIN DERICKSON	SNOW REMOVAL	40.00
LIBRARY	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	68.14
LIBRARY	GALE	BOOKS	305.85
LIBRARY	GUMDROP BOOKS	BOOKS	375.45
LIBRARY	INGRAM	BOOKS	2,050.11
LIBRARY	J & K WINDOWS	CLEANING	30.00
LIBRARY	MICROMARKETING	BOOKS & AUDIO	669.41
LIBRARY	PEOPLE BOOKS	BOOK	39.90
LIBRARY	MN ENERGY RESOURCES	HEATING	1,857.52
LIBRARY	POPULAR MECHANICS	SUBSCRIPTION	26.00
LIBRARY	READERS SERVICE	SUBSCRIPTION	52.56
LIBRARY	SCHWALBACH HARDWARE	MAINTENANCE	10.64
LIBRARY	STAR TRIBUNE	SUBSCRIPTION	234.00
LIBRARY	WINDOM COMMUNITY EDU	AD	75.00
LIBRARY	BOTTOM LINE PERSONAL	SUBSCRIPTION	39.00
LIBRARY	BUSINESS WEEK	SUBSCRIPTION	60.00
LIBRARY	EARLY AMERICAN LIFE	SUBSCRIPTION	23.00
LIBRARY	ENTERTAINMENT	SUBSCRIPTION	30.00
LIBRARY	FARM COLLECTOR	SUBSCRIPTION	34.95
LIBRARY	THE LAND	SUBSCRIPTION	22.00
LIBRARY	MODEL AVIATION	SUBSCRIPTION	16.00
LIBRARY	MOTOR TREND	SUBSCRIPTION	12.00

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
LIBRARY	NATURAL HISTORY	SUBSCRIPTION	25.00
LIBRARY	PARENTING	SUBSCRIPTION	10.00
LIBRARY	WORKBENCH	SUBSCRIPTION	18.00
LIBRARY	YANKEE	SUBSCRIPTION	24.00
		Total for Department 171	6,593.95*
		Total for Fund 03	6,593.95*
	DNR - DIVISION OF WA PUBLIC WATER PERMIT		150.00
	WENCK ASSOCIATES, IN 09 STREET IMP (4TH)		964.00
		Total for Department	1,114.00*
		Total for Fund 09	1,114.00*
AIRPORT	RUNNING'S SUPPLY	MAINTENANCE	11.47
		Total for Department 174	11.47*
		Total for Fund 11	11.47*
POOL	A & B BUSINESS EQUIP MAINTENANCE CONTRACT		39.75
		Total for Department 175	39.75*
		Total for Fund 12	39.75*
AMBULANCE	BOUND TREE MEDICAL,	EQUIPMENT	321.80
AMBULANCE	COTTONWOOD CO TREASU	DISPATCHING	200.00
AMBULANCE	EMERGENCY MEDICAL PR	SUPPLIES	153.90
AMBULANCE	HIGLEY FORD SALES	MAINTENANCE	717.20
AMBULANCE	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	6.28
AMBULANCE	PRAXAIR DISTRIBUTION	SERVICE	142.85
AMBULANCE	WINDOM AREA HOSPITAL	SERVICE	1,789.00
AMBULANCE	WINDOM FARM SERVICE	MAINTENANCE	106.45
		Total for Department 176	3,437.48*
		Total for Fund 13	3,437.48*
MULTI-PURPOSE BUILDI	A & B BUSINESS EQUIP MAINTENANCE CONTRACT		39.75
MULTI-PURPOSE BUILDI	CITIZEN PUBLISHING C	ADVERTISING	86.00
MULTI-PURPOSE BUILDI	COLE PAPER INC.	SUPPLIES	95.32
MULTI-PURPOSE BUILDI	WASTE MANAGEMENT OF	HAUL GARBAGE	54.23
MULTI-PURPOSE BUILDI	BATCHELLER'S EVER-GR	SERVICE	292.71
MULTI-PURPOSE BUILDI	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	132.38
MULTI-PURPOSE BUILDI	KDOM RADIO	ADVERTISING	154.00
MULTI-PURPOSE BUILDI	SCHWALBACH HARDWARE	MAINTENANCE	120.99
MULTI-PURPOSE BUILDI	STONER INDUSTRIAL, I	SERVICE	125.91
MULTI-PURPOSE BUILDI	STOREY KENWORTHY	SUPPLIES	23.34
MULTI-PURPOSE BUILDI	WINDOM AREA CHAMBER	LAUNDRY TABLECLOTHS	28.97
MULTI-PURPOSE BUILDI	WINDOM AREA HOSPITAL	TESTING HEP "B"	74.82
		Total for Department 177	1,228.42*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 14			1,228.42*
N IND PARK	TINKLENBERG GROUP	SERVICE	5,256.25
Total for Department 147			5,256.25*
Total for Fund 18			5,256.25*
LIQUOR	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	39.75
LIQUOR	ENVIROMASTER, INC.	SERVICE	39.41
LIQUOR	CULLIGAN	SERVICE	8.32
LIQUOR	WASTE MANAGEMENT OF	HAUL GARBAGE	45.79
LIQUOR	DAN'S OFFICE SUPPLY	SUPPLIES	85.07
LIQUOR	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	144.06
LIQUOR	A H HERMEL CANDY & T	MERCHANDISE	915.67
LIQUOR	RUNNING'S SUPPLY	MAINTENANCE	9.57
LIQUOR	S&K LINES	FREIGHT	690.44
LIQUOR	SCHWALBACH HARDWARE	MAINTENANCE	15.95
LIQUOR	STOREY KENWORTHY	SUPPLIES	23.34
Total for Department 180			2,017.37*
Total for Fund 60			2,017.37*
WATER	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	141.96
WATER	BARCO MUNICIPAL PROD	MAINTENANCE	133.75
WATER	CALIFORNIA CONTRACTO	SUPPLIES	97.53
WATER	COTTONWOOD CO TREASU	DISPATCHING	100.00
WATER	WASTE MANAGEMENT OF	HAUL GARBAGE	81.47
WATER	HAWKINS, INC	CHEMICALS	3,817.05
WATER	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	109.02
WATER	GDF ENTERPRISES, INC	MAINTENANCE	306.48
WATER	LAMPERTS YARDS, INC.	MAINTENANCE	53.59
WATER	MCDONALD & SCHRAMEL	LEGAL FEES	882.00
WATER	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	7.70
WATER	MN VALLEY TESTING	TESTING	84.25
WATER	NAPA AUTO PARTS	MAINTENANCE	26.39
WATER	STOREY KENWORTHY	SUPPLIES	23.34
Total for Department 181			5,864.53*
Total for Fund 61			5,864.53*
	BURMEISTER ELECTRIC	MAINTENANCE	16,123.93
	DIRECT ELECTRIC SUPP	MAINTENANCE	258.96
	J. H. LARSON	MAINTENANCE	1,048.02
	RESCO	INVENTORY	261.46
	TITAN MACHINERY	EQUIPMENT	3,647.63
	TRICIA BROBERG	REFUND -UTILITY PREPAYME	125.00
Total for Department			21,465.00*
ELECTRIC	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	39.75
ELECTRIC	AMERICAN PUBLIC POWE	DUES	2,812.94

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
ELECTRIC	B & B TRANSFORMER	INVENTORY	14,702.33
ELECTRIC	BORDER STATES ELECTR	INVENTORY	170.61
ELECTRIC	CENTRAL MINNESOTA MU	CAPX2020 ASSESSMENT-FINA	7,697.00
ELECTRIC	CENTRAL MINNESOTA MU	ENERGY DEVELOPMENT	610.00
ELECTRIC	CENTRAL MINNESOTA MU	MRES TRANS ASSMT	2,395.00
ELECTRIC	CENTRAL MINNESOTA MU	TRANSMISSION	1,074.00
ELECTRIC	CITIZEN PUBLISHING C	ADVERTISING	221.40
ELECTRIC	COTTONWOOD CO TREASU	DISPATCHING	187.50
ELECTRIC	WASTE MANAGEMENT OF	HAUL GARBAGE	81.08
ELECTRIC	DAKOTA SUPPLY GROUP	MAINTENANCE	9.99
ELECTRIC	DUECO, INC.	MAINTENANCE	5,979.51
ELECTRIC	FINLEY ENGINEERING	SERVICE	1,722.09
ELECTRIC	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	218.05
ELECTRIC	MARV GRUNIG	EXPENSE	176.00
ELECTRIC	JERRY'S REPAIR	MAINTENANCE	615.14
ELECTRIC	KDOM RADIO	ADVERTISING	244.20
ELECTRIC	J. H. LARSON	MAINTENANCE	262.83
ELECTRIC	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	7.70
ELECTRIC	MAY ENGINEERING	SERVICE	386.00
ELECTRIC	NAPA AUTO PARTS	MAINTENANCE	39.39
ELECTRIC	RESCO	INVENTORY	215.66
ELECTRIC	RUNNING'S SUPPLY	MAINTENANCE	235.22
ELECTRIC	SCHWALBACH HARDWARE	MAINTENANCE	119.61
ELECTRIC	SKARSHAUG TESTING LA	SUPPLIES	721.22
ELECTRIC	STONER INDUSTRIAL, I	SERVICE	101.94
ELECTRIC	STOREY KENWORTHY	SUPPLIES	23.34
ELECTRIC	WERNER ELECTRIC	MAINTENANCE	121.46
ELECTRIC	WESCO DISTRIBUTION,	MAINTENANCE	396.22
ELECTRIC	WINDOM AREA DEVELOPM	INDUSTRIAL DEVELOPMENT	1,200.00
ELECTRIC	WINDOM AREA HOSPITAL	TESTING HEP "B"	149.64
ELECTRIC	CARQUEST AUTO PARTS	MAINTENANCE	269.96
ELECTRIC	BANK MIDWEST	NSF CHECK	140.69
ELECTRIC	BANK MIDWEST INSURAN	BOILER INSURANCE	37,477.00
ELECTRIC	ZIEGLER, INC.	MAINTENANCE AGREEMENT	15,840.00
ELECTRIC	OKAY CONSTRUCTION, I	MAINTENANCE	1,957.62
ELECTRIC	OAK GROVE FARM	SHIRT LOGOS	30.00
	Total for Department 182		98,652.09*
	Total for Fund 62		120,117.09*
SEWER	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	79.50
SEWER	BARCO MUNICIPAL PROD	MAINTENANCE	133.75
SEWER	CALIFORNIA CONTRACTO	SUPPLIES	97.52
SEWER	COTTONWOOD CO TREASU	DISPATCHING	100.00
SEWER	HAWKINS, INC	CHEMICALS	789.75
SEWER	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	144.06
SEWER	GDF ENTERPRISES, INC	MAINTENANCE	306.47
SEWER	LAMPERTS YARDS, INC.	MAINTENANCE	382.34
SEWER	MANKATO MOBIL RADIO	MAINTENANCE CONTRACT	7.70
SEWER	MN VALLEY TESTING	TESTING	2,646.20

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
SEWER	NAPA AUTO PARTS	MAINTENANCE	277.90
SEWER	NORTH SHORE ANALYTIC	TESTING	125.00
SEWER	RUNNING'S SUPPLY	MAINTENANCE	52.06
SEWER	SCHWALBACH HARDWARE	MAINTENANCE	50.03
SEWER	STAPLES OIL CO	FUEL	365.30
SEWER	STOREY KENWORTHY	SUPPLIES	23.34
SEWER	TEXAS REFINERY CORP	SUPPLIES	138.45
SEWER	WINDOM AREA HOSPITAL	TESTING HEP "B"	74.82
	Total for Department 183		5,794.19*
	Total for Fund 63		5,794.19*
ARENA	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	39.75
ARENA	CULLIGAN	SERVICE	380.75
ARENA	WASTE MANAGEMENT OF	HAUL GARBAGE	125.33
ARENA	FERRELLGAS	GAS	139.19
ARENA	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	81.76
ARENA	HEARTLAND PAPER COMP	SUPPLIES	355.56
ARENA	A H HERMEL CANDY & T	MERCHANDISE	68.93
ARENA	KDOM RADIO	ADVERTISING	70.00
ARENA	J. H. LARSON	MAINTENANCE	113.10
ARENA	MIDWEST WIRELESS	TELEPHONE	82.81
ARENA	RUNNING'S SUPPLY	MAINTENANCE	21.69
ARENA	SCHWALBACH HARDWARE	MAINTENANCE	277.11
ARENA	STONER INDUSTRIAL, I	SERVICE	9.52
ARENA	STOREY KENWORTHY	SUPPLIES	23.34
ARENA	WINDOM FIRE SAFETY	MAINTENANCE	86.00
ARENA	CARQUEST AUTO PARTS	MAINTENANCE	15.38
	Total for Department 184		1,890.22*
	Total for Fund 64		1,890.22*
ECONOMIC DEVELOPMENT	CITIZEN PUBLISHING C	SITE HOSTING	90.00
ECONOMIC DEVELOPMENT	DAN'S OFFICE SUPPLY	SUPPLIES	256.95
ECONOMIC DEVELOPMENT	DAVIS TYPEWRITER	MAINTENANCE CONTRACT	127.48
ECONOMIC DEVELOPMENT	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	54.51
ECONOMIC DEVELOPMENT	LAMAR COMPANIES	SIGN	325.00
ECONOMIC DEVELOPMENT	MIDWEST WIRELESS	TELEPHONE	46.98
ECONOMIC DEVELOPMENT	STORREY KENWORTHY	SUPPLIES	23.34
	Total for Department 187		924.26*
	Total for Fund 67		924.26*
	CCI SYSTEMS	EQUIPMENT	19,120.40
	NATIONAL CABLE TV CO	EQUIPMENT	10,914.52
	Total for Department		30,034.92*
TELECOMMUNICATIONS	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	39.75
TELECOMMUNICATIONS	BLACKBURN MFG. CO.	MAINTENANCE	96.42
TELECOMMUNICATIONS	COLE PAPER INC.	SUPPLIES	95.32

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
TELECOMMUNICATIONS	DATA CONNECTION	MAINTENANCE CONTRACT	13,600.00
TELECOMMUNICATIONS	WASTE MANAGEMENT OF	HAUL GARBAGE	77.81
TELECOMMUNICATIONS	DISH NETWORK	SERVICE	3,399.98
TELECOMMUNICATIONS	FOX LAWSON & ASSOCIA	COMP & CLASS STUDY	181.06
TELECOMMUNICATIONS	GRAYBAR ELECTRIC CO	MAINTENANCE	201.85
TELECOMMUNICATIONS	HEARTLAND TECHNOLOGY	ISP PREPAY SUPPORT CONTR	120.00
TELECOMMUNICATIONS	IMC NETWORKS CORP	SUPPLIES	339.00
TELECOMMUNICATIONS	KDOM RADIO	ADVERTISING	471.00
TELECOMMUNICATIONS	NEW STAR SALES & SER	COPIER MAINTENANCE	35.00
TELECOMMUNICATIONS	OLSEN THIELEN & CO.,	SERVICE	263.75
TELECOMMUNICATIONS	ONVOY, INC	BANDWIDTH BILLING	3,854.33
TELECOMMUNICATIONS	CALIX	MAINTENANCE	1,265.22
TELECOMMUNICATIONS	RON'S ELECTRIC	MAINTENANCE	52.53
TELECOMMUNICATIONS	RUSHMORE INDUSTRIES,	FREIGHT	79.47
TELECOMMUNICATIONS	SCHWALBACH HARDWARE	MAINTENANCE	106.97
TELECOMMUNICATIONS	SOUTHWEST/WEST CENTR	SERVICE	1,666.66
TELECOMMUNICATIONS	STONER INDUSTRIAL, I	SERVICE	57.21
TELECOMMUNICATIONS	STOREY KENWORTHY	SUPPLIES	70.02
TELECOMMUNICATIONS	WINDOM AREA CHAMBER	FARM & HOME SHOW	103.50
TELECOMMUNICATIONS	WINDOM QUICK PRINT	CONNECTION	1,957.20
TELECOMMUNICATIONS	WOODSTOCK TELEPHONE	SERVICE	186.67
TELECOMMUNICATIONS	ELECTRIC SCIENTIFIC	SUPPLIES	84.24
	Total for Department 199		28,404.96*
	Total for Fund 69		58,439.88*
SELECTACCOUNT	FLEX SPENDING		1,184.00
	Total for Department		1,184.00*
	Total for Fund 70		1,184.00*
	Grand Total		233,254.53*



Coalition of Greater Minnesota Cities
CGMC in Brief

April 9, 2009

Contact: Tim Flaherty
651-225-8840

**Mid-session recap:
Budget proposals
LGA, and land use
reform efforts**

This week, the Legislature will break for Easter and Passover. This recess is typically considered the session midpoint (barring a special session), and is a good opportunity to reflect on the progress we've made thus far and address the challenges that remain ahead of us.

Budget Proposals (*see attached chart for details*)

This year's budget proposals may have a few people scratching their heads. The combination of a huge budget deficit, one-time federal funds, and politics has made the budget proposals of governor, House and Senate stranger and more interesting than ever. To start with, who would believe that the conservative governor actually solves the 2010-2011 budget with the most revenue and the least amount of cuts? Or that the liberal Senate has the most cuts and least amount of revenue. It's true! Turns out facts are stranger than sound bites.

While the governor stays true to his "no new tax" mantra, he is not slashing government to do it, like some media and Democrats would like you to believe. He does this by using \$3.1 billion in one-time money, including federal dollars, payment shifts to K-12, and bonding. Using one-time money pushes many of the tough decisions to the next budget, and possibly a new governor. He also shifts funds from the Health Care Access Fund (HCAF) to the tune of \$1.1 billion to the general fund (\$800 million of which are a permanent shift). This revenue, paid for by health care providers, currently goes in the HCAF to pay for uninsured Minnesotans health care.

The Minnesota Senate tackles the budget without any help from one-time money other than the federal stimulus. The Senate will raise \$2.2 billion in revenue, but all of it will come from tax increases. The Senate's lack of one-time money will force more cuts than the governor's plan, \$1.6 billion compared to \$700 million after federal money is added in. So what many consider to be Minnesota's most liberal legislative body is cutting the most government and raising the most taxes, but also solving the long-term budget problem.

The only body that seems to be holding their general political place is the Minnesota House, and that's right between the Senate and the governor. The House's plan calls for \$1.8 billion in K-12 payment shifts, \$1.5 billion in new taxes, and \$800 million in cuts after federal money.

LGA

CGMC has continued to lead the fight to protect LGA. Anticipating a tough battle in light of the state's budget deficit, CGMC launched a media effort with the City of St. Paul at the beginning of the year and hired media



consultant Glen Fladeboe to direct the campaign. The Thank LGA campaign has held numerous press conferences at the Capitol and in cities around the state, including Mankato, Rochester, Moorhead, Bemidji, and Hibbing, and also held a rally at the Capitol. All of these events have garnered positive media coverage in a variety of news outlets. CGMC also launched an online component of the campaign, www.ThankLGA.org, which has grabbed the attention of the public, legislators, and the media alike. In the weeks to come, Thank LGA plans to release several online videos and continue to make the LGA debate a major issue in the media.

On the policy front, LGA took its first jab when the governor proposed to cut the program by 15% in 2009 and 31% in 2010 late in January. In mid-March, the Senate announced its budget fix, which would reduce all program areas by 7%, including the Property Tax Aids and Credits program. At this time, the Senate Property Tax Division has not released any details regarding how this reduction would specifically affect LGA.

Later in March, the House released its budget plan, which would reduce the total Property Tax Aids and Credits program by roughly 7%, but LGA would only take a 6% hit in 2009 and a 10% hit in 2010. Unlike the governor's proposal, the House's plan would reduce LGA based on a city's tax base, not on its levy plus aid, which will produce fairer reductions amongst cities. Starting at the beginning of the session, CGMC lobbyists met with nearly all House members to educate them on the importance of LGA and the impacts of losing this funding, which we feel resulted in the House's method of reducing LGA in this fairer manner.

In the upcoming weeks, CGMC expects the House tax bill will be passed in the full Tax Committee after Easter and the Senate Tax Committee will pass its tax bill toward the end of April. A conference committee will be held in May, at which point the Legislature may negotiate with the governor on key items and pass a bill before the session deadline, or pass a bill that has the potential to be vetoed, which may necessitate a special session.

Land Use & Annexation

After years of inaction from the Legislature and unsuccessful task force mediation between cities and townships, CGMC drafted a land use reform bill (S.F. 913/Bakk, H.F. 1035/Hosch) and an annexation bill (S.F. 1163/Dille, H.F. 1297/Winkler) this session to move these issues forward.

Early in January, CGMC coordinated a land use reform conference with several other organizations to discuss the connection between land use reform and the state's CO2 reduction goals. The conference was well attended by city officials, legislators, and various other individuals. CGMC also produced several web videos which discuss how land use reform will help the state accomplish its aggressive CO2 reduction goals and save both cities and taxpayers money on infrastructure and fuel costs. To learn more about these efforts, visit www.greatermncities.org/land_use_reform.

So far, the land use reform bill has passed the Senate Energy Committee and the Senate State and Local Government Operations and Oversight



Committee. The bill is currently sitting in the Senate Finance Committee, and is expected to pass and be referred to the Senate Tax Committee soon.

The House Local Government Division has also passed both the land use reform bill and the annexation bill, but the full committee chair, Rep. Gene Pelowski (DFL-Winona), has blocked a hearing on either bill in the House State and Local Government Operations Reform, Technology, and Elections Committee. CGMC is currently evaluating its options for circumnavigating this road block, and may attempt to attach portions of the bills to other legislation via amendments. The bills remain "alive" in the committees where they sit at the end of the 2009 session for consideration in the 2010 session. CGMC would like to thank its members who testified before committees on these bills, including Sartell City Administrator Patti Gartland and Warroad Mayor Bob Marvin.

Senate Tax Committee Chair pens pro-LGA guest column

Sen. Tom Bakk (DFL-Cook), chair of the Senate Tax Committee, recently submitted a pro-LGA guest column to the Mesabi Daily News (see attached). CGMC thanks Sen. Bakk for taking a strong stand on property tax fairness and for supporting the LGA program.

House Clean Water Bill signals increase in permit fees

On Wednesday, the House Environmental Finance Committee passed H.F. 1973/Wagenius, which contains the appropriations for the Clean Water Fund that will be generated by the new statewide sales tax. The bill did not follow the recommendations of the Clean Water Council as set forth in H.F. 2128/Eken. Although the bill contains funding for TMDL developments and grants, money for assessment and monitoring sought by the Minnesota Pollution Control Agency (MPCA) was not included in the recommendations. According to the bill's author, Rep. Jean Wagenius (DFL-Minneapolis), the funding for those functions will come out of the general fund. This change is troublesome, because it is expected that the money to pay for the assessment and monitoring will be paid for through increases in permit fees, rather than an allocation from the general fund. Our best opportunity for having an impact on this issue may be in the Senate. A number of greater Minnesota Legislators sit on the Senate Environment Finance Committee, including Vice Chair Senator Saxhaug and Senators Bakk, Dille, Kubly and Vickerman. If you speak with any of these legislators during the Easter legislative break, please express your concern about S.F. 1940, which is the Senate companion bill that would require the MPCA to increase permit fees for wastewater treatment facilities. For more information regarding this issue, please contact Elizabeth Wefel at eawefel@flaherty-hood.com

Update: Federal stimulus money for local government

The Senate and House are both working on bills (S.F. 657/Anderson and H.F. 680/Kalin) that would appropriate federal money allocated to the state Office of Energy Security to grant programs for local government units for energy efficiency and renewable energy. Although the two bills vary in their approach, the final bill will undoubtedly make funding available to our cities. We will continue to monitor these bills as they progress.



Overview of Budget Proposals

State Deficit	2010-2011
Forecast Revenue + Carry Over	31,286,000,000
Forecast Spending + Cash Flow	35,856,000,000
Official Deficit	-4,570,000,000

Budget Summaries (In billions)	2010-2011		
	House	Senate*	Gov**
K-12 Shift (one-time money)	1.8	0	1.3
Bonding/Borrowing (one-time money)	0	0	1.0
New General Fund Revenue	1.5	2.2	1.1
Revenue Total	3.3	2.2	3.4
<i>Net Spending Cuts No Federal Funds</i>	1.6	2.4	1.5
<i>Net Spending Cuts w/ Federal Funds</i>	0.8	1.6	0.7
Balance	0.3	0	0.3

* Assumes full utilization of Federal Dollars

** New General Fund revenue from Health Care Access Fund

Source: Minnesota Office of Budget and Management, MN DFL House, MN DFL Senate

Governor not being fair to taxpayers

By SEN. TOM BAKK

Published in the Mesabi Daily News, Wednesday, March 25, 2009 11:40 PM CDT

Cook

ST. PAUL — A revised budget forecast was released in early March, which predicted that the state will have a budget deficit of nearly \$6.4 billion for the 2010-2011 budget cycle. The federal stimulus funds will reduce the overall deficit to around \$4.5 billion, but if Minnesota doesn't make some permanent changes to our budget, the state will face an even greater shortfall of more than \$5 billion in 2012-2013 and into the future.

Gov. Tim Pawlenty recently released his revised plan to solve the current budget deficit. Unfortunately, his budget is more of the same, with deep cuts to health care and aid to local governments.

The governor's own staff admits that the proposed cuts to local government aid will translate into more than \$626 million in permanent property tax increases for all homeowners, businesses, and renters in the next three years. So, as the governor touts his proposal as solving the budget deficit without raising taxes, it just isn't true. Property taxes will go up-by more than \$626 million-because his budget proposal relies on this new revenue.

The average property tax on Minnesota homes has increased by more than 60 percent from 2003 to 2009. The primary cause of these increases has been cuts in state aid to local governments. In constant current-year dollars, total state aid to all Minnesota local governments has been cut by \$2.3 billion from 2002 to 2008. Over the same period, local property taxes statewide increased \$2.7 billion.

Cities and counties across the state have struggled to make up for the loss of state aid since 2003 through cuts in public services, reductions in infrastructure and, unfortunately, property tax increases. As a result, the quality of public services you receive and the level of taxes you pay now are largely dependent on where you live. Years of deep state aid cuts have forced local governments to cut essential services such as police, fire, and first responders. Today, most cities in Minnesota cannot afford these fundamental services without increasing the burden to property taxpayers.

Pawlenty's perennial solution to every budget crisis has been to cut support for local services such as police and fire. This year, Pawlenty's big solution to our current budget deficit is to repeat this toxic pattern. We know from past mistakes that his solution will only exacerbate our problems and property taxes will increase yet again. If Pawlenty is truly interested in accountability, he must start recognizing this fact.

It's disingenuous for the governor to keep saying he is balancing the budget without increasing taxes. Property taxes affect families' pocketbooks just as much as any other tax. It's time to put some honesty back into state budgeting. It's time to recognize this huge shortfall can only be solved by sharing the pain: We need significant cuts in state spending and responsible revenue increases that don't rely on property taxpayers to carry the water.

The burden of dealing with state budget deficits has fallen disproportionately on local governments and local property tax payers in recent years. Communities have already made sacrifices in order to make ends meet, and the governor choosing to use LGA reductions to balance the budget just isn't fair to taxpayers. It's time the governor quits raising our property taxes through the backdoor and provides leadership through true and honest budget solutions.

DFL Sen. Tom Bakk of Cook is chairman of the Senate Tax Committee.



Dedicated to a Strong Greater Minnesota

ACTION ALERT

To: CGMC Mayors and Administrators
From: Tim Flaherty
Date: April 6, 2009
Re: **Your homework for spring break**

Nobody likes to get homework over vacation, but CGMC has found that Easter break is one of the best times to grab the attention of leading opinion makers, whether they are your legislators or local news outlets. That's why we are assigning you the following tasks to be completed over the next week:

1. Meet with your legislators

The legislature will be on Easter break this Wednesday through Sunday, which means they will most likely be returning to your city and have free time to meet with you. **It is imperative that you schedule a meeting with your legislators as soon as possible.** At your meeting, please discuss the messaging points provided below.

2. Meet with your local newspaper editorial board

Every morning, state legislators and the governor receive a list of news stories from across the state. They pay very close attention to the issues covered in the news, and in particular, they are influenced by the editorial positions of the newspapers.

Therefore, CGMC's goal in the next two weeks is to have supportive LGA editorials in many papers across the state. If we are successful in this effort, it will significantly influence lawmakers' conviction to support LGA and will strengthen our position as we head towards the final weeks of the legislative session. **In the next couple of days, please contact your local newspaper and schedule a meeting with the editorial writer or editorial board.** When you meet, tell them specifically that you are hoping they will write an editorial that supports LGA. Please see the messaging points below for specific details to discuss at your meeting.

Please note, if you have any questions about this process or have concerns about meeting with your paper, please contact CGMC media consultant Glen Fladeboe on his cell phone at 651-208-3262. He would be happy to discuss this in greater detail with you.

Messaging for legislator and editorial board meetings:

Attached to this memo is a one-page handout outlining the key messages that we want to communicate to legislators and editorial boards. Feel free to print out extra copies of this handout and leave it behind at your meetings. Specifically, make the following points:

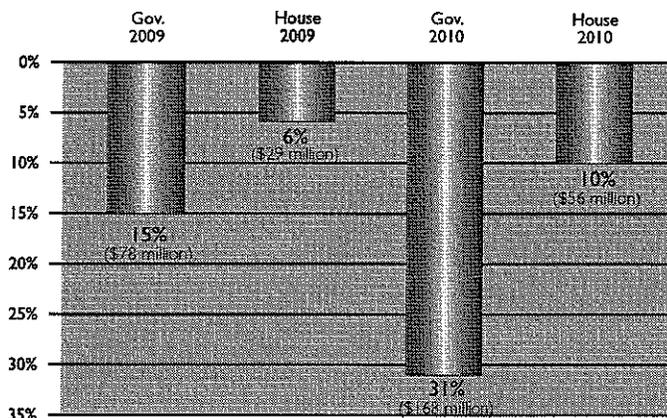
- 1) **Share how your city will be affected by LGA cuts.** Cities understand that we will have to play a role in the state budget solution, but the current proposal from the governor is far too severe and will impact our communities in the following ways (applicable to your community): cuts to police, fire, libraries, and parks, and higher property taxes. Share with your legislators and editorial board how your community will specifically be affected if the governor's proposal becomes law.
- 2) **Dispel the governor's myths.** Two of the governor's favorite myths are outlined on the handout. Please make sure to cover these in your meetings.
- 3) **Turn up the pressure on your House and Senate members.** The House's plan reduces LGA in a much fairer manner than the governor's proposal, and will have a less negative impact on jobs, services and property taxes. The Senate's plan is yet to be released. Communicate to your legislators that we are supportive of the House plan and hope the Senate plan adopts a similar method for reducing LGA.

Thank you again for making these meetings a priority. On a final note, we have DVDs of the Thank LGA Rally available, which can be played on your local cable channels. If you are interested in receiving a copy, please contact Erin Flaherty at enflaherty@flaherty-hood.com.

LGA Update: House tax proposal offers improvement over governor's

- ➔ LGA reductions will result in property tax increases, service cuts, or a combination of both.
 - In December 2008, the governor cut LGA by \$53 million. Because this cut occurred so late in the year, cities will have to address the cut in their 2009 budgets, in addition to any LGA reductions that are passed into law for 2009.
- ➔ The House reductions to LGA are far less severe than the governor's proposed cuts.
 - With a lower reduction in LGA, the House proposal will prompt less and lower city property tax increases and less city service reductions than the governor's proposal.

Percent Change in LGA from Current Law



- ➔ The House proposal reduces LGA in a fair manner.
 - Under the House's plan, tax rate disparities amongst cities would not grow.
- ➔ CGMC encourages the Senate to similarly take fairness into account when establishing their method for reducing LGA.
 - The Senate has proposed to reduce the entire property tax aids and credits program by 7%, which is very close to the House's overall reduction to this program. The specific reductions for LGA are still unknown and will be proposed by the Senate Tax Committee shortly.

GOV's MYTH #1:
Cities will only be cut 5% of their levy + aid

FACT: Under the governor's budget, cities will be cut 5% of levy + aid in 2009, but they were already cut 4% of levy + aid in December of 2008. Cities will also be cut 10.5% of levy + aid in 2010. The governor's budget cuts LGA by 31% in 2010, which will decrease LGA funding to its 1998 level.

GOV's MYTH #2:
Cities have large reserves that can take a hit

FACT: Cities do not carry excessive reserves. The State Auditor suggests that cities have reserve funds between 35% and 50% of their total current expenditures. This is so that cities can pay their bills between revenue payments, which are only received twice a year. The report that looks at reserves in December of 2007 combines both general fund and special fund reserves and does not include the impacts of the 2008 December unallotment.



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No FridayFax next week

The League will not produce a FridayFax next week due to the legislative recess. We will include information on the week's legislative events in the April 9 edition of the *Cities Bulletin*. We will resume the FridayFax on April 17.

Administrative fine compromise bill advances in Senate

An administrative fines bill representing an agreement between city, county and law enforcement organizations advanced with little opposition Wednesday in the Senate State and Local Government Operations and Oversight Committee. SF 1894 (Clark, DFL-St. Cloud), as amended during the hearing, would allow local units of government and the State Patrol to issue administrative citations for a limited list of traffic offenses.

Key components of the compromise include the following:

- A local unit of government may, by ordinance, authorize its police officers to issue administrative citations.
- The ordinance must contain a process for a violator to appeal the citation, and the process must involve a neutral third party such as an administrative hearing officer.
- The violations eligible for an administrative citation are 1) speeding less than 10 miles per hour above the posted limit; 2) stop line violations; and 3) equipment violations such as a cracked windshield.
- The amount of the administrative fine is \$60.
- When a local unit of government issues the citation, two-thirds of the fine is retained by

the issuing authority and one-third must be given to the state.

- When the State Patrol issues the citation, two-thirds of the fine is retained by the state, and one-third is turned over to the local jurisdiction where the citation was issued.

Noticeably absent in the bill is local control over which violations are eligible for administrative citations and the amount of the fine. The League sought flexibility in these areas. In the end, however, provisions requiring uniformity across the state neutralized opposition.

Additionally, the League and other proponents of administrative fine authority resisted the requirement that a portion of the fines be remitted to the state. Unfortunately, the alternative presented by key legislators was to place a \$25 state surcharge on administrative tickets. Since the Legislature has routinely increased surcharge amounts in order to fill holes in the general fund, stakeholders opposed this option. The current amount of the state surcharge on the uniform traffic ticket is \$75.

In order to meet committee deadlines, the bill must pass through both the Senate Judiciary Committee and the Senate Transportation Committee by the end of the day on Tuesday, April 7. Whether this happens is dependent upon the committee chairs' willingness to be accommodating during what is the busiest time of the legislative session for policy committees. If the bill advances, it may have to be reconciled with a conflicting measure, SF 2018 (Moua, DFL-St. Paul), a bill that contains a provision that would prohibit use of administrative fines for traffic offenses.



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The House companion to SF 1894, HF 1517 (Hosch, DFL-St. Joseph), met the policy committee deadline in the House and is awaiting a hearing in the House Public Safety Finance Division.

Questions? Contact Anne Finn at 651.281.1263 or afinn@lmc.org.

Pension Commission releases omnibus bill

The Legislative Commission on Pensions and Retirement (LCPR) on Wednesday released the 2009 Omnibus Retirement Bill. The measure contains provisions from more than 25 pension-related bills. The bill represents the recommendations of the LCPR, a group consisting of five members of the Senate and five members of the House. The bill contains a number of provisions that could impact local government employees and employers, including legislation involving the Public Employees Retirement Association (PERA) as well as fire relief associations.

Below are provisions that the League is tracking:

- Article 1 contains language that accommodates the requirement that the Minnesota Post Retirement Investment Fund be dissolved and merged with active funds. This is required because adjustments made to the fund last year were not sufficient to address an estimated \$2.4 billion deficit in the fund. The proposal implements a failsafe merger that dissolves the Post Fund and divides the assets proportionally among the three active funds. Under the plan, an annual increase of 2.5 percent will be applied to all retirees regardless of inflation or investment returns.
- Article 5 contains a League initiative that provides a local government phased retirement option. The measure, which was introduced as HF 950 (Murphy, M., DFL-Hermantown)/SF 749 (Betzold, DFL-Fridley), permits employees covered by the General Employee Retirement Plan of PERA (PERA-General) who are at least 62 years of age and are eligible to draw a PERA retirement annuity, to terminate employment and be immediately rehired in a position which is at least a 25 percent reduction from previous hours and is no more than half-time. The program expires June 30, 2011.
- Article 10 establishes a voluntary statewide lump-sum volunteer firefighter retirement plan. Under the provisions, the plan would be administered by PERA and invested by the State Board of Investment. The statewide plan would also have an advisory board drawn from local government associations, including the League, and firefighting organizations. The idea behind the legislation is to provide an alternative to local units of government that may find it challenging or inefficient to manage a standalone fire relief plan.
- Article 11 contains miscellaneous volunteer fire relief association changes. The provisions included in this article are the recommendations of the Volunteer Fire Working Group convened by the State Auditor. To view the recommendations, go to: http://www.osa.state.mn.us/Other/reliefWorkingGroup/2009_Bill/bill_text.pdf



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The language recommended by the LCPR on Wednesday will be amended into an existing pension-related bill for the purpose of having it assigned a bill number and moving it through the legislative process. It is common for a small, non-controversial bill to serve as the "vehicle" for an omnibus bill. According to the LCPR website, the omnibus pension bill will be amended into HF 723 (Murphy, M.)/SF 191 (Betzold), a bill authored by LCPR Chair Don Betzold and ranking House member Representative Mary Murphy, that clarifies state trooper disability benefits.

The bill is scheduled for a hearing in the Senate State and Local Government Operations and Oversight Committee on Monday of next week. The House companion is scheduled for a hearing on Tuesday in the House State and Local Government Operations Reform, Technology and Elections. The bill is expected to meet the Tuesday committee deadline.

Questions? Contact Anne Finn at 651.281.1263 or afinn@lmc.org, or Gary Carlson at 651.281.1255 or gcarlson@lmc.org. Or, visit the LCPR web site at www.lcpr.leg.mn.

State Auditor releases report on volunteer fire relief associations

On Wednesday, State Auditor Rebecca Otto released the Financial and Investment Report on Volunteer Fire Relief Associations for the year ended December 31, 2007. The report summarizes and evaluates the finances, basic benefit structure, and investment performance of Minnesota's volunteer fire relief associations.

During 2007, 717 relief associations were in existence in Minnesota. This report includes

information on 708 of the 717 relief associations, which is an increase of eight associations from the 2006 report. The report also provides investment information on three salaried police relief associations and one salaried fire relief association.

According to a statement released by the Office of the State Auditor, highlights from the report include:

Current Trends

- Relief associations held more than \$456 million in net assets at the end of 2007, representing accrued benefits for 20,672 firefighters.
- Total revenues for relief associations in 2007 were \$56.3 million, a 21.5 percent decrease from 2006 revenues.
- Fire state aid received by relief associations in 2007 totaled \$21.1 million, an 11 percent decrease from the amount received during 2006.
- In 2007, relief associations received \$6.8 million in municipal contributions, which was a 3 percent increase over the \$6.6 million received in 2006. Of the \$6.8 million received in municipal contributions, only \$1.5 million was statutorily required to be contributed, which was roughly the same amount that was required for 2006.
- While investment earnings continued to be the largest source of relief association revenue, total earnings in 2007 decreased by 31.9 percent from the prior year.
- In 2007, relief associations had an average rate of return of 5.8 percent. This was a decrease from the 2006 average rate of return of 9.3 percent. Investments for 2007 produced fairly stable returns prior to the decline of the financial markets in the last quarter.



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- On average, relief associations held 36.3 percent of their assets in domestic stock, 10 percent in international stock, 14.6 percent in bonds, 38.3 percent in cash, and 0.8 percent in "other" investments. During 2007, 74 relief associations, or 10.4 percent, were invested solely in cash.

Long-Term Trends

- The average rate of return for relief associations over the past 11 years was 5.3 percent, which just exceeded the statutory interest rate assumption of 5 percent. There were 298 relief associations, or 43.3 percent, that over the last 11 years had average rates of return below 5 percent. Over 93 percent of relief associations would have had higher rates of return had they invested in the State Board of Investment's Income Share Account for the 11-year period.

To view the complete report, go to:

<http://www.auditor.state.mn.us/default.aspx?page=20090401.000>.

Questions? Contact Anne Finn at 651.281.1263 or afinn@lmc.org.

Will legal and accounting services be taxed?

On Wednesday, the House Tax Committee considered HF 2263, a bill introduced by Rep. Ann Lenczewski (DFL-Bloomington) that would adopt many of the recommendations of Governor Pawlenty's 21st Century Tax Commission. Although most of the provisions in the bill address corporate income and personal income taxes, some of the recommendations would have an impact on cities.

Most notably, the bill would extend the state sales tax to services, including car repair services, general repair services, legal services, accounting services as well as financial planning and brokerage services. Due to the fact that cities are subject to the state sales tax, this "base broadening" would potentially increase the costs for cities that purchase these services.

The bill includes a "business-to-business" exemption from the sales tax that would exempt business purchases of these services to avoid "stacking" taxes. Tax stacking occurs when an input to the production of a widget, for example, is taxed while the final sale of the widget is also taxed.

Unfortunately, the exemption language used in the bill does not appear to exempt purchases by government of these same services. The trigger for the sales tax exemption is whether the purchase of the service qualifies as an "ordinary and necessary" business expense that is deductible by a business under the Internal Revenue Code or may be deducted under the Internal Revenue Service (IRS) depreciation or amortization rules.

The Lenczewski bill would also extend the sales tax to residential sewer services, which would have an impact on the operations of cities and increase the cost of sewer services.

In a separate bill, SF 1274, authored by Sen. Ann Rest (DFL-New Hope), the sales tax is also extended to legal and accounting services. However, under her bill the trigger for a business-to-business exemption is whether the service is used in a "trade or business" rather than referencing IRS rules, which creates ambiguity about the application of the sales tax



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to local units of government. During testimony the League raised the issue, and Sen. Rest stated that it was not her intent to apply the sales tax to government purchases of legal and accounting services. She agreed to work with the League to clarify her intent.

The Rest bill also makes a number of changes to the state's corporate income tax, personal income tax, sales and use taxes, including the immediate repeal of levy limits for cities and counties, the phase-out of the corporate income tax in favor of an increase in the business property tax and the extension of the sales tax to clothing. Overall the bill is intended to be revenue neutral to the state but, in the process, would reduce the overall sales tax rate, which would benefit all cities.

For cities with a local sales tax, the expansion of the sales tax base in both of these bills would generate additional local revenue, but neither committee received information on the local impacts. Both bills were laid over for possible inclusion in the respective House and Senate omnibus tax bills.

Questions? Contact Gary Carlson at 651.281.1255 or gcarlson@lmc.org

House Property Tax Division approves property tax article

On Wednesday, the House Property and Local Sales Tax Division, Chair Paul Marquart (DFL-Dilworth), considered and forwarded a division report that includes aid and credit reimbursement cuts to cities, the immediate repeal of city levy limits, modifications to the market value homestead credit and a variety of property tax reforms. The division report is currently contained in HF 2020.

For cities, the bill significantly reduces the overall cuts in state aids and credit reimbursements compared to the cuts proposed by the governor. Under the bill, cities would have a \$50 million cut in 2009 local government aid (LGA) and market value homestead credit (MVHC) reimbursements, which is about one-half of the \$99 million cut proposed by the governor. The cuts under the House proposal were updated to reflect new data and would be computed as 1.211 percent of each city's adjusted net tax capacity, and would first be taken from LGA and then - to the extent necessary - from a city's MVHC reimbursement. Adjusted net tax capacity is essentially a city's tax base "adjusted" by the state-computed sales ratio for differences in local assessment practices.

According to updated calculations released at the hearing, approximately \$29.5 million of the 2009 city cut would come from LGA reductions and \$20.5 million from MVHC reductions. The governor's proposal was computed as roughly 5 percent of each city's "revenue base" or property tax levy plus LGA.

For 2010, the city cut would increase to roughly \$78.7 million compared to current law. Of that amount, the first \$10.5 million is from the elimination of the LGA appropriation increase that was included in last year's tax bill and scheduled to be effective beginning in 2010. The balance of the cuts from cities would be computed as a 1.889 percent of each city's adjusted net tax capacity, which would reduce LGA from the certified 2009 level by \$45.1 million and MVHC by \$23.1 million.

For the 2011 distribution and beyond, cities would lose an estimated \$31.9 million in LGA from the elimination of the growth factor



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enacted last year but the base reduction to LGA (from the original 2009 level) would be reduced by only \$9.7 million, compared to the 2010 reduction of \$46 million. Cities that do not have sufficient LGA to cover their computed cut in 2009 and 2010 would have their 2010 MVHC reimbursement cut continued for 2011 and 2012, which will reduce their distribution of MVHC by \$22.2 million.

The bill includes a number of other significant changes including an authorization for each county to impose a general, half-cent sales taxes. The bill would also repeal the existing limit on the use of best value contracting, adjust the bid limits for special assessments to mirror the limit adjustments enacted last year for competitively bid projects in Minn. Stat. 471.345, eliminate the separate truth-in-taxation (TNT) hearing requirement and the newspaper publication requirement, and advance the entire TNT process by roughly two weeks. For a complete recap of the bill, see the summary in last week's *Cities Bulletin*.

Questions? Contact Gary Carlson at 651.281.1255 or gcarlson@lmc.org.

League testifies against taxing municipal bond interest and development deals

On Thursday afternoon, the House Tax Committee again considered HF 1782, a corporate and income tax-reform bill that had been showcased a few weeks back when it was introduced by Tax Chair Lenczewski (DFL-Bloomington), and Property Tax Chair Marquart (DFL-Dillworth). The point of the legislation is to clean up a number of tax credits

and incentives on the front end, where there is less public visibility. The provision the League testified against was section 7 of the bill, which would start taxing both state and local government bonds. The League also spoke against the removal of some JOBZ tax incentives as well as the current corporate exemptions in place for Minnesota development subsidies. What that boils down to is greater difficulty for redevelopment and economic development districts as the cost for developers would increase. Pieces of this legislation will be part of the tax package coming out of the House in a few weeks, and the League will continue to work on those that affect local governments.

Questions? Contact Jennifer O'Rourke at 651.281.1261 or jorourke@lmc.org.

Second committee deadline nears

It is crunch time for House and Senate policy committees. Next Tuesday marks the second committee deadline; this committee deadline generally applies to policy committees. Bills that passed out of all relevant policy committees in one body in time to meet the first committee deadline, which was March 27, now must make it out of all relevant committees in the other body before 11:59 p.m. on April 7. If a bill does not meet the second committee deadline, it is considered dead for the session unless it is resurrected by the Rules Committee in either the House or the Senate.

Since the middle of March committees have processed hundreds of bills in an attempt to meet the first and second committee deadlines. After April 7, legislators and their staff will be able to take a little breather. As they have every year, the House and Senate have



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tentatively agreed to take a spring break from April 8 through April 13. House and Senate offices will still be open, but no committee meetings will be scheduled before 8:30 a.m. and no floor sessions will be scheduled until noon on April 14.

After the break, there are three other deadlines that the Legislature has imposed. The third committee deadline is set for Thursday, April 16. All finance divisions must act favorably on omnibus appropriations bills. The fourth committee deadline is Wednesday, April 22. On this date House and Senate Committees on Finance, the House Committee on Ways and Means, and the House and Senate Committees on Taxes must act favorably on omnibus appropriation and tax bills. The fifth committee deadline is scheduled for Thursday, May 7, just 11 days before the constitutionally mandated adjournment date. On May 7, Conference committees on omnibus appropriations and tax bills must report bills to the floor.

Questions? Contact Hue Nguyen at 651.281.1260 or hnguyen@lmc.org.

Securing problem properties

Cities dealing with problem properties that have been abandoned due to foreclosures may have some new tools if a bill authored by Sen. Linda Higgins (DFL-Minneapolis) and Rep. Jeff Hayden (DFL-Minneapolis) becomes law. SF 1147/HF 1394 makes a number of changes in provisions aimed at preventing abandoned properties from becoming nuisance properties.

Testimony by Sgt. Richard Jackson, Minneapolis Police Department, in both the

House and Senate highlighted that many vacant and abandoned properties resulting from foreclosure are becoming nuisance properties. Sgt. Jackson said he has seen a progression in which the property is used as a party house, a haven for gangs and finally stripped for copper.

The bills amend the statute concerning limited right of entry which previously allowed the holder of the mortgage or sheriff's certificate the right to enter the property to protect the property against waste, and to require them to secure the property against not only waste but also trespassing if they or a city knows that the property has been abandoned. Authorized actions are expanded to include boarding doors and windows rather than just installing an alarm system. Changes also include notification to the owner and the holder of any sheriff's certificate of the requirements and that costs may be assessed against the property if the person does not secure the building.

The bills also amend provisions governing the reduced redemption period for abandoned property. The bill establishes a procedure under which a city where the property is located requires a lender to initiate a proceeding to reduce the redemption period from six months to five weeks if the city can prove the property is abandoned. Current law only allows the lender or the holder of the sheriff's certificate to initiate a reduced redemption period.

Amendments were made to criminal trespass posting requirements. Posting requirements relating to different types of trespass are made more consistent and clarifies the number of signs required based on the size of the property.



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SF 1147 and HF 1394 have both been passed out of the relevant committees and await action on the Senate and House floors.

Questions? Contact Hue Nguyen at 651.281.1260 or nguyen@lmc.org.

Mississippi River metropolitan corridor legislative update

Legislation related to state and local development restrictions in the Mississippi River Critical Area of the metropolitan area has advanced through several policy committees in the House and Senate, with numerous amendments being made over the past week in each bill to address concerns raised by the League and affected cities and businesses. HF 424 (Hansen, DFL-South St. Paul) and SF 671 (Sieben, DFL-Newport) propose using the themes found in the language of the executive order governing this designated critical area to craft state rules that update the information, science, land uses, and priorities for protection along the river.

While a more detailed update will appear in next week's *Cities Bulletin*, here is a quick summary of where the legislation stands for those cities familiar with the issue:

- Executive Order 79-19 is replaced by state rules, to be drafted by the Department of Natural Resources (DNR) starting next year;
- Local ordinances are required to be taken into account in drafting the rule;
- The state is required to map the corridor, denoting bluffs and steep slope areas;
- The types of land use zones in the corridor may be increased to provide more flexibility;

- Public notice to the DNR of local critical area plan changes, variances, conditional use permits (CUP), or zoning amendments will be required 10 days before final action (currently 30 days);
- Local governments are charged a late fee for missing the public notice requirement (\$500 in the Senate, \$50 in the House); and
- Local governments are required to pay for DNR staff time to review their proposals.

Earlier this session, the League hosted a meeting for city and town officials affected by this legislation to hear the proposers present their ideas, ask questions about the legislation and pass along their feedback. The League has worked closely with the bill's authors and supporters since then to have city concerns addressed in the legislation. Comments made at that meeting were forwarded by the League and have resulted in many of the amendments made to the bills.

This legislation is still very much in the mix of bills that could be passed this session. Again, further changes to the bill and detailed updates on its status will appear in future issues of the *Cities Bulletin*.

Questions? Contact Craig Johnson at 651.281.1259 or cjohnson@lmc.org.

Council pay adjustment legislation merged into mandate relief bill

On Monday, the House Local Government Division considered HF 1849, Rep. Mike Nelson's (DFL-Brooklyn Park) mandate relief bill. The committee discussed adding the language included in a separate bill authored by Rep. Al Doty (DFL-Royalton) that would allow city councils to immediately reduce their



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salaries. Currently, under Minn. Stat. 415.11, a city council cannot *change* their salary until after the next succeeding municipal election.

This language seems to include both increases and decreases. Under current economic and budgetary circumstances, some city councils have indicated an interest to immediately reduce the council salaries and the law raises questions about whether an immediate reduction is permissible.

The League has suggested a workaround for city councils that want to reduce their salaries that involves gifting a portion of the salary back to the city. The council must accept the gift by resolution adopted by a two-thirds majority of its members.

As introduced, the Doty bill would exempt decisions on salary *reductions* from the delayed implementation requirement. In other words, this language would allow immediate reductions in council salaries but would continue to require a delay for increases until after the next election.

The League met with Rep. Doty and suggested that he consider an amendment to allow a council salary reduction to be temporary. He agreed and the language that was ultimately included in the Nelson bill will now allow a city council to enact an ordinance to take effect before the next succeeding municipal election that reduces the salaries of the members of the governing body. The ordinance for the salary reduction would be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted.

The Nelson bill will next be considered in the House Finance Committee.

Questions? Contact Gary Carlson at 651.281.1255 or gcarlson@lmc.org or Alexis Stangl at 651.281.1227 or astangl@lmc.org.

Bills to reduce vehicle miles traveled advance

Several hearings occurred over the past two weeks on two different pieces of legislation related to local government planning as a tool to reduce vehicle miles traveled (VMT). Reducing the number of miles each person drives is a key part of the recommendations made by the Minnesota Climate Change Advisory Group (MCCAG) for curbing greenhouse gas emission levels.

SF 549 (Dibble, DFL-Minneapolis)/HF 898 (Hornstein, DFL-Minneapolis) is a bill that changes Metropolitan Council and local government comprehensive plan timing and requirements in the Metropolitan area to include VMT reduction goals. LMC and a broad group of other local government organizations have worked with the bill authors and the supporters of the legislation to address concerns. All of the concerns raised by the League earlier in the session have now been addressed, but the legislation still faces a major obstacle in that the requirements for the Metropolitan Council to reduce the number of miles driven by metro area residents could result in an extremely large fiscal impact projection. Both versions of the bill now move the timing of future metropolitan area comprehensive planning to be completed by the fifth year of the decade, rather than the eighth year, as is in current law. When the next round of comprehensive planning is done, reducing



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vehicle miles traveled would be specifically added as one of the required components. Requirements for environmental assessment worksheets done in the state to include analysis of project alternatives and mitigation plans to reduce greenhouse gas emissions have been removed.

SF No. 913 (Bakk, DFL-Cook)/ HF No. 1035 (Hosch, DFL-St. Joseph) is a bill sponsored by the Coalition of Greater Minnesota Cities and supported by the League. It looks at land use practices as a method of reducing vehicle miles traveled but focuses primarily outside the Twin Cities metropolitan area. It includes changes to allow cities to identify growth areas within two miles of their boundaries and limits the permissible residential density of new development in unincorporated areas outside identified growth areas to a maximum of one residence per 40 acres except in certain cases. Joint planning between the county, city, and townships is created to manage land use controls in identified growth areas prior to their annexation. The legislation also changes the factors used to site new schools to remove acreage requirements and add a higher consideration of reducing travel. A provision requiring that comprehensive plans be completed by all cities with a population above 2500 and all counties with a population above 5000 was removed from the bill at the request of the League. The bill has been passed through the necessary policy committees in the Senate, but still needs to be heard and passed by the House State and Local Government Operations Reform, Technology and Elections Committee by next Tuesday's policy bill deadline.

Questions? Contact Craig Johnson at 651.281.1259 or cjohnson@lmc.org.

Clean water funding bill introduced

The League has once again joined forces with a broad coalition of local government, agricultural, environmental, and business groups to push for a plan to use the new sales tax funds being collected for clean water to meet state and local requirements under the federal Clean Water Act. This group, previously referred to as the G-16, was behind the passage of the state Clean Water Legacy Act in 2006 and has consistently supported a plan to provide stable long term funding for clean water programs. SF 1913 (Frederickson, R- New Ulm)/HF 2128 (Eken, DFL-Twin Valley) introduced bills that spend the expected funds in a manner consistent with the recommendations of an advisory group created in the Clean Water Legacy Act.

The plan forwarded in this legislation was developed by the Clean Water Council, a governor-appointed task force representing a wide range of interests, over the past two years. The Council's recommendations create a way for Minnesota to identify polluted waters, develop scientific reports on where the pollution is coming from, and implement the improvements needed to actually return the water to water quality standards. This issue gained a high profile when the planned new wastewater treatment facility for the cities of Annandale and Maple Lake was temporarily blocked under the federal Clean Water Act. While that facility was eventually able to go forward by adding additional phosphorus treatment, other water permits continue to be prevented because the state does not have Total Maximum Daily Load (TMDL) reports completed and approved for lakes and rivers that fail to meet federal and state water quality standards.



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The spending plan in this legislation closely matches both the recommendations made by the Clean Water Council and those made by the League and the G-16 in 2006. Approximately one-third of the fund is applied to state programs to allow timely completion of the required assessment, monitoring, and TMDL development. Two-thirds of the money goes for projects that result in the needed improvements to water quality as identified in completed and approved TMDLs. Under this proposal, more than \$46 million would go to cities over the next two years to cover up to 50 percent of the cost of new environmental requirements for stormwater and wastewater infrastructure under three existing state programs, the Total Maximum Daily Loads grants program, the Phosphorus Reduction grants program, and the Small Communities Wastewater Treatment grant and loan program.

This legislation will be discussed in the Environment and Natural Resources Finance divisions in both the House and Senate over the next two weeks. Please watch the *Cities Bulletin* and other League publications for further information on this issue as budget talks progress at the Capitol.

Questions? Contact Craig Johnson at 651.281.1259 or cjohnson@lmc.org.

Water permit, training, and environmental review costs discussed

As the details of legislative budget proposals for environmental agencies are being planned, discussions of where fee increases can replace general and environmental fund appropriations are growing more common. HF 2185 (Wagenius, DFL-Minneapolis) was brought up for discussion on Thursday night in the House

Environment and Natural Resources Finance Division and the Senate version (SF 1940, Anderson, DFL- St. Paul) is scheduled for discussion next week.

The greatest impact in the bill is the requirement that permit fees collected by the Minnesota Pollution Control Agency (MPCA) be raised to a level sufficient to cover the entire cost of the agency's entire permit, implementation, compliance, and enforcement efforts. It is unlikely that the final budget proposal will entirely fund agency programs from fees, but the League will continue to raise concerns about passing revenue collection for state programs down to local units of government. There is also a strong argument that supporting a stable staff of environmental experts in the MPCA is actually of significant benefit to the citizens of the state, not just project proposers, making the general fund an appropriate source of a portion of the funding for those programs.

For water programs, the fee change could require permit fees to collect an added \$15 million per year. For comparison purposes, the MPCA is currently being required to increase water permit fees by \$3 million per year. The draft rules for how that would be done include annual municipal national pollutant discharge elimination system (NPDES) wastewater permit fee increases ranging from \$300 for small wastewater systems to \$40,000 for the largest. Obviously, to increase annual permit fees \$15 million more would result in something close to five times that amount, with 64 municipal wastewater systems seeing annual fee increases of more than \$7000 per year.

This bill would also increase training costs by an unspecified amount for water, wastewater



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operator, solid waste and hazardous waste facility operator training and certification. Currently, about one-half of the cost of water and wastewater certification and about one-eighth of the cost of solid and hazardous waste operator certification is covered by the general fund.

Finally, the bill requires that proposers must pay the costs to the responsible government unit (RGU) of preparing and distributing environmental assessment worksheets. Local units of government are exempted from paying for the first 10 hours if they are the project proposer. This is more of a mixed bag for cities, as cities are actually the RGU for environmental review more often than they are the project proposer. The projects proposed by cities, however, are usually wastewater treatment facilities, which can face fairly complicated environmental reviews. Please watch League publications for future updates on environmental budget discussions.

Questions? Contact Craig Johnson at 651.281.1259 or cjohnson@lmc.org.

Town hall meetings

Town hall meetings are a great chance to meet with your legislators and tell your city story, sometimes right inside city hall. Upcoming meetings in a city near you include:

April 4 in **Dent** (Nootzi's on Main, 106 Main St., 9 a.m.) with Rep. Mark Murdock

April 4 in **New York Mills** (Senior Citizens Center, 12 Walker Ave. N., 10 a.m.) with Rep. Mark Murdock

April 4 in **Wadena** (Minnesota State Community and Technical College; cafeteria

area, 405 Colfax Ave. S.W., 11 a.m.) with Rep. Mark Murdock

April 4 in **Verndale** (Senior Citizens Center, 107 S. Farwell St, noon) with Rep. Mark Murdock

April 4 in **Staples** (Community Center, 425 4th St. N.E., 1 p.m.) with Rep. Mark Murdock

April 6 in **St. Paul** (Riverview Library, basement meeting room, 1 George Street East, 7 p.m.) with Rep. Carlos Mariani

April 11 in **Rochester** (Dunn Brothers Coffee, 120 Elton Hills Drive NW, 8:30 a.m.) with Rep. Kim Norton

April 11 in **Crystal** (Crystal Community Center 4800 Douglas Dr N, 9 a.m.) with Sen. Ann Rest

Check your local newspaper or radio station for additional dates.

Questions? Contact Brian Strub at 651.281.1256 or bstrub@lmc.org.



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MANDATES AFFECTING MINNESOTA CITIES

The following list represents a compilation of some of the state and federal laws that directly impact city government operations in Minnesota. The list does not represent every law that impacts city operations nor does the list necessarily reflect the annual legislative agenda of the League of Minnesota Cities. (Updated 1/29/09)

PERSONNEL/EMPLOYEE RELATIONS

Aggregate value of benefits (M.S. 471.6161, subd. 5)—Cities are prohibited from reducing the aggregate value of benefits in a group insurance contract without the agreement of the union. Court and arbitration decisions have interpreted this to mean that cities cannot change a provider network or increase a co-pay—even when required by the insurance carrier -- without negotiating this with the union.

Pay equity, implementation and reporting (M.S. 471.991-99)—Personnel costs have been increased by the state requirement that cities and other local governments conduct job evaluation studies, report on implementation, and meet equitable compensation standards as defined in state rules.

Workers' Compensation (M.S. 176)—Cities are responsible for enforcing state requirements for workers' compensation for local contractors and licensees.

Public pensions - Basic and Coordinated plans (M.S. 353.27)—Cities are required to participate in the state Public Employee Retirement Association (PERA), that requires city employer contribution rates of 11.78 percent for Basic plan members and 5.53 percent (6.75 for 2009) for Coordinated plan members.

Public pensions-Police and Fire plan (M.S. 353.65)—Cities are required to participate in the state PERA Police and Fire Plan that requires a city employer contribution rate of 9.3 percent (14.1 for 2009).

Continuation of health and life insurance coverage following termination (M.S. 62A.17, M.S. 471.61 subd. 2b and M.S. 61A.092)—Cities must comply with a state requirement to offer continued health and life insurance coverage to former employees following voluntary or involuntary termination.

800 megahertz radio system (M.S. 473.891-.905)—Regional public safety radio communications system for which metro-area cities must implement plans.

Ambulance staffing and equipment requirements (M.S. 144E.101)—Governed by the Emergency Medical Services Board - most recently changed in 2008.

Suspense file reduction (M.S. 299C.10-11)—Requires peace officers and community corrections agencies to immediately collect identifying information relating to persons arrested or appearing in court on certain charges. Information includes fingerprints and known aliases. Identification data must be furnished to the Bureau of Criminal Apprehension.

Peace officers post traumatic stress syndrome benefit (M.S. 299A.411)—Cities are required to pay for unreimbursed loss of wages during the time of the post-traumatic disability, not to exceed one year and for the unreimbursed expenses for medical treatment, including psychiatric or psychological counseling to relieve the effects of the post-traumatic stress syndrome, not to exceed one year.

Fine Distribution (M.S. 357.021, subd. 6)—Minnesota statutes define the distribution of fine revenue for enforcement of state laws. Although local enforcement costs have increased in recent years, the distribution to cities has not been modified. In addition, recent state-imposed traffic citation surcharges have increased the challenges of citations which increases local prosecution costs.

Notification of 3.2 percent liquor licensees (M.S. 340A.403)—Cities are required to notify the commissioner of public safety within 10 days of issuing a 3.2 malt liquor license.

Must use certain colors for police uniforms and police vehicles (M.S. 626.88, 169.98)—State law sets the colors allowed for police officer uniforms. Uniforms must be predominantly blue, brown, or green. Police department motor vehicles used in patrol must be predominantly blue, brown, green, black, or white. The vehicle must display in letters at least two-and-a-half inches tall the governmental unit's identity on both front-door panels and on the rear of the vehicle. Each vehicle must have its own identifying number on the rear of the vehicle.

Use of part-time police officers restricted (M.S. 626.8468)—State law limits the use of part-time police officers. A law enforcement agency that employed a licensed part-time peace officer that was in the process of training an individual to become a licensed part-time police officer on Feb. 1, 1999, may continue to do so. No city may employ more part-time police officers than it employed in calendar year 1996, 1997, or 1998.

Profits from sale of firearms must be shared with county and state (M.S. 609.5313)—Law enforcement agencies can sell firearms, ammunition, and accessories to federally licensed firearms dealers or use them for law enforcement purposes. The proceeds are distributed 70 percent to the law enforcement agency, 20 percent to the county attorney, and 10 percent to the state.

Development & Permit Fees Report (M.S. 326B.145)—Cities are required to report in detail all fees collected related to building and development in their communities if the cumulative fees collected exceeded \$5,000 in the reporting year. In addition, the report requires a comprehensive identification of all costs and expenses related to providing services related to those activities.

DATA PRACTICES/OPEN MEETING LAW

Minnesota Government Data Practices Act (M.S.13)—Nearly all government data is to be considered to be “public” under the Minnesota Government Data Practices statutes and public access to, and reproduction of this information is required. The costs and fees charged by local units of government for this data are minimal and limited.

Open Meeting Law (M.S. 471.705)—Cities are generally required to open all of their meetings to the public. State law includes specific requirements for meeting notices, agendas, and minutes. Unlike violations of the law by the Legislature, city officials may be sued for alleged violations.

Job reference liability (Chapter 137, 2004 Session Laws)—Regulates city disclosure of employment information regarding current and former employees, requiring that disclosure procedures and policies be implemented to assure that information provided is complete and accurate; that disclosure of information regarding acts of violence, etc. are to be provided only in writing; that the city obtain authorization from current or former employee to the release of such information prior to disclosing public personnel data, evaluations conducted prior to separation and employee responses, employee’s personnel record and reasons (in writing) for employment separation; and provide current and former employees by mail a copy of employment information disclosed and to whom it was disclosed.

Compliance with new data practice government data classifications (Chapter 290, 2004 Session Laws)—Information such as payroll time sheets or other data that would reveal city of residence of current and former employees, volunteers and independent contractors; data regarding employees of secure treatment facilities and their immediate family members that would reveal where they have received training or attended educational courses if such data would reveal work assignments, home address or phone number, location during non-work hours, or location of immediate family members; nonpublic classification status for preliminary and final market value appraisals of property owned by the city until a purchase agreement has been finalized or appraisals are exchanged; release to domestic abuse victim and victim’s attorney of written police report and arrest data related to domestic abuse prosecution; implementation of procedures for closing, tape recording and maintaining recordings of meetings to receive security briefings.

ELECTIONS

Administrative remedy for violations of fair campaign practices (Chapter 277, 2004 Session Laws)—Cities are subject to payment of costs for the Office of Administrative Hearings to consider such complaints regarding any ballot question or elective office.

Election equipment and supplies (M.S. 204B.18, 204B.27-29; 204C.26, 204B.32, subd. 1 (c))—The city should supply, at city expense, necessary election equipment and supplies. Each precinct should receive all necessary supplies.

Ballot Question Titles (Minn. R. 8250.0390)—The city attorney must review the title of a ballot question to determine whether it accurately describes the question asked; the title cannot be used on the ballot until approved by the city attorney.

Ballot question petitions (Minn. R. 8205.1040, 8205.1050)—The city clerk must accept petitions for ballot questions. The clerk must provide the person filing the petition with a receipt for the petition. The clerk must also inspect the form of the petition to determine if it complies with all form and filing requirements, including determining whether the petition has been signed by the required number of signatories and whether the signatories meet the applicable eligibility requirements. The clerk must complete the verification of a petition as soon as practicable but no later than ten working days after the day on which the petition was filed.

EMERGENCY MANAGEMENT

Compliance with emergency medical service training requirements (Chapter 144, 2004 Session Laws)—Cities must comply with eligibility requirements for first responder trainers and to provide a physician at training and to conform to other provisions related to modifications to salary limits for ambulance service personnel; repeal on restrictions on maximum period of service for receipt of credit awards; and other measures related to local ambulance service.

Federal NIMS & MNIMS compliant (44CFR Part 201, MN Stat 115E.01-115E.11)—Cities must certify that they are compliant with NIMS by adopting a resolution formally recognizing NIMS principles and policies. Cities must train members of their emergency management system (including staff and elected officials) using NIMS standards.

Must Adopt Emergency Management plan (MN Stat 12.25)—State law requires each city to establish a local organization to perform emergency management functions.

ENVIRONMENT

Wastewater treatment standards (PCA-MN Rules Chapters 7050/7052)—State requirements exceed those set by the federal government for many standards affecting wastewater treatment. Extensive and complicated reporting requirements are mandated by the pollution control agency.

Wetlands (MN Rules Chapter 8470)—The Wetland Conservation Act must be administered by a city, county, or other local government unit including wetlands replacement, environmental review requirements, mitigation and enforcement.

Solid Waste Management (M.S. 115A, MN Rules Chapters 7035/7048)—State law specifies the existence and parameters of local recycling programs, waste collection practices, etc.

Feedlot zoning (M.S. 462.351 subd 1g)—When adopting land use controls related to feedlots cities must prepare a report on the economic effects from specific provisions in the feedlot ordinance. Upon completion, the report must be submitted to the commissioners of employment and economic development and agriculture along with the proposed ordinance.

Cities must provide a Board of Zoning Adjustment and Appeals to reconsider zoning decisions they have already made (M.S. 462.354 subd 2, 442.351 subd 6)—When a city has a zoning ordinance, it must, by ordinance, create a Board of Appeals and Adjustments. The board hears appeals where an error is alleged in the administration of the zoning ordinance, and hears requests for variances from the literal provisions of the ordinance. Variances can only be granted by the Board of Appeals and Adjustments

Cities must conduct studies when imposing moratoria (M.S. 462.255 subd 4)—A city council may adopt an interim ordinance (or moratorium) only if a study is being conducted or has been authorized.

Cities face restriction in the collection of park and open space dedication fees from developers (M.S. 462.358 Subd 2b)—The cash fee must now be based on fair market value of the unplatted land for which park fees have not already been paid. In order to collect these fees, cities must also adopt a capital improvement budget, have a parks and open space plan or a parks and open space component in its comprehensive plan, place the cash payments in a special fund to be used only for the purposes for which the money was obtained, use the cash payments only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

Eminent domain law requires cities to offer to sell unneeded property acquired by eminent domains to original owners at original purchase price (M.S. 117.226)—If a city determines that property acquired through eminent domain is no longer needed for a public purpose, the city must offer to sell the property back to the person it was acquired from at the original price or the current fair market value, whichever is lowest.

Cities must pay some relocation costs if eminent domain is used (42 USCA 4601-4655, M.S. 117.52 Subd 1a)—Both state and federal law protect property owners and tenants who are required to move because of eminent domain proceedings; cities, or condemning authorities, must pay relocation costs for the people who must move. In some limited circumstances, owner-occupants may waive relocation benefits. If a person must relocate but does not accept the city's relocation offer, the state law now requires that a city must seek resolution using state contested case procedures and an administrative law judge.

Cities in contested eminent domain proceedings may need to pay landowners costs and attorney's fees (M.S. 117.031)—If a person challenges a city's condemnation proceeding or amount

property tax levy at a public hearing, if a public hearing is required. The notice must be published not less than two business days nor more than six business days before the hearing. The advertisement must be at least one-eighth page in size of a standard-size or a tabloid-size newspaper. The advertisement must not be placed in the part of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in an official newspaper of general circulation in the taxing authority. The newspaper selected must be one of general interest and readership in the community, and not one of limited subject matter. The advertisement must appear in a newspaper that is published at least once per week. In addition to other requirements, a city having a population of more than 2,500 must show in the public advertisement the current local tax rate, the proposed local tax rate if no property tax levy increase is adopted, and the proposed rate if the proposed levy is adopted.

Charter Election Publication Requirement (M.S. 410.10)—The notice of a charter election is required to contain the complete charter and shall be published once a week for two successive weeks in the official newspaper of the city, or if there be none, in a legal newspaper of general circulation in the city. For cities of the first class, the publication shall be made in a newspaper having an aggregate regular paid circulation of at least 25,000 copies. The governing body may in addition thereto publish the notice in any other legal newspaper published in the city.

Charter Amendments By Ordinance (M.S. 410.12)—Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published.

Council proceedings (M.S. 412.191, subd 3)—The council, after every regular or special meeting, shall publish the official council proceedings or a summary conforming to section 331A.01, subdivision 10. As an alternative to publication, the city may mail, at city expense, a copy of the proceedings to any resident upon request. The publication shall occur within 30 days of the meeting to which the proceedings relate. Cities with a population of less than 1,000 according to the latest federal census are not required to comply with this section, but may do so at their discretion.

Ordinances (M.S. 412.191, subd 4)—Every ordinance must be published once in the official newspaper. In the case of lengthy ordinances, or ordinances which include charts or maps, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published, conforming to section 331A.01, subdivision 10, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and any other location which the council designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the council designates. Prior to the publication of the title and summary the council shall approve the text of the summary and

certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify.

Hearing on proposed special assessment (M.S. 429.09)—Cities must publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. Such publication and mailing shall be no less than two weeks prior to such meeting of the council.

Cooperation and Combination Plan (M.S. 465.82)—In the official newspaper of each local government unit proposing to take part in a combination, the governing body shall publish at least a summary of the adopted consolidation or combination plan, each significant modification and resolution of items, and, if appropriate, the results of each council review and comment.

Contracts to be Let (M.S. 469.015)—Before receiving bids the authority is required to publish once a week for two consecutive weeks in an official newspaper of general circulation in the community a notice that bids will be received for that construction work, or that purchase of equipment, supplies, or materials. The notice shall state the nature of the work and the terms and conditions upon which the contract is to be let, naming a time and place where bids will be received, opened and read publicly, which time shall be not less than seven days after the date of the last publication.

Tax Levy Increases for Port Authorities (M.S. 469.053)—A city is required to publish the resolution for a port authority tax increase together with a notice of public hearing on the resolution for two successive weeks in its official newspaper or, if none exists, in a newspaper of general circulation in the city. The hearing must be held two to four weeks after the first publication.

Creation of an industrial development district (M.S. 469.058)—A port authority may create and define the boundaries of industrial development districts in their port districts after holding a public hearing on the matter. At least ten days before the hearing, the authority shall publish notice of the hearing in a daily newspaper of general circulation in the port district.

Sale of property by a port authority (M.S. 469.065)—At least ten, but not more than 20, days before the hearing the authority is required to publish notice of the hearing on the proposed sale in a newspaper. The newspaper must be published and of general circulation in the port authority's county and port district. The notice must describe the property to be sold and state the time and place of the hearing. The notice must also state that the public may see the terms and conditions of the sale at the authority's office and that at the hearing the authority will meet to decide if the sale is advisable.

Port Authority contracts for construction, equipment and supplies (M.S. 468.068)—Before receiving bids for all construction work or equipment, materials and supplies greater than \$1,000, the authority is required to publish, once a week for two consecutive weeks in the official newspaper of the port's city, a notice that bids will be received for the construction

Infrastructure replacement reserve fund levy (M.S. 471.572)—Before a tax is levied under this section, the city is required to publish in the official newspaper of the city an initial resolution authorizing the tax levy.

Financial Reports for cities over 2,500 population (M.S. 471.697)—Cities are required to publish the financial report or a summary of the report, in a form as prescribed by the state auditor, in a qualified newspaper of general circulation in the city or, if there is none, post copies in three of the most public places in the city, no later than 30 days after the report is due in the office of the state auditor. The report is required to contain financial statements and disclosures which present the city's financial position and the results of city operations in conformity with generally accepted accounting principles. The report shall include such information and be in such form as may be prescribed by the state auditor

Financial Reports for cities under 2,500 population (M.S. 471.698)—Cities are required to publish the financial statement, or a summary of the statement in a form as prescribed by the state auditor, within 90 days after the close of the fiscal year in a qualified newspaper of general circulation in the city or if there is no qualified newspaper of general circulation in the city, the clerk shall, at the direction of the city council, post copies in three of the most public places in the city.

Summary Budget Statement (M.S. 471.6965)—Annually, upon adoption of the city budget, the city council is required to publish a summary budget statement in either the official newspaper of the city, or if there is none, in a qualified newspaper of general circulation in the city or in a city newsletter or other city mailing sent to all households in the city.

Municipal liquor store balance sheet (M.S. 471.6985)—Any city operating a municipal liquor store is required to publish a balance sheet using generally accepted accounting procedures and a statement of operations of the liquor store within 90 days after the close of the fiscal year in the official newspaper of the city.

Capital improvement bonds (M.S. 475.521)—Before the issuance of capital improvement bonds, the municipality is required to publish a notice of its intention to issue the bonds and the date and time of the hearing to obtain public comment on the matter. The notice must be published in the official newspaper of the municipality or in a newspaper of general circulation in the municipality. Additionally, the notice may be posted on the official Web site, if any, of the municipality. The notice must be published at least 14 but not more than 28 days before the date of the hearing.

Alternative dissemination of bids and requests (M.S. 331A.03)—In addition to or as an alternative to the statutory requirements for newspaper publication, a political subdivision may disseminate solicitations of bids, requests for information, and requests for proposals by a means authorized in paragraph (b), if the political subdivision simultaneously publishes, either as part of the minutes of a regular meeting of the governing body or in a separate notice published in the official newspaper, a description of all solicitations or requests so disseminated, along with the means by which the dissemination occurred.

Non-visual technology—A 1998 law mandates the state and all political subdivisions to require **all** technology hardware and software purchases and upgrades to satisfy non-visual technology standards that exceed the Americans with Disabilities Act (ADA) requirements. This mandate requires the purchase of technology that is either not yet available or is cost prohibitive.

Street lighting (M.S. 216C.19)—State law requires all new and replacement lighting for street and parking lot lighting to meet energy efficiency standards adopted by the Department of Transportation. Lamps with initial efficiencies of at least 70 lumens per watts, such as high-pressure sodium or metal halide lamps, are required; mercury vapor lamps may not be used.

State record retention schedule (Dept. of Administration)—State regulations determine what records cities must keep and for what length of time. Requirements include storage time ranging from three years to infinity.

60-Day Approval Requirement (M.S. 15.99)—Cities are required to complete their decision on written applications for permits and zoning changes or variances within 60 days.

Competitive bidding (M.S. 471.345 and M.S. 429.041)—The uniform municipal contracting law contains extensive regulation of the requirements for the advertising of and bidding on municipal contracts.

Examination of bonded public employees (M.S. 574.23)—An examination process is required whenever there is a change in the personnel for city clerks and treasurers.

Summary budget statement publication (M.S. 471.6965)—Annual publication of the city's summary budget must include information relating to anticipated revenues and expenditures in a design so that a comparison may be made between the current and budget years. This must be published in the official newspaper of the city.

Home rule city charters (M.S. 410) - State regulations are provided for the framing, adoption, and amendments to the charter, and the operation of the charter commission.

Municipal liquor store financial statements (M.S. 471.6985)—Cities that operate municipal liquor stores must publish a balance sheet with a statement of liquor store operations within 90 days after the end of the fiscal year.

Fee limits for many liquor licenses (M.S. 340A.408, 340A.504, 340A.414)—The maximum fee for many liquor licenses is limited by statute, these may not reflect actual city costs in administering the license.

Annual Tax Increment District Reporting Requirements (M.S. 469.175)—Comprehensive and detailed annual reports of each TIF district are required and they must be provided by cities to County Board(s), County Auditor(s), School Board(s), and the State Auditor.

Governmental Accounting Standards Board (GASB) (GASB Statement No. 34)—Established new financial reporting standards for state and local governments throughout the United States. All cities in Minnesota must now comply with extensive GASB 34 standards for financial reporting including but not limited to reporting costs of terminations, intangible assets, and depreciation schedules for all city assets, other post employment benefits and implicit subsidies.

Federal audits (31 U.S.C.A. § 7502 (a) (1) et seq. 31 U.S.C.A. § 7503)—The Federal Single Audit Act, requires that all local units of government receiving \$300,000 or more per year in federal funds obtain either a single audit or a program-specific audit. The federal audits must be conducted annually unless the city is authorized by statute to undergo less frequent audits; in this case, the audit may be done biennially. The biennial audit must cover both years within the biennium.

State mandated audits (M.S. 471.697)—Cities with populations over 2,500 must conduct an annual audit. Cities may use their audit to report to the agencies that gave the federal aid, rather than conducting separate audits for each agency.

State summary budget publication (M.S. 471.6965)—Annually, upon adoption of the city budget, the city council must publish a summary budget statement. The statement must be published either in the official newspaper of the city, or if there is none, in a qualified newspaper of general circulation in the city; or in a city newsletter or other city mailing sent to all households in the city.

Summary budget reports (M.S. 6.745)—Cities must send summary budget information to the state auditor, using forms prescribed by the state auditor. This summary budget data must be provided to the state auditor no later than Jan. 31.

State required financial activity reports (M.S. 6.74)—In addition to all of the above, cities are required to report their financial activities each year to the Office of State Auditor.

TAXES/REVENUE RESTRICTIONS

Property tax personnel training (M.S. 273.0755)—Requires that every person licensed by the state board of assessors at the Accredited MN Assessor level or higher shall successfully complete a week-long MN laws course sponsored by the Department of Revenue at least once every four years.

Training for local boards of review (M.S. 274.014)—Requires that at least one member of the local boards of review must attend an appeals and equalization course developed or approved by the commissioner of revenue starting January 1, 2006.

Valuation and classification notice (M.S. 273.121)—Requires notices for all properties on the tax rolls, not just for those that were reassessed or reclassified that year, requiring the notices to show the market value and classification of the property for both the current and previous year's assessment and authorizing the commissioner to specify the form of the notice for all counties.

Maintenance of Effort-Grandfathered contributions to regional libraries (M.S. 134.34)—The state requires that once a city participates in funding a regional library, the minimum contribution made may not be reduced.

Ordinance copies to law libraries (M.S. 415.021)—Cities are required to furnish copies of any ordinances they adopt to the local county law libraries and do not receive reimbursement for reasonable copying charges unless they make a request to the library.

TIF grant fund cancellation—Cancels the appropriations to the TIF grant fund (\$91 million in FY 2002 and \$38 million in FY 2003 and thereafter) and repeals the entire grant program enacted in 2001 for grants payable in 2003 and thereafter. At least part of the rationale for the TIF grant fund was that the impacts on existing districts resulted from the state's changes to the property tax system. Where a city has outstanding bonds or other obligations, it will now have to look for internal solutions to address the impacts from prior state actions. (Laws 2002, chapter 220, article 13, section 8)