

**Council Meeting  
Tuesday, July 5, 2011  
City Council Chambers  
7:30 p.m.**



**AGENDA**

Call to Order  
Pledge of Allegiance

1. Approval of Minutes
  - Council Minutes–June 21, 2011
2. Consent Agenda
  - Minutes
    - Telecommunication Commission –June 28, 2011
  - Correspondence
    - Carol Hartman – Minneapolis Tribune News Article
    - SW Initiative Foundation – Donation Request
  - Licenses
    - On Sale Wine – River City Eatery
    - Beer License – River City Eatery
    - Exempt Permit
      - Windom Area Hospital
      - Windom Education & Collaborative Center
      - Business Arts and Recreation Center Inc.
      - St Francis Xavier Church
3. Department Heads
4. Ordinance Revision –Ordinance 135 2<sup>nd</sup> Series – Section 11.60 Variances and Appeals
  - Second Reading
  - Approval of Title and Summary Publication
5. Correction of Unsafe and Hazardous Condition Order – 926 4<sup>th</sup> Avenue
6. Assistance to Fireman Grant Application – County-Wide Communication Regional Grant
7. Unfinished Business
8. New Business
9. Old Business
10. Contractor Bill
  - Street Shop Improvements – Everstrong Construction - \$124,667.55
11. Regular Bills
12. Council Concerns
13. Adjourn



Approved

**Council Meeting**  
**Windom City Hall, Council Chamber**  
**June 21, 2011**  
**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: Kelsey Fossing, Corey Maricle, Bradley Powers and JoAnn Ray

Council Members Absent: Dominic Jones

City Staff Present: Steve Nasby, City Administrator; Bruce Caldwell, Street Superintendent; Dan Olsen, Telecommunications Manager; Jim Kartes, Building Official and Jeremy Rolfes, Telecom

3. Pledge of Allegiance

4. Approval of Minutes:

**Motion by Ray second by Maricle, to approve the City Council minutes from June 7, 2011. Motion carried 4 – 0 (Jones absent).**

5. Consent Agenda:

Kruse said there were minutes from the following Boards\Commissions:

- Park & Recreation Commission – May 18, 2011 and June 13, 2011
- Tree Committee – June 8, 2011
- Economic Development Authority – June 13, 2011
- Street Committee – June 13, 2011
- Library Board – June 14, 2011
- Planning & Zoning Commission – June 14, 2011

Kruse said that correspondence was received from the State Auditor regarding Comprehensive Performance Measures and from the State of Minnesota regarding the Suspension of Activities during a State Shutdown.

Approved

Kruse said there was a license application for an Exempt Permit for lawful gaming from the Windom Hockey Association for a raffle to be held at the Phat Pheasant Pub on August 27, 2011.

**Motion by Powers second by Fossing, to approve the Consent Calendar. Motion carried 4 – 0 (Jones absent).**

6. Department Heads:

None.

7. 2010 City Audit Report:

Dennis Rick of Dennis Rick, LTD introduced himself as the City of Windom's auditor. He said the 2010 audit received an "unqualified" opinion which is a favorable rating. Rick reviewed the Management Discussion and Analysis on pages 3 – 13; the GASB 34 Requirements on pages 14 – 24 covering the City's assets, revenues and expenses; Non-major funds on pages 50 – 52. He said that the footnotes are on pages 25 – 41 covering lists of assets, long term debt, accrued vacation and sick leave and the financial footnotes required by GASB.

Rick highlighted the following items:

- The City's General Fund was up just over \$297,000 due to higher revenues\ aids and controlled spending.
- 2010 loss of State aid of \$321,001.
- Telecom programming costs were up about \$54,000 but fees went up only \$21,000 so there is a loss due to higher programming costs and he suggested raising the cable television fees.
- Recovery of Telecom cable television boxes was noted as a concern as some are not returned to Windomnet.
- The Telecom Fund nearly cash flowed when depreciation is included.
- The Arena, Community Center and River Bluff Town homes had losses.
- Streamlining or combining Arena and Community Center operations was encouraged as a cost-savings method.
- New GASB standards coming soon that would roll the non-major funds into the General Fund.
- City staff has done an excellent job with the resources available and cuts to State aid.

Powers asked if the IT Audit was still outstanding and should be completed. Rick said he had included it again as a recommendation. Powers noted that it was discussed. Nasby said it was discussed during the budget talks, but no money was budgeted for the IT Audit.

Powers asked if there were any other problem areas. Rick said that one manual check was posted late, but it was not a material finding.

Approved

Consensus to accept the audit as presented.

8. Planning & Zoning Commission – Conditional Use Permit for 1165 Lakeview Avenue:

Jim Kartes, Building Official, said that the applicant is requesting to build a 30 x 40 detached garage. The proposed garage is 414 square feet too large and has a second floor so a conditional use permit is needed for the size and height. Kartes noted that one of the conditions on the Conditional Use permit is that the property owner obtains access to the garage and an ingress\egress would have to be negotiated with the City.

Ray said she would abstain from discussion on this item and the ingress\egress has the potential to impact her property.

Fossing asked if this needed to all be approved this evening. Nasby said the Conditional Use Permit could be voted on, but the Building Official could not issue a building permit until all the conditions were satisfied that included the ingress\egress.

Nasby said the ingress\egress issue had arisen and the records show an ingress\egress agreement had been approved by the City Council in October, 1996 for another property owner. That agreement is essentially approving private use for public property, so that is the main issue for the Council to consider. The Street Committee had reviewed and recommended the 1996 ingress\egress and this new issue had been brought up to them as well. As JoAnn Ray is on the Street Committee she had not voted or been involved in that discussion either. Nasby said that Council member Powers, acting on behalf of the Street Committee, had no objection to granting an ingress\egress to all of the owners along Lakeview where reasonable given the terrain and topography. Bruce Caldwell, Street Superintendent, noted that it is the sole responsibility of those owners for the maintenance of that ingress\egress.

**Motion by Powers, seconded by Fossing, to approve the Conditional Use Permit for 1165 Lakeview Avenue. Motion carried 3 – 0 – 1 (Jones absent and Ray abstain).**

Nasby asked for the City Council's direction on the ingress\egress issue. It could go back to the Street Committee or to the Utility Commission for review as the property in question is the former landfill site.

**Motion by Powers, second by Maricle, to approve ingress\egress agreements for the property owners, where feasible by geography, and have the City Attorney prepare the documents as needed. Motion carried 3 – 0 – 1 (Jones absent and Ray abstain).**

Caldwell asked that the provision regarding the property owner's responsibility for maintenance be included as it was in the 1996 ingress\egress agreement. Council agreed to include that provision.

9. Ordinance Revision – Section 11.60 Variances and Appeals – First Reading:

Kartes said that the City's ordinance needed to be revised due to a change in terminology by the State and recent court ruling. The law changed the term "undue hardship" to

Approved

“practical difficulties”. The Planning and Zoning Commission is recommending the change to the City’s ordinance be approved.

**Motion by Fossing, second by Maricle, to approve the First Reading of Ordinance 135, 2<sup>nd</sup> Series – Amending Section 11.60. Motion carried 4 – 0 (Jones absent).**

10. Insect Control - 2011:

Nasby said that the City Council had requested prices to continue the insect control program for the remainder of 2011. There were two options presented by the vendor, which were for a weekly treatment a bi-weekly treatment. The cost was \$13,875 for the weekly treatments or \$8,122 for the bi-weekly treatment. The insect control program would include fogging the entire community and spot treating areas of standing water like the Environmental Center.

Caldwell said he had received positive comments from the public over Riverfest and there was about \$1,700 left in the insect control budget, but there may be some funds available from the seal coating budget as that activity was eliminated this year in favor of patching and transfer of funds to cover the snow plowing costs.

Caldwell said that the 2012 insect control program would need to start much earlier to address the gnat problems that have plagued the community.

Powers noted that the City of Luverne does the insect control in-house and that would provide the City with more control in the event of dry or wet weather. Nasby said that he and Caldwell had talked with them to gage the costs of equipment, chemicals, staff time and other costs such as training and licensing. Caldwell said no one on his staff is licensed and their department does not have the time to undertake insect control. Powers said it would not necessarily have to be an employee in the Street Department.

Kruse said the current discussion is on the options for the rest of 2011 and the discussion on whether it is done by a private vendor or city staff in the future can be done at budget time.

Powers asked that staff check with the City of Luverne on their exact costs. Nasby and Caldwell would follow-up.

**Motion by Powers, second by Ray, to approve the 2011 insect control agreement with Clarke Environmental Mosquito Management, Inc. for bi-weekly treatments. Motion carried 4 – 0 (Jones absent).**

11. Resolution Accepting Donation – Coralee Krueger – Picture Frames

**Council member Powers introduced the Resolution No. 2011-23, entitled “AUTHORIZATION TO ACCEPT A DONATION FROM CORALEE KRUEGER FOR THE WINDOM CITY COUNCIL” and moved its adoption. The resolution was seconded by Maricle and on roll call vote: Aye: Maricle, Powers, Ray and Fossing. Nay: None. Absent: Jones. Resolution passed 4 – 0.**

Approved

12. Shared Manager Agreement – City of Windom Telecom and SMBS:

Nasby said that Dan Olsen, Telecommunications Manager, was present to answer any questions about this proposal to share his services with the Southwest Minnesota Broadband Services group.

Kruse asked for Council discussion.

Nasby confirmed with Maricle that the Telecommunications Commission was recommending approval.

**Council member Maricle introduced the Resolution No. 2011-24, entitled “A RESOLUTION AUTHORIZING AGREEMENT WITH THE SOUTHWEST MINNESOTA BROADBAND GROUP (SMBG) REGARDING A TELECOM OPERATIONS MANAGER” and moved its adoption. The resolution was seconded by Fossing and on roll call vote: Aye: Powers, Ray, Fossing and Maricle. Nay: None. Absent: Jones. Resolution passed 4 – 0.**

13. Tax Forfeited Properties – 2011 Designation:

Nasby said that the City had received correspondence from the County Auditor regarding a property located at 1425 5<sup>th</sup> Avenue, Parcel #25-351-0210, which has been designated for public disposition. The City is required to notify the County whether or not it has a public use for the property and wishes to retain it or offer it for public sale. The City also has the right to re-affirm any outstanding assessments. This property was reviewed by the City’s Department Heads and determined to have no value to City operations. Nasby said there were no outstanding assessments on this property.

**Council member Maricle introduced the Resolution No. 2011-24, entitled “A RESOLUTION APPROVING THE SALE OF A TAX FORFEITED PARCEL AT PUBLIC AUCTION” and moved its adoption. The resolution was seconded by Powers and on roll call vote: Aye: Ray, Fossing, Maricle and Powers. Nay: None. Absent: Jones. Resolution passed 4 – 0.**

14. Unfinished Business:

None.

15. New Business:

Nasby said that Officer Kelly has submitted a retirement resignation effective in August 2011. Due to timing issues and the pending arrival of Chief Peterson he and Sergeant/Investigator Patterson had consulted with the Civil Service Commission and Mayor as to permission to begin advertising for the position. As this process takes several months time was of the essence. The Civil Service Commission and City Council would have the opportunity to discuss and decide on the re-filling of the position.

Approved

Maricle asked about the timing of the City Council's decision. Nasby said that he would suggest that a formal decision on re-hiring not be done prior to a State budget being set as the City's aid could be impacted or eliminated. At this time, the advertising could be done and plans made for hiring, but Council would have it come back to them before any offer of employment was made.

Kruse asked for Council ratification of the advertising. Everyone agreed that advertising the position was prudent and a hiring decision would come up at a later date.

16. Old Business:

Nasby said that the long range and strategic planning process and meetings were underway. A timetable of activities was in the Council packets. The community meeting and input dates were July 6 from 6 – 8 pm and July 11 from 4 – 6 pm. The location was to be determined. He encouraged the public to attend.

17. Regular Bills:

**Motion by Powers, seconded by Fossing, to approve the bills. Motion carried 4 – 0 (Jones absent).**

18. Council Concerns:

Powers noted that grass clippings in the street were still an issue and asked residents not to blow them into the street as they can clog up the storm sewers.

Nasby said a resident had voiced a concern about back yard recreational fires and asked that residents be aware of the winds so smoke did not blow into their neighbor's homes.

19. Adjourn:

**Kruse adjourned the meeting by unanimous consent at 8:23 p.m.**

---

Kirby Kruse, Mayor

Attest: \_\_\_\_\_  
Steve Nasby, City Administrator

**Telecommunication Commission Minutes**  
**June 28<sup>th</sup>, 2011**

1. Call to Order:

Wendell Woodcock called the meeting to order.

2. Roll Call:

Commission Members Present: Wendell Woodcock, Virgil Meier, Dominic Jones

Commission Members Absent: Forrest Fosheim, Corey Maricle

City Staff Present: Dan Olsen, Londa Fosheim, Steve Nasby

Public Present: None

3. EDA Offering:

Economic Development Authority Broadband Package to promote Broadband and economic growth in Windom. Windomnet would provide Free of charge for 1 year, a 100 Mbps internet connection to qualifying New businesses that opens in the Windomnet service territory. Cost to Windomnet would be about \$900. Need to define qualifying more indepth. Dominic Jones suggested Department Heads develop qualifications.

Motion made by Wendell Woodcock to go forward with EDA Offering 2<sup>nd</sup> by Virgil Meier. All in favor, Yes. Apposed, None

4. Internet Speeds:

Windomnet is working on new backbone connection. Installed at Windomnet NOC building and is being tested. It would double speeds.

A comparison was done between Windomnet Internet Speeds and the proposed SMBS Internet Speeds.

Motion made by Virgil Meier to match Windomnet Speeds to SMBS proposed speeds. 2<sup>nd</sup> by Dominic Jones. All in favor, Yes. Apposed, None

5. Director's Report:

SMBS Breaking ground July 18<sup>th</sup>. Possible ground breaking ceremony July 19<sup>th</sup>.

Goal now for SMBS is to get fiber installed, people hooked up. Most routes planned to be built this year. Bingham Lake to Jackson and some rural areas will be next year.

Conference call with contractor to be held tomorrow, June 29<sup>th</sup>.

Sign-ups well ahead of where they thought they would be. Rough estimate of 1400 as of right now.

Windomnet is looking at moving some channels around on the line up to accommodate local access channels for Jackson, Lakefield and Brewster/Okabena/Round Lake.

July 13<sup>th</sup> Tour of 511 building in Minneapolis, MN

Azar set top controller up and ready to go. All data has been put into Azar system. Windomnet is starting to refresh customers on a slow easy pace.

Email update had some issues. Windomnet is now on new email system, few minor issues being taken care of by Techs. Smart phone email is now workable on Windomnet system.

Riverfest Parade looked good on Channel 3 but sound was not good.

Having a Trivia Questions on Channel 3 was lightly discussed.

6. Adjourn:

Wendell Woodcock adjourned the meeting

Wisdom has same problem!

Please share with Mayor, Council members and Police Dept. Thank you

Carol  
Heath  
non

# One person's back-yard burn is others' bane

● Those popular fire pits pose a real hazard to air quality, especially in cities.

By CAROL DINES

It's a beautiful summer evening. I'm enjoying dinner on our front porch when suddenly the wind shifts, and I smell smoke. My eyes start to burn and my chest becomes tight. I use my inhaler, close my windows and turn on my air conditioning, with its air-filtering system. If the smoke continues well into the night, I will have to take steroids to suppress my immune system. Like 9 million children and 16 million adults in America (75 percent of the population, according to a 2004 study), I have asthma.

Outside fireplaces and fire pits continue to proliferate, and neighborhood tensions are rising. For many of us, it comes down to this: Respiration or recreation, and which should take priority? Despite Minneapolis city regulations regarding burning wood — what type of wood can be burned and the hours when burning is allowed — none of the rules take into consideration the real impact on our health.

Every time you burn wood in the city, you are enjoying your outdoor fire at the expense of someone else's health. Wood smoke can affect everyone, but children under 18, especially infants, and people with heart disease and asthma or other lung diseases are most at risk.

Even if I close my windows, the smoke still gets inside. According to a recent study, indoor levels of particle pollution in a closed house were 70 percent of those outside when wood was being burned.

I'm convinced that most people don't know the dangers of wood smoke. They think of wood as natural and therefore safe. They're mistaken. Wood smoke is made up of gases and fine particles, and those fine particles can remain in the air 48 hours after a fire dies out. What makes wood smoke particularly dangerous is that its microscopic particles are too small to be filtered in the respiratory system,

and they collect in the remote regions of the lungs — the tiny sacs where oxygen enters the blood stream. These particles cause structural and chemical changes deep within the lungs, aggravating asthma (a rising epidemic among children) and acute bronchitis, as well as increasing susceptibility to respiratory infections among children and adults.

Studies suggest that wood smoke is even more harmful than tobacco smoke, because it stays in the body longer and thus causes more damage.

## I, too, miss the days when we could sit around a fire and feel good about it. But those days are over.

I, too, miss the days when we could sit around a fire and feel good about it. But those days are over, at least in the city, where wood smoke impacts a whole community. According to a recent report by the U.S. Environmental Protection Agency, numerous studies link wood smoke particle levels to increased hospital admissions and emergency room visits. Wood smoke is one of the biggest triggers for asthma, and asthma is serious.

According to the Asthma and Allergy Foundation, every day in America: 40,000 people miss work due to asthma; 30,000 have asthma attacks; 5,000 visit the emergency room; 1,000 are admitted to the hospital, and 11 die.

Asthmatics are not the only ones who suffer from wood smoke. Another EPA study that focused on health impacts of particulate matter in the air found that for every 100 micrograms of particulate matter in a cubic meter of air, the risk of dying goes up 32 percent from emphysema; 19 percent from bronchitis and asthma; 12 percent from pneumonia, and 9 percent from cardiovascular diseases. Recent studies have also shown that children who are exposed to wood smoke have a greater chance of developing chronic lung diseases later in life. According to Joel Schwartz, a researcher at Harvard, in an article published in Public Health Magazine, "Particle pollution is the most important contaminate in our air — we know that when levels go up, people die."

We also know there is no safe level of particle pollution, so every outside fire has to potential to impact the health of those living nearby.

As summer approaches, local merchants, patio builders, landscapers and fireplace installers are promoting outdoor fireplaces and fire pits as the "new trend in outdoor entertaining," with no thought to the repercussions between neighbors or to community health.

Asthma isn't a choice. Recreational fires are. The Minneapolis City Council would do us all a great service by educating residents about particle pollution and by banning outdoor fireplaces and fire pits in the city.



SOUTHWEST INITIATIVE  
FOUNDATION  
*A Rural Minnesota Community Foundation*

15 3rd Avenue NW • Hutchinson, MN 55350  
1-800-594-9480 • 320-587-4848 • Fax 320-587-3838  
info@swifoundation.org • www.swifoundation.org

June 22, 2011

Mayor Kirby Kruse  
City of Windom  
444 9th St  
PO Box 38  
Windom, MN 56101

Dear Mayor Kruse and Council Members:

The Southwest Initiative Foundation (SWIF) has been working as a catalyst for economic and social growth in the 18 counties of southwest Minnesota for 25 years now. In serving a region of more than 282,000 people across 12,340 square miles, it takes a shared vision, passion and the support of many to make continuous, lasting impact.

We are writing to request the City of Windom's support during your 2012 budget year in the amount of **\$2,500.00**.

Enclosed is a fact sheet that details the dollars invested into your county through our grant and loan programs, as well as the impact SWIF has made in your area with various programs and initiatives in entrepreneurship, renewable energy, early childhood, community philanthropy and more.

Also enclosed is a summary of some of SWIF's greatest accomplishments over the last 25 years, including awarding over \$21 million in grants to 2,700 nonprofits, schools and agencies, and providing more than \$32 million in loans to 500-plus businesses, effectively creating or retaining over 8,000 jobs in the process. The numbers are staggering.

We have recently been informed that we will be receiving another five years of support from The McKnight Foundation, meaning a contribution in 2012 will again be matched dollar-for-dollar. Your partnership and support is valued and deeply appreciated as we continue to positively impact southwest Minnesota and its communities.

*Thank you for your consideration.*

Sincerely,

Sherry E. Ristau  
President/CEO

Bill McCormack, Marshall  
Board of Directors Chair

cc: Steve Nasby  
Enclosures

# Southwest Initiative Foundation Impact



SOUTHWEST INITIATIVE  
FOUNDATION

15 3rd Avenue NW  
Hutchinson, MN 55350  
1-800-594-9480 or  
320-587-4848  
www.swifoundation.org

## Current focus areas include:

Economic advancement  
Leadership and community development  
Building regional capacity  
Philanthropy

## To date, SWIF has:

- Contributed more than \$54 million through its grant and loan programs
- Helped more than 525 businesses start or expand
- Created or retained more than 8,000 jobs
- Established 15 Early Childhood Initiative (ECI) teams
- Established 32 Youth Energy Summit (YES!) teams
- Established 21 community foundations and more than 70 designated funds
- Yielded a 268 percent real-money return on every dollar invested to southwest Minnesota communities



Confirmed in Compliance with National Standards  
for U.S. Community Foundations

## Cottonwood County

Since 1986, the Southwest Initiative Foundation (SWIF) has been making a positive impact on each of the 18 counties in southwest Minnesota. Here are some examples of SWIF's recent impact on Cottonwood County.  
(July 1, 2010, - June 30, 2011, unless otherwise noted)

### Initiatives and partnerships

- Early Childhood Initiatives (ECI) - Mountain Lake ECI and Windom ECI
- Youth Energy Summit (YES!) teams supported with \$5,625 toward their energy action projects:
  - Westbrook-Walnut Grove YES! won First Place and the Energy Conservation Award
  - Windom YES! won Third Place
- Community and Designated Funds
  - Brad Behrends Memorial Fund
  - Business, Arts and Recreation Center (BARC) Endowment Fund
  - Cooper and Jack Schoenfeld Memorial Scholarship Fund
  - Cottonwood County Historical Society Endowment Fund
  - Cottonwood County Historical Society Remick Gallery Endowment Fund
  - Harder Family Foundation Advised Fund
  - Krueger Family Advised Fund
  - Minnesota Educators of the Gifted and Talented (MEGT) Fund
  - Mountain Lake Area Foundation
  - Mountain Lake Area Foundation for Education Fund
  - Mountain Lake Area Healthcare Fund
  - Mountain Lake Area Healthcare Endowment Fund
  - Mountain Lake Early Childhood Fund

### Loans

(as of April 30, 2011)

Since inception, SWIF has awarded 35 loans totaling \$1,776,250 to businesses in Cottonwood County. Recent examples:

- Midway Wind Towers, LLC, Mountain Lake (June 2010)
- Town 'n Country Appliance, Inc., Windom

### Grants

(as of April 30, 2011)

Since inception, SWIF has awarded 231 grants totaling \$1,763,342 to benefit Cottonwood County. Recent examples:

- Windom and Mountain Lake Early Childhood Initiatives for visioning, coordination and operation (2010)
- Southwestern Minnesota Opportunity Council to support Region 8 child care center directors attending the annual Child Care Center Directors Conference

### Education and assistance

- Nonprofit Leader's Academy, focused on promoting building leadership skills from the inside out, attended by:
  - Windom Area Chamber of Commerce, Windom

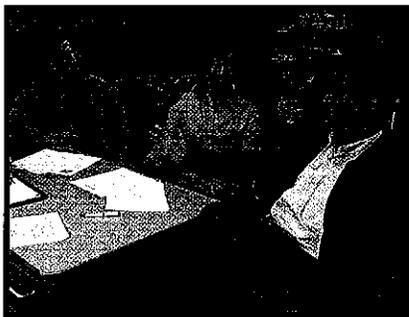
Continued on reverse

# 25 Years of Making a Difference

**For 25 years,** the Southwest Initiative Foundation (SWIF) has been impacting communities, businesses, organizations and families in southwest Minnesota. We were created in partnership with The McKnight Foundation to provide financial resources, creative leadership and most importantly, hope for a brighter future.

## **Since our inception in 1986, some of our greatest accomplishments include:**

- Awarding over \$21 million in grants to 2,700 nonprofits, schools and agencies to support children, intergenerational activities, Parish Nursing, productive aging and Honor Flight Southwest Minnesota
- Providing nearly \$32 million in loans to over 500 start-up or expanding businesses, creating or retaining nearly 8,000 jobs
- Establishing 21 community-based foundations and 65 other designated funds meeting local needs and opportunities through their \$3.9 million in grants
- Launching 15 Early Childhood Initiative (ECI) teams that empower citizens to advocate for quality care and education for our youngest children
- Creating 29 Youth Energy Summit (YES!) teams that have engaged 9,200 students and 42,000 community members in renewable energy education and career opportunities
- Leading the Rural Energy Development Initiative (REDI) a statewide program that educated over 2,500 people on the challenges and opportunities of wind and other renewable energy technologies and leveraged an estimated \$17,000 in additional private investment dollars for every dollar invested by REDI
- Developing an asset-based economic development plan for the region, beginning with the 2004 Renewable Energy Summit
- Encouraging leadership development and private sector engagement to strengthen the region's economy through the Leading By Example series which has been attended by more than 550 business leaders
- Launching the new Nonprofit Leader's Academy, which built the individual leadership capacity of 25 nonprofit leaders to better serve the region's nonprofits and communities during its first year
- Partnering with Valspar Corporation to provide 4,474 gallons of paint and coatings for use in 102 restoration and beautification projects in 37 communities through the Minnesota Beautiful Picture It Painted program
- Increasing the usage and application of technology and telecommunications in businesses and community development in southwest Minnesota by bringing energy and awareness to the public through Technology and Telecommunications (TNT)



SOUTHWEST INITIATIVE  
FOUNDATION



Minnesota Department of Public Safety  
**ALCOHOL AND GAMBLING ENFORCEMENT DIVISION**  
 444 Cedar St., Suite 222, St. Paul, MN 55101-5133  
 (651) 201-7507 FAX (651) 297-5259 TTY (651) 282-6555  
 WWW.DPS.STATE.MN.US  
**APPLICATION FOR COUNTY/CITY ON-SALE WINE LICENSE**  
 (Not to exceed 14% of alcohol by volume)



**EVERY QUESTION MUST BE ANSWERED.** If a corporation, an officer shall execute this application. If a partnership, LLC, a partner shall execute this application.

Workers compensation insurance company. Name West Bend Mutual Policy # 1450378 00  
 LICENSEE'S MN SALES & USE TAX ID # \_\_\_\_\_ To apply for MN Sales Tax # call (651) 296-6181  
 LICENSEE'S FEDERAL TAX ID # \_\_\_\_\_

Applicants Name (Business, Partnership, Corporation) <u>Mari Harries &amp; Sarah Cartwright</u>		Trade Name or DBA <u>River City Eatery</u>	
Business Address <u>314 10th St.</u>		Business Phone <u>(507) 832. 8303</u>	Applicant's Home Phone <u>(507) 822. 1691</u>
City <u>Windom</u>		County <u>Cottonwood</u>	State <u>MN</u> Zip Code <u>56101</u>
Is this application <input checked="" type="checkbox"/> New or <input type="checkbox"/> Transfer	If a transfer, give name of former owner		License period From <u>July 2011</u> To

If a corporation, give name, title, address and date of birth of each officer. If a partnership, LLC, give name, address and date of birth of each partner.

Partner/Officer Name and title <u>Mari Harries, owner/operator</u>	Address <u>1224 3rd Ave, Windom</u>	Social Security # [REDACTED]	DOB <u>11/30/82</u>
Partner/Officer Name and Title <u>Sarah Cartwright, owner/operator</u>	Address <u>709 River Road, Windom</u>	Social Security # [REDACTED]	DOB <u>12/14/88</u>
Partner/Officer Name and Title	Address	Social Security #	DOB
Partner/Officer Name and Title	Address	Social Security #	DOB

**CORPORATIONS**

Date of incorporation	State of incorporation	Certificate Number	Is corporation authorized to do business in Minnesota? <input type="checkbox"/> Yes <input type="checkbox"/> No
-----------------------	------------------------	--------------------	--

If a subsidiary of another corporation, give name and address of parent corporation

**BUILDING AND RESTAURANT**

Name of building owner <u>Mari Harries &amp; Sarah Cartwright</u>		Owner's address <u>1224 3rd Ave, Windom, MN 56101</u>	
Are Property Taxes delinquent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has the building owner any connection, direct or indirect, with the applicant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Restaurant seating capacity <u>40</u>	
Hour's food will be available <u>10:30am - 9pm</u>	No. of people restaurant employs <u>3</u>	No. of months per year restaurant will be open <u>12 months</u>	Will food service be the principle business? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Describe the premises to be licensed  
Small restaurant establishment

If the restaurant is in conjunction with another business (resort etc.), describe business

**NO LICENSE WILL BE APPROVED OR RELEASED UNTIL THE \$20 RETAILER ID CARD FEE IS RECEIVED BY AGED**

**OTHER INFORMATION**

- Yes  No 1. Has the applicant or associates been granted an on-sale non-intoxicating malt beverage (3.2) and/or a "set-up" license in conjunction with this wine license?
- Yes  No 2. Is the applicant or any of the associates in this application a member of the county board or the city council, which will issue this license? If yes, in what capacity? \_\_\_\_\_ (If the applicant is the spouse of a member of the governing body, or another family relationship exists, the member shall not vote on this application.)
- Yes  No 3. During the past license year, has a summons been issued under the liquor civil liability (Dram Shop) (M.S. 340A.802). If yes, attach a copy of the summons.
- Yes  No 4. Has applicant, partners, officers or employees ever had any liquor law violations in Minnesota or elsewhere. If so, give names, dates, violations and final outcome. \_\_\_\_\_
- Yes  No 5. Does any person other than the applicants, have any right, title or interest in the furniture, fixtures or equipment in the licensed premises? If yes, give names and details. \_\_\_\_\_
- Yes  No 6. Have the applicants any interests, directly or indirectly, in any other liquor establishments in Minnesota? If yes, give name and address of the establishment. \_\_\_\_\_

I CERTIFY THAT I HAVE READ THE ABOVE QUESTIONS AND THAT THE ANSWERS ARE TRUE AND CORRECT TO THE BEST OF MY OWN KNOWLEDGE

Signature of Applicant Hanier

The licensee must have one of the following: (Check one)

- A. Liquor Liability Insurance (Dram Shop) \$50,000 per person; \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support. ATTACH "CERTIFICATE OF INSURANCE" TO THIS FORM.
- B. A Surety bond from a surety company with minimum coverage as specified above in A.
- C. A certificate from the State Treasurer that the Licensee has deposited with the State, Trust Funds having a market value of \$100,000 or \$100,000 in cash or securities.

**IF LICENSE IS ISSUED BY THE COUNTY BOARD, REPORT OF COUNTY ATTORNEY**

Yes  No I certify that to the best of my knowledge the applicants named above are eligible to be licensed. If no, state reason. \_\_\_\_\_

Signature County Attorney \_\_\_\_\_

County \_\_\_\_\_

Date \_\_\_\_\_

**REPORT BY POLICE OR SHERIFF'S DEPARTMENT**

This is to certify that the applicant and the associates, named herein have not been convicted within the past five years for any violation of Laws of the State of Minnesota, Municipal or County Ordinances relating to Intoxicating Liquor, except as follows: \_\_\_\_\_

No record on either party

Scott Peterson  
Signature

Winton Police Chief  
Department and Title

06/29/11  
Date

**IMPORTANT NOTICE**

ALL RETAIL LIQUOR LICENSEES MUST REGISTER WITH THE ALCOHOL, TOBACCO TAX AND TRADE BUREAU. FOR INFORMATION CALL (513) 684-2979 OR 1-800-937-8864

**NOTICE**

A \$30.00 service charge will be added to all dishonored checks. You may also be subjected to a civil penalty of \$100.00 or 100% of the value of the check, whichever is greater, plus interest and attorney fees.



## BEER LICENSE APPLICATION

Name of Applicant Mari Harries & Sarah Cartwright

Home Address: 1224 3rd Ave

Business in connection with which the proposed license will operate:

River City Eatery, LLC

Address of Business: 344 10th St.

Minnesota Tax ID #: \_\_\_\_\_

Applicant is ~~(Owner)~~ (Operator)

Name and address of Manager (if applicable) \_\_\_\_\_

\*\* Annual Beer Sales Amount \$5,000.00 (estimate)

License fee of \$100.00 must accompany this application.

I, the applicant, state that all statements in this application are true and correct. I hereby acknowledge that I am in receipt of Chapter 5 of the Windom City Code detailing license requirements.

Signed: M Harries

Date: 5/17/11

\*\* If annual beer sales exceed \$10,000 a certificate of insurance must be submitted with application to the City Clerk (see Section 5.11 Windom City Code)

Report of Investigation: \_\_\_\_\_

Approved by the City Council \_\_\_\_\_





# Windom Area Hospital

*A member of Sanford Health*

June 22, 2011

Steve Nasby  
City of Windom  
PO Box 38  
Windom, MN 56101

Dear Mr. Nasby and City Council Members:

As a city-owned hospital, Windom Area Hospital has provided quality health care services to our community for over thirty years. As you've likely seen in the news, costs of providing state-of-the-art equipment and training for our staff have skyrocketed in recent years. To counteract the detrimental effect these rising costs could have on our local facility, we established the Windom Area Hospital Foundation in 2002 to provide charitable support for the medical and educational programs of Windom Area Hospital, apart from normal operating expenses.

Currently, the Foundation is raising funds for digital mammography equipment. To assist with the purchase of this equipment, the Foundation Board would like to hold a raffle. Current plans involve selling 2,000 raffle tickets at \$25 each. There will be a variety of prizes, all donated from area businesses. We would like to hold the drawing in conjunction with a community "Breast Health Walk" on Saturday, October 15th. While this walk will start and end at the Windom Middle/High School, the actual drawing will be held at Jack Slade's Steakhouse at 12:00 noon.

In order to obtain our exempt gambling permit, the state requires that we receive permission from our city to conduct the raffle. I am writing to respectfully request that the next Windom City Council agenda include consideration of granting the Windom Area Hospital Foundation permission to pursue a gambling license. We appreciate your assistance in helping to strengthen healthcare in our community!

Sincerely,

Katie Slette, SPHR  
Director of Marketing and Human Resources

# LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:  
 - conducts lawful gambling on five or fewer days, and  
 - awards less than \$50,000 in prizes during a calendar year.

Application fee	
If application postmarked or received:	
less than 30 days before the event	more than 30 days before the event
<b>\$100</b>	<b>\$50</b>

## ORGANIZATION INFORMATION

Organization name <b>Windom Area Hospital Foundation</b>		Previous gambling permit number <b>X-35546-10-002</b>	
Minnesota tax ID number, if any <b>678-3331</b>	Federal employer ID number, if any <b>23-7159870</b>		
Type of nonprofit organization. Check one. <input type="checkbox"/> Fraternal <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input checked="" type="checkbox"/> Other nonprofit organization			
Mailing address <b>2150 Hospital Drive</b>	City <b>Windom</b>	State <b>MN</b>	Zip Code <b>56101</b>
Name of chief executive officer (CEO) <b>Gerri Burmeister</b>		Daytime phone number <b>507-831-2400</b>	Email address <b>Gerri.Burmeister@sanfordhealth.org</b>

## Attach a copy of ONE of the following for proof of nonprofit status.

Do not attach a sales tax exempt status or federal employer ID number as they are not proof of nonprofit status.

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing .  
 Don't have a copy? This certificate must be obtained each year from:  
 Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155  
 Phone: 651-296-2803

IRS income tax exemption [501(c)] letter in your organization's name.  
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)  
 If your organization falls under a parent organization, attach copies of both of the following:  
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and  
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

## GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.

<b>Jack Slades Steakhouse</b>	<b>Windom, MN</b>	<b>56101</b>	<b>Cottonwood</b>
Address (do not use PO box)	City or township	Zip Code	County

**2390 Hwy 60 E.**

Date(s) of activity (for raffles, indicate the date of the drawing)  
**Saturday, October 15, 2011**

Check the box or boxes that indicate the type of gambling activity your organization will conduct:

Bingo\*    Raffles    Paddlewheels\*    Pull-Tabs\*    Tipboards\*

\* **Gambling equipment** for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to [www.gcb.state.mn.us](http://www.gcb.state.mn.us) and click on List of Licensed Distributors, or call 651-639-4000.

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT**

**If the gambling premises is within city limits,** a city official must check the action that the city is taking on this application and sign the application.

The application is acknowledged with no waiting period.

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

The application is denied.

Print city name \_\_\_\_\_

*On behalf of the city, I acknowledge this application.*  
**Signature** of city personnel receiving application \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**If the gambling premises is located in a township,** a county official must check the action that the county is taking on this application and sign the application. **A township official is not required to sign the application.**

The application is acknowledged with no waiting period.

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

The application is denied.

Print county name \_\_\_\_\_

*On behalf of the county, I acknowledge this application.*  
**Signature** of county personnel receiving application \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**(Optional) TOWNSHIP:** *On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. [A township has no statutory authority to approve or deny an application [Minnesota Statute 349.166]]*

Print township name \_\_\_\_\_

**Signature** of township official acknowledging application \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER'S SIGNATURE** Print form and have CEO sign

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

Chief executive officer's signature *Heri Burmeister* Date June 22, 2011

**Complete a separate application** for each gambling event:

- one day of gambling activity
- two or more consecutive days of gambling activity
- each day a raffle drawing is held

**Send application with:**

- a copy of your proof of nonprofit status, and
- application fee for each event

Make check payable to "State of Minnesota."

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

**Financial report and recordkeeping required**

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at [www.gcb.state.mn.us](http://www.gcb.state.mn.us). Within 30 days of the activity date, complete and return the financial report form to the Gambling Control Board.

**Questions?**  
 Call the Licensing Section of the Gambling Control Board at 651-639-4000.

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

**Data privacy notice:** The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

**Reset Form**

# LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:  
 - conducts lawful gambling on five or fewer days, and  
 - awards less than \$50,000 in prizes during a calendar year.

Application fee	
If application postmarked or received:	
less than 30 days before the event	more than 30 days before the event
<b>\$100</b>	<b>\$50</b>

## ORGANIZATION INFORMATION

Organization name <b>Windom Education &amp; Collaborative Center</b>		Check# _____ \$ _____		Previous gambling permit number <b>92155</b>	
Minnesota tax ID number, if any		Federal employer ID number, if any <b>26-2777456</b>			
<b>Type of nonprofit organization.</b> Check one. <input type="checkbox"/> Fraternal <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input checked="" type="checkbox"/> Other nonprofit organization					
Mailing address <b>P.O. Box 123</b>		City <b>Windom</b>	State <b>MN</b>	Zip Code <b>56101</b>	County <b>USA</b>
Name of chief executive officer (CEO) <b>Eric Frederickson</b>		Daytime phone number <b>(507) 831-3455</b>		Email address <b>rickf@windomnews.com</b>	

## Attach a copy of ONE of the following for proof of nonprofit status.

Do not attach a sales tax exempt status or federal employer ID number as they are not proof of nonprofit status.

**Nonprofit Articles of Incorporation OR a current Certificate of Good Standing .**  
 Don't have a copy? This certificate must be obtained each year from:  
 Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155  
 Phone: 651-296-2803

**IRS income tax exemption [501(c)] letter in your organization's name.**  
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

**IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**  
 If your organization falls under a parent organization, attach copies of both of the following:  
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and  
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

## GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.  
**Business, Arts & Recreation Center**

Address (do not use PO box) <b>1012 5th Ave.</b>	City or township <b>Windom</b>	Zip Code <b>56101</b>	County <b>USA</b>
---	-----------------------------------	--------------------------	----------------------

Date(s) of activity (for raffles, indicate the date of the drawing)  
**August 17 - September 26, 2011**

Check the box or boxes that indicate the type of gambling activity your organization will conduct:

Bingo\*     Raffles    Paddlewheels\*    Pull-Tabs\*    Tipboards\*

\* **Gambling equipment** for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to [www.gcb.state.mn.us](http://www.gcb.state.mn.us) and click on List of Licensed Distributors, or call 651-639-4000.

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT**

**If the gambling premises is within city limits,** a city official must check the action that the city is taking on this application and sign the application.

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print city name \_\_\_\_\_  
*On behalf of the city, I acknowledge this application.*  
**Signature** of city personnel receiving application \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**If the gambling premises is located in a township, a** county official must check the action that the county is taking on this application and sign the application. **A township official is not required to sign the application.**

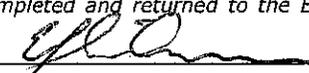
- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print county name \_\_\_\_\_  
*On behalf of the county, I acknowledge this application.*  
**Signature** of county personnel receiving application \_\_\_\_\_  
 Title \_\_\_\_\_ Date \_\_\_\_\_

**(Optional) TOWNSHIP:** *On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. [A township has no statutory authority to approve or deny an application [Minnesota Statute 349.166]]*

Print township name \_\_\_\_\_  
**Signature** of township official acknowledging application \_\_\_\_\_  
 Title \_\_\_\_\_ Date \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER'S SIGNATURE** Print form and have CEO sign

*The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the date of our gambling activity.*  
 Chief executive officer's signature  Date 6-28-11

**Complete a separate application** for each gambling event:

- one day of gambling activity
- two or more consecutive days of gambling activity
- each day a raffle drawing is held

**Send application with:**

- a copy of your proof of nonprofit status, and
- application fee for each event

Make check payable to "State of Minnesota."

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

**Financial report and recordkeeping required**  
 A financial report form and instructions will be sent with your permit, or use the online fill-in form available at [www.gcb.state.mn.us](http://www.gcb.state.mn.us). Within 30 days of the activity date, complete and return the financial report form to the Gambling Control Board.

**Questions?**  
 Call the Licensing Section of the Gambling Control Board at 651-639-4000.

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

**Data privacy notice:** The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

**Reset Form**

# LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:  
 - conducts lawful gambling on five or fewer days, and  
 - awards less than \$50,000 in prizes during a calendar year.

Application fee	
If application postmarked or received:	
less than 30 days before the event	more than 30 days before the event
<b>\$100</b>	<b>\$50</b>

## ORGANIZATION INFORMATION

Organization name <b>Business, Arts &amp; Recreation Center</b>		Check# _____ \$ _____	
Minnesota tax ID number, if any <b>1Y-454</b>		Federal employer ID number, if any <b>41-2022824</b>	
Type of nonprofit organization. Check one. <input type="checkbox"/> Fraternal <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input checked="" type="checkbox"/> Other nonprofit organization			
Mailing address <b>P.O. Box 123</b>	City <b>Windom</b>	State <b>MN</b>	Zip Code <b>56101</b>
County <b>Cottonwood</b>		Name of chief executive officer (CEO) <b>Robert Lindaman</b>	
Daytime phone number <b>507-831-1132</b>		Email address <b>wpallets@qwestoffice.net</b>	

### Attach a copy of ONE of the following for proof of nonprofit status.

Do not attach a sales tax exempt status or federal employer ID number as they are not proof of nonprofit status.

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing .  
 Don't have a copy? This certificate must be obtained each year from:  
 Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155  
 Phone: 651-296-2803

IRS income tax exemption [501(c)] letter in your organization's name.  
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)  
 If your organization falls under a parent organization, attach copies of both of the following:  
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and  
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

## GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.  
**Business, Arts & Recreation Center**

Address (do not use PO box) <b>1012 5th Ave.</b>	City or township <b>Windom</b>	Zip Code <b>56101</b>	County <b>Cottonwood</b>
---	-----------------------------------	--------------------------	-----------------------------

Date(s) of activity (for raffles, indicate the date of the drawing)  
**August 17 - December 3, 2011**

Check the box or boxes that indicate the type of gambling activity your organization will conduct:

Bingo\*     Raffles    Paddlewheels\*    Pull-Tabs\*    Tipboards\*

\* **Gambling equipment** for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to [www.gcb.state.mn.us](http://www.gcb.state.mn.us) and click on List of Licensed Distributors, or call 651-639-4000.

<b>LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT</b>	
<p><b>If the gambling premises is within city limits,</b> a city official must check the action that the city is taking on this application and sign the application.</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print city name _____</p> <p><i>On behalf of the city, I acknowledge this application.</i>  <b>Signature</b> of city personnel receiving application _____</p> <hr/> <p>Title _____ Date _____</p>	<p><b>If the gambling premises is located in a township,</b> a county official must check the action that the county is taking on this application and sign the application. <b>A township official is not required to sign the application.</b></p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print county name _____</p> <p><i>On behalf of the county, I acknowledge this application.</i>  <b>Signature</b> of county personnel receiving application _____</p> <hr/> <p>Title _____ Date _____</p> <p><b>(Optional) TOWNSHIP:</b> <i>On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. [A township has no statutory authority to approve or deny an application [Minnesota Statute 349.166]]</i></p> <p>Print township name _____</p> <p><b>Signature</b> of township official acknowledging application _____</p> <hr/> <p>Title _____ Date _____</p>
<b>CHIEF EXECUTIVE OFFICER'S SIGNATURE</b>	
<b>Print form and have CEO sign</b>	
<p><i>The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the date of our gambling activity.</i></p> <p>Chief executive officer's signature <u><i>Robert Zander</i></u> Date <u><i>06/30/11</i></u></p>	
<p><b>Complete a separate application</b> for each gambling event:</p> <ul style="list-style-type: none"> <li>• one day of gambling activity</li> <li>• two or more consecutive days of gambling activity</li> <li>• each day a raffle drawing is held</li> </ul> <p><b>Send</b> application with:</p> <ul style="list-style-type: none"> <li>• a copy of your proof of nonprofit status, and</li> <li>• application fee for each event</li> </ul> <p>Make check payable to "State of Minnesota."</p> <p><b>To:</b> Gambling Control Board              1711 West County Road B, Suite 300 South              Roseville, MN 55113</p>	<p><b>Financial report and recordkeeping required</b></p> <p>A financial report form and instructions will be sent with your permit, or use the online fill-in form available at <a href="http://www.gcb.state.mn.us">www.gcb.state.mn.us</a>. Within 30 days of the activity date, complete and return the financial report form to the Gambling Control Board.</p> <p><b>Questions?</b>              Call the Licensing Section of the Gambling Control Board at 651-639-4000.</p>

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

**Data privacy notice:** The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

**Reset Form**

# LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:  
 - conducts lawful gambling on five or fewer days, and  
 - awards less than \$50,000 in prizes during a calendar year.

Application fee	
If application postmarked or received:	
less than 30 days before the event	more than 30 days before the event
<b>\$100</b>	<b>\$50</b>

## ORGANIZATION INFORMATION

Organization name <b>St. Francis Xavier Church</b>		Previous gambling permit number <b>X-17001</b>	
Minnesota tax ID number, if any <b>8504415</b>	Federal employer ID number, if any <b>41-0762922</b>		
<b>Type of nonprofit organization.</b> Check one. <input type="checkbox"/> Fraternal <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> Other nonprofit organization			
Mailing address <b>548 17th St., PO Box 339</b>	City <b>Windom</b>	State <b>MN</b>	Zip Code <b>56101</b>
Name of chief executive officer (CEO) <b>Rev. Russell Scepaniak</b>		Daytime phone number <b>507-831-3300</b>	Email address <b>stfxavier@windomnet.com</b>

## Attach a copy of ONE of the following for proof of nonprofit status.

Do not attach a sales tax exempt status or federal employer ID number as they are not proof of nonprofit status.

**Nonprofit Articles of Incorporation OR a current Certificate of Good Standing .**  
 Don't have a copy? This certificate must be obtained each year from:  
 Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155  
 Phone: 651-296-2803

**IRS income tax exemption [501(c)] letter in your organization's name.**  
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

**IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**  
 If your organization falls under a parent organization, attach copies of both of the following:  
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and  
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

## GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.  
**St. Francis Xavier Church Education Wing**

Address (do not use PO box) <b>532 17th St.</b>	City or township <b>Windom</b>	Zip Code <b>56101</b>	County <b>Cottonwood</b>
--	-----------------------------------	--------------------------	-----------------------------

Date(s) of activity (for raffles, indicate the date of the drawing)  
**September 18, 2011**

Check the box or boxes that indicate the type of gambling activity your organization will conduct:

Bingo\*     Raffles     Paddlewheels\*     Pull-Tabs\*     Tipboards\*

\* **Gambling equipment** for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to [www.gcb.state.mn.us](http://www.gcb.state.mn.us) and click on List of Licensed Distributors, or call 651-639-4000.

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT**

**If the gambling premises is within city limits,** a city official must check the action that the city is taking on this application and sign the application.

\_\_\_The application is acknowledged with no waiting period.

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

\_\_\_The application is denied.

Print city name \_\_\_\_\_

*On behalf of the city, I acknowledge this application.*  
**Signature** of city personnel receiving application \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**If the gambling premises is located in a township,** a county official must check the action that the county is taking on this application and sign the application. **A township official is not required to sign the application.**

\_\_\_The application is acknowledged with no waiting period.

\_\_\_The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.

\_\_\_The application is denied.

Print county name \_\_\_\_\_

*On behalf of the county, I acknowledge this application.*  
**Signature** of county personnel receiving application \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**(Optional) TOWNSHIP:** *On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. [A township has no statutory authority to approve or deny an application [Minnesota Statute 349.166]]*

Print township name \_\_\_\_\_

**Signature** of township official acknowledging application \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER'S SIGNATURE** Print form and have CEO sign

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

Chief executive officer's signature *L. Russell A. Berglund* Date 6-29-11

**Complete a separate application** for each gambling event:

- one day of gambling activity
- two or more consecutive days of gambling activity
- each day a raffle drawing is held

**Send** application with:

- a copy of your proof of nonprofit status, and
- application fee for each event

Make check payable to "State of Minnesota."

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

**Financial report and recordkeeping required**

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at [www.gcb.state.mn.us](http://www.gcb.state.mn.us). Within 30 days of the activity date, complete and return the financial report form to the Gambling Control Board.

**Questions?**  
 Call the Licensing Section of the Gambling Control Board at 651-639-4000.

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

**Data privacy notice:** The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

**Reset Form**



**MEMO**

TO: MAYOR & CITY COUNCIL

FROM: JIM KARTES, BUILDING & ZONING OFFICIAL

DATE: JUNE 29, 2011

RE: ORDINANCE NO. 135, 2<sup>ND</sup> SERIES – SECOND READING  
(Revisions to Section 11.60 – “Variances and Appeals”)

The City Council approved the first reading of Ordinance No. 135, 2<sup>nd</sup> Series on June 21, 2011. The second reading is scheduled for July 5, 2011. At that time, the ordinance can be adopted. For your convenience, attached is an additional copy of proposed Ordinance No. 135, 2<sup>nd</sup> Series.

**Requested Action:** Approve the second reading of Ordinance No. 135, 2<sup>nd</sup> Series and adopt the ordinance.

State law requires the City to publish new ordinances in the local newspaper. However, the Legislature recognized the fact that the cost for publication of lengthy ordinances would be prohibitive. Therefore, they have included a provision in the law which allows the City to publish a title and summary of the ordinance.

A proposed Title and Summary has been prepared and reviewed by the City Attorney. His recommendations have been incorporated into the final draft.

Attached is a copy of the proposed “Title and Summary of Ordinance No. 135, 2<sup>nd</sup> Series” for your review. Pursuant to State law, the Council needs to approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. Approval of the Title and Summary requires a 4/5 vote of the Council.

**Requested Action:** Review the “Title and Summary of Ordinance No. 135, 2<sup>nd</sup> Series” for publication. **Approve by motion:** Publication of a title and summary of Ordinance No. 135, 2<sup>nd</sup> Series and determine that the text of the proposed summary will clearly inform the public of the intent and effect of the ordinance.

Should you have any questions concerning the Title and Summary, please contact me at City Hall or by phone at 831-6125. City Administrator Steve Nasby will be present at the City Council Meeting on July 5th for any additional questions concerning the Title and Summary.

Thank you.

JK:mah

Attachments

ORDINANCE NO. 135, 2<sup>ND</sup> SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, AMENDING CITY CODE CHAPTER 11 BY AMENDING SECTION 11.60 "VARIANCES AND APPEALS".

THE CITY COUNCIL OF THE CITY OF WINDOM ORDAINS:

WHEREAS, the City adopted Ordinance No. 125, 2nd Series on December 16, 2003, which Ordinance amended the entire "Chapter 11 Land Use Regulations (Zoning)" of the City Code for the City of Windom; and

WHEREAS, the effective date of said Ordinance was December 24, 2003; and

WHEREAS, in the 2011 Legislative Session, the Minnesota Legislature passed a law amending Minnesota Statutes Section 394.27, Subdivision 7 relating to variances and Section 462.357, Subdivision 6 relating to appeals and adjustments; and

WHEREAS, it is in the best interests of the citizens of Windom that Section 11.60 "Variances and Appeals" of the Windom City Code be amended to comply with the amendments in the Minnesota Statutes as set forth herein.

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

THE CITY OF WINDOM, MINNESOTA, HEREBY AMENDS THE CITY CODE OF THE CITY OF WINDOM BY:

1. DELETING SECTION 11.60 OF THE CITY CODE, ENTITLED "VARIANCES AND APPEALS", IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 11.60 AS FOLLOWS:

**SEC. 11.60 VARIANCES AND APPEALS**

**Subd. 1. Variances.** The City Council serving as the Board of Adjustments and Appeals shall, after receiving the written reports and recommendations of the Planning Commission and the City staff, make a finding of fact and decide upon requests for a variance by approving or denying the same, in part or in whole, where it is alleged by the applicant that practical difficulties exist in the reasonable use of a specific parcel of property. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan. The Planning Commission shall hold a public hearing and, based upon a report and recommendation by the City staff, shall have the power to advise and recommend such conditions related to the variance regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the intent and purpose of this Chapter. A variance may be permitted if all of the following requirements are met:

1. The landowner (applicant) proposes to use the property in a reasonable manner.
2. The applicant has established that there are practical difficulties, as defined by state statute, in complying with the ordinance.
3. The unique circumstances of the property were not created by the landowner.

4. The variance is in harmony with the general purposes and intent of this ordinance.
5. The variance is consistent with the comprehensive plan.
6. The variance will not alter the essential character of the locality.

The Board of Adjustments may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

**Subd. 2. Variances; Practical Difficulties.** The City Council serving as the Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

**Subd. 3. Appeals.** The City Council serving as the Board of Adjustments and Appeals shall have the authority to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Administrator in the administration of this ordinance. However, said appeal shall be filed not later than ninety (90) days after the applicant has received a written notice from the Zoning Administrator or said appeal shall be considered void.

**Subd. 4. Appeals and adjustments.** Appeals to the Board of Appeals and Adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The Board of Appeals and Adjustments has the following powers with respect to the zoning ordinance:

- (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
- (2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be

permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The Board of Appeals and Adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

\*\*\*\*\*

**THE CITY COUNCIL OF THE CITY OF WINDOM FURTHER ORDAINS:**

**This ordinance shall be published in the COTTONWOOD COUNTY CITIZEN and shall be effective immediately upon publication.**

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this 5th day of July, 2011.

\_\_\_\_\_  
Kirby G. Kruse, Mayor

ATTEST:

\_\_\_\_\_  
Steven Nasby, City Administrator/Clerk

1<sup>st</sup> Reading: June 21, 2011  
2<sup>nd</sup> Reading: July 5, 2011  
Adoption: July 5, 2011  
Published: July 13, 2011

TITLE AND SUMMARY  
OF  
ORDINANCE NO. 135, 2<sup>ND</sup> SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, AMENDING CITY CODE CHAPTER 11 BY AMENDING SECTION 11.60 "VARIANCES AND APPEALS".

City Code Chapter 11 "Land Use Regulations (Zoning)" was amended on December 16, 2003, by Ordinance No. 125, 2nd Series. In the 2011 Legislative Session, the Minnesota Legislature passed a law amending Minnesota Statutes Section 394.27, Subdivision 7 relating to variances and Section 462.357, Subdivision 6 relating to appeals and adjustments; and it is necessary to amend City Code Section 11.60 to comply with the revised Minnesota Statutes.

Ordinance No. 135, 2<sup>nd</sup> Series replaces Section 11.60 in its entirety.

The basic changes to Section 11.60 are as follows:

**SECTION 11.60: "VARIANCES AND APPEALS"**

**Subd. 1. Variances:** Changes the variance standard from "undue hardship" to "practical difficulties"; provides that the variance must be in harmony with the purposes and intent of the zoning ordinance and consistent with the comprehensive plan; retains the required factors of reasonableness, uniqueness and essential character; and also provides that conditions may be imposed on the granting of variances if those conditions are directly related to and bear a rough proportionality to the impact created by the variance.

**Subd. 2. Variances; Practical Difficulties:** Text from Minnesota Statutes Section 394.27, Subd. 7. "Practical difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

**Subd. 3. Appeals:** Remains the same as the language adopted on December 16, 2003.

**Subd. 4. Appeals and Adjustments:** Text from Minnesota Statutes Section 462.357, Subd. 6 which also reiterates the changes specified in Subd. 1.

All other provisions of Chapter 11, adopted as Ordinance No. 125, 2<sup>nd</sup> Series on December 16, 2003, shall remain in full force and effect.

---

**NOTICE:** A PRINTED COPY OF THE ENTIRE TEXT OF ORDINANCE NO. 135, 2<sup>ND</sup> SERIES AND A PRINTED COPY OF THE ENTIRE SECTION 11.60 "VARIANCES AND APPEALS" IS AVAILABLE FOR INSPECTION BY ANY PERSON AT:

Building & Zoning Office  
Windom City Hall  
444 9<sup>th</sup> Street  
Windom, MN 56101

During regular office hours (Monday through Friday from 8:00 a.m. to 5:00 p.m.)

**AND AT:** Windom Public Library  
904 4<sup>th</sup> Avenue  
Windom, MN 56101

During regular library hours: Monday – 10:00 a.m. to 8:00 p.m.  
Tuesday, Wed. & Friday – 10:00 a.m. to 5:30 p.m.  
Thursday – 10:00 a.m. to 6:30 p.m.  
Saturday – 10:00 a.m. to 2:00 p.m.

---

ORDINANCE NO. 135, 2<sup>ND</sup> SERIES:

1<sup>st</sup> Reading: Windom City Council Meeting – June 21, 2011 – 7:25 p.m. (time approx.)  
2<sup>nd</sup> Reading: Windom City Council Meeting – July 5, 2011 – 7:15 p.m. (time approx.)  
Adoption: July 5, 2011  
Publication: July 13, 2011  
Effective Date: July 13, 2011

---

This “Title and Summary” approved for publication by the Windom City Council on July 5, 2011.

CITY OF WINDOM

By Kirby G. Kruse, Mayor

Attest: Steven Nasby, City Administrator/City Clerk

# MEMORANDUM



**CITY OF WINDOM**  
444 9th Street  
Windom, MN 56101  
Phone: 507-831-6129  
Fax: 507-831-6127  
[www.windom-mn.com](http://www.windom-mn.com)

**TO:** City Council  
**FROM:** City Administrator *Jean*  
**DATE:** June 29, 2011  
**RE:** Hazardous Conditions – 926 Fourth Avenue

In response to complaints about the condition of the sign at 926 Fourth Avenue, the Building Official made an inspection of the premise and sign. A letter was sent to the property owners and the operators of the Windom State Theatre on April 14, 2011. Please see attached letter from Jim Kartes, Building Official.

Following the April 14, 2011, letter the owners and operators of the Windom State Theatre contacted the Building Official regarding the opportunity to maintain operations while options to address the hazardous conditions were considered. The Building Official agreed that a temporary measure could be completed to help support the sign. As such, wooden support posts were installed and barricades were placed so the business could continue operations and safety of the public would be improved.

Hazardous conditions continue to exist; however, no plans for a permanent repair or removal of the hazardous conditions have been discussed or presented to the City's Building Official. At the request of the Building Official, the City Attorney sent a letter to the property owner and theatre operators on June 20, 2011 (see attached). This letter provided the owners/operators with an opportunity to present a plan to address this issue and set a July 5, 2011 deadline for action.

At this time, no material progress has been made by the owners/operators of the Windom State Theatre to address the hazardous conditions. As such, the City Attorney has drafted an Order for consideration by the City Council. This Order directs the owners of the property to address the hazardous conditions and establishes the legal mechanics to move forward with additional actions as may be needed.

Discussions with the Building Official indicate that a time of 20 days is fair and adequate time for the owners/operators to address this matter. Should the 20-day time period expire, the next step is for the City to file the order with the Court.



April 14, 2011

Donald & Marion Hardin  
230 Second Street East  
Redwood Falls, MN 56283

Mike and Nikki Schwartz  
M&N Cinemas  
600 Second Street  
Jackson, MN 56143

Re: Windom State Theater – 926 Fourth Avenue, Windom, Minnesota

Dear Mr. and Mrs. Hardin and Mr. and Mrs. Schwartz:

Our office has received numerous complaints concerning the condition of the marquee sign located above the entrance to the Windom State Theater and overhanging the sidewalk at 926 Fourth Avenue in Windom, Minnesota. Following receipt of these complaints, I made an inspection of the marquee sign. My inspection reveals that it appears the sign has pulled away from the building and dropped approximately 6 to 8 inches. The brick wall above the sign, that is actually holding the sign, has pulled away from the building itself. The sign is structurally unsafe, endangers the public's safety, and endangers the safety of the building. My determination as the Windom Building Official is that this sign is classified as an unsafe sign pursuant to Windom City Ordinance, Chapter 11, Section 11.53 "Signs", Subd. 18 "Unsafe or Dangerous Signs". A copy of this section is included for your reference.

The sign itself has also not been properly maintained and is in a state of disrepair in violation of the City's sign ordinance.

Pursuant to our ordinance, an unsafe or dangerous sign shall be taken down and removed within ten (10) days after written notification from the Building Official.

If the unsafe condition of this sign has not been remedied by April 25, 2011, I will have no alternative but to barricade the entrance to the theater; and no one will be allowed into the theater through the main entrance doors. I do not want to close the theater. However, if nothing is done to fully remedy the unsafe condition of the marquee sign, I will have no other option. The public's safety is of utmost importance.

Please contact me at City Hall (444 Ninth Street, Windom, Minnesota) or by phone at 507-831-6125 as soon as possible so that we may review your plans to correct the unsafe and dangerous conditions of this sign.

Sincerely,

James Kartes, Building & Zoning Official (Certification No. 1982)

JK:mah



**ECONOMIC DEVELOPMENT AUTHORITY OF WINDOM ♦ BUILDING AND ZONING OFFICE**

444 Ninth Street • PO Box 38 • Windom, MN 56101

Phone: 507-831-6125

Fax: 507-831-6142

**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

June 20, 2011

DONALD AND MARION HARDIN  
230 SECOND STREET EAST  
REDWOOD FALLS MN 56283

RE: Windom Movie Theatre/Hazardous Structure

Dear Mr. and Mrs. Hardin:

This letter is written to you in my capacity as Windom City Attorney, and more specifically, in regard to the above matter. This matter has been referred to me by the Windom Zoning Office for my attention.

From information provided to me, the Windom State Theatre at 926 Fourth Avenue has an extremely hazardous structure; i.e., its marquee sign. Under Windom City Ordinance, Section 11.53 subdivision 18, you are required to take down or remove that hazardous structure within ten days after receiving the notice from Zoning Officer James Kartes.

As owners of the property, you are solely responsible for correcting this unsafe and hazardous condition. Under Windom City Code, the matter can be charged out as a misdemeanor in criminal court and/or the City can pursue its remedies in District Court for correcting the unsafe condition.

The reason I am writing you this letter is to inform you that I am recommending to the Windom City Council that they issue their order mandating the correction of the hazardous and unsafe structure or be subject to Court enforcement.

I anticipate the City Council's order from their July 5<sup>th</sup> meeting. As a side note, if they begin that procedure and have to seek Court enforcement, the costs, including attorney's fees, and landfill costs, will be assessed against the property.

Of course, if the problem is remedied by the City Council meeting on the 5<sup>th</sup>, they will be notified of that fact, and the item will be removed from the agenda.

If there are any questions whatsoever, do not hesitate to contact me or James Kartes at the Windom Zoning Office. Thank you.

Very truly yours,

Daniel M. McDonald  
Windom City Attorney

DMM:bsw

cc: Mike and Nikki Schwartz  
James Kartes  
Steven Nasby

STATE OF MINNESOTA  
COUNTY OF COTTONWOOD

IN DISTRICT COURT  
FIFTH JUDICIAL DISTRICT  
Case Type: 10

CITY OF WINDOM,  
A Municipal Corporation,  
Plaintiff,

vs.

**ORDER**

DONALD HARDIN and MARION HARDIN,  
Defendants.

1. That the above-named Defendants, Donald Hardin and Marion Hardin, husband and wife, are the record owners of property located in the City of Windom, Cottonwood County, Minnesota, described as follows, to-wit:

The South 5 feet of Lot 13 and the North 6½ feet of the alley between Lots 11 and 12, and all of Lot 12, Block 18, in the City of Windom, Cottonwood County, Minnesota.

Tax Parcel ID No.: 25.820.1570

Property Address: 926 Fourth Avenue, Windom, Minnesota 56101

2. That the front exterior of the commercial structure and attached sign (marquee) have been found to be structurally unsafe and endanger the public safety and the safety of the building as the weight of the sign has pulled away from the building itself, and the brick veneer above the sign is pulling away from the building.

3. That the front wall needs to be repaired and the sign (marquee) needs to be repaired or removed in order to eradicate the hazardous and unsafe conditions.

4. That the Defendants have been notified of this situation by letter dated April 14, 2011. To date, no permit for either the repair of the front exterior of the building or the repair or demolition of the sign have been secured by the Defendants or anyone else on their behalf.

5. That the owners have not submitted a plan or a definite date for repair or removal of the hazardous conditions of the front exterior and sign.

6. That the front exterior of the building and the sign have not been repaired and continue to be in a hazardous and unsafe condition.

7. That \_\_\_\_\_ days from the date of service of this Order would be a reasonable time in which to correct the hazardous and unsafe conditions.

WHEREFORE, THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, HEREBY ORDERS YOU, Donald Hardin and Marion Hardin, to correct or remove the hazardous conditions as mentioned above, and to place the premises in a clean and safe condition within \_\_\_\_\_ days from the date of service of this Order upon you (exclusive of the date of service).

If the hazardous conditions have not been remedied as set forth herein and the property brought into compliance with this Order within the time specified herein, the City Council of the City of Windom will file a motion with the District Court of Cottonwood County, Minnesota, for an Order of Summary Enforcement of this Order of the City of Windom pursuant to the provisions of M.S. §463.15, et seq. In the event that correction of the conditions described above is hereinafter taken by the City of Windom, pursuant to Court authorization, the costs associated with said action and the costs of remedying the unsafe conditions, as incurred by the City of Windom, will either (1) become a lien upon the premises and said amount will be collected as a possible assessment in accordance with M.S. §429.061 or (2) be enforced by civil judgment against you personally.

If, within twenty (20) days of the service of this Order upon you, you serve an answer denying the facts as set out in the above Order, you are entitled to a hearing before the District Court on the disputed facts.

Dated: \_\_\_\_\_

CITY OF WINDOM

\_\_\_\_\_  
Kirby G. Kruse, Mayor

Attest:

\_\_\_\_\_  
Steven Nasby, City Administrator

**RESOLUTION #2011-**

**INTRODUCED:**

**SECONDED:**

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

**A RESOLUTION APPROVING PARTICIPATION IN A COUNTYWIDE  
COMMUNICATION EQUIPMENT PROJECT AND SUBMISSION OF  
"ASSISTANCE TO FIREFIGHTERS" GRANT APPLICATION**

---

**WHEREAS**, the Federal Communication Commission has mandated that all public safety agencies that operate radio equipment on frequencies of less than 500 MHz must use radio equipment that is "narrow banded" ( i.e., operates in a band width of 12.5 KHz) by January 1, 2013; and

**WHEREAS**, there is a national Department of Homeland Security initiative underway to develop regional, statewide and interstate communications interoperability to facilitate resource sharing and inter-agency collaboration in response to mass casualty and multi-jurisdictional natural or man-made disasters; and

**WHEREAS**, grants to obtain communication equipment for a Countywide Communication Equipment Project are available through the "Assistance to Firefighters" Grant Program of the U.S. Department of Homeland Security; and

**WHEREAS**, it is necessary that one entity act as the legal sponsor for the grant application to be submitted to U.S. Department of Homeland Security; and

**WHEREAS**, Cottonwood County and the Cities of Jeffers, Mountain Lake, Storden and Westbrook have agreed to participate in the Countywide Communication Equipment Grant application and have designated the City of Windom to act as legal sponsor for the application; and

**WHEREAS**, the City of Windom understands that there is a five percent (5%) match requirement for grants to fire departments serving areas with a population of 20,000 or less as stated in the Federal Register and sources for these matches are available.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Windom, Minnesota, as follows:

1. The City Council of Windom, Minnesota, on behalf of the citizens and firefighters of Windom, supports the Windom Fire Department's efforts in pursuing funding through the Assistance to Firefighters Grant Program through the U.S. Department of Homeland Security.

2. Cottonwood County and the Cities of Jeffers, Mountain Lake, Storden and Westbrook have agreed to participate in the Countywide Communication Equipment Project and their Commission or Councils have passed a resolution supporting the designation of the City of Windom as the legal sponsor for the grant application for this project.

3. An application shall be submitted to the Assistance to Firefighters Grant Program through the U.S. Department of Homeland Security for a Countywide Communication Equipment Project.

4. The City of Windom shall act as legal sponsor for the grant application; and the Mayor and the City Administrator are hereby authorized, on behalf of the City of Windom, to submit a grant application to the Assistance to Firefighters Grant Program through the U.S. Department of Homeland Security for the funding of this project.

5. The City of Windom has legal authority to apply for financial assistance, and the institutional, managerial, and financial capacity to ensure compliance with the grant requirements and completion of the proposed project.

6. The City of Windom has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

7. If the grant application for the Countywide Communication Equipment Project is approved, the five percent (5%) match will be provided by the participating agencies. Each City/County participating in the project will provide matching funds in an amount equivalent to its percentage of benefit from the project.

8. If the grant application is approved, each City/County will be responsible to ensure that its portion of the proposed project is properly constructed or assembled, operated and maintained.

9. Upon approval of its grant application by the U.S. Department of Homeland Security, the City of Windom may enter into agreements for the approved project; and the City of Windom certifies that it will comply with applicable laws and all regulations and requirements as contained in said agreements.

10. The Mayor and the City Administrator are hereby authorized, on behalf of the City of Windom, to execute such agreements and contracts as are necessary to implement the project.

Adopted this 5th day of July, 2011.

---

Kirby G. Kruse, Mayor

ATTEST: \_\_\_\_\_  
Steven Nasby, City Administrator/City Clerk

SECTION 00530

PAYMENT REQUEST FORM

OWNER: City of Windom  
PROJECT: 2011 Street Shop Improvements  
CONTRACTOR: Everstrong Construction, Inc.

PAY ESTIMATE NO. 3

Original Contract Amount .....	\$	<u>310,277.50</u>
		c/o 1 (6,077.50)
Contract Changes approved to Date (List Change Order Numbers) ..c/o 2.....	\$	<u>8,409.60</u>
Revised Contract Price .....	\$	<u>312,609.60</u>
Work Completed to Date (see attached) .....	\$	<u>250,993.50</u>
Retainage to Date, 5% .....	\$	<u>(12,549.68)</u>
Work Completed to Date Less Retainage to Date .....	\$	<u>238,443.82</u>
Total Amount Previously Certified .....	\$	<u>113,776.27</u>
Payment Request This Estimate .....	\$	<u>124,667.55</u>

I declare under penalty of perjury that this account, claim, or demand is just and correct and that no part of it has been paid.

Pete U'Ren, President

CONTRACTOR

CERTIFICATE OF CONTRACTOR

I hereby certify that the work and the materials supplied to date, as shown on the request for payment, represents the actual value of accomplishment under the terms of the contract dated

March 16, 2011 between CITY OF WINDOM (OWNER)

and Everstrong Construction (CONTRACTOR) and all authorized changes thereto.

By Everstrong Construction, Inc.  
Paul Olsen  
Title CEO

Approval:

CONTRACTOR

Paul Olsen Date 6/29/11

WENCK ASSOCIATES, INC.

Dennis Johnson Date 6/29/11  
Dennis Johnson, P.E.

CITY OF WINDOM

\_\_\_\_\_ Date \_\_\_\_\_

\*\*\*END OF SECTION\*\*\*

SCHEDULE OF PRICES

BIDDER agrees to perform all of the work described in the CONTRACT DOCUMENTS for the following unit prices or lump sums:

NOTE: BIDS shall include sales tax and all applicable taxes and fees.

BIDDER must fill in unit prices in numerals, make extension for each item and total.

ITEM	UNIT	UNIT	ESTIMATED	AMOUNT	Amount Applied For
		PRICE	QUANTITY		
<u>OPTION 1 - SPRAY FOAM INSULATION</u>					
Remove Steel Wall Panel	S.F.	\$ <u>.60</u>	8500	\$ <u>5,100.00</u>	100% \$ 5,100.00
Remove Steel Roof Panel	S.F.	\$ <u>.60</u>	15000	\$ <u>9,000.00</u>	100% \$ 9,000.00
Remove West Overhead Door	Each	\$ <u>300.00</u>	1	\$ <u>300.00</u>	100% \$ 300.00
Furnish & Install 26 Gauge Steel Wall Panel	S.F.	\$ <u>3.00</u>	8500	\$ <u>25,500.00</u>	100% \$25,500.00
Furnish & Install 26 Gauge Steel Roof Sheeting	S.F.	\$ <u>2.60</u>	15000	\$ <u>39,000.00</u>	100% \$39,000.00
Furnish & Install Wall Insulation	S.F.	\$ <u>2.78</u>	8500	\$ <u>23,630.00</u>	75% \$17,722.50
Furnish & Install Roof Insulation	S.F.	\$ <u>2.35</u>	15000	\$ <u>35,250.00</u>	40% \$14,100.00
Furnish & install East Ventilation System	EA.	\$ <u>73,500.00</u>		\$ <u>73,500.00</u>	85% \$ 62,475.00
Furnish & install West Ventilation System	EA.	\$ <u>36,750</u>	1	\$ <u>36,750.00</u>	85% \$ 31,237.50

ITEM	UNIT	UNIT PRICE	ESTIMATED QUANTITY	AMOUNT		
<u>OPTION 1 - SPRAY FOAM INSULATION - CONTINUED</u>						
Furnish & Install Movable Ventilation System	EA.	\$ <u>9,143</u>	1	\$ <u>9,143.00</u>	50%	\$ 4,571.50
Exterior Doors with Lever Handles	EA.	\$ <u>1,680.00</u>	3	\$ <u>5,040.00</u>	100%	\$ 5,040.00
Lever Handles for Interior Doors	EA.	\$ <u>275.00</u>	12	\$ <u>3,300.00</u>	100%	\$ 3,300.00
Remove & Replace Windows: 72" x 36"	EA.	\$ <u>544.00</u>	8	\$ <u>4,352.00</u>	100%	\$ 4,352.00
60" x 36"	EA.	\$ <u>532.00</u>	1	\$ <u>532.00</u>		532.00
40" x 40"	EA.	\$ <u>507.00</u>	1	\$ <u>507.00</u>		507.00
32" x 32"	EA.	\$ <u>481.00</u>	1	\$ <u>481.00</u>		481.00
Remove & Replace Overhead Door & Opener (East)	EA.	\$ <u>4,200.00</u>	1	\$ <u>4,200.00</u>	100%	\$ 4,200.00
Remove & Reinstall Center Overhead Door & Opener (West)	EA.	\$ <u>1,500.00</u>	1	\$ <u>1,500.00</u>	100%	\$ 1,500.00
1-hour Firewall	L.F.	\$ <u>35.00</u>	60	\$ <u>2,100.00</u>	100%	\$ 2,100.00
40-Min. fire Door	EA.	\$ <u>1,050.00</u>	1	\$ <u>1,050.00</u>	100%	\$ 1,050.00
1-Hour Overhead Door (Interior Wall)	EA.	\$ <u>10,085.00</u>	1	\$ <u>10,085.00</u>	100%	\$ 10,085.00
OPTION 1 - TOTAL:				\$ <u>290,320.00</u>		
Salvage value of removed steel				\$ <u>1,000.00</u>		

OPTION 4 - WEST STORAGE SHED

Remove Steel Wall Panel S.F. \$ 160 1200 \$ 720.00 100% \$ 720.00

~~Page~~

ITEM	UNIT	PRICE	ESTIMATED QUANTITY	AMOUNT		
OPTION 4 - WEST STORAGE SHED-CONTINUED						
Remove Steel Roof Panel	S.F.	\$ <u>160</u>	850	\$ <u>579.00</u>	100%	\$ 510.00
Remove Overhead Door	Each	\$ <u>300.00</u>	1	\$ <u>300.00</u>	100%	\$ 300.00
Furnish & Install 26 Gauge Steel Wall Panel	S.F.	\$ <u>3.00</u>	1200	\$ <u>3,600.00</u>	100%	\$ 3,600.00
Furnish & Install 26 Gauge Steel Roof Sheeting	S.F.	\$ <u>2.60</u>	850	\$ <u>2,210.00</u>	100%	\$ 2,210.00
Furnish & Install Wall Insulation	S.F.	\$ <u>3.40</u>	1200	\$ <u>4,080.00</u>		Deleted
Furnish & Install Roof Insulation	S.F.	\$ <u>2.35</u>	850	\$ <u>1,997.50</u>		Deleted
Exterior Doors with Lever Handles	EA.	\$ <u>1,680.00</u>	3	\$ <u>5,040.00</u>		
Remove & Replace Overhead	EA.	\$ <u>1,500.00</u>	1	\$ <u>1,500.00</u>	100%	\$ 1,500.00
OPTION 4 - TOTAL:				\$ <u>39,271.50</u>		
Salvage value of removed steel \$ <u>100.00</u>						
					TOTAL	\$ 250,993.50

PJU  
Everstrong

\$2,210  
CAM

PJU

\$19,957.50  
CAM

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	CITIZEN PUBLISHING C	ADVERTISING	2,167.20
MAYOR & COUNCIL	CONVENT. & VISTOR BU	LODGING TAX	1,246.47
	Total for Department 101		3,413.67*
CITY OFFICE	HY-VEE FOOD STORE	MERCHANDISE	34.52
CITY OFFICE	BRIGITTE OLSON	EXPENSE	11.73
CITY OFFICE	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 103		76.09*
P & Z / BUILDING OFF	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 106		29.84*
CITY HALL	JOE'S LAWN CARE	MOW LAWN	30.00
CITY HALL	MN ENERGY RESOURCES	HEATING	42.70
	Total for Department 115		72.70*
POLICE	AT & T MOBILITY	TELEPHONE	29.63
POLICE	CITIZEN PUBLISHING C	ADVERTISING	178.20
POLICE	HY-VEE FOOD STORE	MERCHANDISE	86.99
POLICE	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 120		324.66*
STREET	AMOCO OIL COMPANY	GAS	68.02
STREET	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 140		97.86*
RECREATION	CITIZEN PUBLISHING C	ADVERTISING	69.30
	Total for Department 150		69.30*
PARKS	CITIZEN PUBLISHING C	ADVERTISING	69.30
PARKS	JEFF GILBERTSON	GAS FOR 3 WHEELER	18.00
PARKS	RON'S ELECTRIC INC	MAINTENANCE	132.00
	Total for Department 165		219.30*
	Total for Fund 01		4,303.42*
LIBRARY	JOE'S LAWN CARE	MOW LAWN	30.00
	Total for Department 171		30.00*
	Total for Fund 03		30.00*
AIRPORT	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 174		29.84*
	Total for Fund 11		29.84*
	RON'S ELECTRIC INC	POOL SLIDE	634.88
	Total for Department		634.88*
	Total for Fund 12		634.88*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
AMBULANCE	HY-VEE FOOD STORE	MERCHANDISE	46.75
AMBULANCE	JODI JOHNSON	REIMBURSE-TRAINING	90.00
AMBULANCE	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 176		166.59*
	Total for Fund 13		166.59*
MULTI-PURPOSE BUILDI	CITIZEN PUBLISHING C	ADVERTISING	815.78
MULTI-PURPOSE BUILDI	A H HERMEL CANDY & T	MERCHANDISE	54.24
MULTI-PURPOSE BUILDI	MN ENERGY RESOURCES	HEATING	169.34
	Total for Department 177		1,039.36*
	Total for Fund 14		1,039.36*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	3,494.85
LIQUOR	CITIZEN PUBLISHING C	ADVERTISING	52.80
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	7,182.15
LIQUOR	A H HERMEL CANDY & T	MERCHANDISE	544.08
LIQUOR	JOHNSON BROS.	MERCHANDISE	1,752.73
LIQUOR	PITNEY BOWES	RENTAL CHARGES	29.84
LIQUOR	QUALITY WINE SPIRITS	MERCHANDISE	1,828.90
LIQUOR	RON'S ELECTRIC INC	MAINTENANCE	66.00
LIQUOR	SOUTHERN WINE & SPIR	MERCHANDISE	805.25
LIQUOR	VINOCOPIA, INC	MERCHANDISE	126.13
LIQUOR	BANK MIDWEST	NSF CHECK	18.39
	Total for Department 180		15,901.12*
	Total for Fund 60		15,901.12*
WATER	AMOCO OIL COMPANY	GAS	35.07
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	157.29
WATER	MN ENERGY RESOURCES	HEATING	552.71
WATER	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 181		774.91*
	Total for Fund 61		774.91*
	MARLYS JOHNSON	REFUND - UTILITY PREPAYM	300.00
	Total for Department		300.00*
ELECTRIC	AMOCO OIL COMPANY	GAS	605.97
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	157.29
ELECTRIC	MN DEPT OF HEALTH	PERMIT FEE	100.00
ELECTRIC	STEVE NASBY	ENERGY REBATE	850.00
ELECTRIC	MN ENERGY RESOURCES	HEATING	19.88
ELECTRIC	PITNEY BOWES	RENTAL CHARGES	29.84
ELECTRIC	BRIAN BURMEISTER	ENERGY REBATE	750.00
ELECTRIC	LAURIANNE FARRELL	ENERGY REBATE	50.00
ELECTRIC	B J FLORINE	ENERGY REBATE	25.00
ELECTRIC	JANELLE HAAS	ENERGY REBATE	10.00

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
ELECTRIC	KEVIN JACKSON	ENERGY REBATE	25.00
ELECTRIC	LAUREL MEKOSCH	ENERGY REBATE	15.00
ELECTRIC	JAMES L NELSON	ENERGY REBATE	750.00
ELECTRIC	ANTHONY & DENISE NIC	ENERGY REBATE	600.00
ELECTRIC	ROBERT VISKER	ENERGY REBATE	100.00
	Total for Department 182		4,087.98*
	Total for Fund 62		4,387.98*
SEWER	AMOCO OIL COMPANY	GAS	263.30
SEWER	CITIZEN PUBLISHING C	ADVERTISING	136.00
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	157.29
SEWER	MN ENERGY RESOURCES	HEATING	44.96
SEWER	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 183		631.39*
	Total for Fund 63		631.39*
ARENA	AMOCO OIL COMPANY	GAS	255.88
ARENA	HY-VEE FOOD STORE	MERCHANDISE	243.45
ARENA	MN ENERGY RESOURCES	HEATING	237.01
ARENA	PITNEY BOWES	RENTAL CHARGES	29.84
	Total for Department 184		766.18*
	Total for Fund 64		766.18*
ECONOMIC DEVELOPMENT	CITIZEN PUBLISHING C	ADVERTISING	135.00
ECONOMIC DEVELOPMENT	PITNEY BOWES	RENTAL CHARGES	29.84
ECONOMIC DEVELOPMENT	SUBWAY	EXPENSE	41.68
	Total for Department 187		206.52*
	Total for Fund 67		206.52*
TELECOMMUNICATIONS	CITIZEN PUBLISHING C	ADVERTISING	2,679.97
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	471.88
TELECOMMUNICATIONS	QWEST COMMUNICATIONS	LEXIS BILLING SERVICE	212.51
TELECOMMUNICATIONS	MN ENERGY RESOURCES	HEATING	14.61
TELECOMMUNICATIONS	PITNEY BOWES	RENTAL CHARGES	89.52
TELECOMMUNICATIONS	NORTHERN SAFETY TECH	LAP TOP BRACKETS FOR MIR	6,741.38
	Total for Department 199		10,209.87*
	Total for Fund 69		10,209.87*
AFLAC		INSURANCE	391.20
MN BENEFIT ASSOCIATI		INSURANCE	262.28
	Total for Department		653.48*
	Total for Fund 70		653.48*
	Grand Total		39,735.54*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	BEIM CONSULTING	WEB SITE REDESIGN	58.66
	Total for Department 101		58.66*
CITY OFFICE	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.38
CITY OFFICE	BEIM CONSULTING	WEB SITE REDESIGN	58.66
CITY OFFICE	DENNIS L. RICK LTD	AUDIT SERVICE	1,050.00
CITY OFFICE	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	20.40
	Total for Department 103		1,155.44*
P & Z / BUILDING OFF	BEIM CONSULTING	WEB SITE REDESIGN	58.66
	Total for Department 106		58.66*
POLICE	BEIM CONSULTING	WEB SITE REDESIGN	58.66
POLICE	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	10.18
	Total for Department 120		68.84*
FIRE DEPARTMENT	BEIM CONSULTING	WEB SITE REDESIGN	58.66
	Total for Department 125		58.66*
STREET	BEIM CONSULTING	WEB SITE REDESIGN	58.66
	Total for Department 140		58.66*
RECREATION	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
RECREATION	BEIM CONSULTING	WEB SITE REDESIGN	58.66
RECREATION	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	10.18
	Total for Department 150		95.14*
PARKS	BEIM CONSULTING	WEB SITE REDESIGN	58.66
	Total for Department 165		58.66*
	Total for Fund 01		1,612.72*
EQUIPMENT/F.A.	DENNIS L. RICK LTD	AUDIT SERVICE	1,250.00
	Total for Department 170		1,250.00*
	Total for Fund 02		1,250.00*
LIBRARY	BEIM CONSULTING	WEB SITE REDESIGN	58.66
LIBRARY	MN ENERGY RESOURCES	HEATING	201.54
LIBRARY	DENNIS L. RICK LTD	AUDIT SERVICE	200.00
LIBRARY	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	5.09
	Total for Department 171		465.29*
	Total for Fund 03		465.29*
EQUIPMENT/F.A.	DENNIS L. RICK LTD	AUDIT SERVICE	650.00
	Total for Department 170		650.00*
	Total for Fund 04		650.00*
2003 IMPROVEMENT BON	DENNIS L. RICK LTD	AUDIT SERVICE	500.00

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Department 169	500.00*
		Total for Fund 05	500.00*
4TH AVE PROJECT	DENNIS L. RICK LTD	AUDIT SERVICE	500.00
		Total for Department 168	500.00*
		Total for Fund 06	500.00*
2007 IMPROVEMENT PRO	DENNIS L. RICK LTD	AUDIT SERVICE	500.00
		Total for Department 164	500.00*
		Total for Fund 07	500.00*
2006A REFUNDING BOND	DENNIS L. RICK LTD	AUDIT SERVICE	500.00
		Total for Department 157	500.00*
		Total for Fund 08	500.00*
2009 STREET IMP PROJ	DENNIS L. RICK LTD	AUDIT SERVICE	250.00
		Total for Department 158	250.00*
		Total for Fund 09	250.00*
AIRPORT	COOPER CROUSE - HIND	MAINTENANCE	408.53
AIRPORT	DENNIS L. RICK LTD	AUDIT SERVICE	400.00
		Total for Department 174	808.53*
		Total for Fund 11	808.53*
POOL	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
POOL	A H HERMEL CANDY & T	MERCHANDISE	643.91
POOL	DENNIS L. RICK LTD	AUDIT SERVICE	200.00
POOL	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	5.09
		Total for Department 175	875.30*
		Total for Fund 12	875.30*
AMBULANCE	BEIM CONSULTING	WEB SITE REDESIGN	58.66
AMBULANCE	DENNIS L. RICK LTD	AUDIT SERVICE	400.00
AMBULANCE	UNITED HEALTHCARE IN	AMBULANCE REFUND-IOLA JA	48.67
AMBULANCE	UNITED HEALTHCARE IN	AMBULANCE REFUND-NANCY S	68.00
AMBULANCE	UNITED HEALTHCARE IN	AMBULANCE REFUND-ROSETTA	69.71
AMBULANCE	IOLA JANSSEN	REFUND - AMBULANCE	21.04
		Total for Department 176	666.08*
		Total for Fund 13	666.08*
MULTI-PURPOSE BUILDI	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
MULTI-PURPOSE BUILDI	HAGEN DISTRIBUTING	MERCHANDISE	16.20

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MULTI-PURPOSE BUILDI	HY-VEE FOOD STORE	MERCHANDISE	19.54
MULTI-PURPOSE BUILDI	DENNIS L. RICK LTD	AUDIT SERVICE	500.00
MULTI-PURPOSE BUILDI	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	10.18
	Total for Department 177		572.22*
	Total for Fund 14		572.22*
PM REVOLVING LOAN FU	DENNIS L. RICK LTD	AUDIT SERVICE	100.00
	Total for Department 172		100.00*
	Total for Fund 15		100.00*
EDA LINDAMAN REV LOA	DENNIS L. RICK LTD	AUDIT SERVICE	100.00
	Total for Department 178		100.00*
	Total for Fund 16		100.00*
SCDP	DENNIS L. RICK LTD	AUDIT SERVICE	250.00
	Total for Department 163		250.00*
	Total for Fund 17		250.00*
N IND PARK	DENNIS L. RICK LTD	AUDIT SERVICE	50.00
	Total for Department 147		50.00*
	Total for Fund 18		50.00*
RIVER BLUFF EST REV	DENNIS L. RICK LTD	AUDIT SERVICE	100.00
	Total for Department 019		100.00*
	Total for Fund 19		100.00*
EDA LINDAMAN REV LOA	DENNIS L. RICK LTD	AUDIT SERVICE	50.00
	Total for Department 178		50.00*
	Total for Fund 31		50.00*
TIF 1-13 RIVER BLUFF	DENNIS L. RICK LTD	AUDIT SERVICE	63.64
	Total for Department 188		63.64*
	Total for Fund 33		63.64*
TIF 1-1 HARWIN	DENNIS L. RICK LTD	AUDIT SERVICE	63.64
	Total for Department 189		63.64*
	Total for Fund 34		63.64*
TIF 1-2 PAMIDA	DENNIS L. RICK LTD	AUDIT SERVICE	63.64
	Total for Department 190		63.64*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Fund 35	63.64*
TIF 1-3 SPEC BLDG	DENNIS L. RICK LTD	AUDIT SERVICE	63.64
		Total for Department 191	63.64*
		Total for Fund 36	63.64*
TIF 1-4 TORO	DENNIS L. RICK LTD	AUDIT SERVICE	63.64
		Total for Department 192	63.64*
		Total for Fund 37	63.64*
TIF 1-6 RIVER BEND S	DENNIS L. RICK LTD	AUDIT SERVICE	63.64
		Total for Department 193	63.64*
		Total for Fund 38	63.64*
TIF 1-8 DWMTWM REDEV	DENNIS L. RICK LTD	AUDIT SERVICE	63.64
		Total for Department 194	63.64*
		Total for Fund 39	63.64*
TIF 1-10 RUNNINGS	DENNIS L. RICK LTD	AUDIT SERVICE	63.63
		Total for Department 195	63.63*
		Total for Fund 40	63.63*
TIF 1-11 QUIRING	DENNIS L. RICK LTD	AUDIT SERVICE	63.63
		Total for Department 196	63.63*
		Total for Fund 41	63.63*
TIF 1-12 PM WINDOM	DENNIS L. RICK LTD	AUDIT SERVICE	63.63
		Total for Department 197	63.63*
		Total for Fund 42	63.63*
TIF 1-14 SPEC BLDG I	DENNIS L. RICK LTD	AUDIT SERVICE	63.63
		Total for Department 198	63.63*
		Total for Fund 43	63.63*
LIQUOR	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
LIQUOR	BEIM CONSULTING	WEB SITE REDESIGN	58.66
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	598.30
LIQUOR	MN ENERGY RESOURCES	HEATING	54.57
LIQUOR	DENNIS L. RICK LTD	AUDIT SERVICE	300.00
LIQUOR	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	20.36
		Total for Department 180	1,058.19*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 60			1,058.19*
WATER	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
WATER	BEIM CONSULTING	WEB SITE REDESIGN	58.66
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	167.71
WATER	DENNIS L. RICK LTD	AUDIT SERVICE	1,000.00
WATER	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	20.36
Total for Department 181			1,273.03*
Total for Fund 61			1,273.03*
ELECTRIC FUND REF-UT PREPAY-OLIKAR ING			300.00
FAMILY SERVICE AGENC REFUND-METER DEPOSIT PRO			7.75
Total for Department			307.75*
ELECTRIC	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
ELECTRIC	BEIM CONSULTING	WEB SITE REDESIGN	58.76
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	167.71
ELECTRIC	DENNIS L. RICK LTD	AUDIT SERVICE	2,000.00
ELECTRIC	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	20.36
ELECTRIC	BANK MIDWEST	NSF CHECK	378.12
Total for Department 182			2,651.25*
Total for Fund 62			2,959.00*
SEWER	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	52.60
SEWER	BEIM CONSULTING	WEB SITE REDESIGN	58.66
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	167.71
SEWER	DENNIS L. RICK LTD	AUDIT SERVICE	700.00
SEWER	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	32.56
Total for Department 183			1,011.53*
Total for Fund 63			1,011.53*
ARENA	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
ARENA	BEIM CONSULTING	WEB SITE REDESIGN	58.66
ARENA	DENNIS L. RICK LTD	AUDIT SERVICE	500.00
ARENA	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	18.32
Total for Department 184			603.28*
Total for Fund 64			603.28*
RIVERBLUFF TOWNHOMES	DENNIS L. RICK LTD	AUDIT SERVICE	500.00
Total for Department 186			500.00*
Total for Fund 66			500.00*
ELECTRIC FUND LOAN PAYABLE FROM EDA SP			718.63
FULDA AREA CREDIT UN SPEC BLDG LOAN			1,769.09
Total for Department			2,487.72*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
ECONOMIC DEVELOPMENT	ELECTRIC FUND	LOAN PAYABLE FROM EDA SP	230.86
ECONOMIC DEVELOPMENT	FULDA AREA CREDIT UN	SPEC BLDG LOAN	1,590.91
ECONOMIC DEVELOPMENT	DENNIS L. RICK LTD	AUDIT SERVICE	400.00
	Total for Department 187		2,221.77*
	Total for Fund 67		4,709.49*
RIVERBLUFF ESTATES	DENNIS L. RICK LTD	AUDIT SERVICE	400.00
	Total for Department 166		400.00*
	Total for Fund 68		400.00*
	BARRY MARCY	REFUND-STATEMENT CREDIT	.82
	PAULA RAVERTY	REFUND - STATEMENT CREDI	1.98
	ANGELICA ESPENOSA	REFUND - STATEMENT CREDI	1.05
	HILLSIDE GREENHOUSE	REFUND - STATEMENT CREDI	3.17
	ELIZABETH HUEBSCH	REFUND - STATEMENT CREDI	.10
	CLARA B JOHNSON	REFUND - STATEMENT CREDI	2.86
	Total for Department		9.98*
TELECOMMUNICATIONS	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	78.90
TELECOMMUNICATIONS	BLUEHIGHWAYS	SUBSCRIBER	41.88
TELECOMMUNICATIONS	FOX SPORTS	SUBSCRIBER	959.54
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	503.12
TELECOMMUNICATIONS	BARRY MARCY	REFUND-STATEMENT CREDIT	20.92
TELECOMMUNICATIONS	MLB NETWORK	SUBSCRIBER	342.63
TELECOMMUNICATIONS	DENNIS L. RICK LTD	AUDIT SERVICE	6,950.00
TELECOMMUNICATIONS	PAULA RAVERTY	REFUND - STATEMENT CREDI	45.88
TELECOMMUNICATIONS	RFD TV	SUBSCRIBER	197.96
TELECOMMUNICATIONS	TOWER DISTRIBUTION C	SUBSCRIBER	225.41
TELECOMMUNICATIONS	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	30.54
TELECOMMUNICATIONS	BANK MIDWEST	NSF CHECK	73.85
TELECOMMUNICATIONS	ANGELICA ESPENOSA	REFUND - STATEMENT CREDI	15.31
TELECOMMUNICATIONS	IGRA FIDOW	REFUND - STATEMENT CREDI	6.33
TELECOMMUNICATIONS	HILLSIDE GREENHOUSE	REFUND - STATEMENT CREDI	46.25
TELECOMMUNICATIONS	ELIZABETH HUEBSCH	REFUND - STATEMENT CREDI	1.55
TELECOMMUNICATIONS	CLARA B JOHNSON	REFUND - STATEMENT CREDI	41.86
TELECOMMUNICATIONS	MULTIMEDIA GAMES	REFUND - STATEMENT CREDI	207.59
	Total for Department 199		9,789.52*
	Total for Fund 69		9,799.50*
	JOHNSON COUNTY COURT	PAYROLL DEDUCTION CDDMO1	1,202.00
	Total for Department		1,202.00*
	Total for Fund 70		1,202.00*
	Grand Total		34,016.16*

# MEMORANDUM



**CITY OF WINDOM**  
444 9th Street  
Windom, MN 56101  
Phone: 507-831-6129  
Fax: 507-831-6127  
[www.windom-mn.com](http://www.windom-mn.com)

**TO:** Mayor and City Council  
Department Heads

**FROM:** City Administrator *[Signature]*

**DATE:** June 27, 2011

**RE:** Upcoming Vacation Dates – July 25, 2011 to August 7, 2011

**FYI** – I am planning on taking some vacation time from July 25, 2011 to August 7, 2011. During this time I will be available via cell phone at 319-321-2637 (coverage permitting). In my absence, Brigitte Olson, Assistant City Administrator, will be available to assist you and will be staffing the August 2, 2011 City Council meeting.

# **WE NEED YOUR HELP TO DEFINE WINDOM'S FUTURE !**

Two community meetings are being held to get **your ideas** on what you value about Windom, how to make Windom a better place and what you think Windom should look like in the future. The meetings will be conducted by a consultant from Springsted, Inc. and the Finding Windom group.

**Your input is very important** and will help the City form its long range plans and goals.

You only need to attend one of the meetings, but you are welcome to attend both. These meetings will be followed up with three planning meetings later in the summer with the City Council.

## **Community Meeting Schedule**

### **Meeting #1**

WHEN: July 6, 2011  
TIME: 6:00 pm to 8:00 pm  
WHERE: Windom Community Center

### **Meeting #2**

WHEN: July 11, 2011  
TIME: 4:00 pm to 6:00 pm  
WHERE: Windom Community Center

## **Main Identity**

**From:** "Miller, Jim" <JMiller@lmc.org>  
**To:** "Board of Directors--LMC" <BoardofDirectorsLMC@lmc.org>  
**Sent:** Wednesday, June 29, 2011 12:00 PM  
**Subject:** Judge Gearin's decision  
 Good Afternoon (and, it truly is!),

This morning, Chief Ramsey County District Court Judge Kathleen Gearin issued her order in the matter relating to the Attorney General's petition on funding core functions of government. In the order, Judge Gearin directs the Commissioner of Management and Budget to "make payments such as LGA payments that have already been lawfully appropriated."

As you know, the League responded to the Attorney General's petition prior to last week's hearing on the matter. At the hearing, our counsel presented the League's arguments on the payment of those funds that have already been appropriated including but not limited to LGA, MCHC reimbursement, police and fire pension aids and utility value replacement aid. We will be meeting to determine what additional steps we want to take, if any, to ensure all such payments are indeed made.

The order also designates "core functions" of state government that would be funded in the event of a shutdown. That list of functions is consistent with the Governor's recommendations and is included in the order linked below. The order also appointed former Minnesota Supreme Court Justice Kathleen Blatz to be the special master to hear and make recommendations to the Court regarding any issues raised by the Attorney General or other parties.

A copy of the order is available here:

[http://www.mncourts.gov/Documents/2/Public/Civil/Executive findings of fact.pdf](http://www.mncourts.gov/Documents/2/Public/Civil/Executive%20findings%20of%20fact.pdf)

A copy of the League's response is available here:

[http://www.mncourts.gov/Documents/2/Public/Civil/Responde of League of MN Cities Greater MN](http://www.mncourts.gov/Documents/2/Public/Civil/Response%20of%20League%20of%20MN%20Cities%20Greater%20MN)

Please keep in mind that the order only funds limited state government functions and that other impacts of a state shutdown could affect cities. We will have more analysis of the Court's decision later today and, at least for the time being, will be continuing a daily edition of the *Cities Bulletin*. There are about 20 League staff who are diligently working on shutdown issues and who meet daily to ensure our members are as prepared as well as possible. However, I want to take this opportunity to especially recognize Tom Grundhoefer and Gary Carlson for their outstanding work in obtaining this outcome.

### **Jim Miller | Executive Director**

Tel: (651) 281-1205 | Fax: (651) 215-4105  
[jmiller@lmc.org](mailto:jmiller@lmc.org) | [www.lmc.org](http://www.lmc.org)  
 League of Minnesota Cities  
 145 University Ave. West | St. Paul, MN 55103

 [Web](#)  [Facebook](#)  [Twitter](#)  [Blog](#)

*Connecting & Innovating since 1913*

**Denise Nichols**

---

**From:** "Elizabeth Wefel" <eawefel@flaherty-hood.com>  
**To:** "Elizabeth Wefel" <eawefel@flaherty-hood.com>  
**Sent:** Wednesday, June 29, 2011 11:26 AM  
**Attach:** gearin\_shutdown\_order.pdf; June\_29\_2011\_Carroll\_Statement\_re\_Shutdown\_Order.pdf  
**Subject:** Court Orders LGA Payment in the Event of a Shutdown

Dear CGMC Members,

This morning, Ramsey County District Court Judge Kathleen Gearin issued an order declaring that Local Government Aid must be paid regardless of a government shutdown.

Judge Gearin's order on LGA was included in a broader court order directing what government functions should be funded in the event of a government shutdown. Her decision orders the Commissioner of the Department of Management and Budget to make any payments that are statutorily appropriated. She specifically orders that Local Government Aid should be paid. Although LGA and school payments are the only aids specifically mentioned, we read the language of the order to mean that other standing and statutory appropriations such as the Market Value Homestead Credit and Utility Valuation Transition Aid must be paid as well.

CGMC staff is presently working with the League of Minnesota Cities and other city organizations to reevaluate our legal strategy in light of this court ruling and determine if any further legal action is necessary. It is also possible that another party could attempt to appeal the district court's ruling.

Although this order is good news for cities, the governor and legislature still have not reached a final budget agreement for the biennium. It is still possible that the governor and legislature could cut the amount of LGA to be paid in July if they reach a budget solution before July 20. Therefore, cities should continue to contact the governor and legislature and urge them to keep LGA funding at the certified \$527 million level.

A copy of the order is attached along with the statement issued by CGMC President Nancy Carroll. If you have questions regarding the order, please contact J.D. Burton, Bradley Peterson, or me.

Best regards,

Elizabeth Wefel, Senior Attorney  
Flaherty & Hood, P.A.  
525 Park Street, Suite 470  
St. Paul, MN 55103  
Office: 651-225-8840  
Toll-Free 1-877-846-4662  
Direct Dial: 651-259-1924  
Mobile: 651-492-3998  
[eawefel@flaherty-hood.com](mailto:eawefel@flaherty-hood.com)

NOTE: The information contained in this e-mail is confidential and intended only for use by the individual or entity named. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by replying to this e-mail and destroying the original e-mail and any attachments thereto.

6/29/2011

For Immediate Release: June 29, 2011

Contact: Glen Fladeboe

Cell: 651-208-3262

**Statement from Nancy Carroll, Mayor of Park Rapids and President of  
the Coalition of Greater MN Cities, regarding Court order that cities  
must be paid during a government shutdown**

“There is no doubt that cities dodged a major bullet this morning that may have crippled communities.

“It is just as important that the final budget compromise does not impose yet another round of cuts to cities that will result in higher property taxes for families and businesses and make communities less competitive for retaining and growing jobs.”

###

# Editorial: Suburbs need more LGA help than outstate | ABC Newspapers

<http://abcnewspapers.com/2011/06/22/editorial-suburbs-need-more-lga-help-than-outstate/>

June 23, 2011

by Don Heinzman

A most recent study, shows that suburban residents pay a higher percentage of their income in property taxes than outstate property taxpayers.

The report, called the Gordon Voss Report, links income and amount of property taxes paid by 20 regions in the state.

This study of property taxes payable in 2008, buries the myth that people outstate pay more property taxes and therefore should get more Local Government Aid (LGA).

For example, the study shows that 44,000 suburban households with incomes between \$10,000 and \$45,000, paid more than 5 percent of their incomes in total property taxes after all credits and refunds. That's compared with 16,000 households in Minneapolis and St. Paul and 28,000 outstate.

What's significant is that bigger suburbs no longer receive any LGA and this Legislature wants to cut state aid even more, adding to the property tax burden.

Under the current law, cities were expecting to receive \$527 million this year, but under the latest Republican legislative conference report, that amount would be reduced by \$137 million.

Gov. Mark Dayton in his budget has proposed no cuts in LGA.

What's more, the legislative conference committee measure would phase out all local government aid to Minneapolis, St. Paul and Duluth in four years, even though those home-owners pay more property taxes than many homeowners in the out state regions.

The Voss Report was prepared by the Minnesota Department of Revenue. The study involves property tax and income tax records for 1.3 million home-owning Minnesota households.

Here's another example from the study involving homeowners with incomes between \$45,000 and \$65,000. Of that group, the median household paid 2.4 percent of total income in property taxes in 2008, while in the metro area, the median household paid 3.5 percent of income or 46 percent more.

The highest median of that income group was in Southwest Hennepin County – a median of 3.8 percent.

The actual numbers are even more telling. Metro area homeowners had an 89 percent higher median net property tax than Greater Minnesota homeowners, \$2,387 versus \$1,250.

Looking at the 20 regions in the 2008 study, 10 of them in Greater Minnesota, net property taxes for 40 percent of the households was less than \$1,000. In two of the regions, the total net property tax bill was less than \$500 for more than 25 percent of the households.

Proponents of reducing LGA to central cities and the suburbs say they have more tax base and can stand the reduction. This may once have been true when home values were higher. All in all, the property tax is regressive and based on the false assumption these days if you can afford the home you can pay the tax.

There's no need to start a battle over metro versus outstate taxes and LGA, but it's important for people to understand that home-owners living in metropolitan suburbs and cities pay more property taxes than many homeowners in the out-state regions.

The Voss Report dissolves the myth that outstate taxpayers need more LGA, to avert higher property taxes. It's the suburbs and Minneapolis and St. Paul that could use the relief LGA promises.

**Editor's note: Don Heinzman is editorial writer for ECM Publishers Inc.**



## Planning for a Potential State Shutdown

This area of the website provides information and ongoing updates to member cities on a potential state government shutdown. Check back often for new information.

The League has prepared a memo outlining considerations for cities in the face of a government shutdown. The League also prepared a list of important dates and how a government shutdown might affect those deadlines.

- **View 2011 State Shutdown Considerations: State Aid and Credit Reimbursement Payments Under Current Law (pdf)** (*Link to: <http://www.lmc.org/media/document/1/stateshutdown.pdf> (published June 10, 2011)*)
- **View Calendar of Important Dates and Government Shutdown (pdf)** (*Link to: [http://www.lmc.org/media/document/1/importantdates\\_shutdown.pdf](http://www.lmc.org/media/document/1/importantdates_shutdown.pdf) (updated June 20, 2011)*)

(*Link to:* ) **LATEST NEWS** (*updated June 28, 2011*)

### Shutdown implications for cities

To help cities prepare for a potential state government shutdown, the League has prepared a document that identifies ways that lack of state aid or credit payments and/or the shut down or curtailment of state agency functions, could impact a city's ability to perform core government functions. Please let us know if you have any question about, or suggestions for additions to, this information.

**View State Government Shutdown: Implications for Local Governments (pdf)** (*Link to:*

*<http://www.lmc.org/media/document/1/shutdownimplicationslocalgov.pdf>*)

(*Link to:* )

### Keep filing city documents and reports

Even if the state shuts down, keep sending in your city's required reports. The obligation to file certain required reports or documents with state agencies remains in force. Filing and reporting is the responsibility of the city, even if no one is at the state agency to receive, review or respond.

**View Looming State Shutdown and Filing City Documents or Reports (pdf)** (*Link to:*

*<http://www.lmc.org/media/document/1/reportingrequirements.pdf>*)

### Dept. of Revenue: State won't make LGA payments during shutdown

The League received a memo on June 24 from the Minnesota Department of Revenue (DOR) Property Tax Division stating, "In general, local government aid payments will not be made during the time of a

state government shutdown unless directed to do so by the courts.” The memo is addressed to county assessors, auditors, and treasurers, but it specifically identifies local government aid (LGA), which is only distributed to cities, as well as county program aid. We understand that the delay will include all aid payments to local units of government that would otherwise be paid during a shutdown and that the payment delay will extend for the duration of a shutdown.

- **Read more about the DOR memo and the League's plans to ensure payment of city appropriations** (*Link to: <http://www.lmc.org/page/1/dorshutdownmemo.jsp>*)

### **League takes legal action to ensure LGA payments during government shutdown**

The League, on behalf of its 830-plus member cities, filed a response on June 22 to the state attorney general’s petition challenging the state’s authority to delay or stop local government aid (LGA) payments to cities should a state government shutdown occur on July 1. These funds were already part of a budget approved by the Legislature and enacted into law. The response was co-signed by the Coalition of Greater Minnesota Cities and the City of St. Paul. To date, the state Legislature and governor have not reached a state budget agreement to avert such a shutdown. Hundreds of Minnesota cities are scheduled to receive local government aid payments in July. A lengthy shutdown could also affect payment of other appropriations to cities like PERA aid, pension amortization payments, and utility value transition aid, among others.

- **Read about the District Court hearing, where the League testified about its response** (*Link to: <http://www.lmc.org/page/1/lmclegalresponse.jsp>*)
- **Read more about the League's legal action** (*Link to: <http://www.lmc.org/page/1/legalaction-shutdown.jsp>*)

### **Attorney general petitions court about "core functions"**

Minnesota Attorney General Lori Swanson filed a petition in Ramsey County District Court on June 13 asking for a determination that, pursuant to the Minnesota Constitution and the United States Constitution, there are “core functions” of government that must be continued during a state government shutdown. The attorney general also asked for an order establishing the procedures for identifying and funding those core functions.

- **View the attorney general's petition (pdf)** (*Link to: [http://www.lmc.org/media/document/1/agpetition\\_shutdown.pdf](http://www.lmc.org/media/document/1/agpetition_shutdown.pdf)*)
- **View a memo in support of the petition (pdf)** (*Link to: [http://www.lmc.org/media/document/1/agpetition\\_supportmemo.pdf](http://www.lmc.org/media/document/1/agpetition_supportmemo.pdf)*)

### **Get the latest information on these topics:**

- **Info About State Agencies and Other Services** (*Link to: <http://www.lmc.org/page/1/infostateagencies.jsp>*)
- **Potential 2011 Shutdown Vs. 2005 Shutdown: Similarities & Differences** (*Link to: <http://www.lmc.org/page/1/2011vs2005.jsp>*)
- **Possible Delay in LGA and MVHC Payments** (*Link to: <http://www.lmc.org/page/1/possibledelaypayments.jsp>*)
- **Status of Bills** (*Link to: <http://www.lmc.org/page/1/statusofbills.jsp>*)

**Read the current issue of the Cities Bulletin** *(Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>)*

## Your LMC Resource

### Contact the League

If you have questions or information about the state government shutdown, please contact the League at **[shutdown@lmc.org](mailto:shutdown@lmc.org)** *(Link to: <mailto:shutdown@lmc.org>)*

Share with Friends

[Email](#)   
 [Facebook](#)   
 [Tweet](#)   
 [Google Buzz](#)

---

[Blogger](#)   
 [MySpace](#)   
 [Digg](#)

[AIM Share](#)   
 [StumbleUpon](#)

  
 [View All](#)

[Privacy Policy](#) | [Opt-Out](#)  
 What are your friends sharing?    [Sign In](#)

Copyright ©2011 League of Minnesota Cities, 145 University Ave. W, Saint Paul, MN 55103-2044 | Phone: (651) 281-1200 | Toll-Free: (800) 925-1122



CONNECTING & INNOVATING  
SINCE 1913

## State Government Shutdown: Implications for Local Governments

June 28, 2011

### Introduction

The prospect of a state government shut-down beginning this Friday carries with it a variety of implications for cities and other local governments. Some of the implications are obvious and others are not so obvious. To help cities prepare for a shutdown, League staff has prepared the following guidance on the potential impacts on cities' ability to provide "core" government services—those directly tied to a city's ability to protect "life and property." The following does not cover all of the potential effects, but addresses many that cities may encounter. Please contact us if you have additional suggestions for impacts that should be included.

### Indirect impact resulting from loss of various state aids and credits

The Minnesota Department of Revenue has indicated that in the event of a shutdown, a variety of state aids and credits will not be paid to cities. This could include existing standing and open aid and credit appropriations, such as:

- Local Government Aid (first half due July 20)
- Police and Fire Amortization Aids (one-third of annual amount due July 15)
- Public Employee Retirement Association (PERA) employer contribution aids (first half due July 20)
- Utility Value Transition Aid (first half due July 20)
- Distribution of local sales tax receipts (due the 5<sup>th</sup> of each month).

The League and other city groups will likely pursue legal action against the state the week of June 27 to compel payment of the amounts due cities, but in the event those efforts are unsuccessful, loss of state funding will impact cities. The types of effects and level of impact will differ from one city to the next, depending on their levels of reserves and other considerations. But in the case of a more lengthy shutdown, loss of state funds could make it difficult for cities of all kinds, in all areas of the state, to perform the following critical functions:

- Ability to meet bond obligations funded by local sales tax receipts
- Ability to meet local debt obligations using Public Facilities Authority as trustee for bond payments or to provide funding for contractor contractual obligations.
- Animal control
- Board of Equalization trainings & process
- County Resources/Services (solid waste, landfills)

- Enforcement of local ordinances (nuisances, health)
- Fire
- Functions of city hospitals and nursing homes
- Jail
- Local emergency response
- Municipal organized refuse collection
- Police
- Property assessor training
- Public transportation, including that for the elderly and disabled
- Water and sewer services
- Wetland approvals for road projects

### **Direct impacts associated with state agencies shutting down or reducing services**

Beyond the potential loss of state aids and credits, many critical and core city services would likely be directly impacted by the shutdown or reduction of services provided by state agencies. The following impacts seem likely based on our discussions with state officials:

- Licenses and permits – City employees without current state-issued licenses may not continue in their profession; nor may facilities continue to operate without required permits or licenses. For example, one-third of police officers renew their licenses by June 30 each year. If any city officer in the current group fails to renew their license before the shutdown, they may not work until they do so. Other similar licensing of personnel or facilities that may affect you are:
  - Airport permits
  - Building inspectors
  - Driver's licenses (regular & commercial)
  - Nurses, Doctors, Emergency Responders/Emergency Medical Services Regulatory Board (EMSRB)
  - Health care facilities
  - Limited driver's licenses, passports and other documents: (regular and commercial). Receiving new or renewed licenses may be limited in certain areas.<sup>1</sup>
  - Police officers/Peace Officers Standards and Training (POST) Board<sup>2</sup>

---

<sup>1</sup> [Hennepin] county has seven service centers for people to get driver's licenses, car tabs, passports and other documents. Plans call for all seven to be closed during a shutdown, but final action has yet to be taken. Star Tribune, June 27, 2011.

<sup>2</sup> Quoting POST Board website, June 28, 2011: "For officers with active licenses, failure to renew by the deadline means the license will "expire" effective July 1 and they cannot perform peace officer duties until the license is "restored." If the POST Board is closed on July 1 and throughout the shutdown, officers will not have the ability to "restore" and therefore cannot work as a peace officer. Also, if POST is closed on July 1, we will not be able to contact the [Chief Law Enforcement Officer] and advise them of officers who failed to renew and are therefore unable to perform peace officer duties. In the event of a shutdown, POST will not be able to issue licenses to new hires after June 30."

- Sanitarians
  - Stormwater construction permits<sup>3</sup>
  - Vehicle registration: New or renewed vehicle registration services may be limited in certain areas.
  - Wastewater/Water Operators<sup>4</sup>
  - Wastewater treatment facilities/ municipal storm water systems (Permits required under FCWA)
- Inspections activities – State inspections are required for many purposes. State shutdown may mean your city will go elsewhere for required items that the state will not provide, or simply that some inspections will completely halt. For example:
    - Bridge (MNDOT) inspection will likely not occur
    - Building inspection activity may be affected
    - Drinking water (state labs will close and cities will be required by Federal regulations to use an outside source to insure testing compliance; there will be extra cost to cities that will still be paying state for this service)
    - Electrical inspection may be limited
    - Roads – any local road projects necessitating MNDOT sign off will not happen
    - State inspection for boilers, elevator, utilities, hospital, nursing homes and any State Fire Marshall support will likely not be available.
  - Other direct impacts
    - BCA/DPS background & driving records checks
    - DNR firefighting assistance may be limited
    - Election services/SVRS/campaign finance
    - Gas/electrical utilities approvals at state level will likely not be available
    - Report of new hires to MDHS for child support enforcement
    - Applications to DPS for reimbursement of health insurance payments made to police and fire disabled or killed in the line of duty
    - Levy certification process – these services will likely be suspended
    - Mediation Services (contract/union negotiations)

---

<sup>3</sup> Since staff will not be available to receive or review applications, the submittal will not be considered complete, and therefore construction stormwater permits will not be valid, if the application is submitted during a shutdown period. A valid permit is required for all construction projects disturbing one acre or more — for things like road and bridge improvements and commercial/industrial/multifamily developments.

<sup>4</sup> According to the MPCA website, June 28, 2011 “Certain [environmental] licenses and license renewals for environmental work are dependent on MPCA receipt of a license fee. These licenses cover septic system professionals, landfill and wastewater operators and others. Licenses that are not expired will still be valid through any potential disruption in service from the state. However, since the MPCA cannot receive fees if it is shut down, any license renewals received by the state would not be processed while state workers are away. The licenses or license renewals that were sent during the shutdown period would not be valid if the fee is sent to the MPCA during the shutdown period.”

- Proceeding before the Offices of Administrative Hearings will likely be suspended.
- Labor Relations Services (contract/union negotiations), lists of arbitrators for grievance and interest arbitration, unit determination for bargaining units
- Prosecution services (Department of Motor Vehicle information may be unavailable)
- Report of new hires to MDHS for child support enforcement
- State personal will likely be unavailable to do assessor training
- State right-of-way (traffic signals, utility lines will not be accessible)



## Looming State Shutdown and Filing City Documents or Reports

June 28, 2011

Even if the state shuts down, keep sending in your city's required reports. The obligation to file certain required reports or documents with state agencies remains in force. Filing and reporting is the responsibility of the city, even if no one is at the state agency to receive, review or respond. That said, there may be some differences as to how the city may best comply with filing requirements.

During a state shutdown, many state websites will not be operational. This means that the option to submit documents via the Web may not be available. If you typically submit documents electronically, there is no assurance that you will be able to do so during a shutdown. Therefore, best practice is to mail reports and documents, keeping paper copies and noting the date you sent a particular item.

Practically speaking, when you mail a report or document to a state agency, include an "attention" line with the appropriate division of the agency and a contact person's name if you know it from previous filings. In any correspondence, include a city contact with name, phone number and e-mail address.

If a state agency recommends sending information or communication by email, go ahead and do that. But keep a paper and electronic copy of the email. Some state agency websites say emails may be lost during a shutdown. Here's what a few selected state agency websites say about submitting documents or reports as of today, June 28, 2011:

**Office of the State Auditor (OSA):** "In the event of a government shutdown, you will not be able to access the Office of the State Auditor website. In the event of a government shutdown, you will not be able to access online reporting forms or the OSA SAFES online reporting system. There are several financial reporting forms due June 30 (including cities and special districts).

In the event of a shutdown, local officials should provide your report in writing to the OSA by US mail, and also report evidence of possible theft of public funds or property to your local law enforcement agency."

Documents you may need to file with the OSA include but are not limited to the following:

### June

- June 20 – Forfeiture Incident Reporting Form – Law enforcement agencies must use this form each month to report the disposition of property seized subject to forfeiture. Reporting form(s) must be submitted to the OSA by the 20th of the month following the final disposition of the seized property.
- June 30 – Reporting deadline for volunteer fire relief associations with assets or liabilities exceeding \$200,000.
- June 30 – Town Financial Reporting Form – in Accordance with Generally Accepted Accounting Principles (GAAP) – due.
- June 30 – Town Audited Financial Statements – GAAP Basis of Accounting – due.

- June 30 – City Financial Reporting Form – GAAP Basis of Accounting – due.
- June 30 – City Audited Financial Statements – GAAP Basis of Accounting – due.
- June 30 – Special District Financial Reporting Form and Financial Statements due for Districts whose fiscal year ended December 31, 2010.

July

- July 1 - Performance Measurement Program reports are due. Participation in the program by a city or county is voluntary.
- July 1 – Fire Protection Service Reporting Form is due for municipalities with a fire department but no affiliated relief association.
- July 20 - Forfeiture Incident Reporting Form – Law enforcement agencies must use this form each month to report the disposition of property seized subject to forfeiture. Reporting form(s) must be submitted to the OSA by the 20th of the month following the final disposition of the seized property.

August

- August 1 – Annual TIF Reports due for the year ending 2010.
- August 1 – Schedule form for lump sum volunteer fire relief associations must be certified to the affiliated municipality. Maximum Benefit Worksheets must be certified for lump sum, monthly, and monthly/lump sum combination plans.
- August 16 – Notice of Failure to File annual TIF reports mailed to mayors and authority representatives of entities for which the 2010 TIF reports have not been received.

**Minnesota Department of Revenue:** “If no budget is in place to fund state government by July 1, 2011, the Minnesota Department of Revenue will be required to discontinue all operations except those deemed critical by the courts. Until the courts make that final determination, there is no assurance that any specific function will continue after June 30. We anticipate that no refunds would be processed or issued during a shutdown, and no correspondence from the department would be sent until normal operations resume. In the event of a shutdown, no updates to Liquor Posting and Sales Tax Permit Revocations would be processed. All tax laws and deadlines would remain in effect during a shutdown. The Department of Revenue will continue to process tax payments, and taxpayers are reminded of their legal obligation to file returns and pay all taxes when they are due to avoid penalties and interest.”

Documents you may need to file with the Minnesota Department of Revenue

- Annexation updates form
- Application for Fire State Aid and Peace Officer State Aid payable in 2011
- Application for volunteer firefighters supplemental benefit payment reimbursement in 2011
- City and County Aid Certifications
- Levy Limitations (Form PT 280)
- Local Board of Appeal and Equalization training
- Property Tax Levy Report Instructions
- State Deed forms
- Tax Increase Calculation under Fiscal Disparity Option "A" for taxes payable 2009
- Truth in Taxation

**State Fire Marshal:** According to staff at the state Fire Marshall’s office as of June 28, 2011, the state reporting program will still be up and running. Cities using the state reporting program can still enter their reports. (State law requires cities to investigate, or cause to be investigated, the cause, origin, and

circumstances of each fire occurring in the city in which property has been destroyed or damaged when the damage exceeds \$100. Fires of unknown origin shall be reported, and cities must especially make investigation as to whether the fire was the result of carelessness, accident, or design. Minn. Stat. § 299F.04).

**Minnesota Pollution Control Agency:** “The MPCA’s website information will not be accessible. On-line applications and submittal systems will not be operational. The main page of the website will contain a statement that the agency is shut down. [MPCA] Permit holders are advised to email or mail a hard copy of the submittal to the MPCA making sure that the submittal is emailed or postmarked by the due date.

The MPCA would consider the submittal [e.g., discharge monitoring, annual report or other required reporting] timely if it is emailed or postmarked by the due date. Regulatory submittals do not require immediate MPCA staff oversight in order to meet the permit conditions. If there are regulatory questions related to the information submitted, they can be addressed when MPCA staff have returned.

**Board of Peace Officer Standards and Training:** “Peace officers and part-time peace officers have until 4:30 p.m. on June 30th to renew their licenses. This deadline also applies to the online renewal application. If the POST Board closes on July 1 and throughout the shutdown, officers will not have the ability to “restore” [peace officer licenses] and therefore cannot work as a peace officer.

Also, if POST is closes on July 1, we will not be able to contact the Chief Law Enforcement Officers (CLEOS) and advise them of officers who failed to renew and are therefore unable to perform peace officer duties. In the event of a shutdown, POST will not be able to issue licenses to new hires after June 30th.”

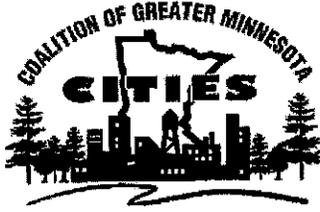
**Minnesota Secretary of State (SOS):** A decision about the website will be made on Thurs. June 30. Contact your county auditor for updated voter registration lists and election related questions or documents. The statewide voter registration system (SVRS) may not be available. SOS notified county auditors on June 9, 2011 to run updated voter lists and save them to their own internal computer drives. (There are city and school board elections in each of the upcoming months, July through Sept. including primaries in Bloomington, Maplewood, Duluth and St. Louis Park.)

**Public Facilities Authority:** New funding may not be available. No statement about how to file or report is on the website. Documents you may need to file with PFA related to the following activities:

- JOBZ Forms and Attachments
- Non-JOBZ Business Subsidy Forms
- Financial Assistance
- Clean Water Revolving Fund
- Wastewater Infrastructure Fund
- Small Community Wastewater Treatment Program
- Total Maximum Daily Load (TMDL) Grants
- Phosphorus Reduction Grants
- Drinking Water Revolving Fund
- Transportation Revolving Loan Fund
- Credit Enhancement Program

**Minnesota New-Hire Reporting:** No information is available on the web site about the ability to complete electronic reporting during a shutdown. Paper new-hire reports can be mailed to the Center at: Minnesota New Hire Reporting Center, P.O. Box 64212, St. Paul, MN, 55164-0212; fax #800-692-4473.

**Public Safety Officer Health Insurance Benefits:** Cities apply annually by August 1 for the preceding fiscal year for reimbursements. No information is available on the DPS web site about how to apply in the event of a shutdown. Forms are available to download and print at [www.dps.state.mn.us](http://www.dps.state.mn.us) (search site for "Public Safety Officer Benefit").



Coalition of Greater Minnesota Cities  
**CGMC in Brief**

June 23, 2011

Contact: Tim Flaherty  
651-225-8840

**CGMC, LMC, and  
City of St. Paul File  
Papers to Secure  
July LGA Payment**

On Wednesday, the CGMC joined the League of Minnesota Cities (LMC) and the City of St. Paul in a legal response to the Attorney General's shutdown petition and Governor's response. The CGMC response, filed in Ramsey County District Court, is attached.

The purpose of the CGMC-LMC-St. Paul legal response was to remind the court that the local government aid payment is a standing and statutory appropriation with a mandatory payment date and it must be paid, regardless of a government shutdown. The response argues that LGA is a critical funding source for cities, allowing for police, fire and public safety protection; without LGA, these services may be reduced or eliminated.

This legal response is necessary to protect the CGMC's interests in the government shutdown legal proceedings. The response ensures our interests are represented in court during any discussions/deliberations by the Attorney General, governor or others regarding what services must be maintained during a government shutdown. Put simply, we have reminded the court that, despite whatever determination they make on the state's core/critical functions, the LGA payment must be made regardless of this determination.

Please note that the CGMC-LMC-St. Paul response filed yesterday is NOT a lawsuit against the state. It is, instead, a response to legal action filed by the Attorney General. The CGMC, League and other city organizations are in discussions about what future legal action may be necessary to ensure the LGA payment is made in a timely manner.

This legal action was authorized by the CGMC Board of Directors on June 3. Prior to this filing, the CGMC sent a letter to Governor Dayton, Revenue Commissioner Myron Frans and Management and Budget Commissioner Jim Schowalter asking whether the state will make the July 20 LGA payment notwithstanding a government shutdown. The CGMC asked for a response by June 30 and no response has come to date.



## **Government Shutdown Update**

To date, the Republican Legislature and DFL Governor Dayton have not agreed upon a budget resolution for the 2012-2013 fiscal biennium. The state government will shut down on July 1 if no agreement is reached by that date. Negotiations between the parties have continued throughout the week, with little progress made. The legal aspect of the shutdown, however, began in earnest this morning.

A myriad of parties over the last week have filed documents in Ramsey County District Court and/or the Minnesota Supreme Court regarding the shutdown. This includes the Attorney General, governor, House, Senate and various other interested parties (including the CGMC – see above). The bulk of these filings argue for the continuation of specific state services in the event of a government shutdown. The governor has also asked the court to appoint a mediator to help settle the two sides' differences. A filing by four Republican Senators, and a filing by the Senate in general, argue the District Court process of determining and authoring payment of core/critical functions is unconstitutional. Click [here](#) for a complete, hyperlinked listing of all legal documents filed with the court.

Judge Kathleen Guerin in Ramsey County District Court began consideration of these legal filings this morning. It is unclear when the Court will issue its ruling(s), although it likely will be within the next week if not sooner.

## **CGMC Breakfast Focuses on State Budget**

CGMC members gathered for breakfast during the LMC Conference in Rochester last week. The bulk of discussion centered on the differences in funding for the state budget between the legislature and governor. As can be seen from the attached materials the legislative majorities' budget spends roughly the same for 2012-2013 as was spent in 2010-2011. This level (\$34 billion) is significantly less than what is forecasted to be spent under current law (\$39 billion). With the governor's most recent compromise offer his budget now comes in at \$35.8 billion.

Also included in the meeting materials is a chart outlining the total LGA appropriations from the governor and legislature. The final (vetoed) legislative proposal is shown on the far right of the chart. The phasing down of the appropriation reflects the legislative proposal to phase Minneapolis, St. Paul, and Duluth off of LGA.

Thanks to the 60 members who attended breakfast on Friday!

## **Register Now for CGMC Summer Conference in Grand Rapids**

Please be sure to join us for our Annual Summer Conference from August 3-5. This year's event will be held in beautiful Grand Rapids at the Timberlake Lodge Hotel.

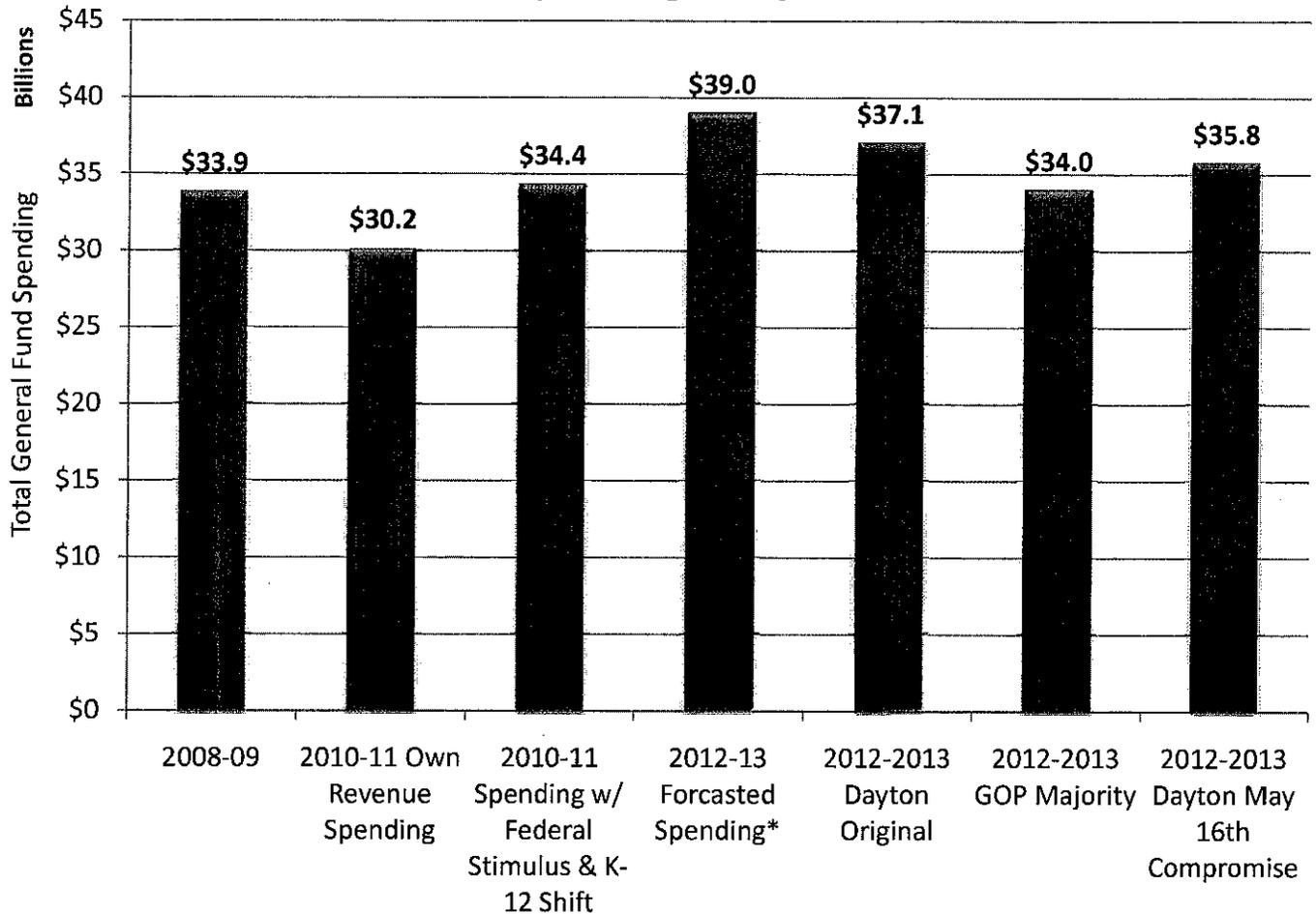
In addition to the usual legislative session wrap-up, and membership meeting, program highlights will focus on economic development. The attached tentative agenda shows all confirmed and invited speakers. Please see attached agenda and registration materials for information on attending the conference.



# Budget Debate by the Numbers

*A look at the different budget proposals compared to recent state budget history*

## Total Spending Comparison



\*Includes \$1.3 billion in K-12 school payment shift repayment. No budget proposal included a repayment of the K-12 school payment shift.

## Comparison of Percentage Change in Spending

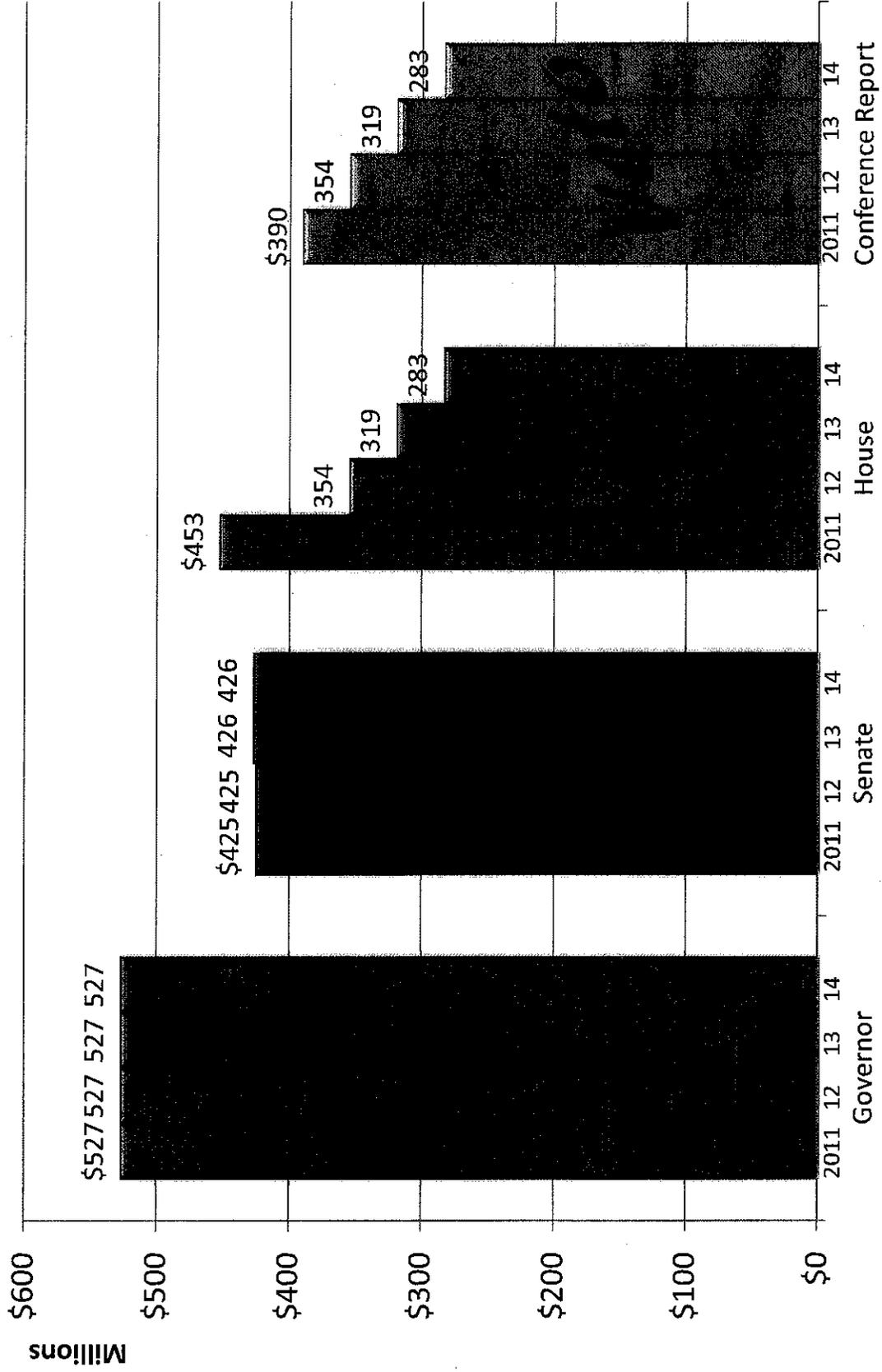
	% Change from 2010-11 Own Revenue Spending	% Change from 2010-11 Spending w/ Federal Stimulus & K-12 Shift
GOP Majority	13%	-1%
Dayton May 16th Compromise	19%	4%
Dayton Original	23%	8%

## Conference Report

(Differences from Gov in 1,000s)

Revenue Reductions		Spending Reductions	
Federal Conformity*	-122,375	LGA	-310,044
* Gov has -26,520		MVC Conversion to Tax Capacity	-261,200
C/I Levy Reduction	-50,100	Renter's Credit	-186,100
Adopting 100% Sales Weighing in 2012	-18,200	Reduced MVC (CY 2011)	-104,055
Small Farm & Business Prop Tax Exclusion	-7,000	County Program Aid	-72,702
Sales Tax Exemptions	-4,099	Repeal Sustainable Forest	-30,851
Donation of Food Inventory	-350	Eliminate GF payment to Taconite State Aid	-14,135
<b>Total</b>	<b>-202,124</b>	Eliminate Political Contribution Refunds	-11,800
		Disparity Reduction Aid	-10,041
		PILT	-6,270
		Modify HMV Exclusion	-110
		Wetland Reimbursement	-26
		Ag MVC	-1
		<b>Total</b>	<b>-1,007,335</b>
<b>Spending Increases</b>			
Homeowner PT Refunds	29,800		
Local Redesign Grants	3,500		
MN/WI Benchmark Study	605		
Science & Tech Fund	500		
Taylor's Falls	11		
<b>Total</b>	<b>34,416</b>		
<b>Other Interactions</b>			
PTR	17,750		
Income Tax	17,340		
K-12 Savings	12,568		

# Total LGA Appropriation



Source: MN Dept. of Revenue, House Research, Senate Council.  
 Prepared for by Flaherty and Hood, P.A. for the Coalition of Greater Minnesota Cities, 6/16/2011



# 2011 CGMC Summer Conference Grand Rapids Tentative Agenda



## Wednesday, August 3

**11:00 a.m. Check-in and Registration**  
Open

**1:00 p.m. Board of Directors Meeting**

**2:00 p.m. Legislative Session Results**  
Annexation/Land Use –  
Bradley Peterson

Environment –  
Elizabeth Wefel

Transportation and Economic  
Development – JD Burton

LGA/State Budget –  
Steve Peterson and Tim Flaherty

**3:15 p.m. BREAK and Hotel Check-in**

**4:00 p.m. Redistricting 101**

**5:30 p.m. Buses Leave for Picnic and  
Tours of Minnesota Forest  
History Center**  
Families Welcome

**8:30 p.m. Approximate Return to Hotel**

## Thursday, August 4

**\*Breakfast on own\***

**8:00 a.m. Morning Activities**  
See Registration for Options

**12:30 p.m. Lunch at Timberlake Lodge**  
DEED Commissioner Mark Phillips

**1:45 p.m. Focus on Economic Development**  
1:45 – Angel Investment Panel  
Todd Leonard, MN Angel Network  
Jeff Nelson, DEED

2:45 Break

3:00 Business Marketing and Investment  
Rob West, Area Partnership for Economic Expansion

4:00 Economic Development in Northeast Minnesota  
Commissioner Tony Serfich, Iron Range Resources  
Joe Broking, Itasca Economic Development Corp.

**5:00 p.m. BREAK**

**5:30 p.m. Social Hour**

**6:30 p.m. Legislative Awards Dinner**  
Governor Mark Dayton - Invited

## Friday, August 5

**8:00 a.m. Breakfast**

**8:30 a.m. Labor and Employee  
Relations Update and  
Business Meeting**  
Chris Hood & Brandon  
Fitzsimmons

**9:30 a.m. Full Membership Meeting**  
Welcome and Introductions  
CGMC President Nancy Carroll

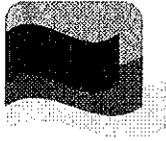
Treasurer's Report

Approval of Dues Assessment  
and Budget

Report of the Nominating  
Committee and Election of  
Officers

Other

**11 a.m. Adjourn**



# 2011 CGMC Summer Conference Grand Rapids Registration



Please mark how many people will attend each event and make additional copies of the registration as needed.

**City:** \_\_\_\_\_

**Name/title:** \_\_\_\_\_ **Guest(s)** \_\_\_\_\_

**Name/title:** \_\_\_\_\_ **Guest(s)** \_\_\_\_\_

**Name/title:** \_\_\_\_\_ **Guest(s)** \_\_\_\_\_

Please indicate the number of people attending each event in the space provided.

### Wednesday, August 3

- \_\_\_ 1:00 p.m. Board of Directors meeting
- \_\_\_ 2:00 p.m. Legislative Session Results and 2012 Outlook
- \_\_\_ 4:00 p.m. Redistricting 101
- \_\_\_ 5:30 p.m. Picnic and Tour of Minnesota Forest History Center

### Thursday, August 4

#### Morning options for members and guests

- \_\_\_ 7:00 a.m. Golf at Pokegama Golf Course  
*(Green Fees compliments of city of Grand Rapids, cost of carts on your own)*
- \_\_\_ 7:00 a.m. Guided fishing on area lakes (Space limited, equipment provided, MN fishing license required)
- \_\_\_ 8:00-11:30 a.m. Tour of Blandin Paper Factory
- \_\_\_ 8:00-11:30 a.m. Guided Bike tour of city trails (Bikes provided)
- \_\_\_ 12:30 p.m. Lunch – DEED Commissioner Mark Phillips (invited)
- \_\_\_ 1:30 p.m. Focus on Economic Development
- \_\_\_ 5:30 p.m. Social Hour
- \_\_\_ 6:30 p.m. Legislative Awards Dinner

### Friday, August 5

- \_\_\_ 8:00 a.m. Breakfast
- \_\_\_ 8:30 a.m. Labor and Employee Relations Update and Business Meeting
- \_\_\_ 9:30 a.m. Full Membership Meeting

### Hotel Reservations

#### Timberlake Lodge Hotel

Phone: 218.326.2600  
CGMC rate: \$99.00 + tax  
144 SE 17<sup>th</sup> Street  
Grand Rapids, MN 55744  
[www.timberlakelodgehotel.com](http://www.timberlakelodgehotel.com)

#### Super 8 Grand Rapids

Phone: 218.327.1108  
CGMC rate: \$68.29 + tax  
1702 Pokegama Ave.  
Grand Rapids, MN 55744  
[http://www.super8.com/Super8/control/Booking/property\\_info?propertyId=03647&brandInfo=SE](http://www.super8.com/Super8/control/Booking/property_info?propertyId=03647&brandInfo=SE)

All conference activities are at Timberlake Lodge unless otherwise noted

Super 8 Grand Rapids is immediately adjacent to conference location

Hotel room blocks are held until July 22

#### Members Attending

1	\$220
2	\$430
3	\$640
4	\$820

### Total \$ \_\_\_\_\_

Please make checks payable to CGMC:

**Bill me**

**Payment enclosed**

**I'll pay at the conference**

**Please include \$26 for each guest dinner**

Please send registration form to Colleen Millard by July 22 via:

mail - 525 Park Street, Suite 470, Saint Paul, MN 55103, fax - 651.225.9088, or e-mail – [cfmillard@flaherty-hood.com](mailto:cfmillard@flaherty-hood.com)



Coalition of Greater Minnesota Cities

# CGMC in Brief

June 16, 2011

Contact: Tim Flaherty  
651-225-8840

## State Prepares for Shutdown

With only 15 days left to reach a budget agreement before a state government shutdown, the state has begun legal preparations necessary to keep critical and core functions operating should continued negotiations between Governor Dayton and the Republic Legislature fail.

On June 13 the attorney general filed a petition with the Ramsey County District Court to allow the State to pay for core functions of the executive branch of government even though there is no legislative appropriation for payment. On June 15 the governor filed a response to the attorney general's petition and asked the court to appoint a mediator to mediate the budget dispute between the governor and legislature. In the event the mediation does not resolve the budget dispute, the governor recommends that the court authorize the executive branch to spend money on priority services without a legislative appropriation.

The Governor also released on Wednesday a list of recommended "Priority One and Priority Two" critical services by which state staff would be needed to continue, secure or support these operations in the event of a shutdown. The majority of employees identified as "critical" fall under correctional facilities, human services and public safety.

## July LGA Payment Questionable

Local Government Aid is not identified by name as a "critical service" and it is unclear at this time whether the state would make the July 20 LGA payment in the event the shutdown is still in place on that date. Testimony yesterday by Minnesota Management and Budget Commissioner Jim Schowalter in the Legislative Commission on Policy and Fiscal Planning, however, seemed to suggest the state would not have employees available on July 20 to make the LGA payment. (LGA is a standing and statutory appropriation, meaning it does not require a biennial budget appropriation; therefore, the availability of staff to make the payment appears to be the main sticking point preventing payment.)

## CGMC and other cities may take legal action

In the event it is necessary, the CGMC Board has authorized the CGMC President to take legal action to require the State to make the July LGA payment. A meeting is scheduled for Monday with the League of Minnesota Cities, the CGMC and other city organizations to discuss legal options and other matters related to the shutdown.

For more information, please contact J.D. Burton with Flaherty & Hood, P.A. by [email](#) or at 651-225-8840.



## Media Round-Up

MinnPost provides a detailed description of the scale of the potential government shutdown. <http://bit.ly/iyC7fJ>

The president of the Bemidji Chamber of Commerce and the Executive Director of the Albert Lea Chamber wrote a guest column that was published in newspapers across Minnesota calling on legislators to compromise and avoid shutdown <http://bit.ly/l64FpX>

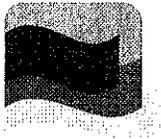
Last week's press conferences in New Ulm and Albert Lea received further coverage. An Iowa TV station did a story on the Albert Lea event. <http://bit.ly/mMfoVE>

The New Ulm Journal did a story on the event there. <http://bit.ly/k0Xb66>

## Registration for CGMC Conference Now Open!

Please be sure to join us for our Annual Summer Conference from August 3-5. This year's event will be held in beautiful Grand Rapids at the Timberlake Lodge Hotel. In addition to the usual legislative session wrap-up, and membership meeting, program highlights will focus on economic development. The growing list of confirmed speakers and panelists include Department of Employment and Economic Development Commissioner Mark Phillips, Minnesota Angel Network Executive Director Todd Leonard, Rob West of the Area Partnership for Economic Development, Iron Range Resources Commissioner Tony Sertich, and Joe Broking of the Itasca Economic Development Corporation. Please see attached agenda and registration materials for information on attending the conference.





# 2011 CGMC Summer Conference Grand Rapids Registration



Please mark how many people will attend each event and make additional copies of the registration as needed.

**City:** \_\_\_\_\_

**Name/title:** \_\_\_\_\_ **Guest(s)** \_\_\_\_\_

**Name/title:** \_\_\_\_\_ **Guest(s)** \_\_\_\_\_

**Name/title:** \_\_\_\_\_ **Guest(s)** \_\_\_\_\_

Please indicate the number of people attending each event in the space provided.

### Wednesday, August 3

- \_\_\_ 1:00 p.m. Board of Directors meeting
- \_\_\_ 2:00 p.m. Legislative Session Results and 2012 Outlook
- \_\_\_ 4:00 p.m. Redistricting 101
- \_\_\_ 5:30 p.m. Picnic and Tour of Minnesota Forest History Center

### Thursday, August 4

#### Morning options for members and guests

- \_\_\_ 7:00 a.m. Golf at Pokegama Golf Course  
(Green Fees compliments of city of Grand Rapids, cost of carts on your own)
- \_\_\_ 7:00 a.m. Guided fishing on area lakes (Space limited, equipment provided, MN fishing license required)
- \_\_\_ 8:00-11:30 a.m. Tour of Blandin Paper Factory
- \_\_\_ 8:00-11:30 a.m. Guided Bike tour of city trails (Bikes provided)
- \_\_\_ 12:30 p.m. Lunch – DEED Commissioner Mark Phillips (invited)
- \_\_\_ 1:30 p.m. Focus on Economic Development
- \_\_\_ 5:30 p.m. Social Hour
- \_\_\_ 6:30 p.m. Legislative Awards Dinner

### Friday, August 5

- \_\_\_ 8:00 a.m. Breakfast
- \_\_\_ 8:30 p.m. Labor and Employee Relations Update and Business Meeting
- \_\_\_ 9:30 p.m. Full Membership Meeting

### Hotel Reservations

#### Timberlake Lodge Hotel

Phone: 218.326.2600  
CGMC rate: \$99.00 + tax  
144 SE 17<sup>th</sup> Street  
Grand Rapids, MN 55744  
[www.timberlodelodgehotel.com](http://www.timberlodelodgehotel.com)

#### Super 8 Grand Rapids

Phone: 218.327.1108  
CGMC rate: \$68.29 + tax  
1702 Pokegama Ave.  
Grand Rapids, MN 55744  
[http://www.super8.com/Super8/control/Booking/property\\_info?propertyId=03647&brandInfo=SE](http://www.super8.com/Super8/control/Booking/property_info?propertyId=03647&brandInfo=SE)

All conference activities are at Timberlake Lodge unless otherwise noted

Super 8 Grand Rapids is immediately adjacent to conference location

Hotel room blocks are held until July 22

Members Attending	
1	\$220
2	\$430
3	\$640
4	\$820

**Total \$** \_\_\_\_\_

Please make checks payable to CGMC:

**Bill me**

**Payment enclosed**

**I'll pay at the conference**

Please include \$26 for each guest dinner

Please send registration form to Colleen Millard by July 22 via:

mail - 525 Park Street, Suite 470, Saint Paul, MN 55103, fax - 651.225.9088, or e-mail – [cmillard@flaherty-hood.com](mailto:cmillard@flaherty-hood.com)



# 2011 CGMC Summer Conference Grand Rapids Tentative Agenda



## Wednesday, August 3

11:00 a.m. Check-in and Registration  
Open

1:00 p.m. Board of Directors Meeting

2:00 p.m. Legislative Session Results  
Annexation/Land Use –  
Bradley Peterson

Environment –  
Elizabeth Wefel

Transportation and Economic  
Development – JD Burton

LGA/State Budget –  
Steve Peterson and Tim Flaherty

3:15 p.m. BREAK and Hotel Check-In

4:00 p.m. Redistricting 101

5:30 p.m. Buses Leave for Picnic and  
Tours of Minnesota Forest  
History Center  
Families Welcome

8:30 p.m. Approximate Return to Hotel

## Thursday, August 4

\*Breakfast on own\*

8:00 a.m. Morning Activities  
See Registration for Options

12:30 p.m. Lunch at Timberlake Lodge  
DEED Commissioner Mark Phillips

1:45 p.m. Focus on Economic Development  
1:45 – Angel Investment Panel  
Todd Leonard, MN Angel Network  
Jeff Nelson, DEED

2:45 Break

3:00 Business Marketing and Investment  
Rob West, Area Partnership for Economic Expansion

4:00 Economic Development in Northeast Minnesota  
Commissioner Tony Sertich, Iron Range Resources  
Joe Broking, Itasca Economic Development Corp.

5:00 p.m. BREAK

5:30 p.m. Social Hour

6:30 p.m. Legislative Awards Dinner  
Governor Mark Dayton - Invited

## Friday, August 5

8:00 a.m. Breakfast

8:30 a.m. Labor and Employee  
Relations Update and  
Business Meeting  
Chris Hood & Brandon  
Fitzsimmons

9:30 a.m. Full Membership Meeting  
Welcome and Introductions  
CGMC President Nancy Carroll

Treasurer's Report

Approval of Dues Assessment  
and Budget

Report of the Nominating  
Committee and Election of  
Officers

Other

11 a.m. Adjourn



# CITIES BULLETIN

Issue 23

June 15, 2011

[Print a Copy](#)



Download/print a pdf of all articles in this issue

## Shutdown Update: AG Files Court Petition Regarding Core Services

State government shutdown could have implications for city operations and finances. [Read more.](#)

### In Other News

#### MnDOT to Suspend Projects, Contracts for State Shutdown

The agency notified contractors and local state aid recipients that expenditures will likely be limited to fund only critical life, health, and safety functions of state government. [Read more.](#)

#### Governor Approves TIF Extensions

The TIF extensions brought forward by the League and Metro Cities were signed into law on May 31 as part of the tax policy bill. [Read more.](#)

#### Focus on New Laws: Pawnshops and Pawnbrokers

New legislation addresses the conduct and regulation of pawnbrokers in Minnesota. [Read more.](#)

#### 2011 Law Summaries Now Available

The League has released the preliminary 2011 Law Summaries. [Read more.](#)

#### Take the League's Survey on Member Communications by June 22!

Take 15 minutes to complete a survey focused on the League's communications and you could win \$200 worth of League training for your city. [Read more.](#)

### More Information and Resources

[Early Bird Deadline is June 30 for NLC Leadership Summit in Minneapolis](#)

[Current Grant Opportunities: Community Assistantship, Digital Inclusion](#)

[2011 Directory of Minnesota City Officials—Order Now for \\$57](#)

[DPS Launches New Website](#)

### Training, Conferences, Events

[Upcoming League Events](#)

[Online Training/E-Learning](#)

[Co-Sponsored Events](#)

[Events Sponsored by Other Organizations](#)

### Featured Events

**LMC 2011 Annual Conference and Marketplace**

June 15-17—Rochester

**Clerks' Orientation Conference**

Held during the LMC Annual Conference and Marketplace

June 15-17—Rochester

### Quick Links

- [Archive of Previous Issues](#)
- [City Jobs](#)
- [Jobs with LMC](#)
- [Wanted/For Sale/RFP Announcements in the LMC Marketplace](#)
- [Weekly 4M Fund Rates \(Minnesota Municipal Money Market Fund\)](#)

### Our Sponsors

League Business Partners and Business Associates provide valuable financial support to the League and help support our mission to serve Minnesota cities. [View LMC Sponsors](#)

### Contact Us / Subscribe

The Cities Bulletin is published weekly during the legislative session and bi-weekly during the interim.

*For a free subscription:*  
**Contact Laurie Elmstrand**  
 Administrative Assistant  
[lelmstrand@lmc.org](mailto:lelmstrand@lmc.org)  
 (Include name, title, city, and e-mail address for each Cities Bulletin subscriber).

*For legislative questions:*  
**Contact IGR Staff**

*For editorial or other Bulletin questions:*  
**Contact Claudia Hoffacker**  
 Editor  
 (651) 215-4032 or (800) 925-1122  
[choffacker@lmc.org](mailto:choffacker@lmc.org)



## Shutdown Update: AG Files Court Petition Regarding Core Services

**State government shutdown could have implications for city operations and finances.**

*(Published Jun 15, 2011)*

Minnesota Attorney General Lori Swanson on June 13 filed a petition in Ramsey County District Court seeking court intervention in the event of a state government shutdown.

The petition is largely similar to a 2005 petition that sought court intervention to define and fund “core services” that should continue despite not having appropriated funds enacted into law. The action may be needed because funding for most state agencies for the upcoming biennium, which begins on July 1, has not been enacted into law.

The petition seeks the following relief:

- A conclusion that the executive branch is required to undertake certain “core functions” as required by the Minnesota Constitution, the U.S. Constitution, and that the federal government and the state shall pay for the functions.
- An order that the commissioner of Minnesota Management and Budget shall issue checks and process such funds as necessary to pay for “core functions” of the state.
- An order that each “government entity” (including cities, counties, and schools), consistent with the terms of the order, shall determine what core functions it is required to perform.
- The appointment of a special master by the court to hear and make recommendations to the court with respect to “core functions.”

The attorney general’s petition was accompanied by a separate memorandum, also from the attorney general, that includes additional supporting information related to the petition. In that memo, the attorney general mentions the potential impact of a state government shutdown on such services as law enforcement, prisons and jails, the court system, veterans’ services, emergency management, transportation, human service programs, unemployment benefits, infectious disease response, and tax collections, among other governmental functions.

- **View the attorney general's petition (pdf)** (*Link to: [http://www.lmc.org/media/document/1/agpetition\\_shutdown.pdf](http://www.lmc.org/media/document/1/agpetition_shutdown.pdf)*)
- **View a memo in support of the petition (pdf)** (*Link to: [http://www.lmc.org/media/document/1/agpetition\\_supportmemo.pdf](http://www.lmc.org/media/document/1/agpetition_supportmemo.pdf)*)

Although local government aid (LGA) and market value homestead credit (MVHC) reimbursements are standing appropriations defined in state law, the memo notes that “the commissioner of Management and Budget and other pertinent agencies may have no funding to provide the administration for those appropriations.” In fact, the memo suggests that “even for appropriations in place for the upcoming biennium, a confined reading for the constitution may cause the appropriations to be without any practical effect.”

At this point, it is not entirely clear when Ramey County District Court Chief Judge Kathleen Gearin will act on the petition, but because existing state appropriations expire after June 30, we expect the court to consider the petition in the next couple of weeks. We also expect that Gov. will submit his own petition to the court in the next several days that could include his recommendations for the definition of “core functions.”

If the court ultimately agrees with the attorney general’s petition, we expect the next steps would include a decision by the court on what constitutes core government functions. Of course, any decision by the court—either to intervene or not intervene—could be challenged. For example, several legislators have publicly criticized the potential court intervention as an infringement on the power of the Legislature.

### **League Board action**

The League Board of Directors this week plans to discuss the potential state government shutdown and possible League involvement in the proceeding. Due to the fact that the shutdown could impact cities in a variety of ways, and due to the structure of the attorney general’s petition that appears to order “government entities,” including cities, to determine core functions, the Board of Directors will have to carefully evaluate the situation and the potential impacts on cities, and determine a course of action.

### **In the meantime**

League staff are compiling information they have received from state agencies on the possible impacts of a state government shutdown, including a document describing some of the immediate considerations for cities. With the scheduled July payments of LGA, pension amortization aids, utility value replacement aid, Public Employees Retirement Association aid, and taconite aid reimbursement, cities should be aware that the distributions of these programs may be delayed by a shutdown.

**Read more about the potential government shutdown and check regularly for updates** *(Link to:*

*http://www.lmc.org/page/1/stateshutdown.jsp)*

**Read the current issue of the Cities Bulletin** *(Link to: http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp)*

### **Your LMC Resource**

#### **Contact Gary Carlson**

IGR Director

(651) 281-1255 or (800) 925-1122

**gcarlson@lmc.org** *(Link to: mailto:gcarlson@lmc.org)*



## **MnDOT to Suspend Projects, Contracts for State Shutdown**

**The agency notified contractors and local state aid recipients that expenditures will likely be limited to fund only critical life, health, and safety functions of state government.**

*(Published Jun 15, 2011)*

One of Minnesota's largest state agencies is bracing to halt operations during the height of its busy time.

In a June 10 memo, the Minnesota Department of Transportation (MnDOT) State Aid Division Director Julie Skullman said state aid projects and contracts will be suspended if a state government shutdown occurs. The news comes as Minnesota's relatively short road construction season is just getting underway.

In part, the letter reads:

"Because we do not know whether the biennial budget process will conclude in time to avoid a disruption to our operations, we must advise all contractors, vendors, and grantees that in the absence of legislatively authorized appropriations as of July 1, 2011, all work, activity, and performances under our contracts must be suspended as of that date, pending authorized appropriations, as will all payments required of this agency under those contracts.

"In the absence of legislatively authorized appropriation as of July 1, we must advise all holders of federal aid construction contracts to suspend all work activity.

"Agencies who are currently advertising federal projects should be aware that effective July 1, in the event of an interruption in government services, it is likely that no staff will be available within MnDOT to process the DBE clearances. You should be considering the possibility that those projects let after June 15 may not move to award within the normal 30-day window nor should a contractor plan to start work during a shutdown of state services.

Skullman also advised it is likely that no MnDOT lab or bridge staff will be available for consultation or services.

In addition, the agency provided a template for a letter that cities and counties can use to inform contractors working on state aid road projects about circumstances that may result from a state government shutdown.

**Access the MnDOT memo and sample letter** (*Link to: <http://www.lmc.org/page/1/infostateagencies.jsp>*)

**Read the current issue of the Cities Bulletin** (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

### **Your LMC Resource**

**Contact Anne Finn**  
Assistant IGR Director

(651) 281-1263 or (800) 925-1122

**[afinn@lmc.org](mailto:afinn@lmc.org)** *(Link to: <mailto:afinn@lmc.org>)*

Copyright ©2011 League of Minnesota Cities, 145 University Ave. W, Saint Paul, MN 55103-2044 | Phone: (651) 281-1200 | Toll-Free: (800) 925-1122



## Governor Approves TIF Extensions

The TIF extensions brought forward by the League and Metro Cities were signed into law on May 31 as part of the tax policy bill.

*(Published Jun 15, 2011)*

The Department of Revenue's tax policy and technical bill included a number of tax increment financing (TIF) provisions, which were added in the last two days of session. Gov. Dayton signed the bill into law as **Chapter 112** ([Link to: https://www.revisor.mn.gov/laws/?id=112&doctype=Chapter&year=2011&type=0](https://www.revisor.mn.gov/laws/?id=112&doctype=Chapter&year=2011&type=0)) on May 31.

Among the TIF-related provisions were flexibility extensions brought forward from last year's jobs bill (Chapter 216) and provisions specifically for the cities of Cohasset, Lino Lakes, Ramsey, and Sauk Rapids.

These provisions had all been included in the vetoed tax omnibus bill, Chapter 38 (**HF 42** ([Link to: https://www.revisor.mn.gov/bin/blbill.php?bill=H0042.4.html&session=1s87](https://www.revisor.mn.gov/bin/blbill.php?bill=H0042.4.html&session=1s87)), **Rep. Greg Davids** ([Link to: http://www.house.leg.state.mn.us/members/members.asp?id=10123](http://www.house.leg.state.mn.us/members/members.asp?id=10123)), R-Preston, and SF 27, **Sen. Julianne Ortman** ([Link to: http://www.senate.leg.state.mn.us/members/member\\_bio.php?mem\\_id=1044&ls=](http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1044&ls=)), R-Chanhassen). With the fate of this bill in question, League and Metro Cities staff began looking for another vehicle for these important policy provisions. The tax policy bill was a natural fit as many were interested in seeing some continuity for these TIF flexibilities.

Cities with interest should contact their public finance staff or consultants because there are limitations as to when these flexibilities can be exercised, especially on the housing side.

### Economic development districts

Section 13, which amends *Minnesota Statutes, section 469.176, subdivision 4m* ([Link to: https://www.revisor.mn.gov/statutes/?id=469.176](https://www.revisor.mn.gov/statutes/?id=469.176)), addresses using the economic development districts for any new construction, and adds one year onto that. The effect is that a municipality would need to find that without the assistance, the construction would not have commenced before July 1, 2012. This provision is limited, however, in its application to housing, and specifies that construction must begin before Jan. 1, 2012, and cannot apply to owner-occupied or rental housing qualified under *Minnesota Statutes, section 469.1761, subdivisions 2 and 3* ([Link to: https://www.revisor.mn.gov/statutes/?id=469.1761](https://www.revisor.mn.gov/statutes/?id=469.1761)) (subsidized housing).

### Pooling authority

Section 14 allows for more time under the second major provision in last year's bill, dealing with allowing cash balances in existing TIF districts to be used to spur new construction and rehabilitation authorized under *Minnesota Statutes, section 469.1763, subdivision 2* ([Link to: https://www.revisor.mn.gov/statutes/?id=469.1763](https://www.revisor.mn.gov/statutes/?id=469.1763)). For projects consisting of housing, this authority expires on Dec. 31, 2011, and construction must commence before July 1, 2011. An exception is made for projects involving market rate housing, for which this authority is extended until July 31, 2012, and construction must commence before Jan. 1, 2012.

**Market-rate housing TIF for foreclosures**

Section 15 also contains a provision related to special TIF for market-rate housing in certain foreclosure situations. It extends the 10 percent pooling provision allowed under current tax TIF law for affordable housing to be used for market rate housing if parcels meet qualifying conditions, specific to Greater Minnesota and then the metro area. It is \$200,000 for those houses in the metro area, and \$125,000 in all other parts of the state. The bill limits those to qualifying parcels that have been vacant six months or have been foreclosed upon and the authority expires on Dec. 31, 2016. Increments can still be expended after that date if they are used to pay bonds or binding contracts that would qualify. The authorization applies to any district that is subject to the provisions of *Minnesota Statutes*, section 469.1763, regardless of when the request for certification of the district was made.

Sections 13, 14, and 15 took effect on June 1, 2011.

**Read the current issue of the Cities Bulletin** (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

**Your LMC Resource****Contact Jennifer O'Rourke**

IGR Representative

(651) 281-1261 or (800) 925-1122

**[jorourke@lmc.org](mailto:jorourke@lmc.org)** (*Link to: <mailto:jorourke@lmc.org>*)

Copyright ©2011 League of Minnesota Cities, 145 University Ave. W, Saint Paul, MN 55103-2044 | Phone: (651) 281-1200 | Toll-Free: (800) 925-1122



## Focus on New Laws: Pawnshops and Pawnbrokers

**New legislation addresses the conduct and regulation of pawnbrokers in Minnesota.**

*(Published Jun 15, 2011)*

A “pawnbroker” can be defined as someone who lends money on the security of pledged goods (items that are “left in pawn”), and/or purchases goods on the condition that they may be redeemed or repurchased by the seller for a fixed price, within a fixed period of time.

A new law, **Chapter 82** ([Link to: https://www.revisor.mn.gov/laws/?id=82&doctype=Chapter&year=2011&type=0](https://www.revisor.mn.gov/laws/?id=82&doctype=Chapter&year=2011&type=0)) (SF 955), amends provisions in *Minnesota Statutes*, chapter 325J, which address both the conduct and regulation of pawnbrokers in Minnesota. The following will be of particular interest to cities that have elected to regulate pawnbrokers within their jurisdiction.

### Sale or removal of “pledged goods”

Chapter 82 amended *Minnesota Statutes*, **section 325J.08** ([Link to: https://www.revisor.mn.gov/statutes/?id=325J.08](https://www.revisor.mn.gov/statutes/?id=325J.08)) in regard to the removal of pledged goods from a pawnshop (or other storage facility). While removal is generally prohibited before expiration of the redemption period, the amendment clarifies that a pawnbroker may:

- Return pledged goods to the borrower at any time during the redemption period.
- Sell or remove pledged goods from the pawnshop at any time after the expiration of the redemption period.
- Sell or remove goods that were purchased, but not involved in a pawn transaction, at least 31 days after the date of purchase.

### City ordinances: Consistency with state statutes

*Minnesota Statutes*, **section 325J.13** ([Link to: https://www.revisor.mn.gov/statutes/?id=325J.13](https://www.revisor.mn.gov/statutes/?id=325J.13)) generally allows cities to adopt ordinances that are more restrictive than what is provided in the state statutes. However, local ordinances now must be consistent in regard to the following two provisions in *Minnesota Statutes*, section 325J.08 (as amended):

- Pawnbrokers must return goods (or provide compensation for lost or damaged goods) upon payment of the full amount due, unless: (1) the 60-day redemption period has expired, or (2) the goods have been taken into the custody by a court, or by a law enforcement officer or agency.
- The sale or removal by the pawnbroker of pledged goods.

### Casino proximity

Finally, Chapter 82 repealed *Minnesota Statutes*, **section 325J.10** ([Link to: https://www.revisor.mn.gov/statutes/?id=325J.10](https://www.revisor.mn.gov/statutes/?id=325J.10)). Under that statute, pawnshops were prohibited within 10 driving miles of any gambling casino. However, a city’s land use and/or licensing regulations may still restrict the placement of pawnshops within parts of the community.

**Read the current issue of the Cities Bulletin** (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

## **Your LMC Resource**

**Contact Scott Kelly**

Research Attorney

(651 ) 281-1224 or (800) 925-1122

**[skelly@lmc.org](mailto:skelly@lmc.org)** (*Link to: <mailto:skelly@lmc.org>*)

Copyright ©2011 League of Minnesota Cities, 145 University Ave. W, Saint Paul, MN 55103-2044 | Phone: (651) 281-1200 | Toll-Free: (800) 925-1122



## 2011 Law Summaries Now Available

### League releases preliminary 2011 Law Summaries

**View the LMC 2011 Preliminary Law Summaries (pdf)** *(Link to:*

*<http://www.lmc.org/media/document/1/lmclawsummaries11.pdf>)*

### 2011 Session ends with no state budget

As required under the Minnesota Constitution, the 2011 legislative session ended on Monday, May 23 at midnight. As the clock struck 12, the House wrapped up a filibuster of the Legacy funding bill, and the Senate was waiting for messages from the House. However, rather than being an end of legislative activity until the Legislature reconvenes next Jan. 24, the Legislature will have to reconvene in the near future to address unfinished budget business.

On Tuesday, May 24, Gov. Dayton issued vetoes of eight major state appropriation bills and the omnibus tax bill, leaving the vast majority of state agencies without a budget for the 2012-2013 biennium, which begins on July 1, 2011.

In the days following adjournment, Gov. Dayton and legislative leaders each traveled around the state to discuss the session outcomes with citizens. At this point, we do not expect the governor to call a special session until an agreement on the budget, and possibly other bills, is reached between the governor and legislative leadership.

A total of 117 chapters of law were sent to the governor, and he vetoed 23 of those chapters of new law, including eight major appropriation bills, the omnibus tax bill, the voter ID requirement bill, the manufactured home park water and sewer charge regulation bill, and the bill prohibiting residential sprinkler requirements.

As a result of the pending special session and the unresolved budget issues, the League is releasing this preliminary law summary document. The complete 2011 Law Summaries document will be released once the full state budget is resolved.

**View the LMC 2011 Preliminary Law Summaries (pdf)** *(Link to:*

*<http://www.lmc.org/media/document/1/lmclawsummaries11.pdf>)*

**Read the current issue of the Cities Bulletin** *(Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>)*

### Your LMC Resource

Contact intergovernmental relations (IGR) staff if you have questions about LMC law summaries or laws affecting cities.

**Connect with IGR staff** *(Link to: <http://www.lmc.org/page/1/IGR-Staff.jsp>)*



## Take the League's Survey on Member Communications by June 22!

What would you change about the Cities Bulletin newsletter? The League website? The overall ways the League communicates with you?

Please take 10-20 minutes to complete an online survey that focuses on learning how we can improve our communications with our member cities' elected officials and staff. As an extra incentive, when you finish the survey you can enter your name into a drawing for a chance to **win a \$200 voucher toward League training for your city!**

**Click here to take the survey now** (*Link to: [http://www.surveymonkey.com/s/League\\_of\\_Minnesota\\_Cities](http://www.surveymonkey.com/s/League_of_Minnesota_Cities)*)  
(*survey closes June 22, 2011*)

The survey is part of the League's "communications audit"—a comprehensive assessment of how we communicate with members. Many of your League benefits come to you through our communications—communications about legislative developments, city issues and trends, risk management, and other League products and services.

Our ability to communicate effectively with you is critical to making sure your city receives the most value from League membership. Be sure to take the survey by June 22—we'll use the results of the audit to make communication improvements that serve your needs.

**Read the current issue of the Cities Bulletin** (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

### Your LMC Resource

#### Contact Laura Zenz

Assistant Communications Director  
(651) 215-4033 or (800) 925-1122

**[lzenz@lmc.org](mailto:lzenz@lmc.org)** (*Link to: <mailto:lzenz@lmc.org>*)



## **Early Bird Deadline is June 30 for NLC Leadership Summit in Minneapolis**

Each year the National League of Cities (NLC) conducts an intensive three-day leadership summit for local elected officials. This year's Summit will be in Minneapolis Sept. 15-17. Register by June 30 to save \$100!

The NLC Leadership Training Institute, in conjunction with the League of Minnesota Cities and the Humphrey School of Public Affairs, will present a unique program designed to enhance your success and understanding of your leadership role and responsibilities as an elected official. This year's theme is "Inspire, Change, Lead: The Art of Possibility."

Join renowned leadership scholars and authors Dan Buettner, Lindsay Strand, John M. Bryson, Barbara C. Crosby, and John Luthy as you engage in a unique, reflective program that will help guide your work and leadership in local government. Insightful learning experiences will provide you the opportunity to reflect, recognize, and discover what you can do to enhance your success as a local leader.

**Learn more about the Leadership Summit from the NLC website** (*Link to: <http://www.nlc.org/build-skills-networks/education-training/lti/leadership-summit>*)

**Read the current issue of the Cities Bulletin** (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

Copyright ©2011 League of Minnesota Cities, 145 University Ave. W, Saint Paul, MN 55103-2044 | Phone: (651) 281-1200 | Toll-Free: (800) 925-1122



## Current Grant Opportunities

### Community Assistantship Program Grant

The Center for Urban and Regional Affairs' Community Assistantship Program is now accepting proposals for its fall 2011 grant program. The grant will allow rural communities to hire a student to work on a project defined by those communities. The deadline for project proposals is **June 30**. Approved projects will run from Aug. 29 to Jan. 11, 2012. Winning communities will review job applications and select the student who best meets their needs. Eligible organizations include community groups, organizations, and local governments outside the seven-county metro area.

**Learn more and access an application** (*Link to: <http://www.cura.umn.edu/Programs/ApplicationProcess.php>*)

### Digital Inclusion Community Partnership

The Blandin Foundation is now accepting requests for proposal (RFPs) for the Digital Inclusion Community Partnership grant program. This is an invitation by the Blandin Foundation to qualified community institutions and/organizations to implement digital inclusion community partnerships focused on increasing broadband subscriptions and use by those Minnesotans currently not subscribing due to income, disability, computer and technology skills, language, and other similar barriers.

A total of \$600,000 is currently available through the Foundation's federally funded grant project, Minnesota Intelligent Rural Communities (MIRC). Rural Minnesota communities across the entire state of Minnesota are encouraged to apply, excluding those communities within the seven-county metro area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) and the cities of Duluth, Rochester, and St. Cloud. Grants will be reviewed on a quarterly basis. The next grant deadline is **Sept. 1**.

**Learn more and access the RFP for this grant** (*Link to: <http://broadband.blandinfoundation.org/programs/programs-detail.php?intResourceID=1646>*)

**Read the current issue of the Cities Bulletin** (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)



## DPS Launches New Website

The Minnesota Department of Public Safety (DPS) has launched its new and improved website at [www.dps.mn.gov](http://www.dps.mn.gov) (Link to: <http://www.dps.mn.gov>). The new DPS website includes all 15 DPS divisions, as well as its related boards and committees, and delivers many benefits, including:

- Several options for searching the site, including searchable libraries for forms and documents.
- Direct links to the most popular DPS functions and most visited web pages.
- Maps that allow users to find the nearest Driver and Vehicle Services office, location of child passenger safety seat inspections, etc.
- Feature sections providing news about programming, initiatives, and legislation.
- Increased accessibility for persons with disabilities.
- Feedback function allowing for comments and continued improvement.

Visitors are encouraged to use the Explore DPS search function which allows visitors to identify themselves—as citizens, law enforcement, emergency responders, government, business or partners—to better deliver information based on their selected criteria.

**Read the current issue of the Cities Bulletin** (Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>)

### For More Information

#### Contact Dennis Smith

Minnesota Department of Public Safety

Office of Communications

(651) 201-7569

[dennis.smith@state.mn.us](mailto:dennis.smith@state.mn.us) (Link to: <mailto:dennis.smith@state.mn.us>)



## Shutdown Update: Court Hears Petitions on Judicial Functions

**Meanwhile, the Department of Revenue says the state won't pay city appropriations during a shutdown.**

*(Published Jun 27, 2011)*

### **Court update**

Retired Judge Bruce Christopherson held a one-hour hearing today in Ramsey County District Court on the separate petitions from state Attorney General Lori Swanson, the defense board, and Gov. Dayton seeking to allow the Minnesota court system to operate and to allow public defenders to represent indigent clients during a state government shutdown.

Last Thursday, June 23, the first attorney general's petition on executive branch functions was heard, also in Ramsey County District Court before Chief Judge Kathleen Gearin. Judge Gearin recused herself from today's hearing on judicial branch funding because, as a sitting member of the judicial branch, she wanted to avoid any potential conflict of interest.

We expect Judge Gearin to rule on the executive branch petition early this week, perhaps yet today or on Tuesday, June 28. If she agrees with the attorney general, we expect a special master to be named, which would likely set in motion another flurry of activity as affected parties submit comments to the special master and the Department of Management and Budget on "core functions" of state and local units of government.

### **Aid, credit, and local sales taxes**

The League received a memo on June 24 from the Minnesota Department of Revenue (DOR) Property Tax Division stating, "In general, local government aid payments will not be made during the time of a state government shutdown unless directed to do so by the courts." The memo is addressed to county assessors, auditors, and treasurers, but it specifically identifies local government aid (LGA), which is only distributed to cities, as well as county program aid. We understand that the delay will include all aid payments to local units of government that would otherwise be paid during a shutdown and that the payment delay will extend for the duration of a shutdown.

**View the DOR Property Tax Division memo (pdf)** (*Link to: [http://www.lmc.org/media/document/1/dor\\_shutdownmemo.pdf](http://www.lmc.org/media/document/1/dor_shutdownmemo.pdf)*)

In a response today to a League e-mail inquiry, Department of Revenue staff indicated that local sales taxes would be treated in a manner similar to local aid and credit distributions. Therefore, unless a court orders the distribution of the local sales tax revenues, those monthly distributions would not occur during a shutdown.

The most immediate impacts would likely be the July 15 distribution of local police and paid fire relief association pension amortization aids to a small number of cities and the July 20 distribution of LGA,

# MINNESOTA · REVENUE

**DATE:** June 24, 2011  
**TO:** County Assessors, Auditors, and Treasurers  
**FROM:** John Hagen, Property Tax Division Director  
**RE:** Shutdown Information

As you may know, the Minnesota State Legislature adjourned May 23, 2011 without having reached a negotiated, enacted budget for the biennium beginning July 1, 2011. In the absence of an enacted budget, current budget authority for Department of Revenue operations expires June 30, 2011 and all operations of the department, other than those determined by the courts to be critical functions, will cease.

The Department of Revenue values the important relationship it shares with counties and other local governments in the administration of the property tax system. Given the importance of the many business interactions that would typically occur between counties and the department over the coming months, we are writing to provide some direction to respond to various statutory requirements in the event of a suspension of state government operations. Please share this document with all appropriate county staff.

In general, the department advises counties to continue with normal business operations to the greatest extent possible so that you will be positioned to respond in a timely fashion to any changes or directives from the department once normal operations resume. For example, counties should continue to work preparing abstracts with the understanding that instructions have not changed. If there are any additional changes or new instructions subsequent to budget enactment, the department will provide further directions to counties following resumption of department operations. Your cooperation in this regard will be greatly appreciated.

## Aid Payments

In general, local government aid payments will not be made during the time of a state government shutdown unless directed to do so by the courts. The department will notify you of any change in the status of aid payments like County Program Aid and Local Government Aid.

## Assessment Abstracts, Fall Mini Abstracts, and Market Value by Parcel Files

Counties should prepare to submit an Assessment Abstract, Fall Mini Abstract, and Market Value by Parcel File on September 1, 2011, that reflect no law changes in the event that we experience a shutdown that continues for an extended period of time. Updated instructions will not be posted prior to any shutdown and your abstracts should reflect last year's format updated for AY 2011. (Note that the first tier limit for agricultural homesteads is \$1,210,000 for AY 2011—up from \$1,140,000 for AY 2010—which affects items 116, 118, 136, and 138 on the AA.)

After any shutdown ends, the department will evaluate any new legislation enacted during special session to determine the need for changes, and issue any alternate instructions as quickly

Property Tax Division  
Mail Station 3345  
St. Paul, MN 55146-3345

Tel: 651-556-6096  
Fax: 651-556-3128  
TTY: Call 711 for Minnesota Relay  
An equal opportunity employer

as possible. Depending on the nature of any law changes, alternate instructions may include a supplemental file with the new information or a delayed due date for the abstract may also be a possibility, but a timely submission of an unchanged format should be planned absent further notice.

The abstracts should be submitted via the electronic data exchange (EDE) as normal, and the printouts should be mailed. If you experience technical problems with EDE or have password issues (EDE may not be fully supported during any shutdown and password support will not be available), please email Assessment Abstracts and Fall Minis to [James.Shanley@state.mn.us](mailto:James.Shanley@state.mn.us) and Market Value by Parcel Files to [Leonard.Peterson@state.mn.us](mailto:Leonard.Peterson@state.mn.us). Please keep a copy of the abstracts/files so that they may be resent, if necessary, once the department is operating again.

#### Duplicate Homestead Files

Notwithstanding the existing instructions, if there is a shutdown, the department will not require a Duplicate Homestead File for 2011. M.S. 273.124, subd. 13, par. (g), provides that this file is required at the request of the commissioner and given the uncertainty, workloads, and activities that are accompanying this late legislative activity and a potential shutdown, this request will be cancelled for 2011 in the event of a state government shutdown on July 1.

#### Manufactured Home Abstracts and Duplicate Homestead Files

These files should be submitted as instructed by September 1 for the Manufactured Home Abstract. If you experience technical problems with EDE or have password issues, there will not be support available during any shutdown. Manufactured Home Abstracts that cannot be sent via EDE should be emailed to [James.Shanley@state.mn.us](mailto:James.Shanley@state.mn.us). Please keep a copy of the files so that they may be resent, if necessary, once the department is operating again.

#### State General Property Tax Transfers

Counties should continue to: 1) make the July 4 payments through e-File Minnesota; and submit Form P100, by email ([heather.bestler@state.mn.us](mailto:heather.bestler@state.mn.us)) or by fax (651-556-5181). Once the department resumes operations, we will reconcile this payment and will contact you if questions arise.

#### Sales Files and Certificates of Real Estate Value (CRVs)

If you have a sales file for Certificates of Real Estate Value (CRVs) that your Property Tax Compliance Officer instructed you to submit prior to any potential shutdown, please submit them via email as normal. Please do not submit any files that you have not been instructed to submit.

Blank PE20 forms (CRVs) will not be available from the department or the Minnesota Bookstore during a state shutdown.

#### Property Tax Compliance Officer Visits

During any government shutdown, the department's Property Tax Compliance Officer will not be able to conduct any office visits or attend any other meetings that may be scheduled. You may address questions or concerns to your officer's email during any shutdown. They will be addressed as soon as possible once the department resumes normal operations.

#### Local and County Board Forms and Minutes

Please continue to submit any local or county board of appeal and equalization record forms via EDE. If you experience technical problems with EDE or have password issues (EDE may not be fully supported during any shutdown and password support will not be available), please email

[Jessi.Glancey@state.mn.us](mailto:Jessi.Glancey@state.mn.us). Also, please continue to email any remaining county board of appeal and equalization minutes to Jessi. Please keep a copy of the files so that they may be resent, if necessary, once the department is operating again.

#### Deeds for Tax-Forfeited Lands

Please note that no deeds will be issued during any shutdown. Applications for deeds can continue to be mailed to the department, but they will not be processed during a shutdown. Once the department resumes normal operations, we will make every effort to resume the issuance of state deeds for tax-forfeited lands as quickly as possible.

#### State Assessed Values

Preliminary utility values will be sent prior to July 1. These values will become the final values if the department is shutdown and is not able to certify final values by August 1. However, new laws from the 2011 regular session allow the department to make corrections by October 1, and any necessary corrections will be completed if a shutdown runs past August 1 but concludes prior to October 1.

Final railroad values will be sent by June 30. New laws from the 2011 regular session allow the department to make corrections through August 31, and any necessary corrections will be made by then if the shutdown concludes prior to September 1.

Airflight returns must be filed by companies on or before July 1. Extensions will be granted to those who request them, but these are all approved by the department. The returns and any issues/questions will be processed as quickly and as timely as possible once the department resumes normal operations.

The department does not anticipate any reporting issues for the wind energy production tax as companies file their returns by February 1 of each year and tax amounts are reported to counties by February 28.

#### Courses

If department operations are suspended on July 1, the Auditor/Treasurer Introduction to Property Tax Administration course scheduled for August 1-4 will be rescheduled once normal operations resume. We currently anticipate that the course will be rescheduled early December.

PACE courses set to occur during a shutdown will be cancelled. If the department is shutdown on July 1, the July offering of the PACE course in Marshall will be cancelled or rescheduled once we resume normal operations. Attendance must be increased in that course to make it economically viable or it will be cancelled altogether. If there continues to be a shutdown on August 1, the August offering in Owatonna will be rescheduled. Once the department resumes normal operations, possible rescheduling opportunities will be identified and communicated. Assessors interested in attending any PACE Course should still register via the Minnesota Association of Assessing Officers (MAAO) website, however any payment checks sent to the department will not be processed during any government shutdown.

The department's instructors for the Assessment Laws and Procedures course will not be available during any shutdown so the course scheduled for July will be cancelled if there is a shutdown on July 1. Please watch for more information from MAAO regarding a reschedule of this course and for information on any other courses coordinated by MAAO.

Ethics courses set to occur during any shutdown will be cancelled. If the department is still in shutdown two weeks prior to a scheduled course, it should be considered cancelled. Any cancelled courses will be rescheduled and as soon as the department resumes normal operations, rescheduling opportunities will be identified and communicated.

Local Board of Appeal and Equalization courses set to occur during any shutdown will be cancelled. If your county is a host county for a course, you will receive a separate email explaining the cancellation process. The host county will notify all pre-registrants of the cancellation and post a sign at the facility the day of the course announcing the cancellation. Please share this information with your local board members who may have registered for a course. Board members wishing to attend a course can continue to register for them, however they should contact the host county registration contact person very near the day of the course to determine if their course has been cancelled. As soon as the department resumes normal operations, rescheduling opportunities will be identified and communicated.

#### Property Tax Statement and Truth-in-Taxation Instructions

Once the department resumes normal operations, every effort will be made to provide these instructions as quickly and timely as possible.

#### State Board of Assessors

The State Board of Assessors (SBA) will not be meeting during any shutdown. If the department is shutdown on July 1, the July 19 meeting in St. Paul will be canceled. The SBA has additional meetings scheduled September 27 in St. Peter and November 15 in St. Paul. Once the department is operating again, a decision will be made regarding possible rescheduling of the July 19 meeting.

#### Frequently Asked Questions

A Frequently Asked Questions document will be posted to the Department's website. It may answer additional questions related to the potential shutdown.

We sincerely appreciate your assistance and understanding during this time of uncertainty. If you have any questions prior to July 1, please direct them to the appropriate staff member, and we will make every attempt to respond prior to the end of business on June 30. As soon as we resume normal operations, you will receive additional communication from the department.