

**Council Meeting**  
**Tuesday, July 19 2011**  
**City Council Chambers**  
**7:30 p.m.**



**AGENDA**

Call to Order

Pledge of Allegiance

1. Approval of Minutes
  - Council Minutes–July 5 & 13, 2011
2. Consent Agenda
  - Minutes
    - HRA – May 11, 2011
    - Park & Recreation Commission –July 11, 2011
    - Library Board – July 12, 2011
    - Street Committee – July 14, 2011
3. Department Heads
4. Des Moines River Dam Environmental Assessment Worksheet
5. Des Moines River Dam Preliminary Plans
6. 18<sup>th</sup> Avenue Storm Sewer Project
7. Highway 60 Water Main Feasibility Study
8. SourceOne Solutions Confidentiality Agreement
9. Disposition of Equipment – Electric Breaker
10. Night to Unite August 8, 2011
  - Proclamation
  - Street Closure 4<sup>th</sup> Avenue – 9<sup>th</sup> to 10<sup>th</sup> Street
11. Ordinance Revision –Ordinance 135 2<sup>nd</sup> Series – Section 11.60 Variances and Appeals
  - Title and Summary Publication
12. Personnel Committee Recommendations
  - Street Shop Foreman
13. Unfinished Business
14. New Business
15. Old Business
16. Regular Bills
17. Council Concerns
18. Adjourn



**Council Meeting**  
**Windom City Hall, Council Chamber**  
**July 5, 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, Dominic Jones and JoAnn Ray  
Council Members Absent: Corey Maricle and Bradley Powers  
City Staff Present: Steve Nasby, City Administrator and Terry Glidden, Telecom

3. Pledge of Allegiance

4. Approval of Minutes:

**Motion by Ray second by Fossing, to approve the City Council minutes from June 21, 2011. Motion carried 3 – 0 (Maricle and Powers absent).**

5. Consent Agenda:

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

- Telecommunications Commission – June 21, 2011

Kruse said that correspondence was received from Carol Hartman regarding recreational fires and a letter from the SW Initiative Foundation seeking a donation.

Kruse said there was a license application for an on-sale Wine License for the River City Eatery and a Beer License application for the River City Eatery located at 344 10<sup>th</sup> Street.

Kruse said there was a license application for Exempt Permits for lawful gaming from the following organizations:

Windom Area Hospital – Raffle on October 15, 2011

Windom Education & Collaborative Center – Raffle on September 26, 2011

Business, Arts and Recreation Center – Raffle on December 3, 2011

St. Francis Xavier Church – Bingo and Raffle on September 18, 2011

**Motion by Ray second by Fossing, to approve the Consent Calendar. Motion carried 3 – 0 (Maricle and Powers absent).**

Preliminary

6. Department Heads:

None.

7. Ordinance Revision – Section 11.60 Variances and Appeals – Second Reading:

**Motion by Ray, second by Jones, to approve the Second Reading of Ordinance 135, 2<sup>nd</sup> Series – Amending Section 11.60 and to approve the Title and Summary Publication. Motion carried 3 – 0 (Maricle and Powers absent).**

8. Correction of Unsafe and Hazardous Condition Order – 926 4<sup>th</sup> Avenue:

Nasby said that a memorandum highlighting the actions taken by the City is in the Council packet. In response to a complaint the City Building Official inspected the premise (a.k.a. Windom State Theatre) relating to the marquee sign. A letter was sent on April 14, 2011 noting the hazardous condition of the sign. The Building Official worked with the owners/operators of the Windom State Theatre on temporary measures to allow the business to operate while a permanent fix was underway. No subsequent actions were taken by the owners/operators so the City Attorney sent a letter on June 20, 2011 requesting action to address the hazardous condition by July 5, 2011. If no plans or actions had been taken an Order to be filed with the Court would be presented to the City Council on July 5, 2011. The Order is on the City Council's agenda for discussion and action. This Order would compel the owners to take action to mitigate the hazardous condition.

Don Hardin said he has owned the property since 1995. He said this business is the longest continuing business in Windom and will mark its 100 year anniversary soon. Hardin said the EDA had indicated an interest in assisting with the renovation of the sign. Dennis Johnson, Wenck Associates, had been retained by the owner to look at the sign and the supporting structure. A report completed by Dennis Johnson, engineer, indicated that the support structure was sound, but the sign and supporting cables may be the cause of the problems. Also, the brick façade on the building above the marquee were loose and would have to be addressed as a hazard. Hardin said the bricks became loose during the 2007 Street project and he had called the contractor. Nasby asked if Hardin had contacted the City or the contractor's insurance company about the issue. Hardin said he had other business to operate and did not follow up.

Buckwheat Johnson said he was assisting the owner and he had installed the wooden support columns and handed a copy of the Wenck Associates letter to the City Council.

Kruse said he had concerns because this problem was noted in April and now in July there is action being done due to the City having to move this along. Hardin said he thought he was in compliance with the Building Official's direction from April. Buckwheat Johnson said that the EDA had gotten some quotes for refurbishing the sign and it was estimated to be \$12,000 to \$24,000.

Jones said that there are two issues. One is the hazardous sign and correcting that problem. The second is the matter of fixing the sign and replacing it.

Preliminary

Jones asked how much time is needed to correct the hazardous sign situation. Hardin said that he would like 30 days. Nasby said the Building Official had indicated that 20 days was generous. Jones said he would suggest a compromise at 25 days.

**Motion by Jones, second by Fossing, to approve the filing of an Order of hazardous conditions at 926 Fourth Avenue, Windom, MN. Tax ID Parcel #25.820.1570. Said Order to provide 25 days to the owner to take corrective actions. Motion carried 3 – 0 (Maricle and Powers absent).**

Jones asked what a reasonable time would be to refurbish and replace the marquee sign. Nasby said that he and the City Attorney had discussed the possibility of six months as that is the typical period building permits cover. Jones said that he would not want that period to start six months from when the permit is granted as that could be well into the future. Nasby clarified if Jones and the Council were comfortable allowing six months from the time the Order is filed, which would be this week. Consensus of the Council that six months is reasonable.

Hardin asked about the “grandfather” clause for the sign as it is not allowed by the current code. Nasby said it is a non-conforming sign and that the time period would have to be reviewed by the Building Official related to the City’s code and could be returned to the Council for action if needed. Hardin asked for the time period in writing so he had a record. Nasby would talk to the Building Official and get the paperwork to Hardin.

9. Assistance to Firefighter’s Grant Application – County-wide Communications Grant:

Nasby said this is the grant for the change over of the radios to the narrow band system (ARMER) as required by the federal government by January 1, 2013. The City has applied on a county-wide basis two other times without success. The proposed submission reduces the grant request by eliminating all of the radios for public works activities such as utilities, streets and community facilities. As such, the City will need to budget for these radios within the 2012 budget. The reduction in the grant request should help it score better as the grant was targeted to EMTs, Fire and Law Enforcement.

**Council member Jones introduced the Resolution No. 2011-26, entitled “A RESOLUTION APPROVING PARTICIPATION IN A COUNTYWIDE COMMUNICATION EQUIPMENT PROJECT AND SUBMISSION OF “ASSISTANCE TO FIREFIGHTERS” GRANT APPLICATION” and moved its adoption. The resolution was seconded by Fossing and on roll call vote: Aye: Fossing, Jones and Ray. Nay: None. Absent: Maricle and Powers. Resolution passed 3 – 0.**

10. Unfinished Business:

None.

11. New Business:

None.

Preliminary

12. Old Business:

None.

13. Contractor Bill:

Pay request #3 was received from Everstrong Construction, Inc. in the amount of \$124,667.55.

Jones asked if the request had been reviewed. Nasby said he had reviewed the pay request and had one change as Change Order #2 had been omitted in the original submission. This was corrected and Dennis Johnson, Wenck Associates had signed off on the request as the City's engineer for the project.

**Motion by Jones, seconded by Ray, to approve the Contractor's bill listed as pay request #3 for Everstrong Construction, Inc. in the amount of \$124,667.55. Motion carried 3 – 0 (Maricle and Powers absent).**

14. Regular Bills:

**Motion by Ray, seconded by Jones, to approve the bills. Motion carried 3 – 0 (Maricle and Powers absent).**

15. Council Concerns:

Jones asked about insect control. Nasby said the last treatment was done on June 29, 2011. Jones asked if the public was notified. Nasby said that there had not been any formal notices as the scheduled treatments were impacted by rain, wind or other factors and the most recent treatment was moved ahead of schedule to accommodate the July 4 holiday. Jones asked that if notices could be provided to the public that would be beneficial. Nasby would notify the media regarding future treatments.

Nasby reminded the public about the Long Range Planning and Goal Setting meetings coming up on July 6 from 6-8 pm and July 11 from 4-6 pm at the Community Center.

16. Adjourn:

**Kruse adjourned the meeting by unanimous consent at 7:54 p.m.**

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Kirby Kruse, Mayor

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

**Special Council Meeting**  
**Windom City Hall, Council Chamber**  
**July 13, 2011**  
**7:00 p.m.**

1. Call to Order: The meeting was called to order by Mayor Kruse at 7:00 p.m.

2. Roll Call: Mayor: Kirby Kruse

Council Members: Dominic Jones, Corey Maricle, Bradley Powers and JoAnn Ray

Council Members Absent: Kelsey Fossing

City Staff Present: Steve Nasby, City Administrator and Brigitte Olson, Assistant City Administrator

3. Pledge of Allegiance

4. Long Range Planning and Goal Setting – Springsted, Inc.

David Unmacht, Springsted, Inc. introduced himself as the consultant working on this project for the City of Windom. He said that two community meetings had been held, a staff survey completed and a social media discussion had been launched and is operating.

Unmacht provided the City Council an overview of the long range planning and goal setting process.

Information from the input received from the two community meetings were reviewed and discussed along with the information from the staff survey and the social media postings.

Kruse recessed the meeting at 8:20 p.m.

Kruse reconvened the meeting at 8:25 p.m.

Unmacht engaged the City Council on their thoughts regarding the strengths of the community, areas for improvements or changes, vision of what they want the community to look like in the future and defined the parameters of the resulting plan.

Next meeting was set for July 27, 2011 at 7:00 p.m.

5. Old Business:

None.

Preliminary

6. New Business:

**Council member Jones introduced the Resolution No. 2011-27, entitled AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT TO “UPDATE THE AIRPORT LAYOUT PLAN (ALP)” and moved its adoption. The resolution was seconded by Maricle and on roll call vote: Aye: Jones, Maricle, Powers and Ray. Nay: None. Absent: Fossing. Resolution passed 4 – 0.**

7. Adjourn:

**Kruse adjourned the meeting by unanimous consent at 9:43 p.m.**

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Kirby Kruse, Mayor

Attest: \_\_\_\_\_

Steve Nasby, City Administrator

**The Housing and Redevelopment Authority of Windom met in a regular meeting, Wednesday, May 11, 2011 at 4:00 p. m. at the Riverview Apartments. Present were Chairman Marilyn Sudenga, Vice Chairman Frank Dorpinghaus and Commissioners Larry Hartman, Margaret McDonald, Doreen Jorgensen, Jens Hansen, and Pat Tepley. Also present was Dominic Jones, City Council Liaison.**

**The minutes of the April meeting were read and approved.**

**The bills for the month were discussed. A motion was made by Tepley and seconded by McDonald that the bills be approved for payment.**

**Al Meier, a resident at Hillside Manor appeared before the board. He requested that the board find a place for an exercise room at the building in which he resides. After a lengthy discussion, a committee of the Commissioners was appointed to gather information on this topic and also locate a place to have it. Commissioners Tepley, Jorgensen, Hansen, and Dorpinghaus are to report back at the next board meeting in June.**

**Mark Hanson, Economic Development Director spoke to the board in regard to the shortage of rental housing in Windom. He asked if the HRA had any funds available for perhaps assisting in either rehabilitating some homes, to qualify for rentals or down payment assistance. Mr. Hanson was informed that the only funds the HRA has for that type of assistance is the Special Projects account. He said he will keep in touch with the authority to see if something can be worked out.**

**A Rehab loan for a Windom resident of \$5000.00 was discussed. A motion was made by Hartman and seconded by Hansen that the loan be approved.**

**The commissioners were informed that an assistant maintenance person had been hired. A motion was made by Hansen and seconded by Dorpinghaus that the new employee be paid the minimum rate required by HUD.**

**Commissioner Jorgensen reported that a resident at Riverview has had many problems with the lock on her door. After much discussion, it was decided to take out the old lock and replace it with a dead bolt.**

**There being no further discussion, the meeting was adjourned.**

**Vicki Flatgard  
Executive Director**

**The Housing and Redevelopment Authority of Windom met in a special meeting on Wednesday, May 25, 2011 at 4:00 p. m. at the Riverview Apartments. Present were Chairman Marilyn Sudenga, Vice Chairman Frank Dorpinghaus, Commissioners Larry Hartman, Pat Tepley, Jens Hansen, and Doreen Jorgensen. Also present was Dominic Jones, City Council liaison.**

**Bids for roofing at Hillside Manor were presented. Bids were as follows: Everstrong -\$50,620.00, Hanefeld - \$74,800.00, and TriState - \$108,010.00. Due to the fact that Davis-bacon wage rates were wrong, the recommendation of Dennis Johnson, the engineer was to reject all bids. A motion was made by Hartman and seconded by Hansen that the bids be rejected.**

**There being no further discussion, the meeting was adjourned.**

**Vicki Flatgard  
Executive Director**

Windom Library Board Meeting  
Windom Library  
July 12, 2011  
5:05 p.m.

1. Call to order: The meeting was called to order by Jan Johnson at 5:05 p.m.
2. Roll Call:  
Members Present: Kathy Hiley, Charles Reid, Jan Johnson, Beth Fleming and Anita Winkel  
  
Members Absent: Mary Erickson and John Duscher  
  
Library Staff Present: Dawn Aamot and Joan Hunter  
  
City Council Member Present: None
3. Agenda and Minutes  
Motion by Charles Reid and seconded by Anita Winkel to approve the Agenda and the Minutes.

4. Financial Report:

Joan reported that the annual licensing fee of \$4,200 was paid to Plum Creek Library in June instead of next February when it would normally be paid. Without this payment, the Plum Creek Library would have to shut down as they are paid by the state. If the shutdown extends too long, then they will be forced to take out a bank loan using the equity of their building as collateral.

On July 4<sup>th</sup>, Joan discovered the handle to the side door of the library was missing. Worthington Glass came in a timely manner and replaced it for \$132.58.

Motion by Kathy Hiley and seconded by Beth Fleming to approve the Financial Report.

5. Librarians Report:

Joan reported that the painting of some library walls has been completed.

Ingram Publishing called and inquired as to whether the library was a city or county library. With the state shutdown, they were concerned as to whether they would be paid if they sent out the library's latest order!

Dawn reported that the summer reading program has been going well. Attendance at her Lunch Bunch has ranged between 15 and 25 each week. Adventure Club attends these sessions. Attendance at Story Time has averaged 10 to 12 kids with one daycare bringing their children. Make and Take Craft Days started out with 25 attending and the numbers have dwindled since that first night. There are only a couple of weeks left of the program. Motion by Charles Reid and seconded by Kathy Hiley to approve the librarian's report.

6. Old Business:

Joan reported that she is waiting to hear from Dan Fossing on the new bookshelves. The library will be receiving \$10,000 from the Bruce Nelson estate. These dollars will be put into a special fund to be used for future building needs.

7. New Business:

None

9. New Book Suggestions:

The board presented their suggestions.

10. Adjourn:

Motion by Charles Reid, seconded by Beth Fleming to adjourn.

Meeting adjourned at 5:28 p.m.

Respectfully submitted,

Kathy Hiley, recording secretary

**PARK AND RECREATION COMMISSION MEETING  
MINUTES JULY 11, 2011**

1. Call to Order: The meeting was called to order by Chairman Terry Fredin 5:19 p.m. in the council chambers at city hall.
2. Roll Call:

Commission Present:	Kay Clark, Terry Fredin & Angie Blanshan
Commission Absent:	Sherri Zimmerman & Jeff LaCanne
City Staff Present:	Recreation Director, Al Baloun
Council Liaisons:	Corey Maricle & JoAnn Ray absent
Public:	None
3. Approve Agenda  
**Motion by Clark, seconded by Blanshan to approve agenda**  
**Motion Carried Unanimous**
4. Approve Minutes June 13, 2011 Park & Recreation Commission Meeting  
**Motion by Clark, seconded by Blanshan**  
**Motion Carried Unanimous**
5. 2012 Budget Discussion  
Park Superintendent Bruce Caldwell submitted his proposal with minimal increase over the 2011 budget. He stated that we need to replace the 1994 345 Toro Groundskeeper mower as it has several thousand hours on the unit. Cost of that replacement would be approximately \$23,000 and the old unit could be sold outright. Caldwell also stated due to the new radio frequency law that goes into effect at the end of 2012 we need to purchase two portable 2-way radios. The cost of these two units will run around \$5,080.00.  
  
Recreation Director, Pool, & Arena: Al Baloun -  
Recreation Director Al Baloun submitted his budget for Recreation, Arena, and Pool with minimal increases over the 2011 budget. He stated that he will continue to submit renovation, reconstruction of the pool or construction of new facilities under capital outlay for the pool. At some point in time within the next five to ten years this will have to be considered. Recreation expenses for the Summer should all be in by the end of August so we will have a more true picture of Summer expenses. One portable radio will be submitted for under Capital Outlay for the Arena for emergency situations or disasters.
6. Recreation Director's Report- Al Baloun
  - a. Youth Baseball- the 2012 survey is starting to come in with mostly positive results. Playoffs began for coach pitch/t ball on Monday July 11 and should be completed on Thursday, July 14, if we do not have any rainouts. The summer recreation program is fast approaching the end of a fun and exciting season. Saturday July 16 is the Annual 30/60 tourney out at the Windom Recreation Area. Eight teams will be participating and it is sponsored by the Windom CVB.
  - b. Pool Update- Splash Bash will be held on Saturday, July 30 and the last day at the pool will be Wednesday, August 17. Al has heard many positive comments regarding the addition of the pool waterslide.
  - c. Cookout Recreation Playoffs; Baloun asked for volunteers for the cookout from the commission. The cookout fund raiser will be held Tuesday July 12<sup>th</sup> from 5-7:30 p.m. weather permitting.
7. Open Mike: None
8. Meeting Adjourned at 5:57 P.M.

**STREET COMMITTEE  
MINUTES JULY 14, 2011**

Call to Order: The meeting was called to order at 1:12 P.M. at Street Shop

Members Attending: Committee Members Attending - Brad Powers & JoAnn Ray

City Staff Present: Street Superintendent Bruce Caldwell & City Administrator Steve Nasby

Public: None

1. 18th Avenue Storm Water Project: The committee reviewed the SEH Preliminary results for the storm water project. The committees agreed to send notices to some of the adjacent property owners and let them know we would like their permission to have some of their properties surveyed so we can move forward on the project.
2. CSAH 17 Improvements; from hwy 60/71 to Lakeview Avenue & CSAH 13 Improvements from 13<sup>th</sup> Street north to the Perkins Creek Bridge. Cottonwood County will be doing a street project on the above streets. They indicated if the city has any infrastructure that needs replacement in these two areas we need to contact them accordingly so this can be included in the project. The only item for the street department would be the storm sewer system on CSAH 17. There aren't any storm sewers on CSAH 13 other than the intersection at River Road and 13<sup>th</sup> Street. The area north of this intersection to Perkins Creek Bridge is clear of storm sewers. So there could be some storm sewer costs associated with this project in 2012. Caldwell will contact the county to get more information.

3. 2012 Budget Discussion; Equipment, salt shed construction & CIP Street Projects
  - a. Equipment new motor grader cost \$190,000. New Shop Pickup \$30,000.  
6 new portable 2-way radios \$15,240.00
  - b. Salt Storage Building Hire contractor to build the new salt storage shed (need to advertise to get costs).
  - c. Insect Control; Information below from Clarke;  
*Based on the same chemical Clarke uses in their service to the City of Windom, (Biomist 4 + 4 which is a ready to use product and does not require purchasing oil separate like the Biomist 30 + 30) the cost per gallon this year is \$40.90. We spray approximately 42.5 miles in Windom. The cost for chemical per mile @ 10 mph comes to \$15.34. The approximate total cost for chemical per treatment is \$651.95. It generally takes them between 3.5 and 4 hours to spray the town using one rig. We also treat the pond by the school 3 times with a case of 30 day briquettes. The cost for the briquettes this year is \$130.00 per case.*

*The cost of a new Grizzly ULV with GPS for speed input this year is \$11,533.42*

Information below formulated by Caldwell using Clarke numbers above.

Estimated cost annually if City of Windom Staff does all the applications;

Chemical for 18 applications	\$660/per/application	\$11,880.00
1 Staff for applications Rate	\$18.00 X 4 hrs X 18 apps	\$ 1,296.00
Cost to get staff certified as a Commercial Applicator Annually		\$60.00
No need to have extra Liability Insurance if needed if we apply		<u>\$0</u>
	Annual Total	\$13,236.00

New Fogging Unit \$11,533.42

All Total above \$24,769.42

If Clarke does all the applications the rate is \$959 per/app X 18 apps = \$17,262.00

Difference not counting purchase of new fogging unit or Staff's Applicators License  
\$4026.00

Continued page 2; Street Committee July 14, 2011

- d. CIP Projects 20<sup>th</sup> Street, South Drake Ave, 6<sup>th</sup> ave from Perkins Creek Bridge south to 10<sup>th</sup> Street, 16<sup>th</sup> Street from 6<sup>th</sup> ave east to 4<sup>th</sup> ave. Estimated Costs \$1.8 Million. Caldwell will forward this list to the city utilities for further input.
4. Complaint concerning parking on 6<sup>th</sup> street east of hwy 60/71 to Lakeview ave. The complainant asked if it was possible not to permit parking on either side of the street as there have been some concerns. A few people walking in the street don't move out of the way of the vehicles that are traveling on the south. Parking is only permitted on the north side currently. The committee stated leave as is with no changes.
5. Street Shop Building Remodel Project Update; the committee did a walk through. Project deadline is August 1, 2011
6. Meeting was adjourned at 2:23 p.m.

## **RESOLUTION #2011-**

**INTRODUCED:**

**SECONDED:**

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

### **RESOLUTION OF THE WINDOM CITY COUNCIL MAKING A DECLARATION ON THE NEED FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE PROPOSED DES MOINES RIVER DAM REMOVAL**

**WHEREAS**, the proposed project is the removal of the dam located on the Des Moines River and is located within the City of Windom; and

**WHEREAS**, MN Rules 4410 establishes the requirements for the preparation of an Environmental Assessment Worksheet (EAW); and

**WHEREAS**, it has been determined that the City of Windom is the Responsible Governmental Unit (RGU); and

**WHEREAS**, the designation that the City act as RGU indicates that the City has authority to complete a discretionary EAW; and

**WHEREAS**, the Windom City Council makes the following findings of fact:

1. The City of Windom is the Responsible Governmental Unit (RGU) for the project.
2. The City of Windom is the project proposer.
3. As RGU, the City has determined that an EAW will be prepared for the project in accordance with the Minnesota Environmental Quality Board (EQB) Environmental Review Program. The EAW is being prepared at RGU discretion.
4. City staff will direct the preparation of the EAW and will determine when the EAW is accurate, complete, and ready for distribution. Upon this determination, the EAW will be published and noticed through the EQB Monitor.

**NOW, THEREFORE, BE IT RESOLVED** that the Windom City Council makes a declaration authorizing the preparation and distribution of an Environmental Assessment Worksheet, for the proposed Des Moines River dam removal project, to be coordinated by City staff.

Adopted by the Windom City Council this 19<sup>th</sup> day of July, 2011.

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

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



STATEMENT OF SETAMATED QUANTITIES

SPEC. NO.	ITEM DESCRIPTION	UNIT	PLAN QUANTITY	AS BUILT
	MOBILIZATION FOR DEMOLITIONS	LUMP SUM	1	
	MOBILIZATION FOR RIFFLE PLACEMENT AND ALL OTHER CONSTRUCTION	LUMP SUM	1	
	CONTROL OF WATER	LUMP SUM	1	
	EROSION CONTROL (INCLUDES ALL METHODS REQUIRED TO MITIGATE SEDIMENT MITIGATION DOWNSTREAM)	LUMP SUM	1	
	CLEARING AND GRUBBING	LUMP SUM	1	
	DEMOLITION / MATERIAL REMOVAL / CLEAN-UP OF DAM	LUMP SUM	1	
	DEMOLITION / MATERIAL REMOVAL / CLEAN-UP OF DRAINAGE STRUCTURE	LUMP SUM	1	
	DEMOLITION / MATERIAL REMOVAL / CLEAN-UP OF 60" CMP PIPE AND COLLARS	LUMP SUM	1	
	SITE RESTORATION (PREPARATION, SEED, FERTILIZER, EROSION PROTECTION)	ACRE	1	
	HAUL ROAD MAINTENANCE AND REPAIR	LUMP SUM	1	
	WEIR STONES / DELIVERED	EACH	550	
	MnDOT CLASS I RIPRAP (RIFFLE RIPRAP BASE FOR WEIR STONES) / DELIVERED	CY	163	
	MnDOT CLASS IV RIPRAP (RIFFLE RIPRAP AROUND WEIR STONES) / DELIVERED	CY	3785	
	MnDOT CLASS III RIPRAP (RIPRAP OVER EXISTING CONCRETE RIPRAP) / DELIVERED AND PLACED	CY	90	
	MnDOT CLASS IV RIPRAP (50' LONG J HOOKS) / DELIVERED AND PLACED	CY	150	
	PLACEMENT OF RIFFLES 0.00 TO 0.25 HEIGHT ( INCLUDES EXCAVATION AND PLACEMENT OF WEIR STONES AND RIPRAP)	LF	100	
	PLACEMENT OF RIFFLES 0.25 TO 0.75 HEIGHT ( INCLUDES EXCAVATION AND PLACEMENT OF WEIR STONES AND RIPRAP)	LF	500	
	PLACEMENT OF RIFFLES 0.75 TO 1.25 HEIGHT ( INCLUDES EXCAVATION AND PLACEMENT OF WEIR STONES AND RIPRAP)	LF	500	
	PLACEMENT OF RIFFLES NO WEIR STONES ( INCLUDES EXCAVATION AND PLACEMENT OF RIPRAP)	LF	250	

DRAWN BY: KCP  
 DESIGNER: KCP  
 CHECKED BY: BK  
 DESIGN TEAM:

NO. BY DATE  
 REVISIONS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 Date: 8/25/2011 U.C. No. 30388



401 EAST 6TH STREET  
 SOUX FALLS, SD 57903  
 PHONE: 605.333.3700  
 FAX: 605.333.3707  
 www.sehinc.com

WINDOM,  
 MINNESOTA

STATEMENT OF  
 ESTIMATED QUANTITIES

FILE NO.  
 WNDM 11660  
 DATE  
 JUNE 30, 2011

X

# Stormwater Pollution Prevention Plan (SWPPP)

To comply with the General Stormwater Permit for Construction Activity

## Construction Activity Information

Project Name: Das Moines River Dam Removal Project  
 Project Location: Island Park (5th Street and 4th Avenue)  
Winona, MN  
Cottonwood County

Total Project Area Disturbed: \_\_\_\_\_ acres  
 Total Existing Impervious Area: 0 acres  
 Total Proposed Impervious Area: 0 acres

## Receiving waters:

Storm water is collected in the storm sewer system and outfalls into an on-site detention pond.  
 From the detention pond it outfalls into Okobawa Lake

Dates of construction: \_\_\_\_\_ Est. completion date: \_\_\_\_\_  
 Construction start date: \_\_\_\_\_

## Contact Information

Project Owner: \_\_\_\_\_  
 City of Winona  
 Steve Nasty - City Administrator  
 444 9th Street  
 Winona, MN 56101-0038

Contractor: TBD

## General Construction Project Information

The project will install a new storm water collection system consisting of gravity storm sewer and storm drains. The work items will require shoring, trenching, and storm pipes to be removed and replaced. The project will also contact grading, erosion control and turf establishment as part of the project.

Based on the soil borings, the soils throughout the project site consist of lean clay with sand.

## General Site Information (IIIA)

- The project is required to meet the construction stormwater requirements for the NPDES General Stormwater Permit and MndOT Spec. 1717, 2574 and 2575.
- The Contractor shall install temporary erosion and sediment control measures prior to starting work within the applicable portion of the project.
- Locations, type and quantity of temporary and permanent erosion control measures can be found within the Construction plans.
- Exposed soil areas shall be stabilized as soon as possible but in no case later than 7 days after construction has temporarily or permanently ceased in that portion of the project.
- The Contractor shall install additional BMPs as necessary as directed by the Engineer to prevent sediment transport.
- Inlet protection and silt fence shall be installed in the field as directed by the Engineer.
- The Contractor shall install erosion control blankets along ditch bottoms and side slopes as directed by the Engineer to provide temporary and permanent stabilization.

## Environmentally Sensitive Areas:

- Impaired waters - Okobawa Lake
- TMDL - There are NO established TMDL plans.
- Scientific or Natural Areas - There are NO SNA within 1 mile of the project.
- Karst Area - The project is NOT located within a karst area.
- Calcareous Fens - The project does NOT discharge to a fen.

## Training (IIIA)

The Contractor shall ensure that the training requirements in Part III.A.2 of the General Stormwater Permit for Construction Activity are completed with. The individuals trained will be recorded in the SWPPP before the start of construction or as soon as personnel for the project have been determined.

SWPPP Writer: Justin Klabo, SEH Inc., Training Dates: August 12-13, 2011, University of Minnesota, Erosion and Sediment Control Program.

Provide information in the space provided below for additional personnel on the project as required by the Permit.

Name	Date	Training Program

## Permanent Stormwater Management System (IIIC)

- The project will not create a new cumulative impervious surface greater than or equal to one acre, therefore permanent stormwater management will not be provided on the project.

## Erosion Prevention Practices (IVB)

- Contractor shall phase the work to limit the overall disturbance of the project at any given time. Natural vegetative buffers shall be maintained between the work limits and all surface waters or wetlands throughout the course of construction.
- The areas not to be disturbed will be delineated through the use of silt fence, bioerode and construction staking.
- The Contractor shall provide temporary cover for all exposed soils. All exposed soils shall be stabilized as soon as possible but in no case later than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased. The normal wetted perimeter of any ditch bottom located within 200 linear feet of a surface water shall be stabilized within 24 hours.
- Temporary cover shall be provided using seed, erosion control blanket or mulch type disk-anchored.
- Permanent cover shall be provided as detailed on the construction plans using sod or seeds with erosion control blanket or mulch.
- Contractor is required to provide any additional erosion prevention measures necessary for conformance to the NPDES Construction Permit throughout construction.

## Sediment Control Practices (IVC)

- Silt fence, inlet protection and any necessary construction entrances shall be installed as shown on the plan sheets prior to any land disturbing activity.
- Contractor shall clean steels as directed by the Engineer throughout the project.
- Temporary silt fences located inside shall be placed, mounded or banked and have silt fence or a BMP approved by the Engineer in the field placed around the base of the silt fence.

## Dewatering and Basin Draining (IVD)

- Dewatering is anticipated on this project. The Contractor shall submit a plan to the Engineer for acceptance.
- If the dewatering or pumping process is turbid or contains sediment laden water, it must be treated through the use of sediment traps, vegetative filter strips, flocculants, or other sediment reducing measures such that discharge is not visibly different than the receiving water.
- Discharge directly into a surface water or wetland is not permitted.
- All construction dewatering shall be discharged to an approved location for treatment prior to discharge to the receiving water. The dewatering plan shall be developed and submitted to the engineer for review in accordance with MndOT Spec. 1717.2E.
- Conditions of the site may require a permit to be obtained from the Minnesota Department of Natural Resources for water appropriations. The Contractor will be responsible for obtaining any necessary permits for dewatering.

## Inspections and Maintenance (IVE)

- Contractor shall identify a certified erosion and sediment control supervisor to conduct weekly site inspections for the project.
- The construction site shall be observed at least once every 7 days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours and 7 days after that.
- When sediment is observed up to approximately one-third of the height of silt fence, sediment shall be removed. Silt fences will be replaced, or supplemented if it becomes non-functional.
- When non-functional BMPs are found they must be repaired, replaced or supplemented with functional BMPs within 24 hours after discovery or as soon as field conditions allow access.

## Pollution Prevention Management Measures (IVF)

All work necessary to provide proper pollution prevention measures shall be considered incidental to the project.

- Collected sediment, asphalt and concrete millings, floating debris, and other waste must be disposed of properly and must comply with MPCA disposal requirements.
- Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment to prevent spills, leaks or other discharges. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
- Exhaust from welding of trucks and other construction vehicles is not allowed on site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed on site.
- All liquid and solid waste generated by concrete washout operations must be contained in a leak-proof containment facility or impervious liner. A compacted clay liner that does not allow washout liquids to enter the ground water is considered an impervious liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operations or areas. Liquid and solid waste must be disposed of properly and in compliance with MPCA regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.
- Any spills of hazardous materials and/or a minimum of 5-gallons petroleum shall be immediately reported to the MPCA (State Duty Officer: 1-800-422-0738 or 651-287-8610). Any spills above the reportable quantities limits in the Code of Federal Regulations (CFR) Title 40, Part 302 shall be reported to the EPA National Response Center (1-800-424-8802). In order to reduce the risk of hazardous materials coming into contact with storm water, the following practices will be followed: a) an effort will be made to store only enough product required to do the work, b) all materials stored outside will be stored in a neat, orderly manner in their appropriate containers and in a secure, unlit area, c) products will be kept in their original containers with the original manufacturer's label unless the original container cannot be resented in which case the original label shall be replaced with a label that is legible and contains the following information: (i) the name of the manufacturer, (j) the manufacturer's recommendations for proper use and disposal will be followed, and (g) the operator will inspect daily to ensure proper use and disposal of reusable onsite. Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- All sanitary waste will be collected by temporary sanitary facilities provided at the site by the Contractor throughout the construction project. All construction personnel shall utilize temporary sanitary facilities which shall be regularly serviced by a commercial operator. Temporary sanitary facilities shall be placed in a location where accidental spillage of the facility shall not discharge to the storm sewer system.

## Final Stabilization (IVG)

- All disturbed areas shall be permanently stabilized as shown on the Construction plans. Methods to achieve final stabilization include: sod and seed with mulch or erosion control blanket.
- All areas seeded by means of broadcast seeding shall be hand seeded to incorporate the seeds into the topsoil.
- The permittee will submit a Notice of Termination (NOT) within 30 days after final stabilization.

## Records Retention (IIID)

- Records to be kept on site during construction include:
  - Copy of the SWPPP and amendments
  - Training Documentation
  - Inspection and maintenance records
- This SWPPP will be amended as needed and/or as required by provisions of the Permit. Any changes to the SWPPP shall be noted below and on the applicable plan sheets.
- The contractor will record changes to the SWPPP and maintain documentation of these changes on site at all times. A summary maintenance/inspection observation report will be recorded after each site inspection/observation.
- The contractor will be responsible to maintain and repair the erosion and sediment control BMPs until final stabilization is complete and a NOT is submitted.

Provide information in the space provided below for amendments to the SWPPP as required by the Permit.

Amendment	By	Date

DRAWN BY: IRP  
 DESIGNED BY: IRP  
 CHECKED BY: IRP

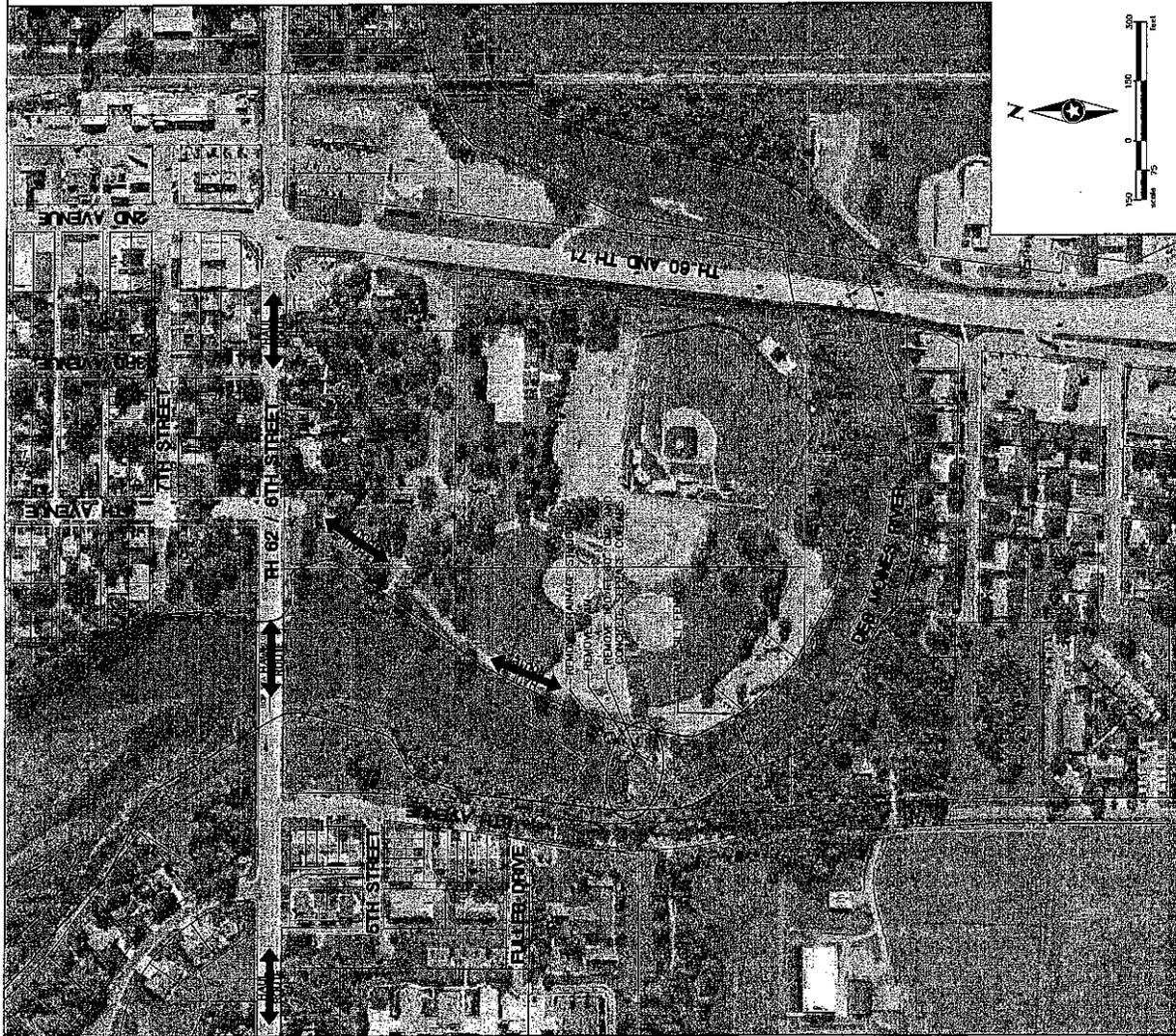
NO.	BY	DATE	REVISIONS

SEH  
 401 EAST 8TH STREET  
 SOUX FALLS, SD 57003  
 PHONE: 605.332.7000  
 FAX: 605.332.8001  
 www.sehinc.com

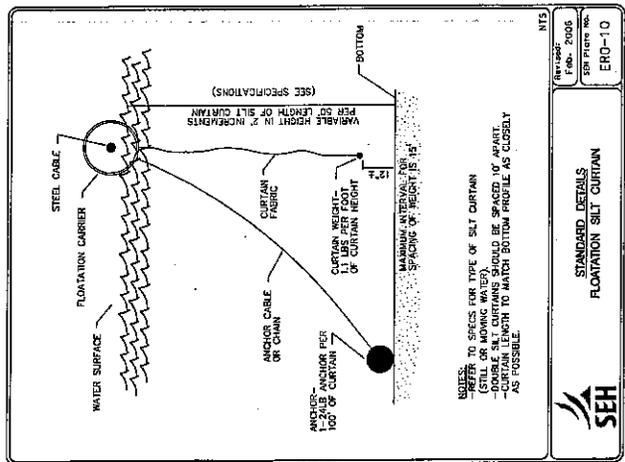
Professional Engineer Under the Laws of the State of Minnesota  
 Date: 5/29/2011 By: IRP

WINDOM, MINNESOTA  
 STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

FILE NO. WINDOM 148000  
 DATE JUNE 30, 2011



EXISTING DAM TO BE REMOVED



NOTES:  
 REFER TO SPEC FOR TYPE OF SILT CURTAIN (STILL OR MOVING WATER).  
 CURTAIN FABRIC SHOULD BE SPACED TO MATCH CURTAIN WEIGHT TO MATCH BOTTOM PROFILE AS CLOSELY AS POSSIBLE.



STANDARD DETAILS  
 FLOATATION SILT CURTAIN  
 ERO-10

NTS  
 REVISIONS  
 DATE: 06/06/06  
 USER: JRM  
 ERO-10

DESIGN TEAM	NO.	BY	DATE
DRAWN BY: KRP			
DESIGNED BY: KRP			
CHECKED BY: KRP			

REVISIONS

NO.	DESCRIPTION	DATE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 Date: 6/29/2011. Ut. No. 200222  
 Rocky Klein, P.E.

SEH  
 461 EAST 8TH STREET  
 SUITE 200  
 SOUX FALLS, SD 57103  
 FAX: 605.332.7200  
 www.sehinc.com

WINDOW, MINNESOTA

EROSION CONTROL AND REMOVAL

FILE NO. WINDOW 10000  
 DATE JUNE 30, 2011

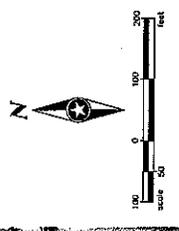
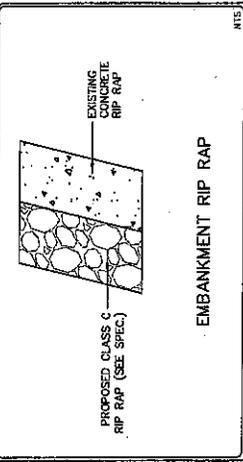
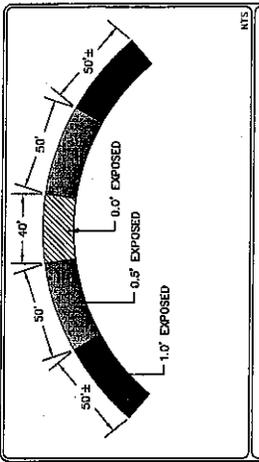
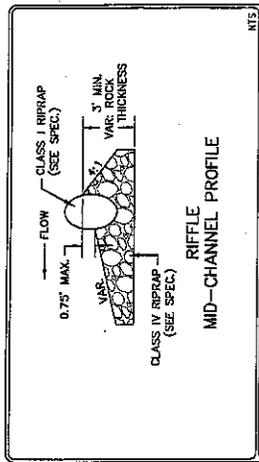
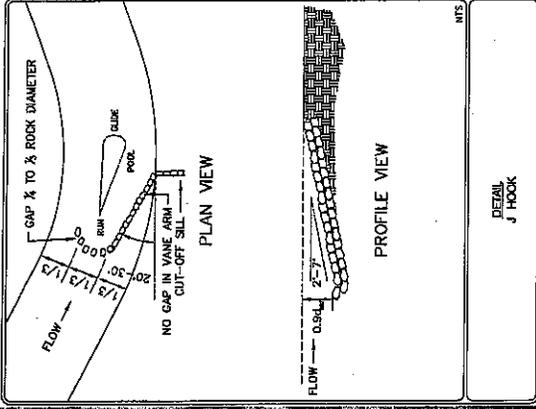
X



DRAWN BY: KGP  
 DESIGNER: KGP  
 CHECKED BY: RJC  
 DESIGN TEAM:

NO. BY DATE  
 REVISIONS

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATIONS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL CIVIL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 Date: 5/20/2011 Lic. No. 30006



401 EAST 6TH STREET  
 SOUX FALLS, SD 57003  
 PHONE: 605.336.7000  
 FAX: 605.336.8201  
 www.sehinc.com

**SEH**

WINDOM, MINNESOTA

**RIFFLE INSTALLATION**

FILE NO. WINDOM 118000  
 DATE: JUNE 24, 2011



# MEMORANDUM

TO: Steve Nasby and Bruce Caldwell, City of Windom

FROM: Rocky Keehn, PE

DATE: July 11, 2011

RE: Preliminary Results for 18th Avenue Detention Ponding  
SEH No. 116205 Task 1

## Background

This report has been completed to determine if the existing 36-inch storm sewer in 18<sup>th</sup> Avenue would be adequate if upstream detention ponding could be utilized. This is thought to be a valid approach since it was observed that the upstream drainage areas were significantly larger than those in the City and thus the flooding in the residential areas could be caused by drainage from areas not controlled by the City. The first part of the project was to define the contributing areas to the storm sewer line to verify that there is a large contributing drainage area upstream of the inlet to the storm sewer system starting at 18<sup>th</sup> Avenue at Red Leaf Court (north end). Once the drainage areas were determined, a hydrologic model was developed based on field observations and the watershed delineations. Based on the results of the modeling conclusions a recommendation could be made.

## Drainage Areas

USGS Minnesota StreamStats was used to determine drainage areas. This is an online program that is available with no charge to automatically determine drainage areas to a selected outlet point. The program also allows the user to modify the boundary areas to reflect actual drainage areas. Once the boundary is determined, key information on the drainage area, watershed slope and flow rates for several storm events is determined. The results of the watershed boundary analysis are shown in Figure 1. The Figure supports a significant amount of drainage area outside the City limits that is upstream of the storm sewer inlet on 18<sup>th</sup> Avenue.

A field visit was completed to determine the outlet location of each key watershed and the outlet structure that could be observed. The following table summarizes the outlets for each of the watersheds shown in Figure 1.

Drainage Area (From Figure 1)	Outlet description
NE1	No outlet was observed but water could be heard in an underground tile system. It was assumed the outlet is tile system which goes under CR15 to watershed NE3. Due to the limited outlet capacity there would be storage of runoff prior to discharging downstream.
NE2	No outlet was observed but water could be heard in an underground tile system. The assumed outlet is tile system which goes under CR15 to watershed NE3. Due to the limited outlet capacity there would be storage of runoff prior to discharging downstream.
NE3	There is a failed small dam structure in this location. With repairs of the structure there appears to be an opportunity for additional detention in this watershed.

NE4	The watershed is drained via a stream and ditch system. The upper reaches of the ditch are in a natural valley and there is erosion of the stream occurring which adds sediment load to the runoff. This could impact the downstream storm sewer system. The natural drainage reach was intercepted by construction of a ditch about 1800 feet east of 18 <sup>th</sup> Avenue. The ditch drains the runoff very efficiently to the west and then south to the 18 <sup>th</sup> Avenue storm sewer system. It appears this man-made ditch changed the flow patterns in the watersheds which impacts the peak flow rates (increases them).
NW1	The outlet is a culvert under CR15, south to the 18 <sup>th</sup> Avenue ditch on the west side to watershed NW3. There would be some detention ponding in the watershed during larger events since the culvert appears to have been installed to provide drainage to reduce standing water and thus is not sized for large storm events. The downstream ditch along the west side of 18 <sup>th</sup> Avenue is not well defined.
NW2	The outlet is a culvert under CR15, south to the 18 <sup>th</sup> Avenue ditch on the east side to watershed NW4. There would be some detention ponding in the watershed during larger events, since the culvert appears to have been installed to provide drainage to reduce standing water and thus is not sized for large storm events. The ditch on 18 <sup>th</sup> Avenue is not well defined and during spring runoff events it was observed water was flowing in the field and not the ditch.
NW3	Drains via a culvert under 18 <sup>th</sup> Avenue west to watershed NW4. The culvert appeared to have some blockage and the drainage to the inlet was not clearly defined. This would support that some detention ponding will occur in this watershed during larger events.
NW4	The drainage pattern is such that there is a hill in the center of the watershed on the east side of the watershed and the drainage pattern is u-shape that goes first west, then south and then east around the hill. At the upper reach, the drainage is through the row crop field with no well defined path (natural flow path). As the ditch flows south the ditch is more defined and is well defined as a man-made channel as it flows east back to 18 <sup>th</sup> Avenue. The flow, then, is along the west side of 18 <sup>th</sup> Avenue and the crosses via a culvert to watershed NE4.
SE1	During a field visit in the spring it was observed that there is significant standing water in a low area east of 18 <sup>th</sup> Avenue and northeast of Maple Park Circle. There appears not to be an outlet to 18 <sup>th</sup> Avenue.
RES	The downstream residential watershed drains via the existing storm sewer system and was determined to be undersized and causes flooding in the watershed.

### Modeling

Based on this information, a computer model has been set up to analyze the impacts of using detention ponding in the upper watersheds. The program used was HydroCAD which is a Natural Resources Conservation Service based model.

Outlets observed in the field have been incorporated into the model. Since detailed surveys were not available for the upstream watershed outlets, assumptions were made on the size and outlet elevations based on USGS maps. Since the purpose of the project is to look at the relative impact of increased detention ponding, the analysis can be based on available information. As the project moves forward, more detailed information will become available and the modeling effort refined.

Three basic models have been set up to review the impacts of using storage upstream. These are:

- The existing drainage system with no planned upstream storage with the current 36-inch outlet;
- Existing drainage patterns with the proposed 54-inch outlet pipe modification;
- Use of planned storage upstream to allow for the outlet from the upstream drainage system to be reduced from the current 36-inch to a smaller outlet.

The outlet size would be reduced using a control structure with a gated outlet that can be set at various elevations to control the flow rates from the upstream watersheds. The outlet would be set at a lower elevation to detain stormwater and then could be opened to allow the full capacity of the downstream to be utilized once it is not needed for local drainage control (Area RES). This type of outlet is more dynamic and thus various outlet configurations can be used to determine the optimal operation of the system. Figure 2 shows the outlet type proposed.

The other key assumption is that the depth of water that would be ponded in each watershed. Based on the field visit and USGS contour maps, the areas next to 18<sup>th</sup> Avenue are very flat and thus provide the opportunity for additional storage. Based on the information available, it is assumed the target ponding depth would be 1 foot of water for the 10-year event and 2 feet for the 100-year event.

The assumed area impacted by ponding for watershed NW4 is about 10 acres (all storm events), NE4 is about 10 acres for 10-year and 20 acres for 100-year and for SE1 about 10 acres (all storm events). These assumptions are conservative and as stated earlier are based on field observations and USGS topography maps which are not as detailed as field surveys. If the concept of upstream storage is approved as a valid method to reduce flooding, additional information can be obtained by surveying the areas and discussing the impacts of the project with the landowners.

The results of the modeling indicate there is significant peak flow reduction from the upstream watershed if detention ponding is available. The results are provided in the following Table:

Modeling Scenario	Peak Flow at River Road		Downstream Storm Sewer Capacity (estimated)
	10-year	100-year	
Existing – 36-inch outlet	180 cfs	750 cfs	45 cfs
Proposed – 54-inch outlet	180 cfs	750 cfs	130 cfs
Proposed – 36-inch outlet with upstream detention ponding	25 cfs	115 cfs	45 cfs

The model indicates that there is significant benefit to using upstream ponding to reduce flooding in the residential area. The key point of the summary table is the amount of peak flow that is in excess of the storm sewer capacity. For the non-ponding options the amount of excess flow is well in excess of the pipe capacity and thus the runoff will have to flow overland through the neighborhoods and cause severe flooding. If detention ponding is utilized upstream, there is excess capacity in the existing system for the 10-year storm which would greatly aid in the reducing flooding in the neighborhoods. For the 100-year storm, the flow rate does exceed the pipe capacity, but is at a lesser rate. It would be possible to review the flow patterns and manage this excess flow rate.

Since the modeling shows detention ponding would significantly reduce the downstream flooding, each proposed detention area was reviewed to determine the City options to improve the property in return for

allowing short-term detention storage on the property. The following table summarizes the impact to each property owner:

Area	Comments
NE3	<p>The outlet structure has failed and there is some funding available to repair the structure. In return for using this area for detention ponding, the City would include the repair of the structure as part of the 18<sup>th</sup> Avenue project. This would include engineering and construction services.</p>
NE4	<p>The area currently does not have a defined low area except the manmade ditch that has rerouted the runoff. Land cover is currently natural grasses which can handle some additional ponding for short periods of time. One key point is had the ditch not been constructed to aid in draining the area, the water would have flowed southwest over the natural ground to watershed SE1. This would have provided natural detention for the watershed. It may be possible with a modification to the ditch to reestablish some of this natural flow pattern.</p> <p>The key to using additional detention storage in this area is to add an outlet structure to the inlet of the 36-inch storm sewer which reduces the flow downstream to well below that of the existing capacity of the storm sewer system. In return for using this area for detention, the City would work with the land owner to add some additional open water area to add to the diversity of the property and also provide long term maintenance for the drainage ditch system.</p>
NW4	<p>The ponding area is currently being used for hay production. Depending on the time of the flooding and duration, this land use would not be negatively impacted by some additional ponding. To assure the detention pond remains in this area, a berm should be constructed on the south side of the property as part of an access road. The advantage of the project to the property owner is a higher and drier access road (berm). Also, material will be needed for the berm which can be obtained from ditch cleaning and thus the ditch can be increased in width which will make it more efficient.</p> <p>One option may be to build a gated outlet on the west side of 18<sup>th</sup> Avenue that could be left open during harvest of the hay to assure the system operates as it currently does, and then close it partially during time when it is not as critical to have the area without any ponding of water in the area.</p>
SE1	<p>The area is currently a low area with no outlet. Historically the excess flows from this area have gone south through the neighborhoods and thus caused localized flooding. To assure this does not occur, a berm is proposed on the north side of the property. Also, the berm could be designed to be a snowmobile trail or walking trail. Since the site currently does not have an outlet, spring and other flooding occurs on the property. For use of the land for some planned detention ponding, the City would provide an outlet which would greatly reduce the long term standing water that currently exist.</p>

**Cost Estimates**

The proposed project consists of:

- a revised outlet structure at the inlet to the 36-inch inlet at 18<sup>th</sup> Avenue and Red Leaf Court,
- berming on the north end of the residential areas to prevent runoff from going through the neighborhoods,
- excavation to improve ditches and increase open water and detention storage (cost part of berm building),
- restoration of the disturbed areas,
- possibly a gated outlet on the culvert that goes under 18<sup>th</sup> Avenue from drainage area NW4, and
- cost share with SWCD and landowner to repair a small concrete structure.

Figure 3 shows the locations of the proposed projects and the following table summarized the costs:

<b>Item</b>	<b>Cost Estimate</b>
Special Outlet structure at 18 <sup>th</sup> Avenue (east side)	\$17,500
Berm east side of 18 <sup>th</sup> Avenue (north of Maple Park Circle and Jamison Drive)	\$22,000
Berm west side of 18 <sup>th</sup> Avenue (north of Red Leaf Court and Great Bend Blvd)	\$ 7,000
Berm parallel to west side of 18 <sup>th</sup> Avenue (connects residential berms)	\$ 3,000
Restoration	\$ 1,000
Gated outlet from watershed NW4	\$ 5,000
<b>Total</b>	<b>\$55,500</b>
Mobilization	\$ 5,000
25% Contingencies (includes 10% SWCD cost share requirement of about \$2000)	\$15,125
<b>Estimation of Construction Costs</b>	<b>\$75,625</b>

### Conclusions

- Upstream rural watersheds contribute to the flooding of residential areas that drain to the 18<sup>th</sup> Avenue storm sewer system.
- The downstream drainage system is not designed to convey runoff from the upstream watersheds and thus excess runoff finds its own flow paths through the neighborhoods causing flooding.
- The upstream runoff will use up all the capacity of the downstream drainage system storm sewer and thus localized flooding would be expected since the drainage system is not available for the local runoff.
- Based on the preliminary modeling and available data, planned upstream ponding can significantly reduce the downstream flooding.
- Increased pipe size in 18<sup>th</sup> Avenue to a 54-inch storm sewer would reduce some of the flooding for smaller storm events, but to protect the downstream neighborhoods from larger flooding events, detention ponding upstream will be required.
- Although the best option is to use all four detention areas, reduced flooding can be realized by using combinations of the four options outlined in the preliminary report.
- The revised outlet at the inlet to the 18<sup>th</sup> Avenue storm sewer system at Red Leaf Court which drains the upstream watersheds will provide immediate benefit to the downstream property owners even without any planned storage upstream.

### Recommendations

- Since upstream detention ponding would be recommended even with an increase in pipe size in 18<sup>th</sup> Avenue, detention ponding upstream using the existing outlet system (36-inch storm sewer) with a modified outlet structure should be pursued.
- Since much of the information for this preliminary report was based on limited data, additional surveys of each property should be obtained prior to any negotiation with property owners.
- The City will need to contact landowners to get permission to complete additional surveys.
- Revise the modeling effort based on which landowners are interested in participating in the project.
- Meeting with property owners to explain the project and the benefits they will receive as part of the project.
- Build the outlet structure even without any upstream ponding agreements to allow for control of the upstream flows to maximize the use of the storm sewer system.
- Work with SWCD and landowner to design a replacement outlet for drainage area NW3 to take advantage of the available \$20,000 for the project (requires a 10% match by the City).

rjk

Attachments (Figures 1, 2 and 3)

c: Steve Robinson, SEH

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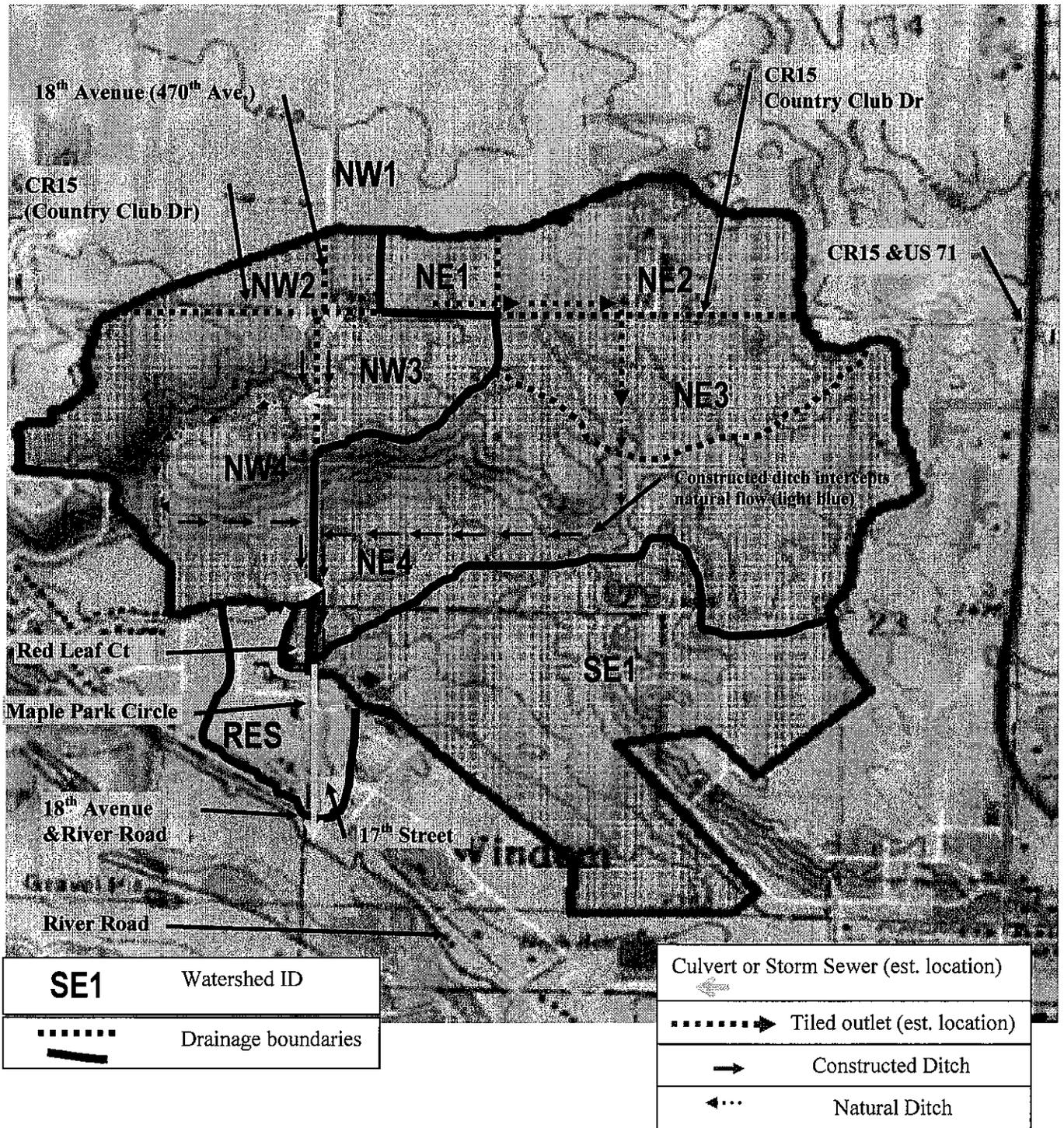


Figure 1 – Watershed Areas

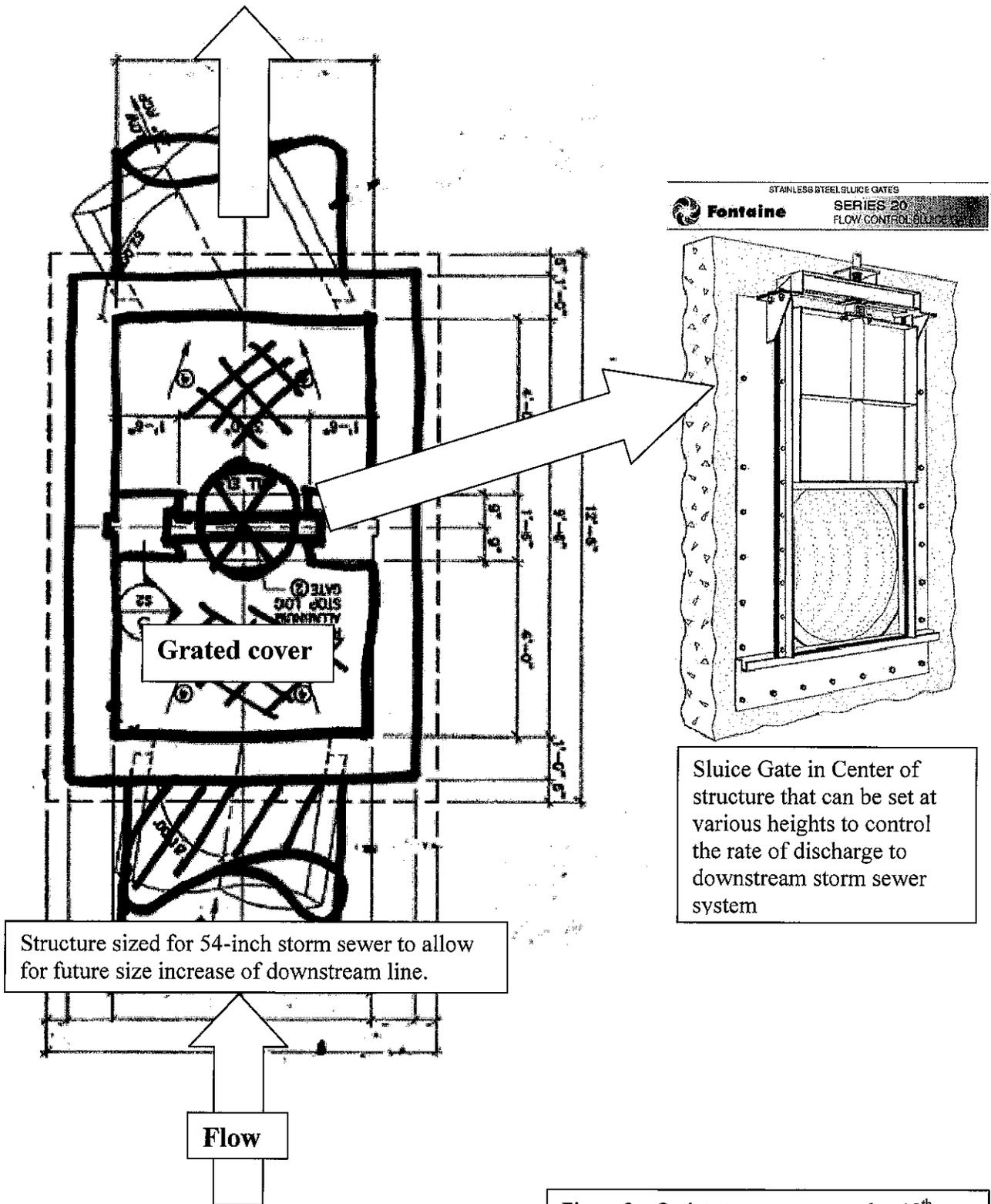


Figure 2 – Outlet structure proposed at 18<sup>th</sup> Avenue and Red Leaf Court

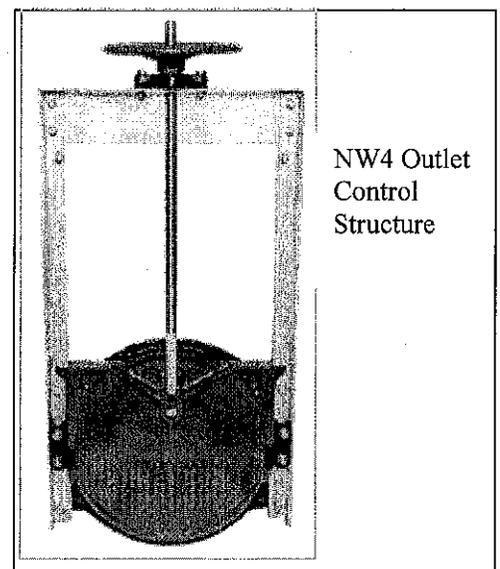
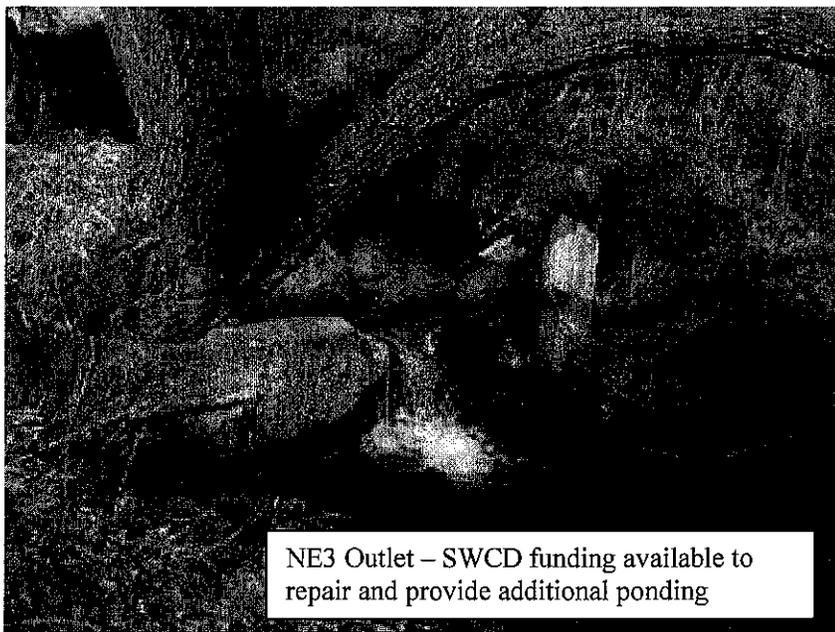
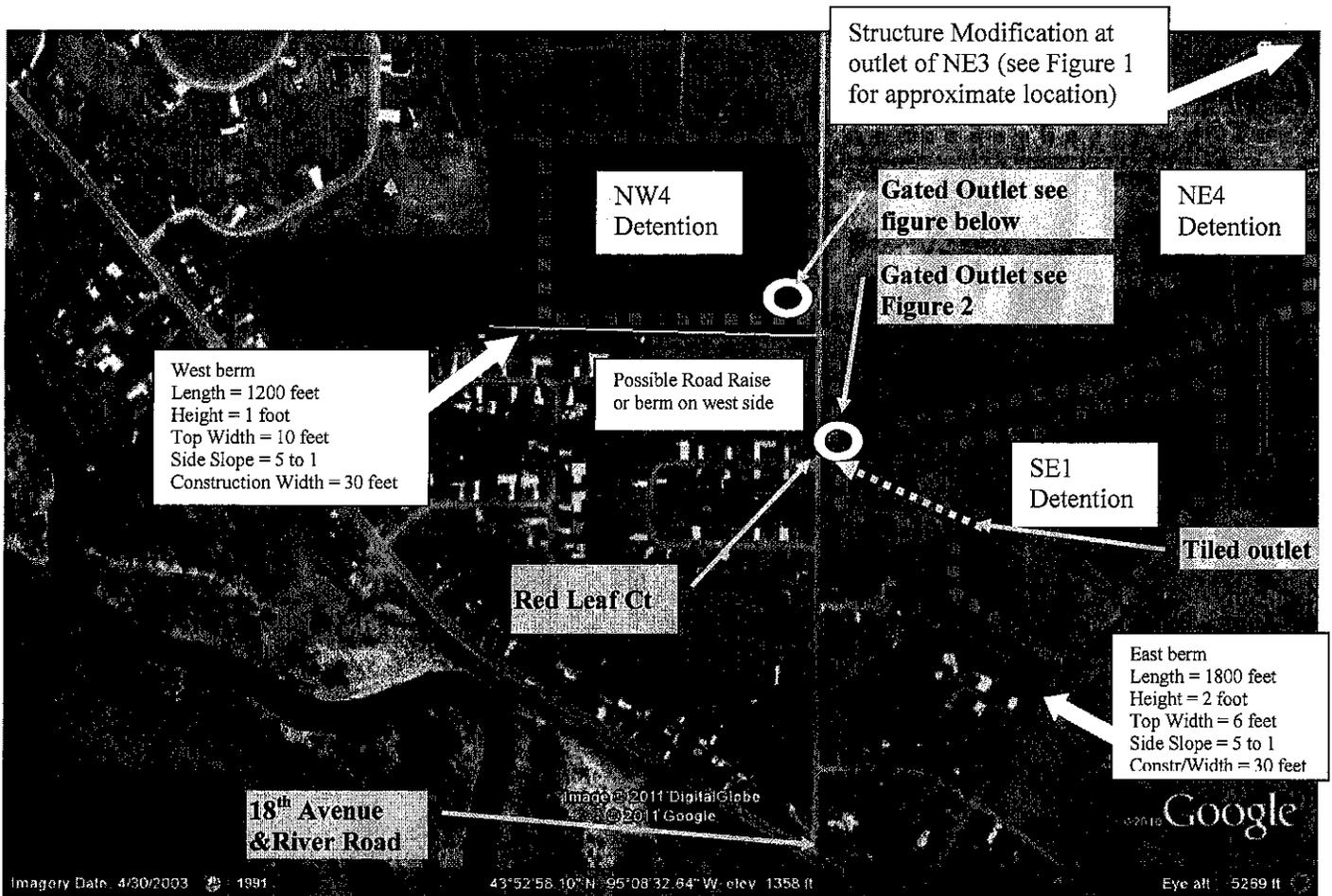


Figure 3 – Proposed Projects

## RESOLUTION #2011-

**INTRODUCED:**

**SECONDED:**

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

### **RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR THE HIGHWAY 60 WATER MAIN IMPROVEMENT PROJECT**

---

**WHEREAS**, a certain petition requesting the improvement of the Highway 60 water mains located between 6<sup>th</sup> and 12<sup>th</sup> Streets and adjacent to property described as: Lots 1, 2, 3, and 4 of Block 52, Windom Second Addition; East 90' of Lot 1 and all of Lot 2, Block 10, Windom Original Townsite; Lots 3, 4, 5, and 6, Block 10, Windom Original Townsite; West 100' of North 100' of Block 1, Windom Original Townsite; and South 75' of Block 2, Windom Original Townsite, was presented to the Council on July 19, 2011; and

**WHEREAS**, a feasibility report has been prepared by Wenck Associates with reference to the improvement, and this report was received by the Council on July 19, 2011; and

**WHEREAS**, the Utility Commission met on May 25, 2011, and made the recommendation to approve the water main improvements at an estimated cost of \$151,719.

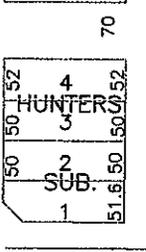
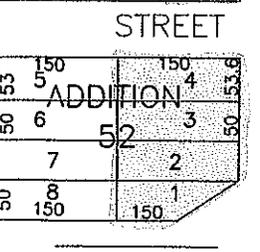
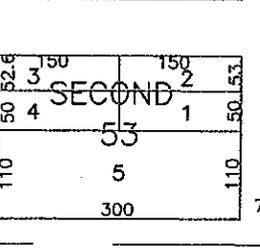
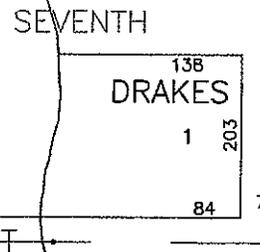
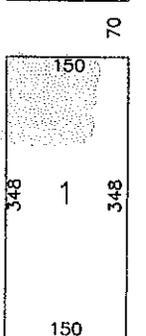
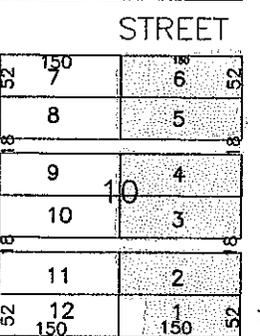
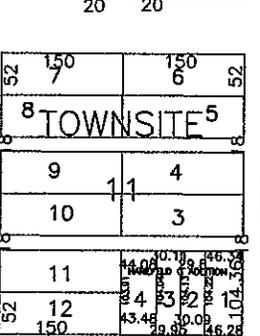
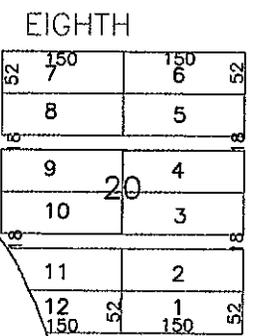
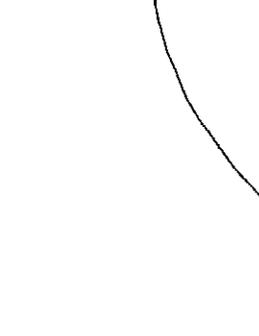
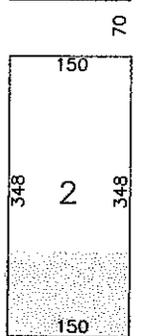
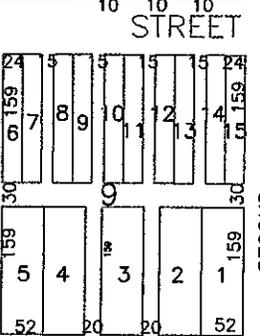
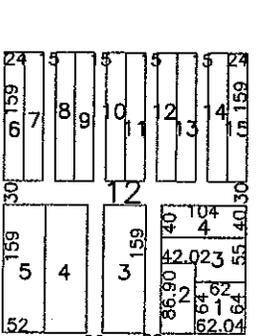
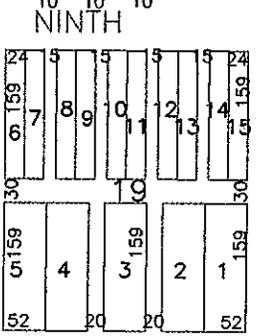
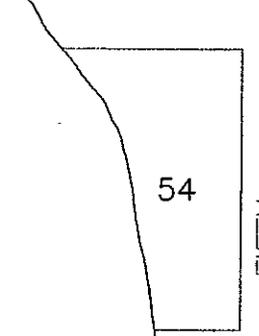
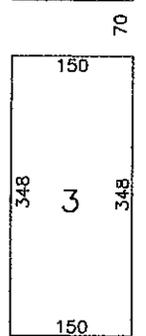
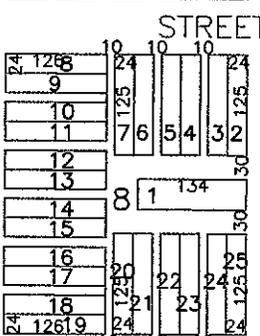
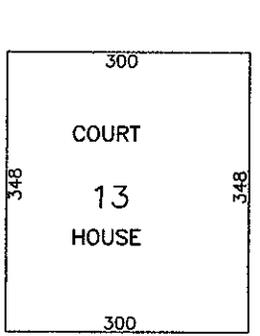
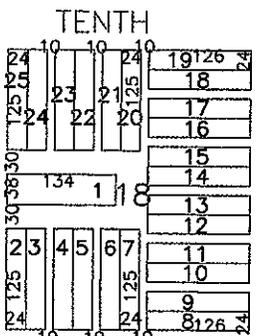
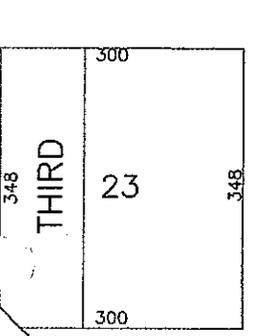
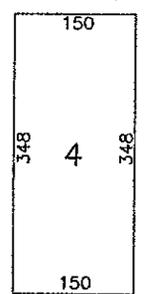
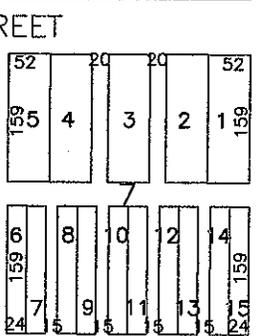
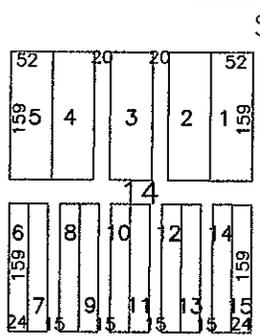
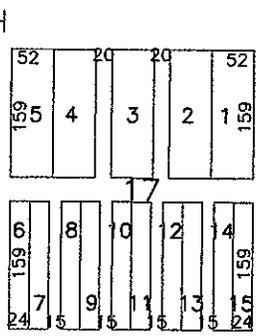
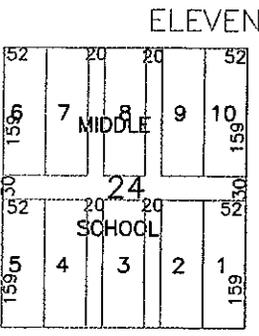
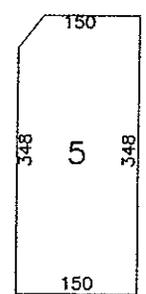
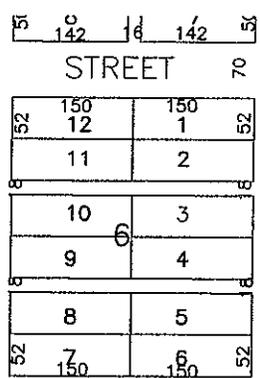
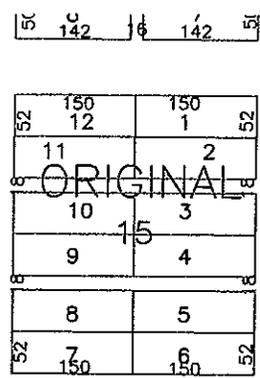
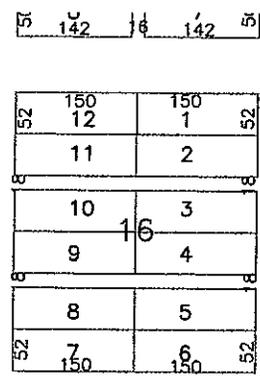
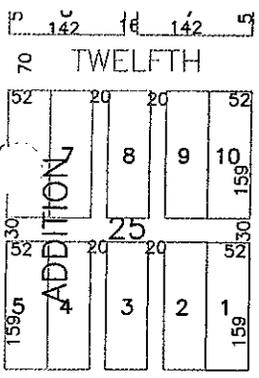
### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINDOM, MINNESOTA, AS FOLLOWS:**

1. The Council finds and determines that said petition was voluntarily signed by owners of real property served by the water main named as the location of the improvement.
2. Such improvements, as outlined in the feasibility report and recommended by the Utility Commission, are hereby ordered.
3. Wenck Associates is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
4. The Water Department will contribute \$128,475.25 to the project.
5. The benefited property owners will be assessed for the remainder of the costs of the improvements pursuant to Minnesota Statutes, Chapter 429.

Adopted by the Council this 19th day of July, 2011.

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

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



25

70 STREET

AVENUE

UNION PACIFIC RAILROAD

**Petition for Local Improvements  
Windom, Minnesota  
September 21, 2010**

To the City Council of Windom, Minnesota:

We, owners of real property abutting or near Highway 60/71 (aka 2nd Avenue) in Windom, Minnesota, connected to a water main running under Second Avenue, hereby petition that municipal water and other applicable improvements, as necessary for the relocation of water mains, services and any related project improvements, be made pursuant to Minnesota Statutes, Chapter 429, and that the City assess a pro-rated cost of the improvements against our property described below. We hereby agree to pay the costs as apportioned by the City to bring said improvements to the properties described herein.

In witness whereof, we have executed this Petition on the dates set forth herein.

**Signatures of Owner(s)**

Robert C Ford

Date: 12/02/10

Witness: Jff Rosary

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

**Signatures of Owner(s)**

**Property Description and Owners**

25-822-1080  
Casey's Retail Co.  
Attn: Accounting Dept.  
P. O. Box 3001  
Ankeny, IA 50021  
Property Address: 220 Sixth Street  
Lots 1, 2, 3, 4, Ex. W. 10', Block 52, Windom  
Second Addition

25-820-0570  
Robert A. Hanson  
224 Seventh Street  
Windom, MN 56101  
Property Address: 224 Seventh Street  
Lot 1, Block 10 - West 60', Windom O.T.

25-820-0580  
Erickson Oil Products, Inc.  
1231 Industrial Road  
Hudson, WI 54016  
Property Address: 712 Second Avenue  
(Freedom Station)  
Lot 1 - E' 90' & Lot 2, Block 10, Windom O.T.

25-820-0610  
White Sky Rock LLC  
2815 Clearwater Road  
St. Cloud, MN 56301  
Property Address: 764 Second Avenue  
(Auto Value f.k.a. H & W Auto Parts)  
Lots 5 & 6, Block 10, Windom O.T.

**Property Description and Owners**

Petition for Local Improvements  
Windom, Minnesota  
September 21, 2010

To the City Council of Windom, Minnesota:

We, owners of real property abutting or near Highway 60/71 (aka 2nd Avenue) in Windom, Minnesota, connected to a water main running under Second Avenue, hereby petition that municipal water and other applicable improvements, as necessary for the relocation of water mains, services and any related project improvements, be made pursuant to Minnesota Statutes, Chapter 429, and that the City assess a pro-rated cost of the improvements against our property described below. We hereby agree to pay the costs as apportioned by the City to bring said improvements to the properties described herein.

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**Property Description and Owners**

25-822-1080

Casey's Retail Co.

Attn: Accounting Dept.

P. O. Box 3001

Ankeny, IA 50021

Property Address: 220 Sixth Street

Lots 1, 2, 3, 4, Ex. W. 10', Block 52, Windom  
Second Addition

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

25-820-0570

Robert A. Hanson

224 Seventh Street

Windom, MN 56101

Property Address: 224 Seventh Street

Lot 1, Block 10 - West 60', Windom O.T.

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

*Erickson Oil Products, Inc*  
*By: Gary M. H. W. O. VP - CFO*

25-820-0580

Erickson Oil Products, Inc.

1231 Industrial Road

Hudson, WI 54016

Property Address: 712 Second Avenue

(Freedom Station)

Lot 1 - E' 90' & Lot 2, Block 10, Windom O.T.

Date: 9-27-10

Witness: \_\_\_\_\_

25-820-0610

White Sky Rock LLC

2815 Clearwater Road

St. Cloud, MN 56301

Property Address: 764 Second Avenue

(Auto Value f.k.a. H & W Auto Parts)

Lots 5 & 6, Block 10, Windom O.T.

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

**Petition for Local Improvements  
Windom, Minnesota  
September 21, 2010**

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**Signatures of Owner(s)**

\_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_



Date: 5/23/11

Witness:   5/23/11

**Signatures of Owner(s)**

**Property Description and Owners**

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Attn: Accounting Dept.  
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Hudson, WI 54016  
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Lot 1 - E' 90' & Lot 2, Block 10, Windom O.T.

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2815 Clearwater Road  
St. Cloud, MN 56301  
Property Address: 764 Second Avenue  
(Auto Value f.k.a. H & W Auto Parts)  
Lots 5 & 6, Block 10, Windom O.T.

**Property Description and Owners**

  
Date: 7-13-11  
Witness: Travis Anderson Mike Hanyard

25-820-0030  
Richard & Charlotte Linscheid  
61681 State Highway 60  
Butterfield, MN 56120  
Property Address: 765 Second Avenue

Block 1 - W 100' of N 100', Windom O. T.

Date: \_\_\_\_\_  
Witness: \_\_\_\_\_

25-820-0050  
GPI Properties 1995 LLC  
c/o Deloitte Tax LLP  
191 Peachtree Street NE, Ste. 1500  
Atlanta, GA 30303  
Property Address: 186 Eighth Street  
(CarQuest)

Block 2 - South 75', Windom O. T.

Date: \_\_\_\_\_  
Witness: \_\_\_\_\_

25-820-0140  
Robert J. Christopherson  
1128 Second Avenue  
Windom, MN 56101  
Property Address: 1128 Second Avenue  
Lot 4, Block 6 - East 135', Windom O. T.

Date: \_\_\_\_\_  
Witness: \_\_\_\_\_

I decline the voluntary assessment process.

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvements petitioned herein.

Date: \_\_\_\_\_

\_\_\_\_\_  
Windom City Clerk/City Administrator

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_  
*Arnold E. Cole*

Date: 6/20/11

Witness: *Melissa V. Alfred*

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

25-820-0030  
Richard & Charlotte Linscheid  
61681 State Highway 60  
Butterfield, MN 56120  
Property Address: 765 Second Avenue

Block 1 - W 100' of N 100', Windom O. T.

25-820-0050  
GPI Properties 1995 LLC  
c/o Deloitte Tax LLP  
191 Peachtree Street NE, Ste. 1500  
Atlanta, GA 30303  
Property Address: 186 Eighth Street  
(CarQuest)  
Block 2 - South 75', Windom O. T.

25-820-0140  
Robert J. Christopherson  
1128 Second Avenue  
Windom, MN 56101  
Property Address: 1128 Second Avenue  
Lot 4, Block 6 - East 135', Windom O. T.

I decline the voluntary assessment process.

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvements petitioned herein.

Date: \_\_\_\_\_

\_\_\_\_\_  
Windom City Clerk/City Administrator



Wenck Associates, Inc.  
440 10<sup>th</sup> St  
P.O. Box 453  
Windom, 56101

(507)831-5969  
Fax (507) 831-5271  
E-mail: wenckwin@wenck.com

July 14, 2011

City of Windom  
444 9<sup>th</sup> Street  
Windom, Minnesota 56101

Re: Preliminary Report  
T.H.60/71 Watermain Improvements  
Wenck Project Number 0045-30

This letter presents our preliminary finding on the proposed utility improvements for the removal of the watermain in T.H. 60/71 from 7<sup>th</sup> Street to 10<sup>th</sup> Street and 11<sup>th</sup> Street to 12<sup>th</sup> Street in the City of Windom, Minnesota. This project was initiated by Mr. Mike Haugen, water/wastewater superintendent, after several watermain breaks have occurred and the large expense for detouring traffic around the breaks and the cost of repairs.

#### Field Observations and Measurements -

Our work consisted of utilizing existing utility maps of the area as well as measurements in the area to determine the length of the watermain and required appurtenances.

The existing watermain on T.H. 60/71 between 7<sup>th</sup> Street and 9<sup>th</sup> Street and 10<sup>th</sup> Street to 11<sup>th</sup> Street are cast iron and are the portions to be eliminated. There is an additional 4" cast iron watermain on 3<sup>rd</sup> Avenue and is to be used for servicing the homes and businesses on the west side of T.H. 60/71. There is no watermain on 7<sup>th</sup> or 8<sup>th</sup> Streets in this area, and there is a 6" watermain on 9<sup>th</sup> Street, a 10" watermain on 10<sup>th</sup> Streets and a 6" watermain on 11<sup>th</sup> Street.

The houses and businesses along T.H. 60 in the affected area are as follows:

- 1) Casey's General Store, 612 2<sup>nd</sup> Avenue, Windom, MN 56101
- 2) Freedom Valu Center, 712 2<sup>nd</sup> Avenue, Windom, MN 56101
- 3) H & W Motor Parts, 764 2<sup>nd</sup> Avenue, Windom, MN 56101
- 4) LA Motor Sports, 765 2<sup>nd</sup> Avenue, Windom, MN 56101
- 5) Car Quest, 186 8<sup>th</sup> Street, Windom, MN 56101

Amoco Oil Company & Happy Chef Restaurant have already been connected to the watermain on 1<sup>st</sup> Avenue and have paid for their services.

Proposed Improvements –

The following improvements should be considered:

- 1) Install 6" watermain along 7<sup>th</sup> Street from 3<sup>rd</sup> Avenue to a deadend hydrant near Casey's General Store. Install services to Casey's General Store, Freedom Valu Center from this newly installed watermain.
- 2) Install water service off existing watermain on 3<sup>rd</sup> Avenue along north alley to H & W Motor Parts
- 3) Install water service off existing watermain on 1<sup>st</sup> Avenue to LA Motorsports
- 4) Install water service off existing watermain on 1<sup>st</sup> Avenue to Car Quest.
- 5) Install in a steel casing a 6" watermain across TH 60/71 at 9<sup>th</sup> Street, while abandoning the existing 6" watermain under TH 60/71. Add 6" valves and boxes outside of the right of way and remove existing hydrant.
- 6) Install in a steel casing a 6" watermain across TH 60/71 at 10<sup>th</sup> Street, while abandoning the existing 6" watermain under TH 60/71. Add 6" valves and boxes outside of the right of way and remove existing hydrant.

Cost Estimate –

The estimated cost of all the improvements is \$151,719.00

The proposed assessments for the individual connections are as follows:

1) Casey's General Store -	\$4350.00
2) Freedom Valu Center -	\$4400.00
3) H & W Motor Parts -	\$5625.00
4) LA Motor Sports -	\$4450.00
5) Car Quest -	<u>\$4418.75</u>
TOTAL -	\$23,243.75

We have attached a complete cost estimate for your reference.

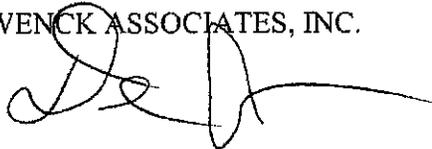
Conclusion and Recommendations-

Based on our field observations and measurements, our comments are as follows:

- 1) The watermain under TH60/71 will be abandoned in-place and all the affected businesses and residential houses will be either connected to existing watermains or newly installed watermain. The improvements are feasible as outlined.

We would be available to discuss this report at your convenience.

WENCK ASSOCIATES, INC.



Dennis Johnson, P.E.  
License number 15051

Attachments:

Estimate of Probable Cost

Estimate of Service Assessments

Hwy 60 Watermain & Service Improvements Plans

CITY OF WINDOM  
 TH 60 WATER SERVICE REPLACEMENT  
 ESTIMATE OF PROBABLE COST

ITEM	UNIT	TOTAL ESTIMATED QUANTITY	UNIT PRICE	AMOUNT
WATER SERVICES				
6" WATERMAIN	L.F.	450	\$ 20.00	\$ 9,000.00
6" VALVE & BOX	EACH	6	\$1,200.00	\$ 7,200.00
10" VALVE & BOX	EACH	2	\$2,400.00	\$ 4,800.00
HYDRANT	EACH	1	\$3,500.00	\$ 3,500.00
REMOVE HYDRANT	EACH	2	\$1,500.00	\$ 3,000.00
REMOVE VALVE	EACH	2	\$ 500.00	\$ 1,000.00
4" SLEEVE	EACH	1	\$ 350.00	\$ 350.00
6" SLEEVE	EACH	2	\$ 350.00	\$ 700.00
6" PLUG	EACH	3	\$ 450.00	\$ 1,350.00
6" TEE	EACH	2	\$ 450.00	\$ 900.00
6" x 4" REDUCER	EACH	2	\$ 450.00	\$ 900.00
6" 45 DEG. BEND	EACH	4	\$ 450.00	\$ 1,800.00
10" 45 DEG. BEND	EACH	4	\$ 550.00	\$ 2,200.00
BORE 12" CASING	L.F.	160	\$ 150.00	\$ 24,000.00
BORE 20" CASING	L.F.	80	\$ 250.00	\$ 20,000.00
1" CORP STOP	EACH	5	\$ 150.00	\$ 750.00
1" CURB STOP	EACH	5	\$ 300.00	\$ 1,500.00
1" TYPE K COPPER SERVICE OPEN TRENCH	L.F.	890	\$ 15.00	\$ 13,350.00
BORE SERVICE	L.F.	745	\$ 15.00	\$ 11,175.00
BITUMINOUS PATCHING	S.Y.	200	\$ 30.00	\$ 6,000.00
CURB REPAIR	L.F.	50	\$ 30.00	\$ 1,500.00
SIDEWALK REPAIR	S.F.	300	\$ 5.00	\$ 1,500.00
CONNECT TO SERVICES				
CASEY	EACH	1	\$ 300.00	\$ 300.00
FREEDOM	EACH	1	\$1,500.00	\$ 1,500.00
H & W	EACH	1	\$ 300.00	\$ 300.00
LA MOTORSPORTS	EACH	1	\$ 500.00	\$ 500.00
CARQUEST	EACH	1	\$ 300.00	\$ 300.00
ROCK SUBFOUNDATION	C.Y.	100	\$ 20.00	\$ 2,000.00
SUBTOTAL				\$ 121,375.00
CONTINGINCIES, ENG, LEGAL				\$ 30,344.00
TOTAL ESTIMATED COST				\$ 151,719.00

**City of Windom  
Highway 60 Watermain Relocation Project  
Estimated Service Assessments**

Service Location	Estimated Base Cost to Curb Stop	Estimated Cost to Structure From Curb Stop	Restoration Cost	Estimated Cost for Internal Connection in Structure	Total
Casey's	\$ 1,400.00	\$ 2,650.00	\$ -	\$ 300.00	\$ 4,350.00
Freedom	\$ 1,400.00	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 4,400.00
H&W	\$ 1,400.00	\$ 3,550.00	\$ 375.00	\$ 300.00	\$ 5,625.00
LA Motorsports	\$ 1,400.00	\$ 2,175.00	\$ 375.00	\$ 500.00	\$ 4,450.00
Carquest	\$ 1,400.00	\$ 2,343.75	\$ 375.00	\$ 300.00	\$ 4,418.75
<b>Total Assessment</b>					<b>\$23,243.75</b>

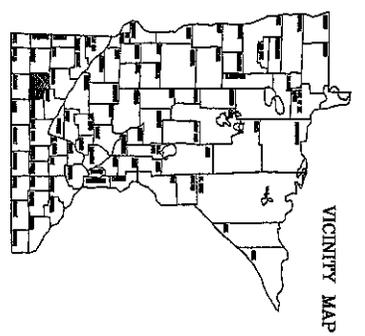
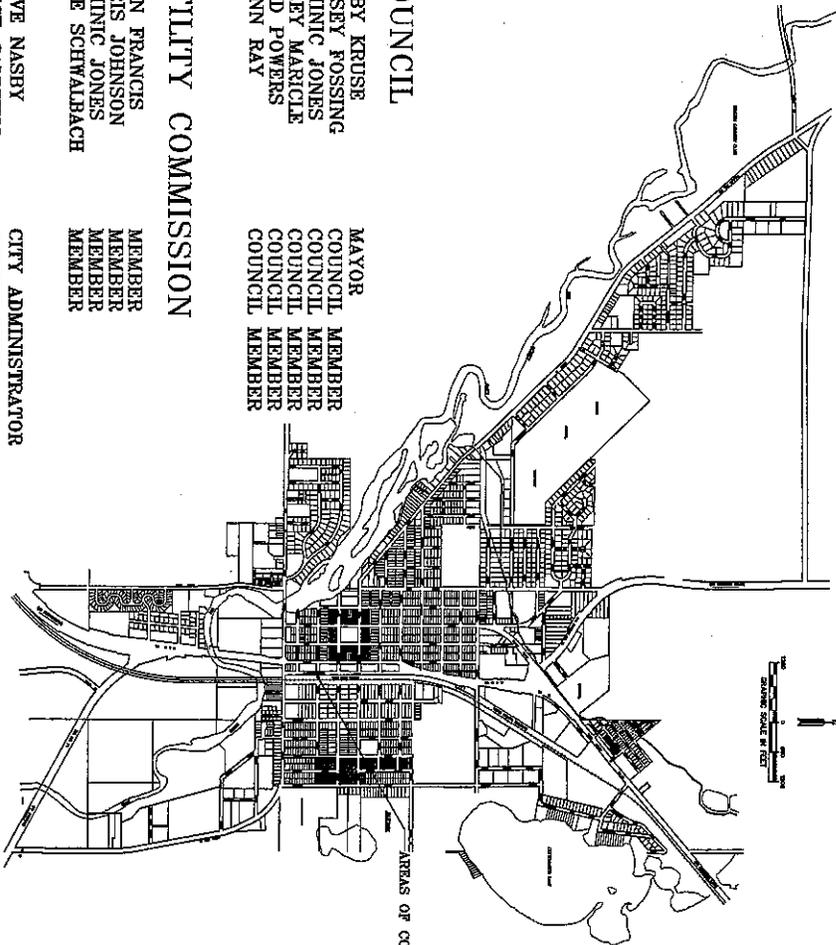
**Notes:**

Cost per foot Directional Boring = \$25 per foot

Cost per foot Open Trench = \$18.75

Cost to Structure includes an estimate for internal work where appropriate.

# 2011 CITY OF WINDOM HIGHWAY 60 WATERMAIN AND SERVICE IMPROVEMENTS WINDOM, MINNESOTA



**COUNCIL**  
 KIRBY KRUSE  
 KELSEY FOSSING  
 DOMINIC JOHNS  
 COREY MARCIE  
 BRAD POWERS  
 JOANN RAY

**UTILITY COMMISSION**  
 GLEN FRANCIS  
 CHRIS JOHNSON  
 DOMINIC JOHNS  
 MIKE SCHWALBACH

STEVE NASBY  
 BRUCE CALDWELL  
 MARY GRUNIG  
 MIKE HAUGEN

**MAYOR**  
 COUNCIL MEMBER  
 COUNCIL MEMBER  
 COUNCIL MEMBER  
 COUNCIL MEMBER  
 COUNCIL MEMBER

MEMBER  
 MEMBER  
 MEMBER  
 MEMBER

CITY ADMINISTRATOR  
 STREET SUPT.  
 ELECTRICAL UTILITY MANAGER.  
 WATER & WASTE SUPPLY.

- G-001
- G-002
- G-003
- C-101
- C-102
- C-103
- C-104
- C-105

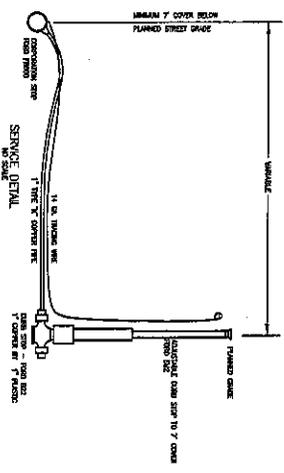
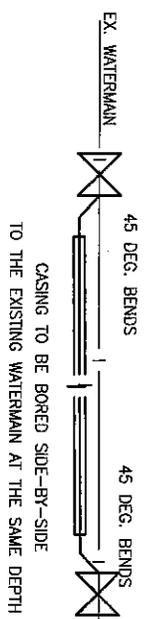
**INDEX OF SHEETS**

INDEX OF SHEETS	TITLE AND INDEX SHEET
G-001	OVERALL SITE LAYOUT
G-002	QUANTITIES & WATERMAIN DETAILS
G-003	PLAN VIEW - PROJECT AREA
C-101	PLAN VIEW - PROJECT AREA
C-102	PLAN VIEW - PROJECT AREA
C-103	7TH STREET PLAN AND PROFILE
C-104	9TH STREET PLAN AND PROFILE
C-105	10TH STREET PLAN AND PROFILE

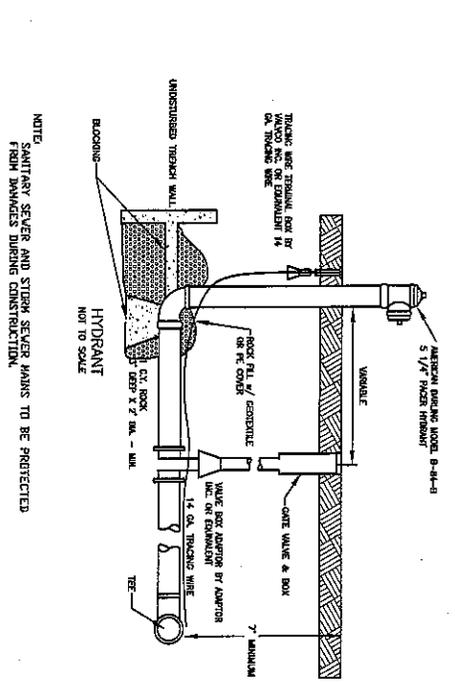
<p><b>PROJECT CONSULTANT</b></p> <p><b>Wenck</b>          2000 W. WISCONSIN ST. SUITE 200          WINDOM, MN 56101          507-835-4200</p> <p><b>SUB CONSULTANT</b></p> <p><small>I HEREBY CERTIFY THAT THE SEAL, SIGNATURE, AND EXPIRATION DATE OF THIS PROFESSIONAL ENGINEER'S LICENSE WAS VERIFIED FROM THE STATE OF MINNESOTA RECORDS. I HAVE REVIEWED THE PROJECT FROM THE TIME OF THE DESIGN TO THE DATE OF THIS CERTIFICATE.</small></p> <p>DATE: 06/24/2011    REG. NO.: 18293</p> <p>SCALE: _____</p>	<p><b>PROJECT TITLE</b></p> <p>2011 CITY OF WINDOM          HIGHWAY 60          WATERMAIN &amp; SERVICE IMPROVEMENTS</p> <p><b>SHEET TITLE</b></p> <p>TITLE SHEET          &amp; INDEX OF SHEETS</p> <p><b>DATE PLOTTED</b> 06/24/2011</p> <p><b>DATE PRINTED</b> 06/24/2011</p> <p><b>PROJECT NO.</b> 004-5-30</p> <p><b>SHEET NO.</b> C-001</p> <p><b>TOTAL SHEETS</b> 10</p>
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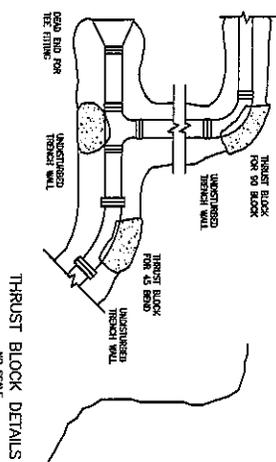
ITEM	UNIT	ESTIMATED QUANTITY	UNIT PRICE	AMOUNT
<b>WATER SERVICES</b>				
6" WATERMAIN	L.F.	450	\$ 20.00	\$ 9,000.00
6" VALVE & BOX	EACH	6	\$1,200.00	\$ 7,200.00
6" VALVE & BOX	EACH	2	\$2,400.00	\$ 4,800.00
HYDRANT	EACH	1	\$3,500.00	\$ 3,500.00
HYDRANT APPROPRIATE	EACH	2	\$1,500.00	\$ 3,000.00
REMOVE VALVE	EACH	1	\$ 300.00	\$ 300.00
6" SLEEVE	EACH	2	\$ 500.00	\$ 1,000.00
6" PILE	EACH	2	\$ 450.00	\$ 900.00
6" x 4" RELAY/CLIP	EACH	2	\$ 450.00	\$ 900.00
6" x 4" DIE BEND	EACH	4	\$ 450.00	\$ 1,800.00
6" x 4" DIE BEND	EACH	4	\$ 550.00	\$ 2,200.00
BORE STOP	L.F.	10	\$ 250.00	\$ 2,500.00
BORE STOP	L.F.	80	\$ 250.00	\$ 20,000.00
BORE STOP	L.F.	80	\$ 150.00	\$ 12,000.00
T-CURB STOP	EACH	6	\$ 300.00	\$ 1,800.00
T-TYPE K COPPER SERVICE OPEN TRENCH	L.F.	745	\$ 15.00	\$ 11,175.00
BORE SERVICE	S.F.	200	\$ 30.00	\$ 6,000.00
BIRMINGHAM PATCHING	S.F.	300	\$ 5.00	\$ 1,500.00
BORE REPAIR	S.F.	300	\$ 5.00	\$ 1,500.00
CONNECT TO SERVICES	EACH	1	\$ 300.00	\$ 300.00
CASEY	EACH	1	\$1,500.00	\$ 1,500.00
FREEDOM	EACH	1	\$ 300.00	\$ 300.00
HANSON	EACH	1	\$ 300.00	\$ 300.00
H & W	EACH	1	\$ 500.00	\$ 500.00
LA MOTORSPORTS	EACH	1	\$ 300.00	\$ 300.00
CASCADE	EACH	1	\$ 200.00	\$ 200.00
ROCK SUBORDINATION	C.Y.	100	\$ 20.00	\$ 2,000.00
<b>SUBTOTAL</b>				
CONTINGENCIES, ENCL. LEGAL				
\$ 123,200.00				
TOTAL ESTIMATED COST				
\$ 154,083.00				



- NOTES:**
- HYDRANT MAIN HOLES SHALL BE LEFT OPEN UNLESS THE CONTRACTOR HAS A PLAN TO REPAIR THEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST TO REPAIR THE HOLES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST TO REPAIR THE HOLES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST TO REPAIR THE HOLES.
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  - HYDRANTS SHALL BE AMERICAN W.M. FOR PRESSURE SERVICE ONLY.

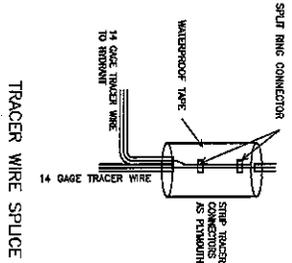


**NOTE:**  
SANITARY SEWER AND STORM SEWER MAINS TO BE PROTECTED FROM DAMAGES DURING CONSTRUCTION.



**THRUST BLOCK DETAILS**  
NO SCALE

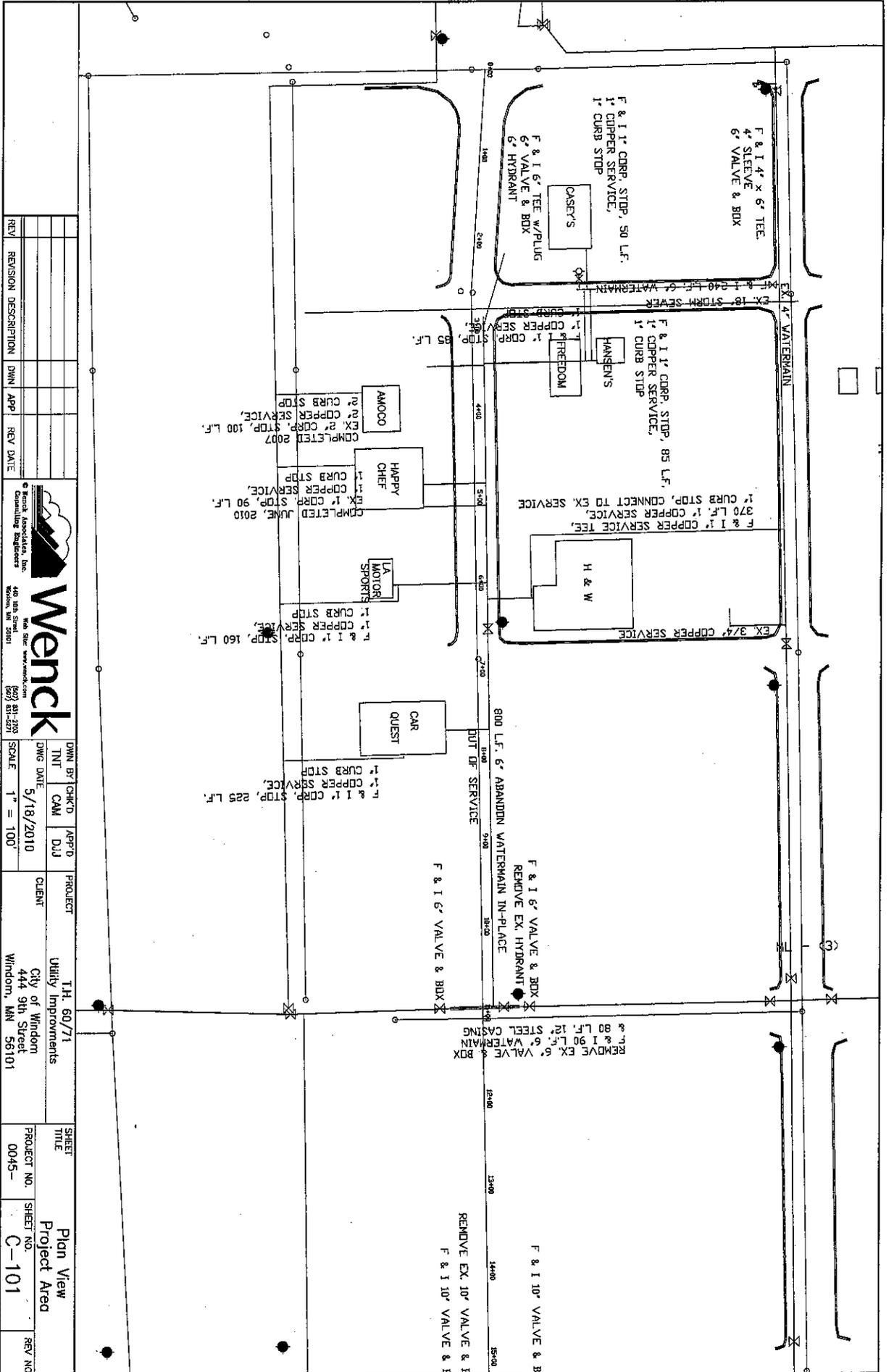
- NOTES:**
- THRUST BLOCKS ARE REQUIRED AT ALL 90 DEGREE BENDS IN DIRECTION OF FLOW. THRUST BLOCKS SHALL BE CONCRETE. THRUST BLOCKS SHALL BE CONCRETE. THRUST BLOCKS SHALL BE CONCRETE.
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**TRACER WIRE SPLICE**

- NOTES:**
- DO NOT PILE END OF CASE STOP.
  - THE USE OF PILE END IS NOT PERMITTED.
  - THE COVER OF PILE END IS NOT PERMITTED.
  - CONCRETE COVER TO BE 7" NEAR SPLITTER.
  - CONCRETE SHALL BE 2800 PSI.
  - CONCRETE SHALL BE 2800 PSI.
  - CONCRETE SHALL BE 2800 PSI.

		<b>City of Windom</b> 444 9th Street Windom, MN 56101	
		<b>Wenck</b> Professional Engineering & Surveying 1000 1st Street SW Windom, MN 56101 Phone: 507-835-2222 Fax: 507-835-2223	
<b>PROJECT TITLE</b> CITY OF WINDOM HYDRANT GO WATERMAIN & SERVICE IMPROVEMENTS		<b>DATE</b> JUNE 23, 2010 <b>REV. NO.</b> 1001	
<b>QUANTITIES</b> & WATERMAIN MISC. DETAILS		<b>SCALE</b> AS SHOWN	
<b>DATE</b> JUNE 2010		<b>REV. NO.</b> G-003	



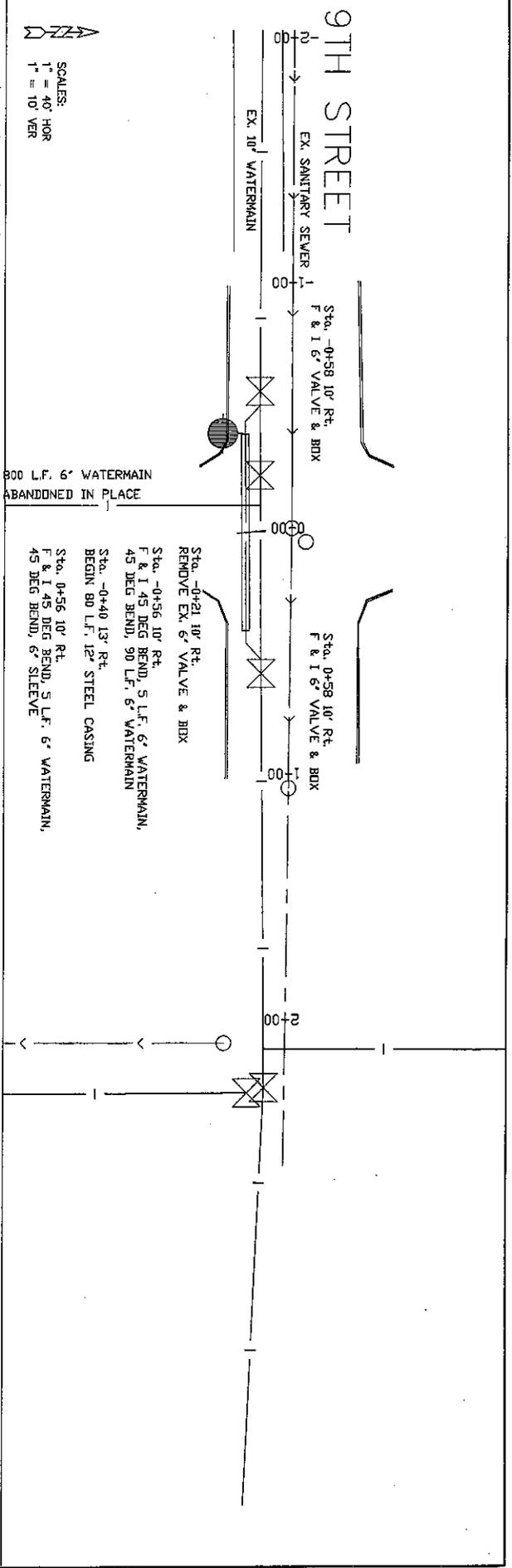
REV.	REVISION DESCRIPTION	DWN.	APP.	REV. DATE

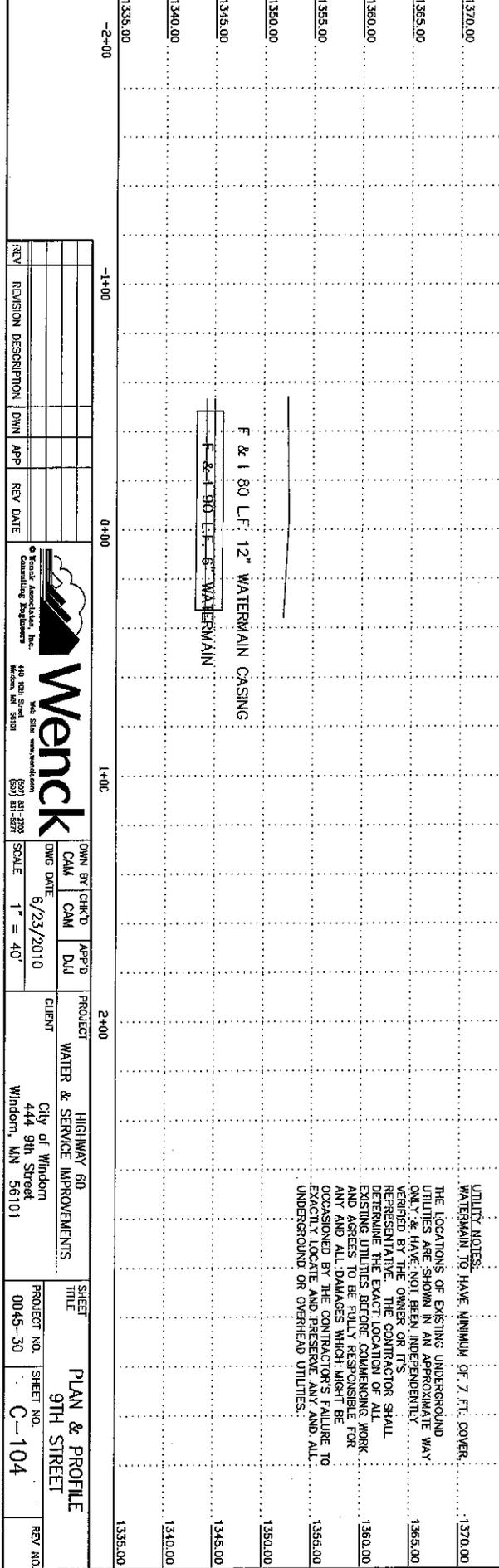
<p><b>Wenck</b> Consulting Engineers 444 9th Street Windom, MN 56101 Phone: (507) 831-2700 Fax: (507) 831-2701 Web Site: www.wenck.com</p>		<p>DWN. BY: CHKD. APP'D. DJJ</p> <p>TNT. CAM</p> <p>DWG. DATE: 5/18/2010</p> <p>SCALE: 1" = 100'</p>	<p>PROJECT: UH. 60/71 City of Windom 444 9th Street Windom, MN 56101</p>	<p>SHEET TITLE: Plan View Project Area</p> <p>PROJECT NO. 0045- SHEET NO. C-101</p>	<p>REV. NO.</p>
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SCALE:  
 1" = 40' HOR  
 1" = 10' VER



UTILITY NOTES:  
 WATERMAIN TO HAVE MINIMUM OF 7' F.T. COVER.  
 THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY & HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND OR OVERHEAD UTILITIES.

REV	REVISION DESCRIPTION	DNW	APP	REV DATE

Wenck  
 Mechanical Association, Inc.  
 Consulting Engineers  
 444 9th Street  
 Windom, MN 56101  
 Phone: (507) 231-2100  
 Fax: (507) 231-2271

OWN BY	CHK'D	APP'D	PROJECT	SHEET
CAM	CAM	DLJ	HIGHWAY 60	TITLE
DWG DATE	6/23/2010		WATER & SERVICE IMPROVEMENTS	PLAN & PROFILE
SCALE	1" = 40'		CITY OF WINDOM	9TH STREET
			444 9th Street	
			Windom, MN 56101	
PROJECT NO.	0045-30	SHEET NO.	C-104	REV NO.



# CONFIDENTIALITY AGREEMENT BETWEEN SOURCEONE SOLUTIONS, LLC AND THE CITY OF WINDOM

This Confidentiality Agreement ("Agreement") is made and effective this \_\_\_\_ day of \_\_\_\_\_, 2011

**BETWEEN:**                    **SourceOne Solutions, LLC** (hereafter "Company"), a corporation organized and existing under the laws of the State of Minnesota, with its head office located at:

405 2nd Street E  
Chokio, MN 56221

**AND:**                         **CITY OF WINDOM** (hereafter "Signator"), a municipal corporation organized and existing under the laws of the State of Minnesota, with its office located at:

444 9<sup>th</sup> Street  
P.O. Box 38  
Windom, MN 56101

In consideration of the terms and covenants of this agreement, and other valuable consideration, the parties agree as follows:

## 1. Length of Agreement

This Agreement begins retroactively to the beginning of Signator's relationship with Company and remains in effect at all times during any consulting, partnering, or other business relationship between the parties and for the periods of time specified thereafter as set forth below. This Agreement does not create any form of continued business relationship other than as set forth in a separate written agreement signed and dated by all parties.

## 2. Representation and Warranties

Signator represents and warrants that their relationship with Company will not cause or require it to breach any obligation, agreement, or confidence related to confidential, trade secret and proprietary information with any other person, company or entity. Further, Signator acknowledges that a condition of this relationship is that it has not brought and will not bring or use in the performance of its duties at Company any proprietary or confidential information, whether or not in writing, of a former employer without that employer's written authorization. Breach of this condition results in automatic termination of the relationship as of the time of breach. Except as may be noted, there are no inventions of Signator heretofore made or conceived by Signator that Signator deems to be excluded from the scope of this Agreement, and Signator hereby releases Company from any and all claims by the Signator by reason of any use by Company of any invention heretofore made or conceived by Signator.

### **3. Confidentiality**

a. Signator hereby acknowledges that Company has made, or may make, available to Signator certain computerized data, maps, and Stellar Billing or SourceOne Solutions, LLC technical product specs, (collectively, the "Confidential Material").

b. Signator acknowledges that this information has independent economic value, actual or potential, that is not generally known to the public or to others who could obtain economic value from their disclosure or use, and that this information is subject to a reasonable effort by the Company to maintain its secrecy and confidentiality. Except as essential to Signator's obligation under this Agreement, Signator shall not make any disclosure of this Agreement, the terms of this Agreement and/or State law, or any of the Confidential Material. Except as essential to Signator's obligations pursuant to their relationship with the Company or if needed for internal use, Signator shall not make any duplication or other copy of the Confidential Material.

c. Signator shall not remove off premises Confidential Material or proprietary property or documents without written authorization. Immediately upon request from Company, Signator shall return to Company all Confidential Material or proprietary property or documents. Signator shall notify each person to whom any disclosure is made that such disclosure is made in confidence, that the Confidential Material shall be kept in confidence by such persons, and that such persons shall be bound by the provisions of this Agreement. Signator further promises and agrees not to solicit Customers or potential Customers of the Company, after the termination of this Agreement, while making use of Company's Confidentiality Material.

### **4. Proprietary Information**

a. For the purpose of this Agreement, "Proprietary Information" shall mean the source code and any information related to the source code.

b. All right, title, and interest of every kind and nature whatsoever in and to the Proprietary Information made, written, discussed, developed, secured, obtained or learned by Signator during the term of the relationship with the Company or the [time] period immediately following termination of that relationship, shall be the sole and exclusive property of Company for any purpose or use whatsoever, and shall be disclosed promptly by Signator to Company. The covenants set forth in the preceding sentence shall apply regardless of whether any Proprietary Information is made, written, discussed, developed, secured, obtained or learned (a) solely or jointly with others, (b) during the usual hours of work or otherwise, (c) at the request and upon the suggestion of Company or otherwise, (d) with Company's materials, tools, instruments, or (e) on Company's premises or otherwise.

c. Signator shall comply with any reasonable rules established from time to time by Company for the protection of the confidentiality of any Proprietary Information. Signator irrevocably appoints the President and all Vice Presidents of the Company to act as Signator's agent and attorney-in-fact to perform all acts necessary to obtain and/or maintain patents, copyrights and similar rights to any Proprietary Information assigned by Signator to Company under this Agreement if (a) Signator refuses to perform those acts, or (b) is unavailable, within the meaning of any applicable laws. Signator acknowledges that the grant of the foregoing power of attorney is coupled with an interest and shall survive the death or disability of Signator.

d. Signator shall promptly and fully disclose to Company, in confidence (a) all Proprietary Information that Signator creates, conceives or reduces to practice in writing either alone or with others during the term of this Agreement, and (b) all patent applications and copyright registrations filed by Signator within one year after termination of this Agreement, including but not limited to materials and methodologies involved.

f. Nothing contained in this Agreement shall be construed to preclude Company from exercising all of its rights and privileges as sole and exclusive owner of all of the Proprietary Information owned by or assigned to Company under this Agreement. Company, in exercising such rights and privileges with respect to any particular item of Proprietary Information, may decide not to file any patent application or any copyright registration on such Proprietary Information, may decide to maintain such Proprietary Information as secret and confidential, or may decide to abandon such Proprietary Information, or dedicate it to the public. Signator shall have no authority to exercise any rights or privileges with respect to the Proprietary Information owned by or assigned to Company under this Agreement.

## **5. Works for Hire**

a. Signator acknowledges that all works of authorship performed for Company are subject to Company's direction and control and that such works constitute a work for hire pursuant to Federal or Minnesota law.

## **6. Assignment**

a. Signator is not required to assign any invention where no Company equipment, supplies, facilities or trade secret information was used and that was developed entirely on Signator's own time and: that does not relate to Company's business or to Company's actual demonstrably anticipated research or development or; that does not result from work performed for Company.

b. Signator hereby assigns to Company all assignable releases and discharges Company, any affiliate of Company and their respective officers, directors and employees, from and against any and all claims, demands, liabilities, costs, and expenses of Signator arising out of, or relating to, any Proprietary Information.

## **7. Execution of Instruments**

a. During employment by Company, upon request and without compensation other than as herein provided but at no expense to Signator, Signator shall execute any documents and take any action Company may deem necessary or appropriate to effectuate the provisions of this Agreement, including without limitation assisting Company in obtaining and/or maintaining patents, copyrights or similar rights to any Proprietary Information assigned to Company.

b. Signator further agrees that the obligations and undertakings stated in this paragraph will continue beyond termination of employment for any reason by the Company, but if Signator is called upon for such assistance after termination of employment, Signator is entitled to fair and reasonable fee in addition to reimbursement of any expenses incurred at the request of the Company.

## **8. No Ownership**

Neither Signator nor any of their agents or principals shall become or be deemed an owner, partner, joint venture or agent of or with Company or any of its affiliates or related companies or businesses by reason of this Agreement or his/her relationship with Company unless set forth in a separate written agreement signed and dated by the parties. Neither Company nor Signator nor any agent, Signator, officer or independent contractor of or retained by Signator shall have any authority to bind the other in any respect unless set forth in a separate written agreement signed and dated by the parties.

## **9. Solicitation of Employees**

Both Company and Signator agree that they will not, either during the period of this Agreement, or for a period of 1 year after this Agreement has terminated, solicit any of Company's or Signator's employees for a competing business or otherwise induce or attempt to induce such employees to terminate their employment with Company or Signator.

## **10. Injunctive Relief**

Signator hereby acknowledges (1) the unique nature of the protections and provisions set forth in this Agreement, (2) that Company will suffer irreparable harm if Signator breaches any of said protections or provisions, and (3) that monetary damages will be inadequate to compensate Company for such breach. Therefore, if Signator breaches any of such provisions, then Company shall be entitled to injunctive relief, in addition to any other remedies at law or equity, to enforce such provisions.

## **11. Continuing Effects**

Signator's obligations regarding trade secrets and confidential information shall continue in effect beyond the period of the relationship as stated above, and said obligation shall be binding upon Signator's spouse, affiliates, assigns, heirs, executors, administrators, or other legal representatives.

## **12. Subsidiaries And Parents**

For the purposes of this Agreement, the term "Company" shall also be deemed to include any affiliated organization that owns fifty percent (50%) or more of the voting stock, whether or not Signator is directly employed by such other organization.

## **16. Non-Filing**

Signator specifically agrees that Company's rights granted hereunder shall include the right not to file for copyrights or domestic or foreign patents when such is considered by Company in its sole discretion appropriate for the business objectives of Company.

## **17. Counterparts**

This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute a single integrated document.

## **18. Severable Provisions**

The provisions of this Agreement are severable, and if any one or more provisions may be determined to be illegal or otherwise unenforceable, in whole or in part, the remaining provisions and any partially unenforceable provisions to the extent enforceable shall nevertheless be binding and enforceable.

## **19. Attorneys' Fees**

In the event any litigation, arbitration, mediation or other proceeding ("Proceeding") is initiated by any party against any other party to enforce, interpret or otherwise obtain judicial or quasi-judicial relief in connection with this Agreement, the prevailing party in such Proceeding shall be entitled to recover from the unsuccessful party all costs, expenses and reasonable attorney's fees relating to or arising out of (a) such proceeding, whether or not such proceeding proceeds to judgment, and (b) any post-judgment or post-award proceeding, including without limitation one to enforce any judgment or award resulting from

any such Proceeding. Any such judgment or award shall contain a specific provision for the recovery of all such attorneys' fees, costs, and expenses. Any such judgment or award shall contain a specific provision for the recovery of all such subsequently incurred costs, expenses and reasonable attorney's fees.

**20. Modifications**

This Agreement may be modified only by a contract in writing executed by the party to this Agreement against whom enforcement of such modification is sought.

**21. Prior Understandings**

This Agreement contains the entire agreement between the parties to this Agreement with respect to the subject matter of the Agreement, is intended as a final expression of such parties' agreement with respect to such terms as are included in this Agreement is intended as a complete and exclusive statement of the terms of such agreement, and supersedes all negotiations, stipulations, understanding, agreements, representations and warranties. If any, with respect to such subject matter, which precede or accompany the execution of this Agreement.

**22. Waiver**

Any waiver of a default under this Agreement must be made in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement. No delay or omission in the exercise of any right or remedy shall impair such right or remedy or be constructed as a waiver. A consent to or approval of any act shall not be deemed to waive or render unnecessary consent to or approval of any other or subsequent act.

**23. Drafting Ambiguities**

Each party to this Agreement has reviewed and had the opportunity to revise this Agreement. Each party to this Agreement has had the opportunity to have legal counsel review and revise this Agreement. The rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or of any amendments or exhibits to this Agreement.

**24. Jurisdiction and Venue**

This Agreement is to be construed pursuant to Laws of the State of Minnesota. Jurisdiction and venue for any claim arising out of this Agreement shall be made in the State of Minnesota.

**25. Receipt of Copy**

Both Signator and Company hereby acknowledge that it has received a signed copy of this Agreement.

SourceOne Solutions, LLC

City of Windom, Minnesota

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Kirby Kruse, Mayor

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Steve Nasby, City Administrator

**BILL OF SALE AND INSTRUMENT OF ASSIGNMENT**

This Bill of Sale and Instrument of Assignment (this "**Bill of Sale**") is made as of \_\_\_\_\_, 2011 (the "**Effective Date**") by and between ITC MIDWEST LLC, a Michigan limited liability company ("**Purchaser**"), and the City of Windom, a Minnesota municipality ("**Seller**"). Purchaser and Seller shall each be referred to as a "**Party**" and collectively as the "**Parties**."

**Recitals**

WHEREAS, Seller owns a breaker, relays and related appurtenances located in Purchaser's Windom Switching Station in Jackson County, Minnesota as more particularly described in **Exhibit A** attached hereto (collectively, the "Breaker"); and

WHEREAS, Seller desires to sell and Purchaser desires to buy, all of the assets comprising the Breaker.

NOW, THEREFORE, the parties hereto agree as follows:

1. **Purchase Price.** The purchase price for the Breaker shall be \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), payable by Purchaser to Seller in immediately available funds within ten (10) days of the execution of this Agreement.
2. **Conveyance of the Breaker.** Seller hereby sells, assigns, transfers, conveys and delivers to Purchaser all of the assets comprising the Breaker.
3. **Assumption of Breaker.** Purchaser hereby accepts and assumes the ownership, operation, maintenance and repair of the Breaker effective as of 12:01 a.m. Eastern Time on the Effective Date.
4. **Seller Covenants, Representation and Warranties.** Seller hereby covenants, represents and warrants to Purchaser as follows:
  - a. The Breaker is herewith conveyed free and clear of all liens to secure payment, mortgages and other security interests as of 12:01 a.m. Eastern Time on the Effective Date.
  - b. Except for suits of a character incident to the normal conduct of Seller's business, there is no litigation or proceeding pending, to Seller's knowledge, against, relating to, or affecting its property or business which is the subject of this Bill of Sale.
5. **Mutual Representations and Warranties.** Each of Seller and Purchaser represents and warrants to each of the other Party as follows: (i) the Party has full power and authority to enter into this Bill of Sale and to consummate the transactions contemplated hereby; (ii) the execution, delivery and performance by the Party of its obligations in this Bill of Sale has been duly and validly approved by all necessary corporate action; (iii) the Party has duly and validly executed and delivered this Bill of Sale; and (iv) this Bill of Sale constitutes the legal, valid and binding obligation of that Party enforceable in accordance with its terms, except as such enforceability may be limited by (x) applicable bankruptcy, insolvency, moratorium, reorganization or similar

laws in effect which affect the enforcement of creditors' rights generally, or (y) by equitable limitations on the availability of specific remedies.

6. **Parties in Interest.** This Bill of Sale shall be binding upon, inure to the benefit of, and be enforceable by Seller and Purchaser and their respective successors and assigns.

7. **Choice of Law.** This Bill of Sale shall be governed by and construed in accordance with the law of the State of Minnesota, without regard to its conflicts of laws principles.

8. **Further Actions.** Seller covenants and agrees to: (a) warrant and defend the sale, assignment, transfer and delivery of the Breaker hereby made against all persons whomsoever, to take all steps reasonably necessary to establish the record of Purchaser's title to the Breaker to the extent such claim by any third party arose from any action or inaction of Seller; and (b) at the request of Purchaser, to execute and deliver reasonable further instruments of transfer and assignment and take such other action as Purchaser may reasonably request to more effectively transfer and assign to and vest in Purchaser the Breaker.

9. **Entire Agreement.** This Bill of Sale contains the entire understanding of the Parties with respect to the sale and assignment of the Breaker contemplated by the Parties through and as of the date hereof, and supersedes all prior agreements, arrangements, discussions, undertakings and commitments with respect to any such modifications or amendments (whether written or oral) with respect thereto.

10. **Counterparts.** The Parties acknowledge and agree that this Bill of Sale may be executed in multiple counterparts, and transmitted via telecopy or .pdf e-mail file, and all such counterparts (whether transmitted via telecopy, .pdf e-mail file or otherwise), when executed and taken together, shall constitute integral parts of one and the same Bill of Sale between the Parties.

[Remainder of Page Left Intentionally Blank;  
Signatures on following page]

## EXHIBIT A

The Breaker consists of the following assets:

1. (1) 69 kV 2000A breaker and foundation.
2. (2) SEL 311B relays.
3. (1) Panel in the control house to mount the relays and meter.
4. (3) 48 kV MCOV Lightning Arresters.
5. (1) 69 kV CVT (350/600:1).
6. (1) Instrument transformer stand with associated foundation.
7. (3) 69 kV 600A hook stick operated disconnect switches.
8. All associated control cable for the breaker and CVT.
9. All associated jumpers for installing equipment.

## RESOLUTION #2011-

**INTRODUCED:**

**SECONDED:**

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

### WINDOM'S "NIGHT TO UNITE" PROCLAMATION

---

**WHEREAS**, the Minnesota Crime Prevention Association, AAA of Minnesota/Iowa and local law enforcement agencies are sponsoring a unique, nationwide crime, drug and violence awareness program on August 8, 2011, entitled "Night to Unite"; and

**WHEREAS**, the "Night to Unite" provides a unique opportunity for Windom, Minnesota, to join forces with thousands of other communities across the country in promoting cooperative police-community crime prevention efforts; and

**WHEREAS**, the Cottonwood County Youth Task Force, Southwest Crisis Center, and MN Department of Corrections play a vital role in assisting the Windom Police Department and Cottonwood County Sheriff's Department through joint crime, drug and violence prevention efforts in Windom and are supporting "Night to Unite 2011" locally; and

**WHEREAS**, it is essential that all citizens of Windom be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Windom; and

**WHEREAS**, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "Night to Unite" program.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINDOM, MINNESOTA**, that Monday, August 8, 2011, is designated as "**Night to Unite**" in Windom, Minnesota, and citizens of Windom are encouraged to support and participate in Windom's 5<sup>th</sup> Annual "Night to Unite".

Adopted by the Council this 19<sup>th</sup> day of July, 2011.

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

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



**MEMO**

TO: MAYOR & CITY COUNCIL

FROM: JIM KARTES, BUILDING & ZONING OFFICIAL

DATE: JULY 13, 2011

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

The City Council approved the second reading of Ordinance No. 135, 2<sup>nd</sup> Series on July 5, 2011.

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”. 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.

The Title and Summary was approved by City Council vote of 3-0 on July 5, 2011. However, pursuant to State law, approval of the Title and Summary requires a 4/5 vote of the Council. The City Attorney has advised that another vote needs to be taken to comply with the statutory 4/5 vote.

**Requested Action:** 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 19th for any additional questions concerning the Title and Summary.

Thank you.

JK:mah

Attachments

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.

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**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.

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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 27, 2011  
Effective Date: July 27, 2011

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This “Title and Summary” approved for publication by the Windom City Council on July 19, 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:** Personnel Committee  
**DATE:** July 13, 2011  
**RE:** Recommendations – Street Department Foreman

On July 12, 2011 the Personnel Committee met and is making the following recommendation to the City Council.

### Street Department Foreman

The position of Street Department Foreman is vacant due to the retirement of Barry Marcy on May 27, 2011. The Street & Park Superintendent and Personnel Committee are recommending that the position be filled. Steve Willard has been working\training under the direction of the Street & Park Superintendent since May 27, 2011 on duties related to the Street Foreman position. The position is currently being advertised internally according to the requirements of the union agreement. **Should no other applications for the position be received by July 19, 2011, the Personnel Committee is recommending that Steve Willard be promoted to Street Department Foreman (Grade 7, Step 8) on July 25, 2011 and that the probation period for the position end on January 1, 2012 in recognition of Mr. Willards' efforts.**

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
CITY OFFICE	ELECTRIC FUND	UTILITY BILLING	181.66
CITY OFFICE	MN NCPERS LIFE INSUR	INSURANCE	80.00
	Total for Department 103		261.66*
P & Z / BUILDING OFF	ELECTRIC FUND	UTILITY BILLING	59.57
P & Z / BUILDING OFF	Verizon Wireless	TELEPHONE	34.05
P & Z / BUILDING OFF	MN NCPERS LIFE INSUR	INSURANCE	24.00
	Total for Department 106		117.62*
CITY HALL	CULLIGAN	SALT	14.00
CITY HALL	ELECTRIC FUND	MAINTENANCE	6.29
CITY HALL	ELECTRIC FUND	UTILITY BILLING	492.39
CITY HALL	SANDRA HERDER	CLEANING	377.22
CITY HALL	MELISSA PENAS	CLEANING	377.23
	Total for Department 115		1,267.13*
POLICE	COTTONWOOD COUNTY AG	BOOTH RENTAL	75.00
POLICE	DONNA MARCY	EXPENSE	8.91
POLICE	ELECTRIC FUND	UTILITY BILLING	77.13
POLICE	MN NCPERS LIFE INSUR	INSURANCE	160.00
POLICE	KEVIN L. PATTERSON	EXPENSE	11.87
POLICE	VOYAGER FLEET SERVIC	GAS	397.19
POLICE	DANA WALLACE	EXPENSE	7.68
POLICE	BAM'D SALES	SUPPLIES	69.98
POLICE	SHERIFF OF REDWOOD C	SERVICE	321.74
	Total for Department 120		1,129.50*
FIRE DEPARTMENT	ELECTRIC FUND	UTILITY BILLING	27.94
FIRE DEPARTMENT	Verizon Wireless	TELEPHONE	34.05
FIRE DEPARTMENT	VOYAGER FLEET SERVIC	GAS	39.78
	Total for Department 125		101.77*
STREET	ELECTRIC FUND	UTILITY BILLING	2,452.21
STREET	Verizon Wireless	TELEPHONE	37.63
STREET	MN NCPERS LIFE INSUR	INSURANCE	80.00
STREET	UNIVERSITY OF MINNES	REGISTRATION	60.00
	Total for Department 140		2,629.84*
HEALTH & SANITATION	NEAL GRUNEWALD	COMPOST SITE MANAGER	128.00
	Total for Department 145		128.00*
PARKS	ELECTRIC FUND	UTILITY BILLING	2,910.55
PARKS	MN NCPERS LIFE INSUR	INSURANCE	16.00
	Total for Department 165		2,926.55*
GENERAL	ELECTRIC FUND	REF UT PRE-SCU	1.00
	Total for Department 201		1.00*
	Total for Fund 01		8,563.07*
LIBRARY	ELECTRIC FUND	UTILITY BILLING	315.34

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
LIBRARY	SANDRA HERDER	CLEANING	377.23
LIBRARY	MELISSA PENAS	CLEANING	377.22
	Total for Department 171		1,069.79*
	Total for Fund 03		1,069.79*
AIRPORT	CITY OF WINDOM	LAWN MOWER- GAS - AIRPOR	33.42
AIRPORT	ELECTRIC FUND	MAINTENANCE	10.81
AIRPORT	SO. CENTRAL ELECTRIC	POWER COST	317.93
	Total for Department 174		362.16*
	Total for Fund 11		362.16*
POOL	ELECTRIC FUND	UTILITY BILLING	2,333.91
	Total for Department 175		2,333.91*
	Total for Fund 12		2,333.91*
AMBULANCE	JIM AXFORD	EXPENSE	23.55
AMBULANCE	ELECTRIC FUND	UTILITY BILLING	26.46
AMBULANCE	TIM HACKER	EXPENSE	95.41
AMBULANCE	ALLAN REMPEL	EXPENSE	40.05
	Total for Department 176		185.47*
	Total for Fund 13		185.47*
MULTI-PURPOSE BUILDI	ELECTRIC FUND	UTILITY BILLING	1,385.85
MULTI-PURPOSE BUILDI	Verizon Wireless	TELEPHONE	88.83
MULTI-PURPOSE BUILDI	MN NCPERS LIFE INSUR	INSURANCE	32.00
MULTI-PURPOSE BUILDI	RIVER BEND LIQUOR	MERCHANDISE	325.31
MULTI-PURPOSE BUILDI	VOYAGER FLEET SERVIC	GAS	106.06
	Total for Department 177		1,938.05*
	Total for Fund 14		1,938.05*
N IND PARK	SO. CENTRAL ELECTRIC	POWER COST	30.14
	Total for Department 147		30.14*
	Total for Fund 18		30.14*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	14,580.18
LIQUOR	COCA-COLA BOTTLING C	MERCHANDISE	413.45
LIQUOR	ELECTRIC FUND	UTILITY BILLING	1,210.30
LIQUOR	WIRTZ BEVERAGE MN WI	MERCHANDISE	5,658.27
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	20,505.40
LIQUOR	A H HERMEL CANDY & T	MERCHANDISE	491.64
LIQUOR	JOHNSON BROS.	MERCHANDISE	2,017.66
LIQUOR	MN NCPERS LIFE INSUR	INSURANCE	32.00
LIQUOR	PEPSIAMERICAS	MERCHANDISE	179.80
LIQUOR	PHILLIPS WINE & SPIR	MERCHANDISE	1,119.87

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
LIQUOR	QUALITY WINE SPIRITS	MERCHANDISE	4,368.39
LIQUOR	BANK MIDWEST	NSF CHECK	30.00
LIQUOR	WINE MERCHANTS	MERCHANDISE	350.45
	Total for Department 180		50,957.41*
	Total for Fund 60		50,957.41*
WATER	DATA-PAC MAILING SYS	RESET FEE	1.49
WATER	ELECTRIC FUND	REF UT PRE-WATER	14.09
WATER	ELECTRIC FUND	UTILITY BILLING	3,364.75
WATER	GOPHER STATE ONE CAL	LOCATES	18.13
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	166.67
WATER	Verizon Wireless	TELEPHONE	56.55
WATER	MN NCPERS LIFE INSUR	INSURANCE	24.00
WATER	VOYAGER FLEET SERVIC	GAS	195.92
	Total for Department 181		3,841.60*
	Total for Fund 61		3,841.60*
	ELECTRIC FUND	REF UT PRE-ELEC TAX	1.49
	RACHEL DUNCANSON	REFUND-UT PREPAY-R DUNCA	239.26
	Total for Department		240.75*
ELECTRIC	DATA-PAC MAILING SYS	RESET FEE	1.50
ELECTRIC	ELECTRIC FUND	REF UT PRE-ELECTRIC	21.63
ELECTRIC	ELECTRIC FUND	UTILITY BILLING	282.33
ELECTRIC	GOPHER STATE ONE CAL	LOCATES	18.13
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	166.67
ELECTRIC	BUCKWHEAT JOHNSON	ENERGY REBATE	600.00
ELECTRIC	MN NCPERS LIFE INSUR	INSURANCE	96.00
ELECTRIC	VOYAGER FLEET SERVIC	GAS	155.80
ELECTRIC	TOM BAK	ENERGY REBATE	50.00
ELECTRIC	BRIAN BURMEISTER	ENERGY REBATE	100.00
ELECTRIC	HOWARD DAVIS	ENERGY REBATE	600.00
ELECTRIC	JULIE DEAVILA	ENERGY REBATE	50.00
ELECTRIC	DALE FRIESEN	ENERGY REBATE	600.00
ELECTRIC	JOYCE HEFFELE	ENERGY REBATE	10.00
ELECTRIC	DICK JEFFREY	ENERGY REBATE	600.00
ELECTRIC	THERESA JONES	ENERGY REBATE	600.00
ELECTRIC	ROBERT MIELKE	ENERGY REBATE	850.00
ELECTRIC	LUCILLE NELSON	ENERGY REBATE	600.00
ELECTRIC	RICHARD NELSON	ENERGY REBATE	850.00
ELECTRIC	MONTE SCRIVENS	ENERGY REBATE	600.00
ELECTRIC	RANDY SELLNER	ENERGY REBATE	600.00
ELECTRIC	RON TIBODEAU	ENERGY REBATE	850.00
ELECTRIC	MARLYN VOBHL	ENERGY REBATE	600.00
ELECTRIC	JEREMY WOLF	ENERGY REBATE	600.00
ELECTRIC	BRETT TIBODEAU	ENERGY REBATE	850.00
	Total for Department 182		10,352.06*

CITY OF WINDOM  
PM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 62			10,592.81*
SEWER	DATA-PAC MAILING SYS	RESET FEE	1.49
SEWER	ELECTRIC FUND	REF UT PRE-SEWER	22.53
SEWER	ELECTRIC FUND	UTILITY BILLING	15,890.25
SEWER	GOPHER STATE ONE CAL	LOCATES	18.12
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	166.67
SEWER	Verizon Wireless	TELEPHONE	56.55
SEWER	MN NCPERS LIFE INSUR	INSURANCE	56.00
SEWER	VOYAGER FLEET SERVIC	GAS	395.09
Total for Department 183			16,606.70*
Total for Fund 63			16,606.70*
ARENA	ELECTRIC FUND	UTILITY BILLING	1,778.43
ARENA	Verizon Wireless	TELEPHONE	69.27
ARENA	MN NCPERS LIFE INSUR	INSURANCE	32.00
Total for Department 184			1,879.70*
Total for Fund 64			1,879.70*
ECONOMIC DEVELOPMENT	ELECTRIC FUND	UTILITY BILLING	78.82
ECONOMIC DEVELOPMENT	MN NCPERS LIFE INSUR	INSURANCE	24.00
Total for Department 187			102.82*
Total for Fund 67			102.82*
	MN 9-1-1 PROGRAM	911 SERVICE	1,076.99
Total for Department			1,076.99*
TELECOMMUNICATIONS	DATA-PAC MAILING SYS	RESET FEE	4.47
TELECOMMUNICATIONS	ELECTRIC FUND	UTILITY BILLING	2,040.30
TELECOMMUNICATIONS	GOPHER STATE ONE CAL	LOCATES	18.12
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	499.99
TELECOMMUNICATIONS	Verizon Wireless	TELEPHONE	222.36
TELECOMMUNICATIONS	NATIONAL EMERGENCY N	SUBSCRIPTION	225.00
TELECOMMUNICATIONS	MN NCPERS LIFE INSUR	INSURANCE	64.00
TELECOMMUNICATIONS	QUEST	TELEPHONE	104.90
TELECOMMUNICATIONS	VOYAGER FLEET SERVIC	GAS	195.50
TELECOMMUNICATIONS	WELCH & COMPANY LLP	SERVICE - 825807	25.00
Total for Department 199			3,399.64*
Total for Fund 69			4,476.63*
	MN NCPERS LIFE INSUR	INSURANCE	32.00
Total for Department			32.00*
Total for Fund 70			32.00*
Grand Total			102,972.26*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

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

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	BEIM CONSULTING	WEB SITE REDESIGN	76.66
	Total for Department 101		76.66*
CITY OFFICE	BEIM CONSULTING	WEB SITE REDESIGN	76.66
CITY OFFICE	MII LIFE	VEBA	198.40
CITY OFFICE	DENISE NICHOLS	MILEAGE	68.34
CITY OFFICE	PITNEY BOWES	RENTAL CHARGES	54.13
	Total for Department 103		397.53*
P & Z / BUILDING OFF	BEIM CONSULTING	WEB SITE REDESIGN	76.66
P & Z / BUILDING OFF	MII LIFE	VEBA	148.80
P & Z / BUILDING OFF	PITNEY BOWES	RENTAL CHARGES	54.13
P & Z / BUILDING OFF	VET'S WHOA N'GO	GAS	127.14
	Total for Department 106		406.73*
POLICE	BEIM CONSULTING	WEB SITE REDESIGN	76.66
POLICE	MII LIFE	VEBA	1,770.32
POLICE	PITNEY BOWES	RENTAL CHARGES	54.13
POLICE	VET'S WHOA N'GO	GAS	121.37
POLICE	DANA WALLACE	EXPENSE	103.60
	Total for Department 120		2,126.08*
FIRE DEPARTMENT	BEIM CONSULTING	WEB SITE REDESIGN	76.66
FIRE DEPARTMENT	QUEST	TELEPHONE	51.22
FIRE DEPARTMENT	VET'S WHOA N'GO	GAS	168.24
	Total for Department 125		296.12*
STREET	BEIM CONSULTING	WEB SITE REDESIGN	76.66
STREET	ERICKSON OIL CO	GAS	1,103.15
STREET	MII LIFE	VEBA	841.92
STREET	QUEST	TELEPHONE	51.22
STREET	PITNEY BOWES	RENTAL CHARGES	54.13
STREET	VET'S WHOA N'GO	GAS	24.36
	Total for Department 140		2,151.44*
RECREATION	BEIM CONSULTING	WEB SITE REDESIGN	76.66
	Total for Department 150		76.66*
PARKS	BEIM CONSULTING	WEB SITE REDESIGN	76.66
PARKS	MII LIFE	VEBA	185.68
	Total for Department 165		262.34*
	Total for Fund 01		5,793.56*
EQUIPMENT/F.A.	BOND TRUST SERVICE C SERIES 2005A GENERAL OBL		2,162.50
EQUIPMENT/F.A.	NORTHLAND TRUST SERV INTEREST ON ESCROW PAYME		2,587.00
	Total for Department 170		4,749.50*
	Total for Fund 02		4,749.50*
LIBRARY	BEIM CONSULTING	WEB SITE REDESIGN	76.66

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Department 171	76.66*
		Total for Fund 03	76.66*
	EVERSTRONG CONSTRUCT	STREET IMP PROJECT	124,667.55
		Total for Department	124,667.55*
		Total for Fund 04	124,667.55*
2003 IMPROVEMENT BON U S BANK TRUST NATIO		BOND PAYMENT	10,124.25
		Total for Department 169	10,124.25*
		Total for Fund 05	10,124.25*
4TH AVE PROJECT	BOND TRUST SERVICE C SERIES 2005A	GENERAL OBL	6,617.50
		Total for Department 168	6,617.50*
		Total for Fund 06	6,617.50*
2007 IMPROVEMENT PRO BOND TRUST SERVICE C		SERIES 2007B GENERAL OB	16,595.00
		Total for Department 164	16,595.00*
		Total for Fund 07	16,595.00*
2006A REFUNDING BOND NORTHLAND TRUST SERV		INTEREST ON ESCROW PAYME	4,048.00
		Total for Department 157	4,048.00*
		Total for Fund 08	4,048.00*
2009 STREET IMP PROJ BOND TRUST SERVICE C		2009 A '09 STREET PROJEC	25,235.00
		Total for Department 158	25,235.00*
		Total for Fund 09	25,235.00*
AIRPORT	PITNEY BOWES	RENTAL CHARGES	54.13
AIRPORT	RED ROCK RURAL WATER	WATER	25.96
		Total for Department 174	80.09*
		Total for Fund 11	80.09*
	AVALANCHE WATERSLIDE	POOL SLIDE	7,058.89
	RON'S ELECTRIC INC	POOL SLIDE	1,055.98
	SIGNATURE AQUATICS	POOL SLIDE	1,435.14
		Total for Department	9,550.01*
POOL	AL BALOUN	MERCHANDISE	62.85
POOL	SALLY OLTMANN	BOOKS	58.11
POOL	JESSICA SMITH	REFUND- SWIM LESSONS	28.00
POOL	STEVE GRUBER	REFUND - SWIM LESSONS	42.00
POOL	JEANNA LACANNE	REFUND - SWIM LESSONS	28.00

CITY OF WINDOM  
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Department 175	218.96*
		Total for Fund 12	9,768.97*
AMBULANCE	BEIM CONSULTING	WEB SITE REDESIGN	76.66
AMBULANCE	TIM HACKER	EXPENSE	8.22
AMBULANCE	BUCKWHEAT JOHNSON	EXPENSE	49.43
AMBULANCE	QUEST	TELEPHONE	51.21
AMBULANCE	ROBIN SHAW	EXPENSE	32.54
AMBULANCE	PITNEY BOWES	RENTAL CHARGES	54.14
AMBULANCE	BRAD POWERS	EXPENSE	24.75
AMBULANCE	ALLAN REMPEL	EXPENSE	58.61
AMBULANCE	VET'S WHOA N'GO	GAS	2,100.77
		Total for Department 176	2,456.33*
		Total for Fund 13	2,456.33*
MULTI-PURPOSE BUILDI	MII LIFE	VEBA	284.88
		Total for Department 177	284.88*
		Total for Fund 14	284.88*
SCDP	SW MN HOUSING PARTNE	SCDP '09 GRANT EXP	9,858.00
		Total for Department 163	9,858.00*
		Total for Fund 17	9,858.00*
TIF 1-13 RIVER BLUFF	NORTHLAND TRUST SERV	INTEREST ON ESCROW PAYME	3,702.50
		Total for Department 188	3,702.50*
		Total for Fund 33	3,702.50*
LIQUOR	BEIM CONSULTING	WEB SITE REDESIGN	76.68
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	6,656.50
LIQUOR	FIELDSTONE VINEYARDS	MERCHANDISE	146.52
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	2,356.05
LIQUOR	JOHNSON BROS.	MERCHANDISE	7,117.12
LIQUOR	MII LIFE	VEBA	371.36
LIQUOR	MN DEPT OF PUBLIC SA	DUES	12.00
LIQUOR	PHILLIPS WINE & SPIR	MERCHANDISE	1,092.65
LIQUOR	PITNEY BOWES	RENTAL CHARGES	54.14
LIQUOR	SOUTHERN WINE & SPIR	MERCHANDISE	623.70
LIQUOR	CAMPUS CLEANERS	SERVICE	20.05
		Total for Department 180	18,526.77*
		Total for Fund 60	18,526.77*
WATER	BEIM CONSULTING	WEB SITE REDESIGN	76.68
WATER	BOND TRUST SERVICE C	SERIES 2005A GENERAL OBL	4,885.40
WATER	BOND TRUST SERVICE C	SERIES 2007B GENERAL OB	3,705.00

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	148.96
WATER	MII LIFE	VEBA	374.54
WATER	NORTHLAND TRUST SERV	INTEREST ON ESCROW PAYME	3,348.75
WATER	QUEST	TELEPHONE	51.22
WATER	PITNEY BOWES	RENTAL CHARGES	54.14
WATER	U S BANK TRUST NATIO	BOND PAYMENT	2,531.06
		Total for Department 181	15,175.75*
		Total for Fund 61	15,175.75*
ELECTRIC	BEIM CONSULTING	WEB SITE REDESIGN	76.68
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	148.96
ELECTRIC	CHERYL LILLEGAARD	MILEAGE	285.26
ELECTRIC	MII LIFE	VEBA	950.66
ELECTRIC	QUEST	TELEPHONE	48.21
ELECTRIC	PITNEY BOWES	RENTAL CHARGES	54.14
ELECTRIC	BRAD BUSSA	CLEANING	184.60
ELECTRIC	VET'S WHOA N'GO	GAS	36.52
		Total for Department 182	1,785.03*
		Total for Fund 62	1,785.03*
SEWER	BEIM CONSULTING	WEB SITE REDESIGN	76.68
SEWER	BOND TRUST SERVICE C SERIES 2005A	GENERAL OBL	4,509.60
SEWER	BOND TRUST SERVICE C SERIES 2007B	GENERAL OB	3,420.00
SEWER	EMPIRE PIPE SERVICES	MAINTENANCE-SEWER JETTIN	11,438.70
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	148.96
SEWER	MII LIFE	VEBA	745.90
SEWER	QUEST	TELEPHONE	253.40
SEWER	PITNEY BOWES	RENTAL CHARGES	54.14
SEWER	U S BANK TRUST NATIO	BOND PAYMENT	4,218.44
		Total for Department 183	24,865.82*
		Total for Fund 63	24,865.82*
ARENA	BEIM CONSULTING	WEB SITE REDESIGN	76.68
ARENA	MII LIFE	VEBA	371.36
ARENA	PITNEY BOWES	RENTAL CHARGES	54.13
ARENA	RON'S ELECTRIC INC	MAINTENANCE	13.80
ARENA	VET'S WHOA N'GO	GAS	168.64
		Total for Department 184	684.61*
		Total for Fund 64	684.61*
ECONOMIC DEVELOPMENT	MII LIFE	VEBA	235.28
ECONOMIC DEVELOPMENT	PITNEY BOWES	RENTAL CHARGES	54.13
		Total for Department 187	289.41*
		Total for Fund 67	289.41*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	U S BANK TRUST NATIO	BOND PAYMENT	140,000.00
	Total for Department		140,000.00*
TELECOMMUNICATIONS	DISH NETWORK	SERVICE	3,400.00
TELECOMMUNICATIONS	E-911	MONTHLY 911 SERVICE	43.95
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	446.87
TELECOMMUNICATIONS	MII LIFE	VEBA	665.78
TELECOMMUNICATIONS	QWEST COMMUNICATIONS	DIRECTORY LISTING	156.44
TELECOMMUNICATIONS	ODDSON UNDERGROUND I	SERVICE	660.00
TELECOMMUNICATIONS	ONVOY, INC	SS7 SERVICE	989.17
TELECOMMUNICATIONS	ONVOY, INC	WHOLE 800 SWITCH	1,484.89
TELECOMMUNICATIONS	PITNEY BOWES	RENTAL CHARGES	162.39
TELECOMMUNICATIONS	JEREMY ROLFES	SERVICE INTERNET	60.77
TELECOMMUNICATIONS	U S BANK TRUST NATIO	BOND PAYMENT	286,123.13
TELECOMMUNICATIONS	UNIVERSAL SERVICE AD	USER FEES	1,002.92
TELECOMMUNICATIONS	VET'S WHOA N'GO	GAS	106.82
TELECOMMUNICATIONS	WOODSTOCK TELEPHONE	SERVICE	186.67
TELECOMMUNICATIONS	CHRIS ZIMMERMAN	LAWN MOWING	160.00
	Total for Department 199		295,649.80*
	Total for Fund 69		435,649.80*
	COLONIAL LIFE INSURA	INSURANCE	8.82
	Total for Department		8.82*
	Total for Fund 70		8.82*
	Grand Total		721,043.80*

CITY OF WINDOM  
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	CITIZEN PUBLISHING C	ADVERTISING	151.20
MAYOR & COUNCIL	MCDONALD & SCHRAMEL	LEGAL FEES	996.00
	Total for Department 101		1,147.20*
CITY OFFICE	INDOFF, INC	SUPPLIES	71.62
CITY OFFICE	DAVIS TYPEWRITER	MAINT CONTRACT	146.07
CITY OFFICE	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
CITY OFFICE	HARLAND TECHNOLOGY S	SUPPLIES	91.65
CITY OFFICE	SELECTACCOUNT	ADM FEE	80.52
	Total for Department 103		396.36*
P & Z / BUILDING OFF	CITIZEN PUBLISHING C	ADVERTISING	126.00
P & Z / BUILDING OFF	INDOFF, INC	SUPPLIES	57.16
P & Z / BUILDING OFF	ELECTRIC FUND	MAINTENANCE	15.24
P & Z / BUILDING OFF	MCDONALD & SCHRAMEL	LEGAL FEES	732.00
P & Z / BUILDING OFF	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
P & Z / BUILDING OFF	PAMIDA	SUPPLIES	20.57
	Total for Department 106		957.47*
CITY HALL	AMERIGAS - WORTHINGT	WATER TREATMENT	23.46
CITY HALL	HEARTLAND PAPER COMP	SUPPLIES	86.39
CITY HALL	SCHWALBACH HARDWARE	MAINTENANCE	20.28
	Total for Department 115		130.13*
POLICE	CITIZEN PUBLISHING C	ADVERTISING	297.00
POLICE	INDOFF, INC	SUPPLIES	71.14
POLICE	GALLS	SUPPLIES	18.15
POLICE	MCDONALD & SCHRAMEL	LEGAL FEES	4,020.00
POLICE	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	22.50
POLICE	RUNNING'S SUPPLY	MAINTENANCE	31.26
POLICE	UNIFORM UNLIMITED	CLOTHING	397.12
POLICE	COUNTRY PRIDE SERVIC	MAINTENANCE	123.50
POLICE	WINDOM FIRE SAFETY	MAINTENANCE	25.00
POLICE	ITL PATCH COMPANY, I	SUPPLIES	196.60
	Total for Department 120		5,202.27*
FIRE DEPARTMENT	INDOFF, INC	SUPPLIES	52.67
FIRE DEPARTMENT	HEIMAN FIRE EQUIP. C	MAINTENANCE	410.37
FIRE DEPARTMENT	LUCAN COMMUNITY TV I	MAINTENANCE	211.61
FIRE DEPARTMENT	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
FIRE DEPARTMENT	RIVERSIDE LAUNDRY	SERVICE	44.89
FIRE DEPARTMENT	RUNNING'S SUPPLY	MAINTENANCE	147.80
FIRE DEPARTMENT	SCHWALBACH HARDWARE	MAINTENANCE	42.72
FIRE DEPARTMENT	WINDOM FARM SERVICE	MAINTENANCE	312.96
FIRE DEPARTMENT	WINDOM FIRE SAFETY	MAINTENANCE	30.00
FIRE DEPARTMENT	WINDOM QUICK PRINT	SUPPLIES	7.75
	Total for Department 125		1,267.27*
EMERGENCY MANAGEMENT	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	200.00
	Total for Department 130		200.00*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
ANIMALS	COTTONWOOD-SLAYTON V VETERINARY SERVICE		650.08
	Total for Department 135		650.08*
STREET	AMUNDSON DIG	MAINTENANCE	456.36
STREET	CITIZEN PUBLISHING C	ADVERTISING	44.00
STREET	CLARKE	SPRAY MOSQUITOS	5,592.36
STREET	COTTONWOOD COUNTY LA	GARBAGE	14.00
STREET	GDF ENTERPRISES, INC	MAINTENANCE	235.07
STREET	GCC ALLIANCE CONCRET	MAINTENANCE	31.42
STREET	HOMETOWN SANITATION	HAUL GARBAGE	130.85
STREET	MCLAUGHLIN & SCHULZ,	MAINTENANCE	658.44
STREET	MACQUEEN EQUIP. CO.	MAINTENANCE	333.73
STREET	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
STREET	MMUA	DRUG TESTING	35.50
STREET	MTI DISTRIBUTING, IN	MAINTENANCE	540.51
STREET	RON'S ELECTRIC INC	MAINTENANCE	6,414.66
STREET	RUNNING'S SUPPLY	MAINTENANCE	269.07
STREET	SCHWALBACH HARDWARE	MAINTENANCE	79.72
STREET	COUNTRY PRIDE SERVIC	DISCOUNT FOR FUEL PER CO	-62.44
STREET	COUNTRY PRIDE SERVIC	MAINTENANCE	1,389.06
	Total for Department 140		16,168.81*
HEALTH & SANITATION	COTTONWOOD COUNTY LA	SPRING PICK-UP EXP	2,021.52
	Total for Department 145		2,021.52*
RECREATION	CENTER SPORTS	SUPPLIES	313.00
RECREATION	COCA-COLA BOTTLING C	MERCHANDISE	293.25
RECREATION	A H HERMEL CANDY & T	MERCHANDISE	32.82
RECREATION	SCHWALBACH HARDWARE	MAINTENANCE	9.58
	Total for Department 150		648.65*
PARKS	ALPHA RADIATOR	MAINTENANCE	642.31
PARKS	COLE PAPER INC.	SUPPLIES	643.15
PARKS	COURT'S MACHINERY CO	MAINTENANCE	374.06
PARKS	DIAMOND VOGEL PAINT	MAINTENANCE	2,023.56
PARKS	GDF ENTERPRISES, INC	MAINTENANCE	9.98
PARKS	HOMETOWN SANITATION	HAUL GARBAGE	148.00
PARKS	LAMPERTS YARDS, INC.	MAINTENANCE	130.07
PARKS	MTI DISTRIBUTING, IN	MAINTENANCE	373.87
PARKS	RUNNING'S SUPPLY	MAINTENANCE	142.18
PARKS	SCHWALBACH HARDWARE	MAINTENANCE	58.73
PARKS	COUNTRY PRIDE SERVIC	MAINTENANCE	2,408.42
PARKS	MARK PETERSON	MAINTENANCE	1,667.00
	Total for Department 165		8,621.33*
	Total for Fund 01		37,411.09*
LIBRARY	AUDIO GO	BOOKS	112.26
LIBRARY	CENTER POINT LARGE P	BOOKS	43.74
LIBRARY	CITIZEN PUBLISHING C	COMPUTER SUPPORT	282.34

CITY OF WINDOM  
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
LIBRARY	INDOFF, INC	SUPPLIES	351.01
LIBRARY	GALE	BOOKS	125.97
LIBRARY	INGRAM	BOOKS	1,483.59
LIBRARY	KDOM RADIO	ADVERTISING	66.00
LIBRARY	MICROMARKETING	BOOKS & AUDIO	327.83
LIBRARY	PLUM CREEK LIBRARY	ANNUAL LICENSE FEE	2,200.00
LIBRARY	PLUM CREEK LIBRARY	ANNUAL SYSTEM UPGRADE	2,000.00
LIBRARY	PLUM CREEK LIBRARY	DELIVERY	1,000.00
LIBRARY	READERS SERVICE	BOOK	61.17
LIBRARY	SCHWALBACH HARDWARE	MAINTENANCE	10.68
LIBRARY	SEBCO BOOKS	BOOKS	516.95
LIBRARY	WORTHINGTON GLASS IN	MAINTENANCE	132.58
LIBRARY	VICTORIA	SUBSCRIPTION	19.98
LIBRARY	TEEN VOGUE	SUBSCRIPTION	8.00
LIBRARY	REAL SIMPLE	SUBSCRIPTION	24.00
	Total for Department 171		8,766.10*
	Total for Fund 03		8,766.10*
	WENCK ASSOCIATES, IN STREET SHOP		556.00
	Total for Department		556.00*
	Total for Fund 04		556.00*
	DICKS WELDING INC	MAINTENANCE	72.11
	Total for Department		72.11*
POOL	AMERICAN RED CROSS	LESSONS	240.00
POOL	CITIZEN PUBLISHING C	ADVERTISING	132.00
POOL	COCA-COLA BOTTLING C	MERCHANDISE	162.55
POOL	INDOFF, INC	SUPPLIES	27.53
POOL	HAWKINS, INC	CHEMICALS	2,249.74
POOL	FEDER MECHANICAL INC	MAINTENANCE	193.75
POOL	A H HERMEL CANDY & T	MERCHANDISE	584.44
POOL	HOMETOWN SANITATION	HAUL GARBAGE	76.05
POOL	MN DEPT OF LABOR & I	BOILER LICENSE	55.00
POOL	SCHWALBACH HARDWARE	MAINTENANCE	343.98
	Total for Department 175		4,065.04*
	Total for Fund 12		4,137.15*
AMBULANCE	BOUND TREE MEDICAL,	EQUIPMENT	158.00
AMBULANCE	HIGLEY FORD SALES	MAINTENANCE	315.99
AMBULANCE	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
AMBULANCE	PRAXAIR DISTRIBUTION	SERVICE	332.25
AMBULANCE	WINDOM AREA HOSPITAL	SERVICE	1,853.95
AMBULANCE	COUNTRY PRIDE SERVIC	MAINTENANCE	1,035.00
AMBULANCE	WINDOM FARM SERVICE	MAINTENANCE	18.71
	Total for Department 176		3,720.40*

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 13			3,720.40*
MULTI-PURPOSE BUILDI	CITIZEN PUBLISHING C	ADVERTISING	52.00
MULTI-PURPOSE BUILDI	COLE PAPER INC.	SUPPLIES	519.42
MULTI-PURPOSE BUILDI	FEDER MECHANICAL INC	MAINTENANCE	122.75
MULTI-PURPOSE BUILDI	GDF ENTERPRISES, INC	MAINTENANCE	16.35
MULTI-PURPOSE BUILDI	HEARTLAND PAPER COMP	SUPPLIES	411.23
MULTI-PURPOSE BUILDI	KDOM RADIO	ADVERTISING	146.80
MULTI-PURPOSE BUILDI	PLUNKETT'S PEST CONT	SERVICE	359.45
MULTI-PURPOSE BUILDI	RUNNING'S SUPPLY	MAINTENANCE	47.16
MULTI-PURPOSE BUILDI	SCHWALBACH HARDWARE	MAINTENANCE	297.53
MULTI-PURPOSE BUILDI	STONER INDUSTRIAL, I	SERVICE	84.22
Total for Department 177			2,056.91*
Total for Fund 14			2,056.91*
LIQUOR	ENVIROMASTER, INC.	SERVICE	39.54
LIQUOR	RUNNING'S SUPPLY	MAINTENANCE	6.94
LIQUOR	S&K LINES	FREIGHT	714.35
LIQUOR	SCHWALBACH HARDWARE	MAINTENANCE	6.40
LIQUOR	CAMPUS CLEANERS	SERVICE	40.10
Total for Department 180			807.33*
Total for Fund 60			807.33*
	THEIN WELL CO.	INSPECTION/MAINTENANCE	4,306.27
Total for Department			4,306.27*
WATER	HAWKINS, INC	CHEMICALS	3,794.68
WATER	FEDER MECHANICAL INC	MAINTENANCE	135.25
WATER	MCDONALD & SCHRAMEL	LEGAL FEES	48.00
WATER	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
WATER	SOURCE ONE SOLUTIONS	POSTAGE	152.20
WATER	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	145.00
WATER	SOURCE ONE SOLUTIONS	UTILITY BILL SERVICES	717.97
WATER	MN VALLEY TESTING	TESTING	869.85
WATER	RUNNING'S SUPPLY	MAINTENANCE	196.59
WATER	SCHWALBACH HARDWARE	MAINTENANCE	119.41
WATER	THEIN WELL CO.	INSPECTION/MAINTENANCE	5,941.12
WATER	FERGUSON WATERWORKS	MAINTENANCE	370.81
Total for Department 181			12,497.38*
Total for Fund 61			16,803.65*
	B & B TRANSFORMER	INVENTORY	2,116.13
	DAKOTA SUPPLY GROUP	MAINTENANCE	1,350.97
	ELECTRIC FUND	REF-UT PREPAY-JOYCE HANI	226.00
	ELECTRIC FUND	REF-UT PREPAY-TO XAYAVON	300.00
	RESCO	INVENTORY	1,113.64
	STUART C IRBY CO INC	MAINTENANCE	595.04

CITY OF WINDOM  
 FM Entry - Invoice Payment - Department Report

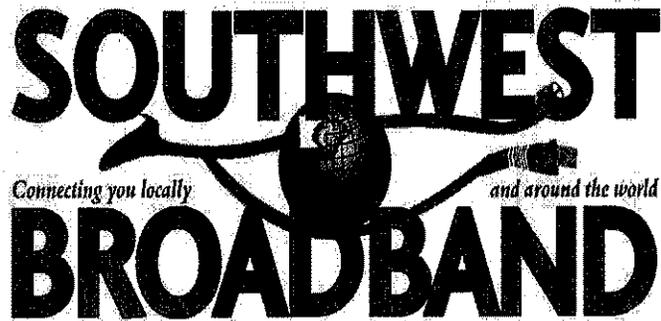
Department	Vendor Name	Description	Amount
	JOYCE HANISH	REFUND - UTILITY PREPAYM	74.00
		Total for Department	5,775.78*
ELECTRIC	BLACKBURN MFG. CO.	MAINTENANCE	534.50
ELECTRIC	CENTRAL MINNESOTA MU	CIP SERVICE ASSESSMENT	4,083.00
ELECTRIC	CITIZEN PUBLISHING C	ADVERTISING	529.00
ELECTRIC	CITIZEN PUBLISHING C	COMPUTER SUPPORT	145.68
ELECTRIC	COLE PAPER INC.	SUPPLIES	124.87
ELECTRIC	DAKOTA SUPPLY GROUP	CREDIT CHECK RETURNED	-9.76
ELECTRIC	DAKOTA SUPPLY GROUP	MAINTENANCE	149.52
ELECTRIC	HOMETOWN SANITATION	HAUL GARBAGE	84.75
ELECTRIC	JOHNSON HARDWARE	MAINTENANCE	5.77
ELECTRIC	KDOM RADIO	ADVERTISING	338.80
ELECTRIC	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
ELECTRIC	SOURCE ONE SOLUTIONS	POSTAGE	152.21
ELECTRIC	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	145.00
ELECTRIC	SOURCE ONE SOLUTIONS	UTILITY BILL SERVICES	1,480.84
ELECTRIC	RETROFIT RECYCLING,	RECYCLING	490.91
ELECTRIC	RUNNING'S SUPPLY	MAINTENANCE	190.61
ELECTRIC	SCHWALBACH HARDWARE	MAINTENANCE	45.56
ELECTRIC	SKARSHAUG TESTING LA	SUPPLIES	54.01
ELECTRIC	STONER INDUSTRIAL, I	SERVICE	68.20
ELECTRIC	UTILITIES PLUS ENERG	MAINTENANCE	1,630.71
ELECTRIC	DEPARTMENT OF ENERGY	POWER COST	119,044.44
ELECTRIC	WINDOM AREA DEVELOPM	INDUSTRIAL DEVELOPMENT	1,200.00
ELECTRIC	COUNTRY PRIDE SERVIC	MAINTENANCE	80.72
ELECTRIC	FLAG SHOOTER LLC	MAINTENANCE	106.88
ELECTRIC	BRUCE BENNETT	ENERGY REBATE	600.00
		Total for Department 182	131,282.72*
		Total for Fund 62	137,058.50*
SEWER	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	79.98
SEWER	ATCO INTERNATIONAL	MAINTENANCE	143.10
SEWER	CITIZEN PUBLISHING C	ADVERTISING	217.80
SEWER	ELECTRIC PUMP INC	MAINTENANCE	5,343.75
SEWER	ENVIRONMENTAL TOXICI	TESTING	700.00
SEWER	HAWKINS, INC	CHEMICALS	4,102.06
SEWER	FEDER MECHANICAL INC	MAINTENANCE	122.75
SEWER	HOMETOWN SANITATION	HAUL GARBAGE	85.04
SEWER	MCDONALD & SCHRAMEL	LEGAL FEES	48.00
SEWER	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
SEWER	SOURCE ONE SOLUTIONS	POSTAGE	152.20
SEWER	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	145.00
SEWER	SOURCE ONE SOLUTIONS	UTILITY BILL SERVICES	717.97
SEWER	MILLER SELLNER EQUIP	MAINTENANCE	46.37
SEWER	MN VALLEY TESTING	TESTING	2,985.00
SEWER	PLUNKETT'S PEST CONT	SERVICE	133.59
SEWER	RUNNING'S SUPPLY	MAINTENANCE	74.07
SEWER	SCHWALBACH HARDWARE	MAINTENANCE	4.25

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
SEWER	FERGUSON WATERWORKS	MAINTENANCE	370.82
SEWER	WORTHINGTON AG PARTS	EQUIPMENT	50.00
	Total for Department 183		15,528.25*
	Total for Fund 63		15,528.25*
ARENA	AMERIPRIDE LINEN CO	SERVICE	82.91
ARENA	BORDER STATES ELECTR	INVENTORY	395.61
ARENA	COCA-COLA BOTTLING C	MERCHANDISE	43.65
ARENA	COTTONWOOD-SLAYTON V	VETERINARY SERVICE	240.00
ARENA	A H HERMEL CANDY & T	MERCHANDISE	76.11
ARENA	HOMETOWN SANITATION	HAUL GARBAGE	130.88
ARENA	KDOM RADIO	ADVERTISING	74.00
ARENA	NORTHLAND CHEMICAL C	SUPPLIES	79.42
ARENA	RUNNING'S SUPPLY	MAINTENANCE	190.97
ARENA	SCHWALBACH HARDWARE	MAINTENANCE	131.83
ARENA	STONER INDUSTRIAL, I	SERVICE	9.55
ARENA	WINDOM PAINTING	MAINTENANCE	114.36
ARENA	SKI'S BRUSH	MAINTENANCE	169.11
	Total for Department 184		1,738.40*
	Total for Fund 64		1,738.40*
ECONOMIC DEVELOPMENT	BJ VIDEO PRODUCTIONS	SERVICE	35.00
ECONOMIC DEVELOPMENT	CITIZEN PUBLISHING C	ADVERTISING	977.30
ECONOMIC DEVELOPMENT	CITIZEN PUBLISHING C	COMPUTER SUPPORT	64.11
ECONOMIC DEVELOPMENT	INDOFF, INC	SUPPLIES	18.92
ECONOMIC DEVELOPMENT	MCDONALD & SCHRAMEL	LEGAL FEES	24.00
ECONOMIC DEVELOPMENT	PAMIDA	SUPPLIES	20.56
ECONOMIC DEVELOPMENT	RON'S ELECTRIC INC	MAINTENANCE	102.89
ECONOMIC DEVELOPMENT	SCHWALBACH HARDWARE	MAINTENANCE	43.96
	Total for Department 187		1,286.74*
	Total for Fund 67		1,286.74*
TELECOMMUNICATIONS	ACTION BATTERY WHOLE	MAINTENANCE	372.73
TELECOMMUNICATIONS	B B C AMERICA	SUBSCRIBER	20.44
TELECOMMUNICATIONS	BIG TEN NETWORK	SUBSCRIBER	1,573.99
TELECOMMUNICATIONS	CNN - TURNER NETWORK	SUBSCRIBER	831.60
TELECOMMUNICATIONS	COLE PAPER INC.	SUPPLIES	148.23
TELECOMMUNICATIONS	COMCAST MEDIA CENTER	SUBSCRIBER	16.50
TELECOMMUNICATIONS	INDOFF, INC	SUPPLIES	556.21
TELECOMMUNICATIONS	DISCOVERY DIGITAL NE	SUBSCRIBER	36.96
TELECOMMUNICATIONS	FOX SPORTS	SUBSCRIBER	5,934.60
TELECOMMUNICATIONS	GLOBAL GOV'T/EDUCATI	MAINTENANCE	9.99
TELECOMMUNICATIONS	HIGLEY FORD SALES	MAINTENANCE	182.10
TELECOMMUNICATIONS	HOMETOWN SANITATION	HAUL GARBAGE	73.92
TELECOMMUNICATIONS	HUB TELEVISION NETWO	SUBSCRIBER	9.24
TELECOMMUNICATIONS	KARE	SUBSCRIBER	510.80
TELECOMMUNICATIONS	KDOM RADIO	ADVERTISING	533.00

CITY OF WINDOM  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
TELECOMMUNICATIONS	LIFETIME	SUBSCRIBER	705.60
TELECOMMUNICATIONS	LIFETIME MOVIE NETWO	SUBSCRIBER	30.00
TELECOMMUNICATIONS	MCDONALD & SCHRAMEL	LEGAL FEES	192.00
TELECOMMUNICATIONS	SOURCE ONE SOLUTIONS	POSTAGE	456.60
TELECOMMUNICATIONS	SOURCE ONE SOLUTIONS	UTILITY BILL SERVICES	1,570.55
TELECOMMUNICATIONS	MLB NETWORK	SUBSCRIBER	340.20
TELECOMMUNICATIONS	NATIONAL CABLE TV CO	SUBSCRIBER	22,225.57
TELECOMMUNICATIONS	OLSEN THIELEN & CO.,	SERVICE	1,033.75
TELECOMMUNICATIONS	OWN	SUBSCRIBER	19.60
TELECOMMUNICATIONS	PLUNKETT'S PEST CONT	SERVICE	447.71
TELECOMMUNICATIONS	RON'S ELECTRIC INC	MAINTENANCE	280.83
TELECOMMUNICATIONS	RUNNING'S SUPPLY	MAINTENANCE	41.01
TELECOMMUNICATIONS	RUSHMORE INDUSTRIES,	FREIGHT	12.91
TELECOMMUNICATIONS	SCHWALBACH HARDWARE	MAINTENANCE	69.56
TELECOMMUNICATIONS	SDN COMMUNICATIONS	SERVICE GIGI TRANSPORT T	10,917.60
TELECOMMUNICATIONS	SHOWTIME NETWORKS IN	SUBSCRIBER	322.00
TELECOMMUNICATIONS	SOUTHWEST/WEST CENTR	SERVICE	833.33
TELECOMMUNICATIONS	STONER INDUSTRIAL, I	SERVICE	38.26
TELECOMMUNICATIONS	TBS - TURNER NETWORK	SUBSCRIBER	730.80
TELECOMMUNICATIONS	TCM - TURNER NETWORK	SUBSCRIBER	384.30
TELECOMMUNICATIONS	TNT - TURNER NETWORK	SUBSCRIBER	1,666.35
TELECOMMUNICATIONS	TOWER DISTRIBUTION C	SUBSCRIBER	223.81
TELECOMMUNICATIONS	ELECTRIC SCIENTIFIC	MAINTENANCE	374.06
TELECOMMUNICATIONS	FLAG SHOOTER LLC	MAINTENANCE	415.74
TELECOMMUNICATIONS	MANKATO NETWORKS LLC	SERVICE	700.00
TELECOMMUNICATIONS	HURRICANE ELECTRIC I	SERVICE	1,000.00
	Total for Department 199		55,842.45*
	Total for Fund 69		55,842.45*
	LAW ENFORCMENT LABOR UNION DUES		252.00
	LOCAL UNION #949 UNION DUES		1,507.52
	Total for Department		1,759.52*
	Total for Fund 70		1,759.52*
	Grand Total		287,472.49*



Friday July 22, 2011

3:00 pm

Southwest Minnesota Broadband Operations Center  
100 South Highway 86  
Lakefield, MN 56150

Southwest Minnesota Broadband is pleased to invite you to the groundbreaking for its Fiber Optic network. This groundbreaking is the culmination of the hard work of its members and the beginning of a new telecommunications future for Southwest Minnesota.

Invited to Present:

United States Senator Amy Klobuchar

United States Senator Al Franken

United States Representative Tim Walz (1<sup>st</sup> District-MN)

Join us for light dinner following the groundbreaking. Groundbreaking will happen rain or shine.

Please RSVP to:

John Schultz [jschultz@u-rekabroadband.com](mailto:jschultz@u-rekabroadband.com)



# OFFICE OF COTTONWOOD COUNTY ASSESSOR

900 THIRD AVENUE, WINDOM, MN 56101

(507)-831-2458

**GALE BONDHUS, SAMA**  
COUNTY ASSESSOR

LISA WILL, CMA  
DEPUTY ASSESSOR

ALAN CONERS, CMAS  
APPRAISER

JEAN GODE, CMA  
APPRAISER

JILL DEFRIES  
TECHNICIAN

SUSAN AMUNDSON, CMA  
OFFICE MANAGER

July 13, 2011

TO: Township Clerks  
City Clerks & Administrators

RE: Local Board of Appeal and Equalization Training

The Minnesota Department of Revenue is again holding Local Board of Appeal and Equalization Training sessions in 2011. There will be 4 training sessions in Region V this year. The contact information is below for training sessions in our region.

LBAE training sessions in Region V are as follows:

**MURRAY COUNTY** – Tuesday, August 9, 2011 at 6:30 p.m. @ Slayton, MN - 4-H Building located at 3048 South Broadway Avenue. Contact person is Jean Nelson 507-836-1159 [jnelson@co.murray.mn.us](mailto:jnelson@co.murray.mn.us). Registration deadline – 8/1/2011.

**COTTONWOOD COUNTY** – Wednesday, September 7, 2011 at 6:00 p.m. @ Windom, MN – Cottonwood County Law Enforcement Center located at 902 5<sup>th</sup> Avenue. Contact person is Sue Amundson 507-831-2458 [susan.amundson@co.cottonwood.mn.us](mailto:susan.amundson@co.cottonwood.mn.us). Registration deadline – 8/29/2011.

**LYON COUNTY** – Thursday, September 8, 2011 at 6:00 p.m. @ Marshall, MN – Lyon County Govt. Center. 607 W Main Street. Contact person is Carolyn Runholt – 507-537-6731 [carolynrunholt@co.lyon.mn.us](mailto:carolynrunholt@co.lyon.mn.us). Registration deadline – 8/29/2011.

**PIPESTONE COUNTY** – Wednesday, November 30, 2011 at 6:30 p.m. @ Pipestone, MN – Pipestone County Courthouse, 416 S Hiawatha Avenue. Contact person is Pam Friesen 507-825-6750 [pam.friesen@co.pipestone.mn.us](mailto:pam.friesen@co.pipestone.mn.us). Registration deadline 11/18/2011.

The DOR also held LBAE training at the Minnesota Association of Townships Summer Short Courses. These dates were June 20-June 23 and June 27-June 30. Some of your township supervisors may have attended one of those training sessions.

If the State of Minnesota is shut down as of the 1<sup>st</sup> of each month, there will be no training sessions in that month. Those classes will be rescheduled at some time in the future. You can still register your officers for future classes. Hopefully the budget impasse will be remedied by then.

(Continued)

July 13, 2011  
Page 2

This training is for those persons whose certification expires in 2011, or for those districts who have need to have new officers certified in board of appeal and equalization training. Please note that there are persons in some districts that are "certified", but are no longer officers in that taxing district.

Please contact whichever county that the training date works best for your schedule. I have included a list of officers in your taxing district that have had Board of Appeal and Equalization Training. The expiration date of their term is also indicated on this form.

Pre-registration is required for these Board of Appeal and Equalization classes. Registration deadline (highlighted in red) is included along with each county's contact information. I strongly suggest that all districts have at least 2 persons qualified with board of equalization training each year.

Please contact me at 507-831-2458 if you have any questions in regard to Local Board of Appeal and Equalization training.

Sincerely,



Gale Bondhus  
Cottonwood County Assessor

Enclosure

# MINNESOTA-REVENUE

## Local Board of Appeal and Equalization Training Attendance List

Updated to include all courses offered through March 31, 2011.

Number	Last Name	First Name	Title/Position	City or Township	County	Date Attended	Location Attended	Training Expires
3761	Osland	Lowell	Supervisor	Storden Twp	Cottonwood County	9/3/2009		11/30/2013
3093	Madson	John	Council Member	Westbrook City	Cottonwood County	9/3/2009		11/30/2013
3956	Phelps	Dennis	Council Member	Westbrook City	Cottonwood County	9/3/2009		11/30/2013
112	Anderson	Larry	Supervisor	Westbrook Twp	Cottonwood County	7/21/2009		11/30/2013
1210	Einerfson	Gary	Supervisor	Westbrook Twp	Cottonwood County	9/3/2009		11/30/2013
2621	Knudson	Roger	Supervisor	Westbrook Twp	Cottonwood County	November 30, 2010		November 30, 2014
3291	Messer	Robert	City Council	Windom City	Cottonwood County	9/6/2007	Redwood	09/06/2011
4004	Powers	Brad	Council Member	Windom City	Cottonwood County	9/3/2009		11/30/2013
4091	Ray	JoAnn	Council Member	Windom City	Cottonwood County	September 1, 2010		November 30, 2014
2571	Klein	Jim		Baxter City	Crow Wing County	3/27/2009	St Cloud	11/30/2012
3438	MOSER	ROB		Baxter City	Crow Wing County	3/27/2009	St Cloud	11/30/2012
4416	Schmid	Otto		Breezy Point City	Crow Wing County	3/27/2009	St Cloud	11/30/2012
5309	Weaver	Joanne	Mayor	Breezy Point City	Crow Wing County	July 27, 2010		November 30, 2014
3207	McCabe	Linda	Twp Supervisor	Center Twp	Crow Wing County	3/27/2009	St Cloud	11/30/2012
4896	Swanson	Dean	Council Member	Cross Lake City	Crow Wing County	7/31/2008	Walker	07/31/2012
4946	Taubert	Carl	Council Member	Cross Lake City	Crow Wing County	10/15/2009		11/30/2013
4199	Roe	Stephen L.	City Council	Crosslake City	Crow Wing County	10/15/2009		11/30/2013
3980	Platta	Mark	Twp Supervisor	Crow Wing Twp	Crow Wing County	3/29/2008	Fergus Falls	03/20/2012
4496	Schuetz	Linda	Twp Supervisor	Crow Wing Twp	Crow Wing County	7/9/2007	St. Cloud	07/09/2011
4501	Schultz	Dave	Supervisor	Crow Wing Twp	Crow Wing County	7/9/2007	St. Cloud	07/09/2011
4492	Schubert	Dave	Supervisor	Crow Wing Twp	Crow Wing County	7/30/2009	St Cloud	11/30/2013
789	Caughy	Bruce	Supervisor	Daggett Brook Twp	Crow Wing County	7/18/2008		07/18/2012
4490	Schubert	Dave	Supervisor	Daggett Brook Twp	Crow Wing County	July 27, 2010		November 30, 2014
4491	Schubert	Dave	Twp Supervisor	Daggett Brook Twp	Crow Wing County	July 27, 2010		November 30, 2014
577	Brandt	Michael	Twp Supervisor	Daggett Brook Twp	Crow Wing County	7/9/2007	St. Cloud	07/09/2011
578	Brandt	Michael	Supervisor	Deerwood Twp	Crow Wing County	7/27/2007	Grand Rapids	07/27/2011
1617	Graff	Dennis	Supervisor	Deerwood Twp	Crow Wing County	July 27, 2010		November 30, 2014
1660	Groff	Dennis	Twp Supervisor	Deerwood Twp	Crow Wing County	July 27, 2010		November 30, 2014
456	Bjorkquist	Jon	Twp Supervisor	Deerwood Twp	Crow Wing County	7/27/2007	Grand Rapids	07/27/2011
1091	Dobosenski Jr	Stan	Chairperson	Fairfield Twp	Crow Wing County	7/27/2007	Grand Rapids	07/27/2011
1564	Gilson	Tom	Supervisor	Fort Ripley Twp	Crow Wing County	7/30/2009		11/30/2013
5543	Wroolie	Kevin	Supervisor	Fort Ripley Twp	Crow Wing County	July 27, 2010		November 30, 2014
3014	Lohse	Don	Supervisor	Fort Ripley Twp	Crow Wing County	July 27, 2010		November 30, 2014
569	Branat	Barbara	Twp Supervisor	Gail Lake Twp	Crow Wing County	7/30/2009		11/30/2013
5411	Whitney	Lyman H	Twp Supervisor	Garrison Twp	Crow Wing County	7/18/2008	St Cloud	07/18/2012
576	Brandt	James P	Twp Supervisor	Garrison Twp	Crow Wing County	7/18/2008	St Cloud	07/18/2012
54	Aldridge	Barry	Supervisor	Ideal Twp	Crow Wing County	7/31/2008	Walker	07/31/2012
2424	Juracek	Philip	Supervisor	Irondale Twp	Crow Wing County	9/15/2009		11/30/2013
				Irondale Twp	Crow Wing County	July 27, 2010		November 30, 2014





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

July 14, 2011

Contact: Tim Flaherty  
651-225-8840

## Shutdown May Be Ending

Yesterday it appeared that there was no end in sight to the budget impasse. On Monday Governor Dayton held a press conference in which he announced he would consider other forms of revenue than an income tax. He further announced that he would be visiting cities in greater Minnesota to discuss the budget crisis. GOP leaders rejected the call for different forms of revenue and asked the Governor to call legislators back for a special session to enact a "lights on bill" and pass the bills where they believe there is agreement. The next day GOP and DFL legislative leaders held dueling press conferences reiterating their positions on the budget. (You can read more in-depth stories on our website [here](#) and [here](#)).

Today, Governor Dayton made an announcement that may signal the end to the government shutdown. He offered to end the government shutdown by accepting the GOP's signed offer sheet from June 30, 2011. That offer would close the \$1.4 billion revenue gap by increasing the school shift and issuing tobacco bonds. Governor Dayton noted his reluctance to accept this offer and stated that he was adding three conditions. He would rely on the public statement that the GOP had removed all policy issues from the deal, the 15% across the board reduction in state employees was dropped and a bonding bill of not less than \$500 million must be passed. We do not yet know how this deal would affect local government aid. Copies of the offer letter are attached.

He began meeting with the GOP legislative leaders at 2:00 P.M. to discuss the proposed deal. At the time this is being sent to you, they were still meeting.

## U.S. House Seeks to Rein in EPA

The U.S. House yesterday passed a bi-partisan bill reining in the Environmental Protection Agency's actions on water quality standards. The bill seeks to rein in the EPA's authority of water quality standard making by states. Overreaching by the EPA on water quality standards in Florida is one of the primary causes driving the bill. If passed and signed, the bill would likely benefit local governments because the EPA could be forced to stop its movement away from site specific nutrient standards and narrative standards. It has been pushing one size-fits-all nutrient standards on states. With a Democratic controlled Senate, however, it seems unlikely that the bill will pass both houses. We will continue to monitor these developments because the EPA's approach to state nutrient standards will have a significant impact on the Minnesota Pollution Control Agency's proposed rules regarding nitrogen.



**Conference  
Registration  
Deadline  
Approaching!**

Please don't forget to sign up for the 2011 Summer CGMC Conference. The registration deadline is July 22. With speakers like Kathy Tunheim, Senior Advisor to the Governor on Jobs, and IRRB Chair Tony Sertich and the opportunity to meet up with fellow city officials along with CGMC Staff, it promises to be a great event. The agenda and registration materials are attached.

**Constitutional  
Budget Question  
and LGA**

On July 8, a group of Minnesota Republican Senators and Representatives filed a petition before the Minnesota Supreme Court challenging the constitutionality of the Special Master/District Court core and critical function funding process. The Supreme Court has agreed to hear their case on July 27. Included in the legislator's brief is a paragraph challenging the District Court's order of June 29 that the Commissioner of Revenue must make the July 20 LGA payment on time. The legislators argue that the District Court does not have the constitutional authority to compel the commissioner to make the payment because the commissioner already has that responsibility under current law. Put differently, the legislators argue that the court's involvement in declaring who gets paid and who doesn't is unconstitutional, and therefore any effort by the District court to force the commissioner to make a payment is also unneeded, if not unconstitutional.

If the Supreme Court accepts this argument, then it is possible they may nullify the District Court's order compelling the July 20 payment. It is unclear how the Supreme Court may view the legislator's argument considering the Supreme Court hearing is on July 27 and the payments are due on July 20. Conceivably, the legislator's may ask the court to postpone making the July 20 payment until the Supreme Court hears the case.

The CGMC remains in contact and engaged with the League of Minnesota Cities and other city groups involved in the prior legal action commenced in late June. We are continuing to analyze our legal position, and we will let you know if any further legal action is taken by the city coalition.

If you have any questions, please contact J.D. Burton with Flaherty & Hood, P.A.

**CGMC Final Report**

Last week we mailed copies of the CGMC Final Report for the 2011 Legislative Session. The only exception is that if we are visiting your city in the next two-three weeks, CGMC staff will hand deliver the report. We are in the process of deciding which cities to visit this summer and fall as part of our annual visits. If you want to ensure that we visit your city, please have your city manager or administrator contact us.



## State Auditor releases lobbying report

Today, State Auditor Rebecca Otto released the annual report on local government lobbying. This report examines local government lobbying expenditures for 2010 made by cities, counties, school districts, various associations, and other units of local government. The report attempts to include costs related to in-house staff, contract lobbying, and dues to local government associations that lobby. Overall, the report showed a 7.1% decrease in lobbying spending by local governments.

As in past years, CGMC spent the greatest amount on lobbying compared to other local government associations. Although our lobbying costs increased slightly, that reflects the increased amount of time needed to respond to defend the local government aid program.

It is possible that you may be contacted by local media to comment on the report. Here are a couple of points to keep in mind as you respond.

- State government makes countless decisions that impact how your city delivers services to residents. Associations such as CGMC help give context for lawmakers as they make those decisions.
- Aggressive lobbying and media advocacy helped prevent deeper cuts to cities this year and are therefore keeping property taxes lower and preventing even more significant cuts in local services.
- Unlike city officials in the metro area, it is not as easy for greater Minnesota city officials to visit the Capitol on a regular basis. Being part of an organization that speaks on behalf of greater Minnesota is the most efficient way to ensure that our community's voice is being heard at the Capitol.

If you have any questions regarding the report or receive an inquiry from the press, please contact Tim Flaherty at [tpflaherty@flaherty-hood.com](mailto:tpflaherty@flaherty-hood.com).

## Stay Up To Date On The Web

For updates between issues of the CGMC in Brief, we encourage you to visit our website at [www.greatermncities.org](http://www.greatermncities.org) or follow us on Twitter. We are trying to keep those resources updated with the most recent information available. Follow us at [@GreaterMNCities](https://twitter.com/GreaterMNCities), [@St\\_Paul\\_Girl](https://twitter.com/St_Paul_Girl), [@BMPeterson](https://twitter.com/BMPeterson) [@burtonjd](https://twitter.com/burtonjd)





# STATE OF MINNESOTA

## Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

July 14, 2011

Via Hand Delivery

The Honorable Amy T. Koch  
Majority Leader, Minnesota Senate  
Capitol Building, Room 208  
75 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, Minnesota 55155

The Honorable Kurt Zellers  
Speaker of the House  
463 State Office Building  
100 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, Minnesota 55155

Dear Senator Koch and Speaker Zellers:

Today is the 14<sup>th</sup> day of the state government shutdown for which you, your Republican caucuses, and I are responsible. During that time, I have made additional compromise proposals to resolve our budget impasse, which you have immediately rejected. Astonishingly, I have not received a single new proposal from you during that entire time.

During the past two weeks, I have been listening carefully to people throughout Minnesota. They are telling me that, overwhelmingly, they want this budget dispute resolved. While they strongly prefer my proposed solution to that of the Republican legislature, more than anything, they want this government shutdown to end. Now.

Thus, in my continuing effort to reach agreement with you on a budget for this biennium and get Minnesota working again, I will reluctantly agree to, although I do not agree with, your signed offer sheet, dated June 30, 2011 (attached).

Most importantly to me, this proposal bridges the remaining \$1.4 billion gap between us without any more drastic cuts in essential services to the people of Minnesota. It thus achieves my principal objective throughout these negotiations, which has been finding the revenues necessary to prevent the severe reduction in, or even the elimination of, the assistance upon which many Minnesotans' lives depend.

Unfortunately, your plan achieves this goal, not by permanent sources of funding, but rather by borrowing an additional \$1.4 billion: \$700 million by increasing the school aid shift and another \$700 million by issuing state bonds against future tobacco revenues.

I was reluctantly agreeable to the first of those measures on June 30<sup>th</sup>. I thought then, and still believe strongly, that the second measure is far less preferable than a new progressive source of additional revenue. You have emphatically rejected all of my proposals, which would accomplish this objective. You have repeated that your caucuses will oppose any additional tax revenue from any source, even my proposals which limit the income tax increase to only the richest 2%, or even the richest 0.3% of all Minnesota taxpayers.

Voice: (651) 201-3400 or (800) 657-3717  
Website: <http://governor.state.mn.us>

Fax: (651) 797-1850

MN Relay (800) 627-3529  
An Equal Opportunity Employer

The Honorable Amy T. Koch  
The Honorable Kurt Zellers  
July 14, 2011  
Page 2

However, despite my serious reservations about your plan, I have concluded that continuing the state government shutdown would be even more destructive for too many Minnesotans. Therefore, I am willing to agree to something I do not agree with – your proposal – in order to spare our citizens and our state from further damage.

I am adding three conditions to those you included on the attached offer sheet. First, I will rely upon your public statements after the shutdown began that you have removed all of the policy issues contained on your list from our remaining negotiations and from legislative action this year. We must concentrate our efforts on reaching the budget agreements that will return Minnesota to work, not on continuing disagreements over issues on which we do not agree.

Second, that you drop your arbitrary 15%, across-the-board reduction to the number of employees in all agencies, regardless of their funding source. I share your desire for sensible government reforms. After we enact this budget, we will have many opportunities to work together cooperatively to initiate them. Right now, however, we need a budget.

Third, that after all of the budget issues have been resolved in a special session, you support and pass a bonding bill in that session of not less than \$500 million to put people back to work throughout Minnesota.

If you agree to your previous proposal with these added conditions, my commissioners, staff, and I are available to meet around the clock with you, your members, and your staff to complete it. I will call a special session of the legislature after my commissioners have signed off on all of the bills necessary for a comprehensive agreement. I expect us to have our work completed and to be ready for a special session within three days.

During that time, I urge the members of both of your caucuses to consider carefully the advisability of supporting alternative sources of revenue, which would provide better, long-term financial stability for Minnesota than the two sources in your offer. If so, we could certainly discuss a substitution.

Sincerely,



Mark Dayton  
Governor

Attachments

**Offer to Governor Mark Dayton from Minnesota Legislature  
June 30, 2011 at 6:00 p.m.**

Shift school aid payments from 70/30 to 60/40 (\$700M)

Issue tobacco bonds to cover remaining gap as agreed to by Governor, Speaker and Senate Majority Leader (TBD)

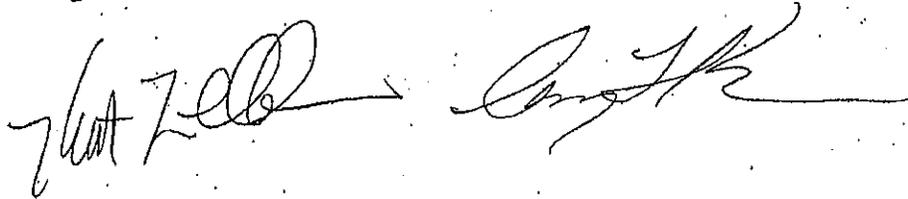
Increase per student formula by \$50/yr to cover additional borrowing costs (+128M)

Add \$10M more to University of Minnesota to equalize reductions with MnSCU (\$60M for higher education)

Restore funding to Department of Human Rights and Trade Office

Session Details:

Signed agreement that tonight's Special Session of the Legislature would be confined to passing a "lights on" extension of funding for all current operations and obligations of state government until 11:59 p.m. on July 11, 2011. No other votes would be permitted, and the session will conclude by 11:59 p.m. on June 30, 2011. All budget bills will be completed and passed on Monday, July 11, 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**

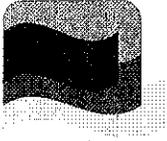
### Thursday, August 4

- \*Breakfast on own\***
- 8:00 a.m. Morning Activities**  
See Registration for Options
- 12:30 p.m. Lunch at Timberlake Lodge**  
Kathy Tunheim, Senior Jobs Advisor to Gov. Dayton
- 1:45 p.m. Focus on Economic Development**  
1:45 – Angel Investment Panel –  
Jeremy Lenz, MN BioBusiness Alliance (Moderator)  
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 Serlich, 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**

*Unless otherwise noted, all events at the Timberlake Lodge Hotel.*



# 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)

300 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155  
Telephone: 651.296.2557  
Fax: 651.296.3698



Steve Nasby, Admin  
City of Windom  
PO Box 38  
Windom, MN 56101-0038

Dear Clerk:

At this time of the year, the State Demographic Center normally releases its population and household estimates for use in a number of different state aid programs. However, in the year following a decennial census, we do not prepare estimates but use the counts from the census. As a courtesy to you, we are providing your population and housing counts from the 2010 Census on the back of this page. These counts will be the base of our estimates in the coming decade.

Since these 2010 counts are collected by the Census Bureau, a federal government agency, we have neither the authority nor the ability to make changes. If you feel there is a problem with the counts, you will need to participate in the Count Question Resolution (CQR) Program established by the Census Bureau. Information about this program was sent to the highest elected official of your jurisdiction recently. The Census Bureau began accepting challenges on June 1, 2011. All challenges must be received by the Census Bureau no later than June 1, 2013. It is important to point out that the Census Bureau will not collect any additional data or conduct any field work during this challenge process. The Census Bureau will be looking for three types of errors:

1. Boundary— Inaccurate reporting or inaccurate recording of government unit boundaries in effect on January 1, 2010.
2. Geocoding— Placement of housing units and group quarters in the wrong governmental unit and/or census tabulation block.
3. Coverage— Errors resulting in the duplication or exclusion of living quarters and persons.

These errors, especially coverage errors, may be difficult to prove. The Census Bureau has very rigorous and specific rules that must be met in any Count Question Resolution submission. For further information about Count Question Resolution Program, please use one of the following contacts:

CQR Branch number: 301-763-9329  
CQR FAX number: 301-763-9321  
CQR Email: [dmd.cqr@census.gov](mailto:dmd.cqr@census.gov)  
CQR Web site: <http://2010.census.gov/2010census/about/cqr.php>

If you do submit a challenge to CQR, please notify us. We will try to provide any assistance that our limited staffing allows.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Thomas Gillaspy".

R. Thomas Gillaspy  
State Demographer

June 24, 2011

**TO:** Steve Nasby, Admin  
City of Windom

**FROM:** R. Thomas Gillaspay  
Minnesota State Demographer

**SUBJECT:** 2010 Census Counts

Here are the April 1, 2010 counts from the U.S. Census Bureau:

Total Population:	4,646
Household Population:	4,490
Group Quarters Population:	156
Total Housing Units:	2,171
Occupied Housing Units (Households):	1,994
Vacant Housing Units:	177
Persons per Household:	2.25

These data are provided as a courtesy by the State Demographic Center. The State Demographic Center cannot make any changes to these numbers. Questions about these numbers should be directed to the Census Bureau.



Coalition of Greater Minnesota Cities

# CGMC in Brief

July 7, 2011

Contact: Tim Flaherty  
651-225-8840

## Budget Negotiations Show Little Progress

The Governor and top legislative leaders met Tuesday and Wednesday but made virtually no progress on resolving the budget deficit. On Wednesday, the Governor offered two different options for raising revenue. Option one included a temporary surcharge on high income earners (the so-called "millionaire tax"), tax expenditure reform, health care surcharges, and an increase to the school payment shift. The second option was largely the same, but in place of the income tax surcharge, it included a "health impact fee" on cigarettes. A copy of the offer letter is attached. GOP leaders expressed disappointment because both offers would use taxes to raise revenue. Dayton further responded that the GOP must make the next offer. You can read more at <http://bit.ly/pyD73G>

There are no budget talks scheduled for today. CGMC staff continues to closely monitor the shutdown negotiations and will notify members if any breakthrough occurs.

## Former Governor and Vice President Organize Budget Commission

On Tuesday, former Governor Arne Carlson and Former Vice President Walter Mondale announced they had formed a bi-partisan commission with two former legislators, two former commissioners of revenue and two former business executives to address the state budget process. They are worried the parties currently involved are becoming too entrenched in their own positions.

Their proposal was released this afternoon and is attached. It calls for a combination of cuts and increased revenue, with most of the closure coming through cuts. State revenues would increase \$1.4 billion through a human services surcharge, an increase in the tobacco tax to match Wisconsin's current tax rate, an alcohol tax inflation increase and a temporary 4% increase in income tax liabilities for everyone.

We have not yet heard any official reaction to the plan.

## Conference Registration Deadline Approaching!

Please don't forget to sign up for the 2011 Summer CGMC Conference. The registration deadline is July 22. With speakers like Kathy Tunheim, Senior Advisor to the Governor on Jobs, and IRRB Chair Tony Sertich and the opportunity to meet up with fellow city officials along with CGMC Staff, it promises to be a great event. The agenda and registration materials are attached.

## CGMC Final Report

This week we are mailing copies of the CGMC Final Report for the 2011 Legislative Session. The only exception is that if we are visiting your city in the next two-three weeks, CGMC staff will hand deliver the report.



## **TMDL & Phosphorus Reduction Grants Application Process Open**

### **THANK YOU!**

Don't let the shutdown fool you. Applications to the Public Facilities Authority for TMDL and phosphorus reduction grants are now being accepted and are still subject to the July 31, 2011 deadline for this round of funding. See the attached PDF, or visit <http://bit.ly/raroRB>

Thanks to the many of you who responded to our action alert last week to be in touch with the governor's office regarding LGA. This type of personal contact, which outlines the real consequences of LGA cuts to communities across the state, is crucial. It is important for him to know that we are counting on his continuing support for LGA. If you have not contacted the governor's office yet you still can. Here are the key points for the governor:

- 1) Thank him for his support for full funding of the LGA program so far.**
- 2) Ask him to fund LGA at its certified level (\$527 million per year) for the next biennium.**
- 3) Remind him that reductions in LGA raise property taxes, undercut services that residents and businesses rely on, and would be a blow to the future prosperity and vitality of greater Minnesota!**

When you call, be sure to let them know who you are and what city you represent. Contact the Governor's Office at [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us) or at 800-657-3717

## **New Round of TIGER Grants**

The U.S. Department of Transportation has announced the availability of \$527 million in additional TIGER grants for capital investment in surface transportation infrastructure with a "significant impact" on the nation, area or region. These grants are similar to the TIGER and TIGER II grants awarded in 2010.

Eligible applicants include state, local and tribal governments including transit agencies and other political subdivisions of state and local government. Eligible projects include highway and bridge projects, public transportation projects and passenger and freight rail. No money is available for planning grants. A grant may be not less than \$10 million (except in rural areas) and not greater than \$200 million. Up to 80% of the project may be funded by the grant.

Pre-applications should be submitted by October 3, 2011, and final applications are due on October 31. The full application can be found by clicking <http://bit.ly/nAzSEt>. For more information, please contact J.D. Burton with Flaherty & Hood, P.A.



## Views from Across the State

Newspapers across the state are starting to weigh in on the shutdown. Here's a sampling:

- The members of the Rochester Post-Bulletin editorial board believe the state deserves better. <http://bit.ly/orl8QG>
- The Fergus Falls Daily Journal opines that taxes should be increased. <http://bit.ly/nng80Q>
- The St. Paul Pioneer Press says the Governor needs a longer term vision to solve the budget deficit. <http://bit.ly/lIPKJd>
- The Bemidji Pioneer wonders why compromise is a dirty word. <http://bit.ly/lyxgRB>
- The Worthington Daily Globe says both parties deserve some share of the blame and advises that everyone may need a drink. <http://bit.ly/oTgKgQ>
- Willmar residents expect both sides to compromise. <http://bit.ly/niDr7w>
- Rochester Post-Bulletin asks for politicians to step up, ignore dogma, and come up with a solution. <http://bit.ly/obxqD6>
- Redwing Republican-Eagle blames both political parties for the shutdown. <http://bit.ly/po6gqW>



## Framework for a Budget Solution

The budget impasse is unprecedented and must be addressed as soon as possible. Minnesotans are suffering, our reputation has been hurt, and our credit rating is endangered.

We reviewed Minnesota's budget situation, and we reviewed previous reports on Minnesota's revenues, expenditures, and budgets.

The following principles shaped our recommendations:

- Everyone in Minnesota needs to contribute to the budget solution;
- The budget should only spend an amount equal to ongoing revenues (no shifts or gimmicks should be used to balance the budget);
- Minnesota needs to consider both revenue increases and expenditure decreases in solving the state's problems;
- While Minnesota's spending has slowed in recent years and is not out of control, spending must be slowed from projected levels especially public health care costs;
- Spending reform is necessary to make state spending more productive;
- The solution to this year's budget impasse should be roughly 70% spending decreases and 30% revenue increases; and,
- The spending in this year's budget should focus on growing the Minnesota economy.

Our recommended framework for a budget solution:

1. Cut state spending \$3.6 billion from projections, which results in a biennial budget increase of 3% (or 1.5% increase per year);
2. Increase state revenues \$1.4 billion as follows:
  - Human Services Surcharge \$.25 billion
  - Tobacco tax increase of \$1.29/pack (the Wisconsin current tax rate) \$.33 billion
  - Alcohol tax inflation increase (from the last time the tax was increased in 1987) \$.14 billion
  - A temporary 4% increase in income tax liabilities for everyone only during the biennium (Three calendar years.)
3. Longer term, the sales tax should be broadened and the rate lowered.

Steve Dille, Co-Chair

Wayne Simoneau, Co Chair

Jim Campbell

John Gunyou

Kris Johnson

Jay Kiedrowski



Date: June 29, 2011

**Notice: Applications Accepted For TMDL and Phosphorus Reduction Grant Programs**

Beginning July 1, 2011 through July 31, 2011, the Minnesota Public Facilities Authority (PFA) will accept applications for the Total Maximum Daily Load (TMDL) Grant Program and the Phosphorus Reduction Grant Program for grant awards in FY 2012. As of this notice date, the Legislature has not approved new FY 2012 appropriations for the Total Maximum Daily Load (TMDL) Grant program or the Phosphorus Reduction Grant Program. However, the PFA will still accept applications in July for program funds that are available from previous appropriations, and any new appropriations that may be approved in the future.

**TMDL Grant Program**

The TMDL Grant Program is established in Minnesota Statutes Section 446A.073 to provide grants to governmental units to assist with the cost of wastewater treatment or stormwater treatment projects necessary to meet wasteload reduction requirements under TMDL implementation plans prepared and approved under Section 303(d) of the federal Clean Water Act. The program is administered by the PFA in cooperation with the Minnesota Pollution Control Agency (MPCA). The program provides grants for 50% of eligible costs up to a maximum of \$3 million.

**Phosphorus Reduction Grant Program**

The Phosphorus Reduction Grant Program is established in Minnesota Statutes Section 446A.074 to provide grants to governmental units to assist with the cost of wastewater treatment projects that will reduce the discharge of total phosphorus to one milligram per liter or less. The program is administered by the PFA in cooperation with the MPCA. The program provides grants for 50% of eligible costs up to a maximum of \$500,000.

**General Requirements For Both Programs**

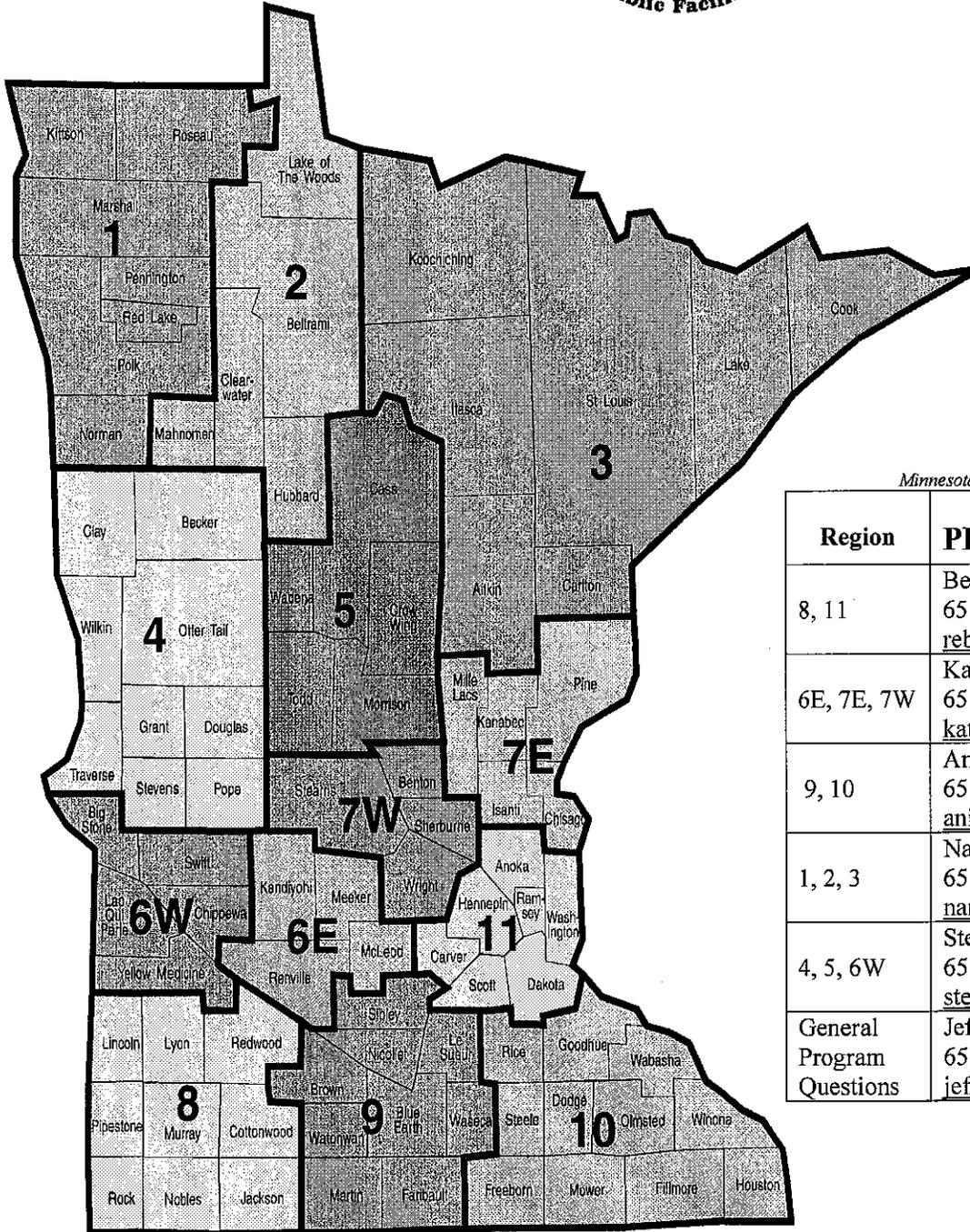
For each of these programs, eligible projects must be ranked on the MPCA's 2012 Project Priority List, and the PFA will reserve funds in priority order. To remain eligible for these funds after they have been reserved, TMDL grant applicants must submit as-bid costs to the PFA and MPCA and must receive MPCA certification of the grant eligible portion of the project by June 30, 2012. Phosphorus grant applicants must submit as-bid costs and receive MPCA certification by May 1, 2012.

Grant application forms for the TMDL and Phosphorus Reduction Grant Programs are available on the PFA website at [www.positivelyminnesota.com/pfa](http://www.positivelyminnesota.com/pfa). Completed applications may be submitted electronically as an e-mail attachment sent to the appropriate PFA loan officer, or by mail (postmarked no later than July 30, 2011) to: MN Public Facilities Authority, PO Box 1694, St. Paul, MN 55101-0694. Applicants must reapply if they submitted an application last year that will not be certified by June 30, 2011.

If you have any questions, contact the appropriate PFA loan officer shown on the enclosed map.

**Minnesota Public Facilities Authority**

1<sup>st</sup> National Bank Building • 332 Minnesota St., Suite E200 • Saint Paul, MN 55101-1351 • USA  
651-259-7469 • 800-657-3858 • Fax: 651-296-8833 • TTY/TDD: 651-296-3900  
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Minnesota Public Facilities Authority

Region	PFA Loan Officer
8, 11	Becky Sabie 651-259-7470 <a href="mailto:rebecca.sabie@state.mn.us">rebecca.sabie@state.mn.us</a>
6E, 7E, 7W	Kathe Barrett 651-259-7464 <a href="mailto:kathe.barrett@state.mn.us">kathe.barrett@state.mn.us</a>
9, 10	Anita Gallentine 651-259-7466 <a href="mailto:anita.gallentine@state.mn.us">anita.gallentine@state.mn.us</a>
1, 2, 3	Nancy Johnson 651-259-7467 <a href="mailto:nancy.lc.johnson@state.mn.us">nancy.lc.johnson@state.mn.us</a>
4, 5, 6W	Steve LaFontaine 651-259-7471 <a href="mailto:stephen.lafontaine@state.mn.us">stephen.lafontaine@state.mn.us</a>
General Program Questions	Jeff Freeman 651-259-7465 <a href="mailto:jeff.freeman@state.mn.us">jeff.freeman@state.mn.us</a>

Feb 2011

### Minnesota Public Facilities Authority

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# STATE OF MINNESOTA

## Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

July 6, 2011

The Honorable Senator Amy T. Koch  
Majority Leader, Minnesota Senate  
Capitol Building, Room 208  
75 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, Minnesota 55155

The Honorable Kurt Zellers  
Speaker of the House  
463 State Office Building  
100 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, Minnesota 55155

Dear Senator Koch and Speaker Zellers:

In my continuing effort to find a swift resolution to our budget impasse, I offer the following two proposals for your consideration, both of which bridge the \$1.4 billion gap between our respective positions. The first is by far the better solution for Minnesota. However, I am providing a second option that does not include an income tax increase, if your caucus remains opposed to considering that source of revenue.

Both proposals require that we resolve the budget without including any policies to which you and I do not agree. Otherwise, they will complicate and delay our progress toward finding a solution. If so, and if we can agree to the total framework of our budget solution today, I am prepared to call a special session as early as tomorrow night to pass a "Lights On" bill until bills can be drafted next week, which reflect our agreement.

### Option #1

1. A temporary 2% income tax surcharge on annual income over \$1 million, which would expire at the conclusion of tax year 2013, would provide \$520 million in additional revenue for the biennium.
2. \$100 million from tax reform, as detailed in Attachment #1, would also provide greater tax equity for Minnesota businesses and individual taxpayers.
3. \$300 million in health care surcharges, \$170 million from hospitals and \$130 million from health plans (excluding Preferred One). They are among the principal beneficiaries of the "Early Medicaid Op-In."
4. \$490 million by increasing the shift in school aid payments from its current 70:30 ratio to 63:37. This delay in payments would appear on the state's biennial budget as a \$490 million spending reduction, thus bringing it closer to your goal. It would be coupled with a \$50 increase for each year in the per-pupil aid formula, which should more than offset any additional borrowing costs a school district might incur from the delay in payments.

**Total Deficit Reduction, Option #1: \$1.410 Billion.**

Voice: (651) 201-3400 or (800) 657-3717  
Website: <http://governor.state.mn.us>

Fax: (651) 797-1850

MN Relay (800) 627-3529  
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The Honorable Amy T. Koch  
The Honorable Kurt Zellers  
July 6, 2011  
Page 2

**Option #2**

1. Increasing the tax on a pack of cigarettes by \$1.00 (effective 9/1/11) would generate \$283 million of additional revenue in the biennium. It would still leave Minnesota's tax 29 cents below Wisconsin's.
2. \$100 million from tax reform, as detailed in Attachment #1, would also provide greater tax equity for Minnesota businesses and individual taxpayers.
3. \$300 million in health care surcharges, \$170 million from hospitals and \$130 million from health plans (excluding Preferred One). They are among the principal beneficiaries of the "Early Medicaid Op-In."
4. \$700 million by increasing the shift in school aid payments from its current 70:30 ratio to 60:40. This delay in payments would appear on the state's biennial budget as a \$700 million spending reduction, thus bringing it closer to your goal. It would be coupled with a \$50 increase for each year in the per-pupil aid formula, which should more than offset any additional borrowing costs a school district might incur from the delay in payments.

**Total Deficit Reduction, Option #2: \$1.383 Billion**

Either of these two proposals, when combined with the non-repayment of the current school aid shift, reducing expenditures by \$1.449 billion, and my proposed additional spending reductions of \$2.052 billion, would resolve the \$5.0 billion projected deficit. I want to emphasize again that I believe the additional school shift in each proposal is far less preferable than finding a permanent source of revenue that would address the long term structural deficit that has plagued our state for the last several years. However, an even greater imperative right now is to find a solution, upon which we can agree, that will put Minnesotans back to work and get state government fully functioning again.

I look forward to your response.

Sincerely,



Mark Dayton  
Governor

Attachment

## Attachment 1

<b>Tax Reforms</b>	<i>(\$'s in Millions)</i>
Estate Tax Fairness--treat non-resident assets the same as residents	13
Close Corporate Loophole for Out-of-State Sales Subsidiaries	46
Index Minimum Business Fees to Inflation	14
Equal Tax Treatment for Foreign Business Income	6
Equalizes Sales Tax Treatment for On-line and MN Retailers	10
Equalizes Sales Tax Treatment for Computer Software	3
Equalizes Sales Tax Treatment for On-line and MN Lodging Establishments	8
<b>Total Tax Reforms</b>	<b>100</b>



# CITIES BULLETIN

Issue 30

July 8, 2011

Print a Copy



Download/print a pdf of all articles in this issue

## Update: State Shutdown 2011

### Initial Recommendations in Special Master Proceeding Favorable to Cities

The League sought the continuation of services related to peace officer licensing and access to accurate vehicle and driver's license information. [Read more.](#)

#### More Shutdown Updates

### Cities May Take Over Electrical and Plumbing Inspections During State Shutdown

A city can pass an ordinance authorizing inspections of electrical installations and plumbing within its jurisdiction. [Read more.](#)

### Resources to Stay Informed About the State Shutdown

For more information on the shutdown, visit the League and Minnesota Management and Budget websites.

—[Read shutdown information provided by the League of Minnesota Cities](#)

—[Learn more about shutdown plans from the Department of Minnesota Management and Budget](#)

#### Training, Conferences, Events

### Upcoming League Events

[Online Training/E-Learning](#)

[Co-Sponsored Events](#)

[Events Sponsored by Other Organizations](#)

#### Featured Events

### 2011 LMC Regional Meetings

September-November  
Various dates and locations throughout the state

### LMCIT Fall Workshops

September-October  
4 locations throughout the state

#### Quick Links

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

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## **Initial Recommendations in Special Master Proceeding Favorable to Cities**

**The League sought the continuation of services related to peace officer licensing and access to accurate vehicle and driver's license information.**

*(Published Jul 8, 2011)*

The League appeared before the Special Master on July 5 to argue for continued funding of the Peace Officer Standards and Training (POST) Board licensing function and the state's Drivers and Vehicle Services (DVS) licensing function. Initial indications are that these requests will be approved.

The League sought these services based on information from members about core and critical local government services that were impacted by the state government shutdown.

The League argued that it was critical from a public safety perspective that cities be able to retain new licensed peace officers and that those involved in the criminal justice system have access to timely and accurate vehicle and driver's licensing information.

Following the hearing, counsel for the governor's office submitted to Special Master Kathleen Blatz a proposed order agreeing with arguments made by the League. That order, if signed in its current form, would allow the POST peace officer licensing function to operate, and would provide funding for DVS that will allow it to keep its information current.

**View Gov. Dayton's cover letter and the proposed order by the special master (pdf)** *(Link to: [http://www.mncourts.gov/Documents/2/Public/Civil/gov\\_2nd\\_correspondence\\_to\\_special\\_master.pdf](http://www.mncourts.gov/Documents/2/Public/Civil/gov_2nd_correspondence_to_special_master.pdf))*

In particular, paragraph J of the governor's recommendation proposes the classification of the POST Board's licensing, testing, and misconduct response and investigation functions as core functions of government, along with the driver and vehicle licensing information verification function of DVS. The League's testimony on July 5 was presented by League General Counsel Tom Grundhoefer, Hutchinson Police Chief Dan Hatten, and Lexington/Centerville prosecutor Kurt Glaser.

### **Other recommendations address city aids and credits**

In addition to the POST and DVS issues, the governor's recommendation also contained helpful language on various city state aid and credit funding matters. In the original order by Chief Ramsey County District Court Judge Kathleen Gearin, she indicated that standing appropriations such as local government aid (LGA) must be paid as scheduled under state law. However, her original order was not explicit with respect to other city and county aid and credit programs that are similarly funded through standing appropriations.

On July 5, in response to arguments made by the Minnesota Inter-County Association and supported by the Association of Minnesota Counties, paragraph E of the proposed special master's recommendation acknowledges that county program aid, and other "local government aids" (including PERA, police pension, and market value homestead credit), are logically encompassed within Judge Gearin's original order.

The acknowledgement by the governor is an additional clarification of the judge's earlier order. It should give cities even greater confidence that other state aid and credit payments will be made as required by law.

The governor's proposal to broaden the scope of local government aid payments is a very helpful concession. While it technically does not eliminate the potential of an appeal by the governor from the LGA part of last week's order, the League is encouraged by the tone of the recommendation.

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

### **Your LMC Resource**

#### **Contact Tom Grundhoefer**

General Counsel

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**tgrundho@lmc.org** (*Link to: <mailto:tgrundho@lmc.org>*)

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## **Cities May Take Over Electrical and Plumbing Inspections During State Shutdown**

**A city can pass an ordinance authorizing inspections of electrical installations and plumbing within its jurisdiction.**

*(Published Jul 8, 2011)*

Across the state, construction projects are being delayed by a lack of state-provided electrical inspectors and plumbing plan approvals and inspections. Fortunately, cities can do something about this.

### **Electrical inspections**

Under state law, any new electrical installation in virtually any construction, remodeling, replacement or repair must be inspected for compliance with accepted standards of construction for safety to life and property. While it's usually the state that performs these inspections, the state isn't doing any electrical inspections during shutdown. However, a city can pass an ordinance authorizing inspections of electrical installations within its jurisdiction.

Once the city conveys the adopted ordinance to the Department of Labor and Industry (DLI), the city can allow inspections to be performed within the city by individuals licensed by the state as master or journeyman electricians. The city cannot require any electrician it uses to pay a licensing or registration fee to the city, but the ordinance may require that any "individual, partnership, corporation, or other business association doing electrical work" keep on file with the city a copy of his or her valid electrician's license.

Inspections must be performed by individuals insulated from conflicts. The statutes require the person doing the electrical inspections for a city not to engage in or be employed in the sale, installing, altering, or repairing of electrical wiring, apparatus, or equipment for light, heat, power, and other purposes, and the person cannot have a financial interest in any concern engaged in such business.

Once the ordinance authorizing electrical inspections is passed, cities may be looking for an immediate source of electrical inspectors. One idea is to call cities that have already passed such an ordinance and contract for electrical inspection services. Again, both cities must have passed an ordinance authorizing inspections in their respective jurisdictions.

**View a list of local inspectors from the DLI website (pdf)** *(Link to:*

*[http://www.dli.mn.gov/CCLD/PDF/eli\\_rptMunicipalInspectorsByCounty.pdf](http://www.dli.mn.gov/CCLD/PDF/eli_rptMunicipalInspectorsByCounty.pdf)*

League staff did hear some rumblings from the state, questioning whether cities may indeed pass such an ordinance authorizing electrical inspections in their jurisdiction. However, the League has learned through communications with the governor's office, that the DLI commissioner believes cities do indeed have the authority. Some cities have already decided to pass an ordinance, including Edina and Minneapolis. If your city would like to pass such an ordinance, the League has a sample ordinance.

**View Sample Ordinance: Temporary Authority for City Electrical Inspections** *(Link to:**http://www.lmc.org/media/document/1/electricalordinance.doc)***Plumbing plan approvals and inspections**

Cities can also pass a local ordinance to perform plumbing plan approvals and inspections. Any city having a system of waterworks or sewerage, regardless of population, may adopt a local ordinance that provides for plumbing permits, approval of plans and specifications, and inspections of plumbing.

The local ordinance must conform to the state plumbing code. It must not prohibit state-licensed plumbers from engaging in or working at the business of plumbing (except in a city with a pre-1933 ordinance required the licensing of plumbers). A city ordinance must not require a plumber to post an additional bond since the state already requires that.

A performance bond may be required. The city may not require plumbers to have public liability insurance as a prerequisite for working on plumbing in the city. City ordinances must not require a license for persons performing building sewer or water service installation who have completed pipe laying training as prescribed by the state. A local inspector, given authority by local ordinance to issue plumbing permits and approve plumbing plans must report persistent or willful violation of the ordinance or any incompetence of a licensed plumber to the state. If your city would like to pass such an ordinance, the League has a sample ordinance.

**View Sample Ordinance: Temporary Authority for City Plumbing Plan Approvals and Inspections** *(Link to: http://www.lmc.org/media/document/1/plumbingordinance.doc)*

Given that no one can predict the duration of the state government shutdown, cities have the option to pass local ordinances temporarily filling in for the lack of state electrical and plumbing services, and moving local construction projects along.

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

**Your LMC Resource****Contact Tom Grundhoefer**

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Coalition of Greater Minnesota Cities

# CGMC in Brief

July 1, 2011

Contact: Tim Flaherty  
651-225-8840

## ***SPECIAL EDITION***

### **Shutdown Coverage**

As you've probably all heard by now, the state government entered a shutdown at midnight. There has been no indication of future talks or negotiations soon so it is difficult to predict how long the shutdown will last.

Both sides have made various documents from the negotiations publically available. These documents provide some insight into the bargaining positions of each side:

- The GOP sought to extend the levy limits for three years and also proposed passage of several policy initiatives including photo ID, acceptance of their redistricting plan and various education and HHS reforms in exchange for new revenues. The documents disclosed did not specify how much revenue, the form of revenue or what spending would be restored so we can not provide that information to you. You can see a copy of the offer at <http://scr.bi/maGNPy> An earlier proposal offered at 3:00 PM did not contain the policy provisions and can be viewed as part of the packet posted at <http://scr.bi/jgEUml>
- The DFL proposed a mix of tax changes, including a scaled back version of the income tax on high earners, and HHS surcharge increases to raise approximately \$1.3 billion in revenue and a change in the school aid payment shift to close the remaining \$1.4 billion gap. You can see a copy of the offer at <http://scr.bi/jgEUml>
- Much of the proposed revenue discussed relies on shifts, one time revenues or other unsustainable sources of revenue that would not solve the budget deficit for the long term.

### **Media**

Several CGMC city officials have been quoted in articles regarding the shutdown. Here's a few (and we apologize for those we missed):

- Albert Lea Tribune and new City Manager Chad Adams  
<http://bit.ly/lNWMGl>
- Marshall Independent and City Administrator Ben Martig  
<http://bit.ly/mD4dVN>

Greater MN papers are not taking kindly to the shutdown and are pointing fingers at both sides:

- Post Bulletin believes Minnesotans are willing to pay a little more to sustain our quality of life. <http://bit.ly/jwwHk4>
- Winona Daily believes taxpayers deserve better <http://bit.ly/kEbeeH>
- Grand Forks Herald believes this shutdown offers opportunity for reform. <http://bit.ly/kyybvl>





Coalition of Greater Minnesota Cities

# CGMC in Brief

June 30, 2011

Contact: Tim Flaherty  
651-225-8840

## Court Orders LGA Funding during Shutdown

Yesterday, 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.

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.

## R.I.P. Jack Murray

Two-time CGMC President and former International Falls Mayor Jack Murray passed away this week at the age of 89. His funeral is Saturday, July 2, 8:00 AM at St. Thomas Catholic Church in International Falls. <http://bit.ly/kdb8ZO>

Current Mayor Shawn Mason summed up what a significant contribution to public service Jack made: "It is a sad day in International Falls. Jack Murray served our community for nearly half his life, and did so with honesty, great character and integrity. He was an exemplary Mayor – one who did not have a vindictive or unethical bone in his body. He was simply a very good man, with a good heart, strong work ethic and honorable intentions. . . . Jack captured the hearts of his fellow citizens, and earned their respect long ago. We will honor this wonderful man – and all that he stood for – on his birthday, July 28, as we dedicate the riverfront seaplane base in his name. "

The CGMC agrees and notes that as he served International Falls, he also served all of greater Minnesota.



## **Budget Impasse Continues**

Budget discussions between the governor and legislature have been going on all week under what they describe as a “Cone of Silence.” This cone means that there is very little solid information regarding the negotiations available to anyone. Some sources claim the legislature and governor are close to a deal, others suggest they are further apart.

We will continue to monitor this situation. If a deal is reached, we will send out a special alert. In addition, you can follow us on twitter for periodic updates @GreaterMNCities, @St\_Paul\_Girl, @BMPeterson or @burtonjd

## **Environmental Updates**

The legislature may be out of session, but activity in the courts and at the federal government could impact our wastewater treatment facilities. CGMC environmental lobbyist spoke with the attorney representing business interests in the state sulfate lawsuit. This lawsuit seeks to overturn MPCA’s outdated sulfate regulations. The district court rejected the MPCA’s request to dismiss the lawsuit so it is proceeding forward. A government shutdown would likely slowdown the suit because the MPCA’s staff needed to respond to information requests may be laid off.

At the federal level, Congressional Republicans are challenging EPA actions that could drive up costs even more for waste water treatment facilities. The federal Clean Water Act requires states to establish water quality standards for the water bodies within their borders, which are subject to federal approval. Many states have used descriptive narrative standards that provide them flexibility to adjust to the different water bodies. Over the last several years, the EPA has been rejecting narrative standards and pressing states to adopt strict numerical standards that are not site specific. In Minnesota, regulators have moved away from narrative standards to numeric standards, but these numeric standards are at least site specific. There is good reason to be concerned that when the MPCA submits its next round of regulations for approval that the EPA will push for even tighter regulations. That would be bad news for our municipal wastewater treatment facilities because they would likely be required to add even more equipment or filtration.

Last Friday, the Subcommittee on Water Resources and Environment held a hearing to discuss what it described as EPA’s “overreaching nutrients policies.” Congressional Republicans are pressuring the EPA to scale back its regulatory efforts and give the states more deference in regulating the waters within their borders. In the short term, however, it does not look like that pressure is having any effect. We will continue to monitor this issue and will work with the CGMC environment committee if we determine there is an opportunity for action.



**Media:**

President Nancy Carroll's statement (attached) regarding the court order on LGA payments received extensive coverage throughout the state.

Minnesota Public Radio <http://bit.ly/m6tLBE>

Albert Lea Tribune <http://bit.ly/IHSa1N>

South Washington County <http://bit.ly/m6KWj6>

West Central Tribune <http://bit.ly/ms2KVo>

East Grand Forks <http://bit.ly/kpOwdI>

Minn Post/TPT <http://bit.ly/kGB3em>

The Star Tribune continues to call for a compromise of cuts and revenue  
<http://bit.ly/lwXexB>

**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.





# CITIES BULLETIN

Issue 29

July 1, 2011

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## Daily News: State Shutdown 2011

### State Shutdown is Reality: What Happens Now?

There is still much uncertainty for cities now that the state shutdown has happened, but the League will continue to provide new information as it becomes available. [Read more.](#)

*Note: The League provided daily Bulletins this week to help cities prepare for the impending state shutdown. Going forward, we will continue to send any major news updates only on an as-needed basis. Please be sure to check the LMC website daily for any new information.*

### More Shutdown Updates

#### League to Appear before Special Master

The League is scheduled to go before the special master on Tuesday to discuss core government services. [Read more.](#)

#### Water and Wastewater Licensing Affected by State Shutdown

Cities should check the renewal date on city water and wastewater staff certifications to avoid legal and financial liabilities. [Read more.](#)

#### Liquor Sales During the State Shutdown

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#### Allina Hospitals & Clinics to Continue Operations During the State Shutdown

The health care organization says it will continue to provide its usual level of service. [Read more.](#)

#### Resources to Stay Informed About the State Shutdown

For more information on the shutdown, visit the League and Minnesota Management and Budget websites.

—[Read shutdown information provided by the League of Minnesota Cities](#)

—[Learn more about shutdown plans from the Department of Minnesota Management and Budget](#)

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- [Weekly 4M Fund Rates \(Minnesota Municipal Money Market Fund\)](#)

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## **State Shutdown is Reality: What Happens Now?**

**There is still much uncertainty for cities now that the state shutdown has happened, but the League will continue to provide new information as it becomes available.**

*(Published Jul 1, 2011)*

Yesterday, the question was: "Can legislative leaders and the governor reach a budget agreement or will there be a state government shutdown?" Throughout the day on Thursday, legislative leaders and Gov. Dayton exchanged budget offers, but by 10 p.m., it was clear that no agreement would be forthcoming and as of midnight, many state agency operations are now closed. Today, the questions are: "Can legislative leadership and the governor reach an agreement, and how long will the shutdown last?"

Some of the offers between the governor and legislative leaders have now been made public, but the written offers did not include much detail on items specifically related to cities or aid and credit programs. However, on Friday morning during a radio appearance, Sen. Tom Bakk, who has been participating in the budget negotiations as the Senate minority leader, responded to a question about a possible future budget compromise by suggesting that aids and credits paid to local units of government may have to be reduced as part of a final compromise. He gave no further details on what level of cut might ultimately be included in a compromise.

Under Judge Gearin's June 29 order, standing appropriations for programs such as local government aid (LGA), which is paid on July 20 and Dec. 26, and market value homestead credit (MVHC) reimbursement, which is paid on Oct. 31 and Dec. 26, would be distributed as scheduled even if a state shutdown extends to the statutory payment dates.

If no agreement is reached before July 20, the court order will require the Minnesota Department of Revenue to distribute the first half of the original certified levels of LGA, Public Employees Retirement Association (PERA) employer aid, and utility value transition aid. However, please keep in mind that if the Legislature and governor reach a budget agreement before those distribution dates, and their agreement includes reductions to aids and credits, any reduction would likely be applied to the next payment. For example, if a budget agreement were reached on July 10, past practice would suggest that one-half of the reduction would be applied to the July LGA payment and one-half would be applied to the December LGA payment. However, if a budget agreement is not reached until Aug. 1, any agreement between the governor and Legislature on an LGA reduction would presumably be applied to the December payment.

This morning, we received confirmation from the Department of Revenue that aid payments would be made as scheduled in July.

Please note that the Department of Revenue's website includes an FAQ document that contains incorrect information stating that payments would not be made unless there is a court order. Gearin's court order directs those payments to be made.

With the shutdown now in effect, attention has also turned to the special master process that was also ordered by Judge Gearin. On Friday morning, former Minnesota Supreme Court Chief Justice Kathleen

Blatz (also a former legislator) began hearing arguments from parties impacted by the shutdown. The purpose of the special master process is to afford parties an opportunity to make a case for the critical nature of state operations that have not been funded under the original Gearin order.

Many of the parties that have requested to appear before the special master are nonprofit entities involved in various aspects of social, health, and human service programs, but today's schedule also includes the Minnesota Zoo, Minnesota Harness Racing, Inc., and the Minnesota School Boards Association. The League was originally scheduled to appear today to provide the special master with information on unfunded state operations that will negatively impact local health and safety operations. The League's appearance before the special master has now been moved, at our request, to Tuesday, July 5 (see **related article** ([Link to: http://www.lmc.org/page/1/league-specialmaster.jsp](http://www.lmc.org/page/1/league-specialmaster.jsp))).

With the shutdown now a reality, the League will be regularly updating information on our website to reflect new information on the status of the state shutdown and its impact on cities.

**Read the League's State Shutdown page** ([Link to: http://www.lmc.org/page/1/stateshutdown.jsp](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](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** ([Link to: mailto:shutdown@lmc.org](mailto:shutdown@lmc.org))



## League to Appear before Special Master

**The League is scheduled to go before the special master on Tuesday to discuss core government services.**

*(Published Jul 1, 2011)*

The Special Master, former Minnesota Supreme Court Chief Justice Kathleen Blatz, appointed by Ramsey County District Court Judge Kathleen Gearin, has begun her work to evaluate potential core government services that should be continued even in the absence of a budget agreement.

The League has asked cities for examples of core city services (those related to the preservation of life or property) that would be potentially impacted by particular state agencies being shut down. The League was originally scheduled to testify before the special master today, but we determined that we were not yet ready to present enough factual information. Our time before the special master has now been rescheduled for Tuesday, July 5 at 1 p.m.

As of this afternoon, the following three common issues continue to emerge from cities:

- Concern about safety in and around suspended MnDot/city/county highway construction projects.
- Concern about being able to fill vacant and new peace officer positions because of inability to get Peace Office Standards and Training (POST) licenses.
- Concern about impairment of prosecution services because of inability to get timely Driver and Vehicle Services information.

We believe that it will be important for city officials to be available on Tuesday to actually provide testimony. We will be in contact with particular individuals that have raised these and others issues to try to prepare for the Tuesday hearing.

The League does not presently intend to address the issue related to ongoing payment of city aids and credit with the special master. We believe that issue was clearly addressed by Judge Gearin in her June 29 order.

We continue to ask city officials to think hard about how the closure of various state agencies may impair your ability to provide core local government services—both in the short and long term. Please continue to provide your examples to Tom Grundhoefer at [tgrundho@lmc.org](mailto:tgrundho@lmc.org) *(Link to:*

*mailto:tgrundho@lmc.org)* .

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

## Your LMC Resource

Please tell the League about any problems your city expects as a result of the shutdown, so the League can present the information to the special master.



## Water and Wastewater Licensing Affected by State Shutdown

**Cities should check the renewal date on city water and wastewater staff certifications to avoid legal and financial liabilities.**

*(Published Jul 1, 2011)*

Staff who work at municipal water or wastewater treatment facilities in Minnesota are required to have current certification under **Minnesota Statutes, section 115.71-115.77** ([Link to: https://www.revisor.mn.gov/statutes/?id=115](https://www.revisor.mn.gov/statutes/?id=115)) and under **Minnesota Rules, chapter 9400** ([Link to: https://www.revisor.mn.gov/rules/?id=9400](https://www.revisor.mn.gov/rules/?id=9400)) for facilities of the size and type they are responsible for operating.

The shutdown of non-essential state government services affects the training and certification programs for both the Minnesota Pollution Control Agency and the **Minnesota Department of Health** ([Link to: http://www.health.state.mn.us/divs/eh/water/wateroperator/index.htm](http://www.health.state.mn.us/divs/eh/water/wateroperator/index.htm)). The website for the MPCA is no longer available, but the Department of Health site is still functional as of July 1.

City staff whose three-year certification is due to expire are normally notified 4-6 weeks prior to that expiration date and must renew their certification within 30 days of that deadline. Due to the shutdown, however, those notices will not be sent and there will be no way to renew a license or test for a higher classification of certification.

Facilities and individual operators would be violating state law if they operate a water or wastewater treatment system without a valid certification. Facilities using improperly certified operators could face significant civil penalties. In addition to general penalties and charges for operating without a license, individual operators, and those who supervise them or their departments, could face criminal charges under **Minnesota Statutes, section 609.671** ([Link to: https://www.revisor.mn.gov/statutes/?id=609.671&year=2010&keyword\\_type=all&keyword=environmental+crime](https://www.revisor.mn.gov/statutes/?id=609.671&year=2010&keyword_type=all&keyword=environmental+crime)), and could be deemed to be ineligible for reinstatement of their certification at a future date due to those violations. Cities may need to plan for temporary assistance from appropriately certified operators for their system to avoid this liability.

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

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## **Liquor Sales During the State Shutdown**

**Several types of liquor licenses, including on-sale licenses for clubs, on-sale wine licenses, and intoxicating liquor off-sale licenses will not be renewed during the state shutdown.**

*(Published Jul 1, 2011)*

The League has started receiving calls about how cities should proceed given expired liquor licenses. This is how League staff currently understand the situation.

Most on-sale licenses are valid without approval from the state. Any establishment—other than a club—with an on-sale intoxicating liquor license issued by the city can still sell intoxicating liquor on-sale. Additionally, any non-club establishment with an on-sale intoxicating liquor license and Sunday on-sale license both issued by the city may still sell intoxicating liquor on site on Sundays.

All 3.2 liquor licenses issued by cities, on-sale and off-sale, are valid since they also require no approval from the state. Anyone with a 3.2 on-sale and/or 3.2 off-sale license issued by the city can still sell 3.2 liquor both on-sale and off-sale. If an establishment has an expired off-sale intoxicating liquor license, the city may wish to issue them a 3.2 off-sale liquor license to at least authorize their off-sale of 3.2 liquor.

Virtually all other licenses issued by the city require approval from the state. This includes on-sale licenses for clubs, on-sale wine licenses, and intoxicating liquor off-sale licenses. Anyone with an expired off-sale intoxicating liquor license cannot sell intoxicating liquor off-sale starting today.

Minnesota Law also requires buyer's cards for retailers, including municipal liquor stores, for anyone purchasing intoxicating liquor for resale at the store. And while a buyer's card is not required for purchase of 3.2 liquor stock, the fact that a wholesaler is required to have a seller's card in order to sell 3.2 liquor, and that that card may be expiring, may make liquor difficult to buy in Minnesota.

While cities are not directly responsible for enforcement of liquor licensing regulation on buyer's cards, cities should respect the law and enforce it.

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

### **Your LMC Resource**

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## **Allina Hospitals & Clinics to Continue Operations During the State Shutdown**

**The health care organization says it will continue to provide its usual level of service.**

*(Published Jul 1, 2011)*

Allina Hospitals & Clinics requested that the League inform cities that the health care provider will continue to operate during the state government shutdown. The following is a message directly from Allina:

Allina has been and will be continually assessing the possible effects of a shutdown on our patients and our operations. We want to assure our community leaders, patients and their families, the public, our employees and physicians that patient care and safety are our number one priorities. Throughout the duration of a state government shutdown, Allina will continue to serve the health care needs of all of our patients with no disruption to service. This will include ongoing provision of emergency ambulance service to communities served by Allina Medical Transportation. Allina will be posting information about services on Allina.com (home page and newsroom), Allina's Facebook page, and the home pages of the Allina hospitals.

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

### **Your LMC Resource**

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# CITIES BULLETIN

Issue 28

June 30, 2011

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### Special Master to Begin Work on First Day of Shutdown

Please tell the League about any problems your city expects as a result of the shutdown, so the League can present the information to the special master. [Read more.](#)

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[choffacker@lmc.org](mailto:choffacker@lmc.org)



## **Special Master to Begin Work on First Day of Shutdown**

**Please tell the League about any problems your city expects as a result of the shutdown, so the League can present the information to the special master.**

*(Published Jun 30, 2011)*

Today has been a very busy day in and around the Capitol. Legislative leaders have been meeting on and off with the governor while various groups are holding rallies and other events. According to reports, many legislators are at the Capitol and the state office building, even though an agreement is apparently not immediately pending.

With time running out before a midnight deadline to pass a budget agreement, it appears that a state shutdown is increasingly likely. That said, negotiations can move quickly, and an agreement and rapid legislative approval could yet occur.

### **Special master on shutdown**

In the court order on June 29, Judge Gearin approved the special master process recommended by the attorney general. The special master is being appointed to “promote judicial economy and efficiency” by creating an orderly process to resolve requests for or objections to agency funding. The special master process is intended to prevent the necessity for multiple individual lawsuits to be filed and adjudicated.

The appointed special master, former Minnesota Supreme Court Chief Justice Kathleen Blatz, will begin taking input from interested parties on “core function” designations starting July 1. The process is expected to continue into next week. Staff with the attorney general’s office is helping to identify parties interested in appearing before the special master.

The following information was posted today on the Ramsey County District Court website:

“Special master hearing will take place on July 1, 2011, from 8 a.m. to 5 p.m. at Minnesota Judicial Center, Room 230, Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. In order to schedule a hearing before the assigned special master, please contact Jason Pleggenkuhle, assistant attorney general at (651) 757-1147.”

Per the special master process, please let the League know of state shutdown impacts that will adversely affect the ability of your city to maintain critical local government functions. For example, we expect that licensing for peace officers and water treatment and wastewater treatment operators will not be available during a shutdown. Without valid licenses, those staff would not be able to perform those duties.

If your city has staff or services that would be adversely affected by a state agency shutdown and the local effects would negatively impact the ability of the city to provide “core” government services—those directly tied to a city’s ability to protect “life and property”—it is important that you let the League know this as soon as possible. The League may appear before the special master to highlight those negative impacts and possibly to argue for a continuation of those state services in order to avoid

disruption of critical local services. Contact the League at [shutdown@lmc.org](mailto:shutdown@lmc.org) (Link to: <mailto:shutdown@lmc.org>) .

### **Status of state agencies and their websites**

Based on Judge Gearin's ruling, the offices of both the state auditor and the secretary of state will be operational during a shutdown. With regard to other state agencies, the League developed a summary that describes the status (as best we know it) and where to send information if filings or other submittals are required. The document also lists League staff you can call with specific questions related to particular agencies.

### **View Status of State Agencies During Shutdown (pdf)** (Link to:

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

In addition, with the uncertainty of the status of state agency and state constitutional office websites, the League is attempting to download forms and reports that may be needed by cities. Unfortunately, we cannot be certain we will be able to secure copies of every needed form, but in the event of a shutdown of state websites, please contact the League to see if we have access to needed forms and reports.

### **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>)



## **Focus on New Laws: Tax Increment Flexibilities Get One More Year**

**New legislation brought forward by the League and Metro Cities will add more time to local job-creation efforts established in last year's jobs bill.**

*(Published Jun 29, 2011)*

One important policy matter the Legislature did pass before adjourning from the regular session deals with extending the tax increment financing (TIF) flexibilities put into law with last year's jobs/state stimulus bill.

**Chapter 112** (*Link to: <https://www.revisor.mn.gov/laws/?id=112&doctype=Chapter&year=2011&type=0>*) extends last year's jobs bill by adding time onto the TIF flexibilities provided under 2010 Minnesota Session Laws, **Chapter 216**

(*Link to: <https://www.revisor.mn.gov/laws/?id=216&doctype=Chapter&year=2010&type=0>*). The language is found in article 11, sections 13 and 14.

Section 13 addresses using economic development districts for any new construction, and adds one year onto that. The effect is that a municipality would need to find that the construction would not have commenced before July 1, 2012, without the assistance. This amends *Minnesota Statutes, section 469.176, subdivision 4m* (*Link to: <https://www.revisor.mn.gov/statutes/?id=469.176>*). This provision is limited however, in its application to housing, and specifies that construction must begin before Jan. 1, 2012. It also cannot