

**City Council Meeting
Tuesday, May 6, 2008
City Council Chambers
7:30 p.m.
AGENDA**



Call to Order
Pledge of Allegiance

1. Approval of Minutes
 - Council Minutes – April 15, 2008 & April 30, 2008
2. Consent Agenda
 - Receipt of Board & Commission Minutes
 - EDA Commission - April 14, 2008
 - Park & Recreation Commission – April 14, 2008
 - Utility Commission – April 23, 2008
 - Community Center Commission – April 28, 2008
 - Correspondence
 - Robert Williams, PE – Windom Island Park Dam
3. Southwest Crisis Center – Introduction of New Director and Overview of Services
4. Department Heads
5. License Applications
 - Business Solicitation – Midwestern Delivery
6. Request for Engineering Qualifications Presentations – 2009/2010 Street Project
 - Wenck & Associates
 - Bolton & Menk
 - SEH
7. Charter Commission Appointments
8. Resolution Accepting Donation – Poet Biorefinery
9. Regular Bills
10. Unfinished Business
11. New Business
12. Council Concerns
13. Board of Review Reminder – May 12, 2008 at 4:30 p.m.
14. Adjourn



Council Meeting
Windom City Hall, Council Chamber
April 15, 2008
7:30 p.m.

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

2. Roll Call: Mayor: Tom Riordan

Council Members: Jean Fast, Kirby Kruse, Robert Messer,
Bradley Powers and JoAnn Ray

Council Members Absent:

City Staff Present: Steve Nasby, City Administrator; Bruce
Caldwell, Street Superintendent; Al Baloun,
Recreation Director; Craig Mueller, Wenck
Associates and Jeremy Rolfes, Telecom

Public Present: Cheryl Hanson, Kathy Peterson, Rahn
Larsen and Dirk Abraham

3. Pledge of Allegiance

4. Approval of Minutes:

**Motion by Messer, second by Fast, to approve the April 1, 2008 minutes.
Motion carried 5 – 0.**

5. Approval of the Consent Agenda:

**Motion by Ray second by Kruse, to approve the Consent Agenda. Motion
carried 5 – 0.**

6. Public Comment:

Cheryl Hanson and Kathy Peterson informed the City Council about the Legacy Grant for \$5,000 that was received by Cottonwood County from the State of Minnesota as part of the Sesquicentennial Celebration. The grant was in support of two projects. The projects included the construction of a metal cottonwood tree that would feature plaques by local artists and the construction of a quilt. The unveiling will be on May 1 at 7 pm at BARC. BARC and the Cottonwood County Historical Society will be the permanent homes for the two displays.

7. Department Heads:

Bruce Caldwell, Street Superintendent, handed out a summary of the Street Department's winter activities expenditures. He said the overall costs are similar to last year, but the biggest increases were in the expense for the salt as the Street Department is now using a higher percentage of salt in their salt/sand mixture.

Riordan asked about the salt and sand inventory on hand. Caldwell said the inventories on-hand were less than last year. Caldwell added that the salt cost per ton was less than he anticipated and attributed this to cooperative bidding with the County.

Powers asked if they will have to store salt and inquired when deliveries for next year would arrive. Caldwell said that the Street Department can store some at MN DOT and will have to tarp and store the remainder on-site.

8. LMCIT Annual Insurance Renewal:

Ken Hoffman, representing the LMCIT, presented the City's insurance information and coverage to the City Council. The dividend the City received was \$17,680, which was up a little from last year. The total premium for the upcoming year is \$176,964, which is about 1.5% lower than it was last year for property and liability coverage.

Messer asked about the Open Meeting law and the coverage. Hoffman said the coverage is for the defense of such a claim, but would not cover any fine or damages. The City's coverage for legal defense would be 80% of the total costs incurred up to a maximum of \$50,000. Additional coverage up to 100% of the defense cost is available for an additional \$100 - \$200. Messer asked if this additional coverage was needed. Hoffman said the number of claims the LMCIT sees in this category is low. Riordan said he did not think the additional coverage was needed.

Powers asked if the Council and commissions were covered. Hoffman said "yes" they were covered.

Hoffman noted that the municipal power plant has its own policy and the cost for this stayed the same as last year. One of the big changes in the policy cost this year was for worker's compensation coverage. The premium for this went down by nearly \$22,000 as the formula used to calculate the premium changed in favor of the City due to lower losses or claims.

Hoffman said that he was requesting the City Council to consider two items. First, whether or not to waive the State tort limit from \$400,000 to \$1,000,000. Second, if the City wanted an additional \$1,000,000 in excess liability coverage.

The added cost to waive the tort limit was \$1,400 and the excess liability coverage would add \$16,159 to the insurance premium cost.

Motion by Powers, seconded by Kruse, to not waive the State tort liability limit. Motion carried 5 – 0.

Motion by Messer, second by Fast, to reject the \$1,000,000 excess liability coverage. Motion carried 5 – 0.

9. 2008 Seal Coat Bid Award:

Caldwell and Mueller presented a brief overview of the project and bid summary. Mueller said the low bid was from Bituminous Paving for \$53,450. The Street Committee had recommended accepting this bid.

Caldwell stated that the bids ranged from \$53,450 to \$87,800, but the low bid was close to the budget. The bid results showed a 12 cent per gallon increase in oil prices and \$2.50 per ton increase in the cost for red rock over the 2007 prices.

Caldwell brought up the possibility of filling cracks in the streets. He said he does not have much experience in this area, but Mueller could discuss the issue. Caldwell has noticed some cracks in the streets, but the City does not have the manpower or equipment to do crack filling in-house.

Mueller said that cracks typically start to appear in new pavement in 2-3 past construction as the street expands and contracts. If the small cracks are filled then water does not get down into the road surface and freeze which will make the problem worse over time. Usually crack filling is an interim maintenance measure between seal coatings.

Caldwell said that Jackson and Cottonwood counties have experimented with a fabric material membrane that they are using with overlay projects. The results appear to be good and street life can be extended. Caldwell suggested that we may want to consider this for the 2009 project.

Motion by Messer, second by Ray, to accept the bid by Bituminous Paving for \$53,450 for the 2008 Seal Coat project. Motion carried 5 – 0.

10. Disposition of Surplus Equipment – Skid Loader:

Baloun said that sealed bids were due on April 10 and six were received. The high bid was from John Holt in the amount of \$3,002. Staff is recommending the sale of the skid loader to Mr. Holt.

Motion by Fast, second by Kruse, to approve the sale of the skid loader to John Holt in the amount of \$3,002. Motion carried 5 – 0.

11. Parking Violations Base Fine Recommendations:

Riordan said that there was a memorandum from the Police Chief in the packet regarding this matter. In the memo the Police Chief says that the fines for these offenses have not been raised in many years and research of other cities shows that Windom's fees are low. A listing of the violations, current fines and proposed fines were included within the memorandum.

Motion by Messer, second by Fast, to approve amending the parking violation fines as presented by the Police Chief. Motion carried 5 – 0.

12. Resolution Accepting Donation – Jim & Coralee Krueger:

Riordan said the gift was for \$5,000 to be directed to the Ambulance Fund for the purchase of equipment. Riordan read the resolution.

Powers and Fast thanked the Krueger's for their gift.

Council member Powers introduced the Resolution No. 2008-10, entitled "AUTHORIZATION TO ACCEPT A DONATION FROM JIM & CORALEE KRUEGER FOR THE WINDOM AMBULANCE DEPARTMENT" and moved its adoption. The resolution was seconded by Ray and on roll call vote: Aye: Messer, Powers, Ray, Fast and Kruse. Nay: none. Absent: none. Resolution passed 5-0.

13. Regular Bills:

Motion by Fast, seconded by Powers, to approve the Regular Bills. Motion carried 5 – 0.

14. Unfinished Business:

None.

15. New Business:

None

16. Council Concerns:

None

17. Adjourn:

Motion by Messer, seconded by Fast, to adjourn. Motion carried 5 – 0.

Preliminary

Meeting adjourned at 8:13 p.m.

Tom Riordan, Mayor

Attest: _____
Steve Nasby, City Administrator

Council Meeting
Windom City Hall, Council Chamber
April 30, 2008
7:30 p.m.

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

2. Roll Call: Mayor: Tom Riordan

Council Members: Jean Fast, Kirby Kruse, Robert Messer and JoAnn Ray

Council Members Absent: Bradley Powers

City Staff Present: Steve Nasby, City Administrator; Brigitte Olson, Assistant City Administrator; Marv Grunig, Electric Utility Manager; Dan Fossing, Fire Chief; Dan Ortmann, Assistant Chief; Mark Stevens, Assistant Chief and Jeremy Rolfes, Telecom

Public Present: Dirk Abraham and Representatives of the "Save the Dam" group

3. Pledge of Allegiance

4. CMMPA – Transmission Assignment Agreement – Request for Execution:

Grunig said that a copy of the proposed agreement is in the Council packet. In January 2007 the Utility Commission and Council approved the participation in the CAPX project in the amount of \$881,000, which proposed a return of 12 percent based on the revenue generated from the transmission costs being charged for the use of this line. The proposed transmission assignment agreement would enable Windom, through CMMPA to participate in the Midwest Independent System Operator (MISO) system of transmission. MISO is an independent, non-profit entity that is charged by the Federal Energy Regulatory Commission (FERC) to manage electric transmission. Grunig noted that the Big Stone II project will also include some transmission that will be covered in this agreement.

The proposed agreement provides "operational control" of Windom's transmission lines to CMMPA\MISO, but nothing will change other than to allow for use of Windom's lines in the event there is a break in the main lines between the substations located on the outskirts of the city. The ability to generate revenue

from transmission lines owned by municipals is new and this is why the proposed agreement is needed. Currently Windom pays \$20,000 to \$35,000 per month for transmission costs which goes to the owners of the lines. In the future, Windom will get to participate in sharing the transmission revenue that is generated, which has been estimated to be approximately \$15,000. The information being used is from 2006 and that is the starting point. On April 23 the Windom Utilities Commission reviewed the agreement, approved it and recommended its approval to the City Council. Grunig said that the City Attorney had also reviewed the agreement and submitted comments.

Motion by Messer, second by Kruse, to approve proposed Transmission Assignment Agreement. Motion carried 4 – 0.

5. Windom Fire Department – Remick Foundation Grant Application Authorization:

Fossing, Ortmann and Stevens introduced themselves. Fossing reviewed operation of the “jaws of life” equipment that was purchased in 1993. He said that the fire department had the opportunity to see new equipment demonstrated and there would be benefits in upgrading. The Remick Foundation has a grant program that would be available to seek funding for the new equipment and Council approval is needed to submit an application. Copies of the application were handed out at the meeting. Fossing said the new equipment would cost approximately \$36,000 and the Remick Foundation request is for \$20,000, which leaves a \$16,000 gap. Fossing proposed that the \$16,000 come from a combination of fire department fundraising in the amount of \$5,000, the sale of the existing equipment of \$5,000 - \$8,000 and the balance to be paid by the City.

Riordan noted that the Remick Foundation request is for over one-half of the project cost and if the grant is not awarded then the Fire Department would not proceed with purchasing the new equipment. Fossing said that was correct.

Messer asked if the grant is awarded if the City would be obligated to proceed.

Riordan asked if any of the money could come out of the 2008 Fire Department operating budget. Fossing said that it would be a possibility as there is a line item for small tools, but he did not know how much would be available.

Fast said that the minimum coming from the City budget would be \$2,311. Fossing agreed.

Messer said that the City share could be higher if the sale of the existing equipment is less than the \$7,000 they have estimated. Fossing said they would try to get the best price by advertising and some local cities have expressed an interest.

Messer asked if the Fire Department could ask for more money for the existing equipment. Fossing said that they have an idea of the estimated value from the manufacturer, so they could seek a higher amount.

Fast asked if the City could float the money as an advance on next year's budget. Nasby said that was possible and it would be similar to what was done with the Pool and City Hall roof repairs last year. He noted that the Fire Department would have to account for fewer dollars in the 2009 budget. Council agreed to this forward funding arrangement.

Motion by Ray, seconded by Kruse, to approve the submission of the grant request to the Remick Foundation as proposed. Motion carried 4 – 0.

6. Dam Project Feasibility Study – Request for Proposals:

Riordan said a copy of the proposed RFP was in the packet and asked Nasby to discuss the highlights. Nasby said that the RFP scope of work included the following: community input and discussion, identified some possible options, included a look at the possibility of hydro-power for green energy, required coordination with the City, DNR, DOT and proposed a time line of 120 days.

Motion by Kruse, seconded by Messer, to approve the Request for Proposals for the Windom Dam (with revisions). Motion carried 4 – 0.

Messer said he had several points to discuss. On the RFP point #1 the language should specifically mention the stakeholder group organized to save the dam. Point #2 should not include the word “reconstruction” of the dam as the structural analysis indicated the structure is sound. Point #3 should not include hydro-power as an option. Point #6 should also specifically include the stakeholder group organized to save the dam.

Riordan and Kruse indicated that the “reconstruction” language in Point #2 should be kept as the wing walls would be part of the dam structure and that in the discussions with the DNR they indicated that the Windom dam is only 100' whereas the Jackson dam is 200' wide so may be the Windom dam may need to be modified.

Riordan said that he too thought 120 days was a long time to do the study. He suggested 90 days. Council concurred to change it to 90 days.

Riordan noted that the stakeholder group had also made a request for additional provisions to the RFP. These were given to the Council members and included geotechnical studies of the Rolling Green area, risk of damage to public and private property and plan to assess preferences of landowners along the river.

Fast said that people outside of Rolling Green have an interest and stake in this project too and the impact would go out to the Country Club so are these going to be included also.

Messer said that Perkins Creek was not a flooding issue after they started letting water out in the fall.

Riordan asked Council if they wanted the additional items added to the RFP.

Fast said that the Council is the decision-making, voting body and the meetings are public so everyone can participate.

Messer said that the counter to this position is that the engineers could start work without getting public comment.

Kruse and Riordan suggested adding “public meetings” to RFP Point #1. Council agreed.

Riordan suggested pulling the hydro-power option out of RFP Point #3 and include it as a separate alternate. Council agreed.

Messer asked that the language of specifically including the stakeholder group for saving the dam in discussions be included. Consensus of Council that the language in the RFP allowed for the presentation and discussion of all viewpoints and that two meetings were planned for public input.

Riordan asked about including the three items suggested by the stakeholder group.

Messer said that all residents will end up paying for the project and the impacts of the river go further than just the river front properties, so much more area would be included.

Riordan suggested adding language in the RFP that identified and analyzed the risk of damage to public and private property. Council agreed.

Riordan asked if the motion is okay. Nasby said that he had the revisions and would include them as long as Messer and Kruse, who made and seconded the motion, were in agreement. Both said that they were.

Riordan noted that Nasby had asked if the RFP should be target mailed or advertised. The Council directed that it be advertised, but targeted mailings to qualified firms should be done as well.

7. Adjourn:

Motion by Messer, seconded by Fast, to adjourn. Motion carried 4 – 0.

Preliminary

Meeting adjourned at 5:20 p.m.

Tom Riordan, Mayor

Attest: _____
Steve Nasby, City Administrator

**ECONOMIC DEVELOPMENT AUTHORITY OF WINDOM
MINUTES
APRIL 14, 2008**

1. Call to Order: The meeting was called to order by President Erickson at 12:04 p.m.
2. Roll Call & Guest Introductions:
EDAWN Commissioners: Juhl Erickson, Trevor Slette, Nestor Palm, Kirby Kruse, and Bob Messer.

Also Present: EDA Staff – Aaron Backman, Executive Director, and Mary Hensen, Adm. Asst.; Steve Nasby, City Administrator; and Lisa Graphenteen, SW MN Housing Partnership.
3. Approval of Minutes:
Motion by Commissioner Messer, seconded by Commissioner Slette, to approve the Minutes of the EDA Meeting held on March 10, 2008. Motion carried 4-0.
(Commissioner Kruse was not present for the vote.)
4. SCDP Presentation – SW MN Housing Partnership: Lisa Graphenteen, Community Development Director with the Southwest Minnesota Housing Partnership in Slayton, distributed additional materials to the Board. Ms. Graphenteen presented a program overview (including timetable) to the Board concerning a possible SCDP grant application for the fall of 2008. The Board took the matter under consideration until the May meeting.
5. SCDP – Subordination Request: Director Backman advised that the EDA has received a request from Bank of the West concerning the subordination of an SCDP repayment agreement to allow the owner to refinance his purchase money home loan with the Bank. The owner of property, located at 1332 Second Avenue, entered into a repayment agreement on August 25, 2003, for the rehab of residential property at that location. These loans are forgivable over a five-year period and this loan would be forgiven in full on August 25, 2008. The procedural policies for the SCDP loans provide that the City/EDA may subordinate these rehab mortgages to allow owners to refinance their principal loan on the property.

Motion by Commissioner Slette, seconded by Commissioner Palm, to approve subordination of the SCDP repayment agreement, covering property at 1332 Second Avenue, to allow the owner to refinance the principal mortgage in April, 2008. Motion carried 5-0.
6. North Windom Industrial Park
 - A. Cirrus Commercial Real Estate Study: Director Backman advised that pursuant to prior discussions by the Board, he had obtained a market study concerning the potential value of the lots in the North Windom Industrial Park. The study was prepared by Neil Schmid of Cirrus Commercial Realty Services, Inc. of Sioux Falls, South Dakota. Director Backman reviewed the findings with the Board.

Motion by Commissioner Palm, seconded by Commissioner Messer, to establish the price per acre for land in the North Windom Industrial Park as \$27,900. Motion carried 5-0.
7. Sykora Addition – Infrastructure Participation: Director Backman advised that the EDA has been approached concerning a possible contribution for the extension of the sanitary sewer line in the area of the Sykora Addition. The Board received copies of the estimates of the

proposed costs of this project prepared by Dennis Johnson of Wenck Associates. The estimates provided two options—one which included separate four inch lines to each property in the addition from the main line on the south side of the highway and the second option which includes boring under Highway 71 with an 8-inch main line. This line would then run on the north and east line of the highway and would be the first extension towards the North Windom Industrial Park. There was a discussion about the proposal that the EDA pay the difference between the two options. This would represent about 13% of the total costs of the project.

Motion by Commissioner Slette, seconded by Commissioner Kruse, to approve payment by the EDA of up to \$8,000 for the extension of an 8-inch main line from the existing sanitary sewer on the south side of Highway 71, under the highway, to connect to an 8-inch main to be installed to service property on the north/east side of the highway, including the Sykora Addition. Motion carried 5-0.

8. River Bend Center – Parcel 2

A. Signage: There was a discussion concerning a real estate sign for the area south of the Liquor Store which is known as “Parcel 2” of the River Bend Center property. It was the Board’s consensus that the EDA should put up its own real estate sign on this parcel and Director Backman was authorized to proceed with this project.

9. Sign Update

A. I-90 Billboard Proposal: Director Backman indicated that the EDA’s lease of the billboard between Fortune Transportation and the tower will expire in September of 2008. He presented the Board with information concerning a potential 11’ X 24’ billboard on I-90 in either the Worthington or Adrian area that would be visible to eastbound traffic. The billboard would market the spec building. Backman’s recommendation was to select the Adrian location.

Motion by Commissioner Messer, seconded by Commissioner Palm, to authorize the execution of a one-year lease with Lamar Outdoor Advertising for a billboard sign on I-90 located east of Adrian. Motion carried 5-0.

10. Prospect Update: Director Backman updated the Board concerning the marketing campaign.

11. Unfinished Business: None.

12. New Business

A. Business Visits Report: Director Backman updated the Board concerning business visits, area contacts, meetings and events since the March meeting. Director Backman also updated the Board concerning his legislative activities through EDAM regarding business subsidy and JOBZ legislation changes.

B. WECC Update: Director Backman updated the Board concerning the activities regarding WECC (Windom Education and Collaborative Center).

13. Miscellaneous Information:

A. Monthly Budget Recap: The Board received a copy of the Budget Recap Year-to-Date thru February 29, 2008.

B. River Bluff Townhomes – Monthly Financial Report: The Board received a copy of the financial report provided by Van Binsbergen & Associates for the period ending February 29, 2008.

14. Adjourn: On motion, President Erickson adjourned the meeting at 1:28 p.m.

Nestor Palm, Secretary

Attest: _____
Aaron Backman, Executive Director

**PARK AND RECREATION COMMISSION MEETING
MINUTES APRIL 14, 2008**

1. Call to Order: The meeting was called to order by Chairman Terry Fredin at 7:05 p.m. in the Council Chambers.

2. Roll Call:

Commission Present: Kay Clark, Jeff LaCanne, Steph Schwalbach & Angie Blanshan

Commission Absent: Brenda Muller, & Sherri Zimmerman

City Staff Present: Recreation Director Al Baloun, City Administrator Steve Nasby & Park Director Bruce Caldwell

Council Liaisons: Brad Powers & Jean Fast

Public: Windom Saddle Club Representative Cindy Johnson

Girl Scout Swim Team Representatives Nikki Steen & Brenda Skrove

3. Approve Agenda

Motion by Blanshan, seconded by Clark

Motion Carried 4-0

4. Approve Minutes March 10, 2208:

Motion by Blanshan, seconded by Clark

Motion Carried 4-0

5. Windom Saddle Club-Don Boltjes Memorial

Cindy Johnson spoke on behalf of the Saddle Club concerning the memorial plaque to be placed on the west gate of the indoor riding rink at the Arena. The commission stated that the sign must not have any sharp edges and if the gate needs to be reinforced it would be the Saddle Clubs responsibility to have that done. It was also stated that if the gate and gate post need to be taken to another location for the installation of the plaque and be reinforcement that work should not interfere with scheduled events.

6. Girl Scout Swim Team-Nikki Steen Representative

Nikki Steen & Brenda Skrove asked the commission for the usage of the swimming pool for their group in 2008. They would use the pool for six weeks beginning June 9th-August 2nd. The usage would be on off hours and the same fees would apply as last season. They stated that they are planning a swim event for this year as well. The commission instructed them that they need a minimum of one paid city staff life guard on duty. Due to the number of participants they may need additional life guards on duty, but those guards wouldn't have to be city staff as long as they are qualified. It was also stated that concessions will be sold during their event.

Motion by Clark, seconded by Blanshan to approve usage of the pool for their events.

Motion Carried 4-0

7. Park Director Report: Bruce Caldwell

a. Windom Recreational Park

Due to the late spring and the cold wet weather the ball fields are in bad shape. Staff has been working on them so the school can host practices and games. Caldwell recommendation is to hold off any usage on Eagle Field until weather permitting and the field work can be done in order not to do any more damage.

b. Staff is now cleaning up debris from the winter and restrooms are now open for the season.

c. Tegel's Park Playground; a sample piece of the new chip barrier was displayed. This product was purchased because we were unsuccessful on getting a cement contractor to install curb around the playground complex. The commission members said that this product could be better if we would to decide to expand the playground in the future. On May 13th the park will host the 5th grade conservation day. We are expecting a couple hundred area youth using the entire park facility. Staff will install the new barrier and wood chips weather permitting by April 25th then the playground will be opened for usage.

8. Recreation Directors Budget Report Al Baloun

a. Bids to Sell the 1989 Case Loader The commission reviewed the bids received and they were upbeat with the outcome.

b. Summer Recreation Update

1. Recreation

Baloun stated that the community education booklet is now available and the park & recreation activities are listed. The new swimming pool sign up policy is also in the booklet and it is also listed on the City's web site. Recreation sign up date is May 8th at the Community Center.

2. Pool Chair Terry Fredin; stated to the commission that he has talked to Sally Oltmann about her returning to the position of pool manager for this next season if the details can be worked out. It was agreed that there was some misunderstanding and hard feelings during a recent meeting that she had with Mr. Nasby & Mr. Baloun. The city did not dismiss her, but due to her statement at this March meeting it was the cities opinion that she was resigning her position as pool manager. Mr. Nasby & Mr. Baloun did not get the opportunity to discuss in depth the new ideas for operations and staffing issues because she left the meeting. Her actions were unprofessional and disrespectful during this meeting. Mr. Nasby stated that a better job description needs to be implemented for the pool manager. The city has stated that Mrs. Oltmann can apply for the new position but under a different set of guidelines. Mr. Fredin said he would arrange a meeting with himself, Mrs. Oltmann, Mr. Baloun & Mr. Nasby and discuss all the issues.

c. Horse Show Schedule

Baloun discussed the horse show season with the commission. The Arena will be adding one more event this year. Councilmen Power's stated that Mr. Baloun should try and contact some of the miniature horse show groups and see if they would be interested in using our facility. Baloun will look into this request.

9. Open Mike:

Schwalbach; Told Caldwell that the gazebo at Abby Park needs some maintenance on the roof.

Next Park & Recreation Meeting May 12, 2008 7:00 p.m. Council Chambers

Adjourn at 8:35 p.m.

UTILITY COMMISSION MINUTES

City Hall

April 23, 2008

DRAFT

Call Meeting to Order: The Utility Commission meeting was called to order at 10:00 a.m., on April 23, 2008 in the City Hall Council Chambers.

Members Present: Utility Commission Chairperson: Mike Schwalbach

Members Present: Chris Johnson
Keith Bloomgren

City Council Liaison: Jean Fast

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

Others Present: Dave Easler, Poet Bio-Refinery

APPROVAL OF MINUTES:

Motion by Johnson, seconded by Bloomgren, to approve the April 2, 2008 minutes with two changes. Minutes of the March 4, 2008 meeting were approved, and not the April 2, 2008 meeting. Also a name change on page two from Todd Brand to Troy Brand. Motion carried 3-0.

WATER/WASTEWATER ITEMS:

Sewer Extension for Sykora Addition – Aaron Backman informed the Utility Commission that the EDA is in support of the 8" sewer main which would increase capacity of the line and the cost of the project by approximately \$8,000. This project would put the sewer main on the east side of the highway, and would be available for future development in the North Industrial Park. Discussion was held by the Utility Commission on the elevations for this project, and information was requested from Haugen for the next meeting. Nasby indicated that the property owners from the Sykora Addition have not yet signed the formal petition for this improvement, but he has spoken to them and expects to get the signatures from them shortly.

Poet Bio-Refinery – Dave Easler from Poet Bio-Refinery informed the Utility Commission that the MN Pollution Control Agency (MPCA) will not allow the water project to continue because of the hardness of the water discharged from the plant. He indicated that the hardness was 20-30 parts harder than the City of Windom's water. Easler also said that they will be retro-fitting the plant to a 0-Liquid Discharge which would save them approximately 30,000,000 gallons of water per year. This project should be completed in 2008. Easler also said that the Industrial water line is almost complete. The only item left is boring under the railroad.

Hay Bids – Haugen presented the Utility Commission with the Hay Bids for the 10 acres around the landfill site. The bids were as follows:

Justin Freking \$85.00 per acre
Al Saffert/John Holt \$35.00 per acre
Gordon Goertzen \$32.70 per acre

Motion by Johnson, seconded by Bloomgren, and carried to accept the bid from Justin Freking for \$85.00 per acre for a 5 year period of time. Motion carried 3-0.

Haugen requested that the City Office Staff send notices to the bidders.

Landfill – Haugen informed the Utility Commission that the semi annual water test was completed at the well site for the landfill. He said that he would bring the results to the Commission at their next meeting.

PM Windom – Haugen said that he, Backman and Nasby met with PM Windom and presented the new rate schedule for their wastewater discharge. Nasby and Haugen informed them that this rate would go into effect on July 1, 2008. The new rate is as follows:

Flow \$1.12/1000 gallon
BOD \$0.55 #'s / Day
TSS \$0.60 #'s / Day
NH3-N \$0.92 #'s / Day

Haugen also informed the Commission that PM Windom will be increasing their water usage from the City of Windom, usage to be between 8,000 to 10,000 gallons per day.

NEW BUSINESS:

Schwalbach addressed both the Water/Wastewater Department and Electric Department regarding Homeland Security. Wondering what had been done, and if the City of Windom had any idea of what other communities have done to protect their water source and power distribution.

- Haugen indicated that they had installed steel doors and additional lighting through a grant that they received through Homeland Security secured by Mark Marcy who is the director of Homeland Security for Cottonwood County.
- Grunig said that they installed additional lighting

Grunig and Haugen were directed to look into this issue and contact Mark Marcy for additional information to keep our City's resources safe.

ELECTRIC ITEMS:

Grunig updated the Utility Commission on the contract agreement between Central Minnesota Municipal Power Association (CMMPA) and Windom, and the Transmission Facilities Assignment Agreement.

- BSPII Participation Agreement - This renewal is on hold while the Certificate of Need (CON) on the Transmission process moves to the Minnesota Public Utilities Commission (MPUC) in early May 2008.
- MISO Market Participation Agreement – This agreement allows CMMPA to act as the Market Participant to allow Windom to buy market energy and services from MISO. The agreement is still in the development stage as more information is requested from members.
- Transmission Facilities Assignment Agreement – This agreement requires Windom to turn over “operational control” of the Utility’s transmission assets to MISO thru CMMPA. This creates a revenue stream to the Windom Electric Utilities. This revenue is calculated in the Annual Transmission Revenue Requirement (ATTR) “Att.O Filing”. The projected 2006 ATTR for Windom is \$15,706. This revenue stream will occur yearly through the ATTR filing, and the rate of return will be based on the BSPII transmission investment and the CAPX transmission investment, and Windom’s investment in the Alliant Project for 2008. This agreement has been reviewed by the City Attorney.

Motion by Johnson, seconded by Bloomgren, to recommend approval of the “Transmission Facilities Assignment Agreement” to the City Council, and the signing of this agreement. Motion carried 3-0.

11th Street Access Closure Request/MNDOT – Grunig informed the Utility Commission that Minnesota Department of Transportation (MNDOT) has issued a voluntary request to close the 11th Street access to the Power Plant. Listed below are the reasons that Grunig would recommend not to close the 11th Street access at the present time.

- Access is used for utility vendors
- Employee parking
- Emergency entrance to the substation

Bloomgren abstained from this vote as a MNDOT employee.

Motion by Johnson, seconded by Schwalbach, that the request is to not close the 11th Street access at the present time, until a more suitable alternative is found. Motion carried 2-0. Abstained from vote: Bloomgren

Paul Hintze request for City of Windom Electric service – Grunig informed the Utility Commission that Hintze’s property is outside the city limits, however is in the City’s service territory, and the compensatory request for loss of revenue to South Central Electric Association has expired. Therefore it is should not be an issue for the City of Windom Utilities to provide him with electric service.

Western Minnesota Municipal Power Agency (WMMPA) – This agency has requested that the City of Windom Utilities withdraw a longtime Charter Membership with their agency. After discussion by the Commission, they requested more information before making the decision.

S E H Engineering – Grunig informed the Commission that Dallas Olsen an “On Site” Electrical Engineer from S E H has resigned from the firm.

REGULAR BILLS:

Motion by Bloomgren, seconded by Johnson, to approve payment of the invoice to Wenck Associates in the amount of \$535.30. Motion carried 3-0.

OLD BUSINESS: None

NEW BUSINESS:

Schwalbach requested information on interest rates and bonding rules. Olson and Nasby informed the Commission that we have been working with rates, and at the present time Bank Midwest has the best rates available to the City in an open ended savings account. Certificates of Deposit (CD) are longer terms, and staff did not feel that the revenue should be tied up for that long a period. Staff also informed the Commission that Northland Securities and Ehlers & Associates have looked at the City's bonds, and at the present time there are none available for refunding, and interest rates are favorable on the present bonds.

Engineering Firm - Nasby reviewed the procedures with the Utility Commission that had taken place in 2006 at the time Wenck Associates were selected as the City of Windom's engineering firm for 2007. H noted that the City Council has now decided to have three (3) engineering firms give proposals for the 2009 Street Improvement Project. The firms that will be submitting proposals are listed below:

Wenck Associates
S E H Engineers
Bolton & Menk, Inc.

The firms listed above will give a short presentation to the City Council on May 6, 2008, and Nasby invited the Utility Commission to that meeting. He anticipated that a decision on the 2009 Street Project Engineer would be made at the Council's May 20, 2008 meeting.

Next regularly scheduled Utility Commission meeting will be May 28, 2008 at 10:00 a.m.

Mike Schwalbach, Chairperson

Attest: _____
Steve Nasby, City Administrator

Community Center Commission Minutes
Monday April 28, 2008

1. **Call to Order:** The meeting was called to order by President Wayne Maras at 5:34 p.m.

2. **Roll Call:** President: Wayne Maras
CC Director: Brad Bussa
Commission Members: Kelly Woizeschke
Kathryn Nemitz
La Vonne Swenson
Connie Knorr-Absent

Commission Liaisons: Kirby Kruse
Bruce Caldwell
Jo Ann Ray-Absent

Aaron Backman-Absent

Public: Dick Jeffrey

3. **Approval of Minutes:**

Motion by K. Woizeschke, seconded by L. Swenson to approve the March 24, 2008 Community Center Commission Minutes. Motion carried 4-0

4. **Additions to the agenda:**

Senior Club representative Dick Jeffrey. Sat. May 31, 2008 picnic.

5. **Correspondence:**

Recent surveys enclosed- all with very positive comments

6. **President's Report:**

Sub-Committee Report: Liquor and Catering- Members of the subcommittee recommend that events with complimentary kegs served will have a fee of \$300.00 per keg. **Motion by L. Swenson , 2nd K. Woizeschke, motion passed 4-0**

7. **Senior Club Request:**

Senior Club requests use of senior dining area, patio, and grills for a picnic on Sat. May 31, 2008 for approximately 80 to 100 people. Club was advised of rental fees for dining area and grills in the amount of \$110.00 for 2 hours. D. Jeffrey will report to the Club and will contact B. Bussa with their decision.

8. **Director's Report:**

- a. Current job position has been reduced to a part-time seasonal position. Center has received 5 applications.
- b. Established a rental fee schedule for additional new event decorations-such as-small bar tables, pillars, etc.

9. **Resource Management:**

Schedule of Events: Event calendar is heavily booked for upcoming months.
Income/Expenses: Report enclosed. No questions.

10. **Miscellaneous:**

Director Brad Bussa discussed importance of Commission members role on the commission in reference to respect and confidentiality of the public.

11. **Open Forum:**

None

12. **Next Meeting:**

Monday May 19, 2008 @ 5:30 pm

Sub Committee: 5:00 pm – Policies- L. Swenson and C. Knorr

Adjourn:

Motion by K Woizeschke, seconded by L Swenson, to adjourn the meeting at 6:37 pm. Motion carried 4-0.

Wayne Maras, CCC President

Kathryn Nemitz, CCC Secretary

Attest: _____
Brad Bussa, Community Center Director

Robert Williams, PE
805 Des Moines Drive
Windom MN 56101

May 1, 2008

Mayor Tom Riordan
City Administrator Steve Nasby
Members of City Council
444 9th Street
Windom MN 56101

RE: Windom Island Park Dam

Dear City Leadership:

I am writing in response to the City Council meeting of April 30, 2008 where the Scope of Work for a Request for Proposals was discussed and acted on. I am writing this letter on my own behalf only.

Up to now I have not commented on the poor stewardship of public works, or the city engineering decision making process that allowed this dam situation to be created in the first place. However, engineering ethics require that I must make a comment about one aspect of what occurred at the city council meeting Wednesday.

A letter from Barr Engineering to me last summer stated the following in part:

"In order for the City to develop a recommendation on the future of the Des Moines River, it will be important to understand the impacts that any choice will have on the future of the river and riverfront for the public, the City, and the environment. Making a decision without adequate information may result in surprises or unforeseen conditions that could increase project costs or result in outcomes that are different than were expected."

One of the concerns I asked to be considered in the scope of work was about "...evaluating the geotechnical risks in the Rolling Green neighborhood, including those risks associated with greater long term repeated changes in the groundwater table." This was basically dismissed out of hand because the council essentially concluded erosion risks apply everywhere and assessing this particular risk might increase costs. This is a very flawed conclusion.

The risks associated with this item are *geotechnical risks* which can also be roughly described as ground stability risks. These risks are **not** closely related to erosion itself. The Rolling Green (or west river) area is on a hillside. Anecdotal evidence indicates this hillside does have a shallow groundwater table, is on a fairly significant slope, and major changes are being proposed for the groundwater regime in the hillside area and the toe of the slope which may undergo greater fluctuations on a regular, ongoing basis if a dam is removed. These are all risk factors for causing slope instabilities which have the *potential* of causing serious property damage and underground utility damage. Notably, in the hillside environment are also such structures such as Mickelson Manor, Remick Ridge, and the Sogge Home, not just the Rolling Green residents. *These are people you owe the very highest standard of care to protect in this entire process.* Refusing to assess reasoned risks because it costs money is in my professional opinion serving the affected public quite poorly.

I have professional education that includes a geological engineering degree, among others, but limited experience in this specific field. A more experienced professional may well quickly dismiss my concerns out of hand and sign their name to it, which I would accept. Or, more intensive study may turn out to have a major bearing on this matter. But to decline to even consider such risks before acting on a major project affecting millions of dollars of public and private property and the financial integrity of the city itself is remarkable. I ask that you consider these decision-making matters in your future actions.

Sincerely,



Robert Williams, PE

Date/Time received: _____

Agenda Request Form

(This form can be used only once a month by the same individual(s). It is not a venue to bypass policies and procedures of city commissions and committees.)

Name: Jan Johnson Ojinnaka Telephone No: 507-376-4311

Address: 920 Dignol Rd - Worthington

Date of Council Meeting: May 6th 2008 (Agenda item must be turned into the city office by Friday noon preceding the Tuesday meeting.)

Subject: Introduction of Southwest Crisis Center
New director and explanation of services
offered

Have you brought this to the attention of the appropriate department head? _____
Committee? _____

Hand-outs, audio-visual materials (These must be simple and set up directly before you speak and taken down directly afterward): _____

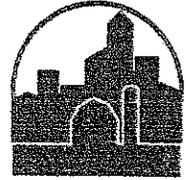
This format gives citizens an opportunity to express concerns to the council without expectation of discussion or action. No more than two (2) people should speak on the same topic at one meeting. Remarks should not exceed five (5) minutes per person. They should be directed to the council as a whole and not to any individual member or department head.

Angie Blanshan
Signature



WINDOM POLICE DEPARTMENT

P.O. Box 38, 444 Ninth Street
Windom, MN 56101
(507) 831-6134
Fax: (507) 831-1957



Jeffrey A. Shirkey, Chief

May 1, 2008

Windom City Council
City Administrator Steve Nasby

RE: Application for Solicitation License
(Midwestern Delivery)

Information on Midwestern Delivery, they sell frozen foods, mostly meat. In the past we have given warning's to employee's, and we have cited employee's for failing to have a permit to solicit door to door.

Midwestern Delivery, applied for and received a permit on October 12, 2004, they did not bother to renew that permit. We have had several calls since then with them going door to door. The last contact was on May 1, 2007. Mr. Messenbrink was talked to at that time and told to get a permit, of which he stated that he would.

I will approve this permit on the conditions, that Mr. Messenbrink calls us in advance of them coming to Windom, and to give the full names and dates of birth of his employees that are going to be in Windom going door to door. ANY violation of these conditions will result in the Revocation of the Solicitors Permit.

Respectfully;

Jeffrey A. Shirkey, Chief
Windom Police Department



Narrative

REPORT BY OFFICER KEVIN PATTERSON - 05/01/07

Melissa Stevens reported that someone stopped at her house, 767 Highland Road and stated that they are just passing through town and asked for directions to a grocery store because his friend is hungry. She then seen two guys doing door to door in the neighborhood. They were driving a white van that says "Midwestern Deliveries" on the side of it. They did not try to sell her anything.

I located the van in front of 705 Verona Avenue. There were two males at two different house doors when I pulled up. I stopped by their van and they walked up to me. They stated they are going door to door asking for directions, one of them said they had done that. He admitted he did not try to sell anything to that house. He had no explanation for this. They also had no brochures or anything in their hands. I asked for one and they got one out of their van.

I asked if they had a permit and they did not. They stated they did not know they needed one. I gave them directions to City Hall so that they could apply for a permit.

I watched City Hall and did not see them go there to apply for a permit.

I went to 705 Verona Avenue and spoke with a lady at that house. This is the house one of the guys was at when I pulled up to the van. I asked her what they guy had been asking while at her door. She stated he asked if she wanted to buy any meat. Then when the squad car pulled up he stated, "oh shit" and walked away. She stated he had no brochure on him when he came to the door.

I called the number on the brochure the guys gave me. I asked for the owner and was told to call the owner, Tom Messenbrink at #605-360-8101.

I called Tom Messenbrink who stated he is the owner of the company and the two guys do work for him. He is aware that they need a permit. He did not know why they came to Windom. He told them to go to Estherville, Iowa. He stated neither one of them usually try to sell. They both usually work in the warehouse. Tom agreed that it was suspicious how they asked for directions to a grocery store. Tom stated he would call City Hall and apply for a permit. Also that he would leave a note for employees not to come to Windom until they get a permit.

I told Tom that our records show that this is a second warning for their company and that the next one would result in a citation.

The 10-45's of the two employees are attached.

CITY OF WINDOM
APPLICATION FOR BUSINESS SOLICITATION
Re; City Code, Chapter 6-Sec. 6.40

Solicitor's Name: Messenbrink Thomas Albert
Last First Middle

Date of Birth: 01-12-74

Driver's License Number: 00767243 State of Issue: SD.

Address: (Street, City, State, Zip) 913 W. Caleb Ave.
Sioux Falls SD 57103

Name of Business or Organization: Midwestern Delivery

Address of Business or Organization: 1601 W. C. Ave
S.F. SD Phone #605 271-6009
605 360-8171

Purpose of SOLICITATION: Frozen Foods

If door to door solicitation indicate area to be solicited: (Residential District
(Commercial District

If Transient merchant - state location from which merchandise will be sold South Dakota

If Telephone solicitation - state location from which calls will be made _____

Initial Investigation Fee - \$20.00
Annual License Fee - \$40.00

4-29-08
Date

[Signature]
Applicant's Signature

I have on April 30, 2008 collected from applicant \$ 60.00 as prescribed in Section 6.40 of the City Code.

[Signature]
City Clerk

Referred to the Police Chief on 4-30-08.
Recommendation: Approved Disapproved _____ If disapproved, give reason: Conditions

5-1-08
Date

[Signature]
Police Chief

Approved by the City Council on _____, 19____.



Wenck Associates, Inc.
440 10th Street
P.O. Box 453
Windom, MN 56101

(507) 831-2703
Fax (507) 831-5271
E-mail: wenckmp@wenck.com

May 6, 2008

City Council
City of Windom
444 9th Street
Windom, Minnesota 56101

Dear Council Members:

Wenck Associates, Inc. (Wenck) is excited about the prospect of helping the City of Windom implement its long range vision for street and utility improvements. Your proposed project will be both challenging and rewarding for the City, and we would like to be your partner on the journey!

As a brief introduction, Wenck is a 100% employee-owned Minnesota-based professional engineering company comprised of over 100 engineers, scientists, and staff. We have offices throughout the state, including Windom, Minnesota. Wenck is a growing company, and our growth has been fueled by exciting, high-profile projects such as yours. We believe that developing a long-term client/consultant relationship with the City of Windom is strategically important to our continued growth. Given the opportunity, we believe you will come to appreciate what our many other clients already enjoy:

- Unmatched Customer Service
- Technical Excellence
- Strategic Advice

Following is a brief summary of key issues for your project, and how Wenck will contribute to your success.

Experience with The City of Windom

To avoid delays and added cost, it is critical to have previous experience with infrastructure reconstruction projects in the City of Windom. Wenck has worked with the City since 1986 and has a track record of significant success together. In addition, Wenck has proven our commitment to growing our presence in Windom through a 2006 merger with the Windom City Engineer, Dennis Johnson and Associates, and the relocation of Craig Mueller to the office. Past projects have included numerous street and utility improvement projects, sealcoating efforts, and environmental work through the Former Windom Dump.

Project Familiarity

There will undoubtedly be challenges encountered during the project, and it is critical to have a responsive team that can guide the process. Wenck has a unique familiarity with the project through completion of the past two phases and preliminary design and layout of the next phase. We know the issues, both technical in nature and of property owner concerns. We have experience with previous discussions of intersection layouts, existing conditions of utilities, the bridge replacement and an understanding of the issues related to the need for establishing trails and sidewalks to the area schools.

You Get a Local Team

Wenck has existing working relationships with City and County personnel, a familiarity with the City's assessment policy and an unmatched ability to respond quickly in-person to situations as they arise. With Wenck you get a local team with a vested interest in the community we live in. You have immediate access to all staff members to address property owner concerns, assessment issues and project details.

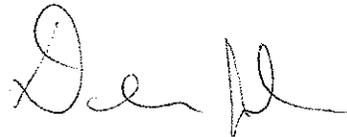
Wenck is ready to start immediately and will commit the necessary resources to the project team to assure technical excellence and customer service. On behalf of the 100+ employee-owners of Wenck, thank you for this opportunity to work with the City of Windom. We look forward to the Council presentation on May 6th. We will provide additional information regarding our qualifications and project understanding at that time. Until then, should you have any questions, or need clarification of anything presented in the attached Statement of Qualifications, please do not hesitate to call us at (507) 831-2703.

Sincerely,

WENCK ASSOCIATES, INC.



Craig A. Mueller, P.E.
Project Engineer &
Associate

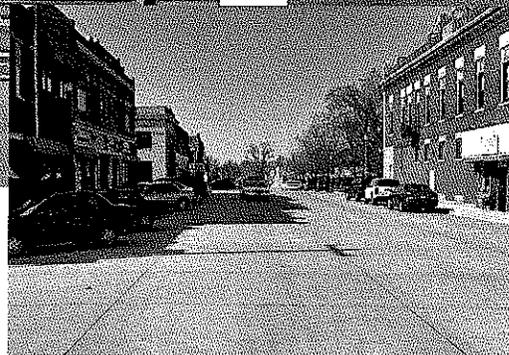
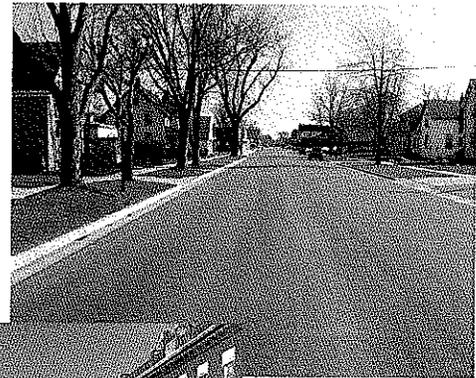
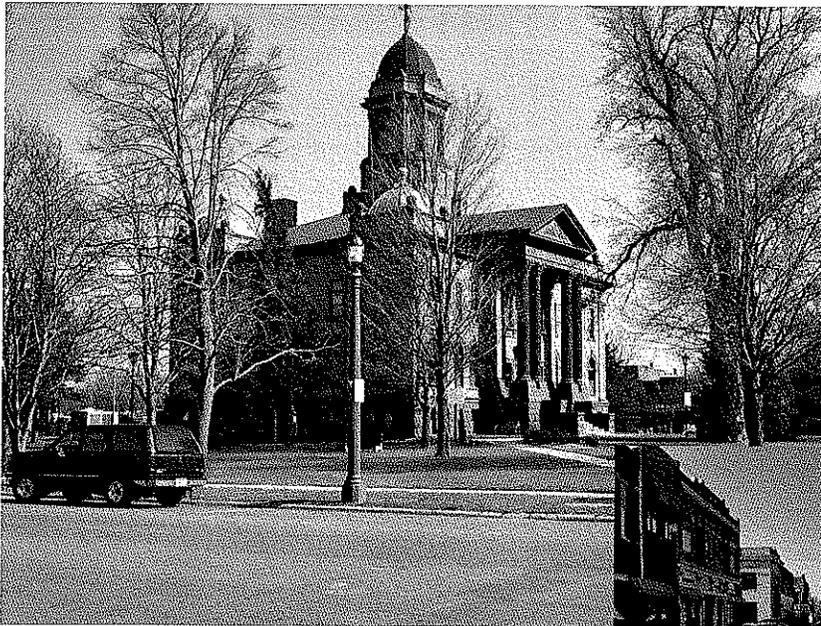


Dennis Johnson, P.E.
Project Manager &
Principal

Encl.

Statement of Qualifications

Street and Utility Improvements



Prepared for:

City of Windom

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Executive Summary

INTRODUCTION

Wenck Associates, Inc. (Wenck) is a leader in Minnesota engineering, environmental, and business services. We have expanded the depth and breadth of our expertise to provide our clients with unmatched service, strategic advice and technical excellence. Wenck serves regionally-based industries and local, state, and federal agencies by providing a full spectrum of engineering, environmental, and business services. Wenck is focused on one goal: providing our clients the best possible service to meet their needs.

Wenck's Windom office offers a local engineering firm responsive to your needs. Since 1986, Wenck has worked with the City on a variety of projects and has developed a track record of significant success together. With the 2006 merger with Dennis Johnson and Associates, Wenck's project history with the City has grown to include numerous street and utility improvement projects, sealcoating efforts and environmental assistance and long-term operations with the Former Windom Dump.

Through past projects with the City, and especially through the first two phases of the Fourth Avenue project, Wenck has a unique familiarity with the design issues and community concerns of the third phase of this project. Over the past four years, the Wenck staff has worked with the City to develop preliminary designs, cost estimates and analysis of the issues specific to improving this area of the City.

You get a local team with Wenck. Our Windom staff have a vested interest in the community we live in. Existing working relationships with City and County staff, a familiarity with the City's assessment policy and an unmatched ability to respond quickly **in-person** to situations as they arise allows for unmatched customer service. From the Project Manager to the Field Technicians, we are available immediately to address project details and home-owner concerns.

OWNERSHIP AND HISTORY

Wenck is an employee-owned Minnesota corporation. Founded in 1985, we have grown to over 100 engineers, scientists, and support staff at five offices in Minnesota one office in Georgia and one office in North Dakota.

MISSION

Wenck's mission is to deliver strategic solutions with unmatched service. We strive to delight our clients by being responsive, reliable and proactive, thereby adding the most value possible to your community.

LOCATIONS

| | | | | | |
|--|---|---|--|--|--|
| 1800 Pioneer Creek Center P.O. Box 249 Maple Plain, MN 55359 Phone: 763-479-4200 Fax: 763-479-4242 | 440 10 th Street PO Box 453 Windom, MN 56101 Phone: 507-831-2703 Fax: 507-831-5271 | 31 West Superior St. Suite 301 Duluth, MN 55802 Phone: 218-727-2021 Fax: 218-727-4901 | 1802 Wooddale Drive Suite 100 Woodbury, MN 55125 Phone: 651-294-4580 Fax: 651-228-1969 | 1111 Westrac Drive Suite 108 Fargo, ND 58103 Phone: 701-297-9500 Fax: 701-297-9601 | 11113 Hulse Road Suite 200 Roswell, GA 30076 Phone: 678-987-5840 Fax: 678-987-5877 |
|--|---|---|--|--|--|

Project Team

CORE TEAM

Not bound by departments, Wenck operates on a *flexible-team basis* to respond to your needs—with the advantage of easily offering the most qualified staff for the project at hand. We also have state-of-the-art support for computer-aided drafting, GIS, project management, modeling, word processing, and accounting. At Wenck, we assign one point of contact to manage your project and assign a core team that remains on the project for its duration. This stability ensures that you will continuously receive a high level of service.

The following are summaries of the expertise of your core team.

Dennis Johnson, P.E., Principal and Certifying Engineer

Over the last 25 years, Mr. Johnson has served the communities of southwest Minnesota on projects ranging from MNDOT and CSAH highways, to airport improvements. Pavement design, underground utilities and soil remediation have been a critical aspect of many of these projects. Dennis has recently completed several large street projects from concept to design and construction.

Vincent Vander Top, P.E., Senior Project Manager

Mr. Vander Top has served as City Engineer for Corcoran, New Hope and Delano, Minnesota over the past 10 years. He has managed several projects for these cities as well as other cities and government agencies. He has extensive experience and has been involved in numerous infrastructure planning and construction projects. He has lead the development and implementation of comprehensive plans for infrastructure systems, including storm water quantity and quality, sanitary, water supply, pavement management, and transportation projects. Mr. Vander Top has helped transform city visions into reality through planning, development and municipal project implementation.

Jim Benshoof, P.E., Principal

As a Principal with Wenck Associates, Inc., Mr. Benshoof has overall responsibility for traffic engineering and transportation planning services. He has substantial experience in transportation planning studies, traffic engineering analyses and traffic operations design projects. He also has managed transportation projects for the Minnesota and South Dakota Departments of Transportation and over 20 communities in the State of Minnesota. Mr. Benshoof is available to assist with traffic analysis ensuring street widths, pedestrian routes, and Fourth Avenue intersection changes which are designed for optimum traffic flow, visibility and safety.

Craig Mueller, P.E., Project Engineer

Craig has eight years experience with Wenck Associates, Inc. focusing on municipal street and utility projects, as well as environmental remediation and solid waste experience. He has completed several large street projects in recent years and has overseen construction by private developers on large housing developments as a representative of the City.

Todd Thurmer, Field Technician

Todd has over 15 years experience as a construction field technician and AutoCad draftsman. He has been responsible for drafting, design, and construction oversight of private, municipal and county projects. His projects have included buildings, street improvements, site improvements, water system improvements and sanitary sewer improvements.

Select Project Experience

CIVIL PROJECT EXPERIENCE

Wenck has emerged as a leader by combining civil, environmental, transportation, geotechnical, and geologic engineering, bringing together all the necessary disciplines for development of commercial, industrial, or municipal projects. We handle public projects on a day-to-day basis, and have extensive experience in dealing with contractors, municipalities, and regulators.

Our experience covers the full realm of municipal civil tasks including:

- **Public open house and meeting facilitation**
- **Chapter 429 assessment, organization and oversight**
- **CIP development and coordination**
- **Right-of-Way and easement acquisition**
- **Design, plans, and specifications**
- **Cost and quantity estimates**
- **Construction documents and bidding assistance**
- **Construction management for quality control**
- **Public communication during construction**
- **Construction certification and as-built drawings**
- **Complete environmental services**

Wenck's experience has been applied over a range of projects including:

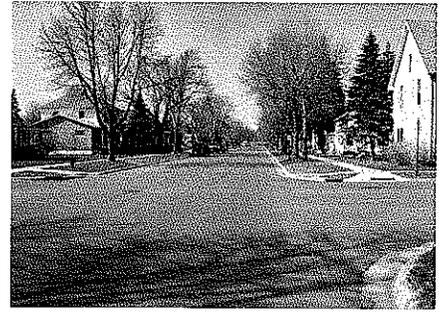
- **Street Construction:**
 - Concrete and bituminous pavement design
 - Coordination with local, state and federal agencies
 - Familiarity with Mn/DOT policies, standards and testing certification
 - Construction oversight and documentation
 - Bridges and hydraulic structures
 - Structural Analysis
- **Municipal/Civil Engineering:**
 - Traffic Flow and Pattern (vehicular and pedestrian)
 - Signals and street lighting
 - Pavement management plan
 - Site Evaluation
 - Underground Utilities (city, utility and private)
 - Storm Sewer Analysis
 - Water Treatment
 - Wastewater Treatment
 - Interceptor and Trunk systems

The following are examples of specific recent projects.

Select Project Experience (cont.)

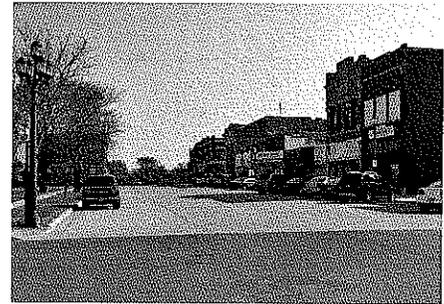
City of Windom, Minnesota – Fourth Avenue Street Improvements

The City of Windom, Minnesota has completed the first two phases of the Fourth Avenue Street Improvement Project. The project has centered on replacing a main thoroughfare through the City with a 10-ton capacity roadway, new curb and gutters and replacement of aging underground utilities.



In addition to Fourth Avenue, many additional residential streets were added to the first two phases. Reconstruction of these streets was driven by a need to replace aging underground sanitary sewer and watermain.

In phase 2, the City Council voted in favor of concrete pavement as a result of a cost/benefit analysis of the lifetime of the pavements resulting in a potential savings of \$100,000 over the lifetime of the concrete pavement.



In addition to the Fourth Avenue project, numerous smaller street and utility projects have been completed with the City of Windom as the City Engineers.

| | |
|---------------------|---|
| Project Dates: | 2005-2007 |
| Construction Costs: | \$ 732,000 phase 1 \$1,253,000 phase 2 |
| Reference: | Steve Nasby City of Windom (507) 831-6129 |

City of Delano, Minnesota – State Highway 12 Reconstruction

The City of Delano has been planning for the reconstruction of Highway 12 for over 20 years. The final plans and Municipal Agreement culminated in a 2008 construction kick-off of a \$14,000,000 project. This challenging project includes replacing the Crow River Bridge with an overpass 40 feet above the river, replacing an active railroad bridge, complete reconstruction of trunk sewer and a significant upgrade of the water system.



The scale of this project necessitates the detouring of 20,000 cars per day past an elementary school and through the historical downtown. Ultimately, a 35,000 gallon per minute lift station will provide drainage for Highway 12 to solve a long-term flooding problem through a FEMA grant, and a new signalized city street intersection with Highway 12 will solve traffic flow issues for the City.

Select Project Experience (cont.)

Effective communication is key to the success of this project. Wenck City Engineer, Vince VanderTop, and personnel interact daily with MnDOT engineers and inspectors, Public Works staff, Municipal Utility Inspectors, the Chamber of Commerce, Industrial Park members and most important of all, private citizens.

Overall, the aggressive construction schedule has a deadline of utilizing the new Highway 12 bridge before Thanksgiving of this year. Extensive effort has gone into the successful completion of this long-term project, that will both change Delano through increased Highway 12 capacity and access, but also long-term utility, aesthetics, right of way acquisitions and park improvements that will serve the city for generations.

| | |
|---------------------|--------------|
| Project Dates: | 2008-2009 |
| Construction Costs: | \$14,000,000 |

| | |
|-------------|---|
| References: | Phil Kern City Administrator (763) 972-0565 |
| | Ernie Eden Public Works Director (763) 972-0580 |

City of Lakefield, Minnesota – 2008 Street Improvements

As part of a multi-year street improvement project, Wenck Associates, Inc. has designed a street improvement project with construction scheduled for the summer of 2008. The project includes 13 blocks of street and utility reconstruction to replace aging streets, storm sewer, sanitary sewer and watermain.

Additionally, there will be six blocks of bituminous overlay included in the project. These streets are approximately 20 years old and will receive curb and gutter replacements where needed to address settled portions of the street where utility services are present.

| | |
|---------------------|-------------|
| Project Dates: | 2008 |
| Construction Costs: | \$1,122,500 |

| | |
|------------|--|
| Reference: | Jim Koep City Superintendent City of Lakefield (507) 662-5457 |
|------------|--|

Concurrently with the 2008 Street Improvements project, a second project extending watermain by 1500 feet along Old Mill Road will be constructed. This watermain will allow for future growth in the southeast corner of the City.

City of Slayton, Minnesota – Street Improvements

In order to address issues with aging pavement and stormwater issues, five city streets and one alley were repaved with new curb and gutter installed.

Dennis Johnson and Associates (Wenck) took the project through design, bid document preparation, bidding, and construction.

| | |
|---------------------|-----------|
| Project Dates: | 2002 |
| Construction Costs: | \$208,000 |

| | |
|------------|---|
| Reference: | Cathy Magnus City Clerk City of Slayton (507) 836-8534 |
|------------|---|

Other Project Examples will be provided as part of our presentation to Council.

RESOLUTION #2008-

Introduced:

Seconded:

Voted: Aye:

Nay:

Absent:

**A RESOLUTION SELECTING CERTAIN FREEHOLDERS IN THE CITY OF
WINDOM FOR PRESENTATION TO THE DISTRICT JUDGE FOR
APPOINTMENT TO A CHARTER COMMISSION**

WHEREAS, on April 1, 2008, the following persons' Charter Commission Terms expired:

**Laura Alvstad
David Farber
Nestor Palm
Bruce Toninato**

**LaVern Christianson
Sonya Johnson
Jeanette Schuur
Dianne Vellema**

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

1. The following freeholders are hereby selected by the Mayor and confirmed by the City Council for presentation to the District Judge for appointment to the Charter Commission for the City of Windom to fill a four-year term which shall expire April 1, 2012:

**Laura Alvstad
Nestor Palm
David Farber
Bruce Toninato**

**Dianne Vellema
Jeanette Schuur
Sonya Johnson
Donna Gravley**

Adopted this 6th day of May, 2008.

Tom Riordan, Mayor

Attest:

Steven Nasby, City Administrator

RESOLUTION #2008-

INTRODUCED:

SECONDED:

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

AUTHORIZATION TO ACCEPT A DONATION FROM POET BIOREFINING FOR THE WINDOM FIRE DEPARTMENT

WHEREAS, Minnesota State Statute §465.03 requires that any city accepting a grant or gift of real or personal property shall accept such by resolution of the governing body expressing the terms prescribed by the donor; and

WHEREAS, Poet Biorefining supports communities and promotes local philanthropy in southwest Minnesota; and

WHEREAS, the City of Windom has received a donation from Poet Biorefining in the amount of \$3,562 for the Windom Fire Department; and

WHEREAS, the donation requires that the funds be used to purchase a water monitor station to be used by the Windom Fire Department.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINDOM, MINNESOTA, that the City Council accepts the donation in the amount of \$3,562 offered by Poet Biorefining for the purchase of a water monitor station to be used by the Windom Fire Department.

Adopted by the Council this 6th day of May, 2008.

Tom Riordan, Mayor

Attest: _____
Steven Nasby, City Administrator

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|--------------------------|--------------------------|------------|
| MAYOR & COUNCIL | CONVENT. & VISTOR BU | LODGING TAX | 1,658.16 |
| MAYOR & COUNCIL | LEAGUE OF MN CITIES | CONF REGISTRATION | 125.00 |
| | Total for Department 101 | | 1,783.16* |
| CITY OFFICE | LEAGUE OF MN CITIES | CONF REGISTRATION | 125.00 |
| CITY OFFICE | STEVE NASBY | EXPENSE | 395.76 |
| | Total for Department 103 | | 520.76* |
| POLICE | TRAVEL MANAGEMENT | LEASE CAR | 2,511.00 |
| POLICE | UNICEL | TELEPHONE | 332.71 |
| | Total for Department 120 | | 2,843.71* |
| STREET | MN ENERGY RESOURCES | HEATING | 1,718.20 |
| | Total for Department 140 | | 1,718.20* |
| | Total for Fund 01 | | 6,865.83* |
| | CLEARWATER RECREATIO | WOODCHIPS FOR TEGELS PAR | 2,502.75 |
| | Total for Department | | 2,502.75* |
| | Total for Fund 04 | | 2,502.75* |
| AIRPORT | GERALD FOX | REFUND - AIRPORT GAS KEY | 10.00 |
| | Total for Department 174 | | 10.00* |
| | Total for Fund 11 | | 10.00* |
| AMBULANCE | JIM SKARPHOL | EXPENSE | 293.35 |
| AMBULANCE | JIM SKARPHOL | SUPPLIES | 40.22 |
| | Total for Department 176 | | 333.57* |
| | Total for Fund 13 | | 333.57* |
| MULTI-PURPOSE BUILDI | COLE PAPER INC. | SUPPLIES | 65.14 |
| MULTI-PURPOSE BUILDI | RIVER BEND LIQUOR | MERCHANDISE | 10.00 |
| | Total for Department 177 | | 75.14* |
| | Total for Fund 14 | | 75.14* |
| LIQUOR | BEVERAGE WHOLESALERS | MERCHANDISE | 3,108.89 |
| LIQUOR | COLLINS BROTHERS, IN | MERCHANDISE | 437.04 |
| LIQUOR | GRIGGS COOPER | MERCHANDISE | 5,754.49 |
| LIQUOR | HAGEN DISTRIBUTING | MERCHANDISE | 2,055.35 |
| LIQUOR | JOHNSON BROS. | MERCHANDISE | 316.00 |
| LIQUOR | GENE LENNING | POSTAGE | 17.40 |
| LIQUOR | GENE LENNING | SUPPLIES | 353.86 |
| LIQUOR | PAUSTIS & SONS | MERCHANDISE | 177.50 |
| LIQUOR | QUALITY WINE SPIRITS | MERCHANDISE | 6,531.22 |
| LIQUOR | WINDOM FIRE DEPT. | AD | 175.00 |
| | Total for Department 180 | | 18,926.75* |

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|--------------------------|----------------------|--------------------------|-------------|
| Total for Fund 60 | | | 18,926.75* |
| WATER | MIDWEST DATA, INC | UTILITY BILL | 1,411.96 |
| WATER | MIDWEST WIRELESS | TELEPHONE | 42.62 |
| Total for Department 181 | | | 1,454.58* |
| Total for Fund 61 | | | 1,454.58* |
| ELECTRIC | CENTRAL MINNESOTA MU | POWER COST | 262,259.64 |
| ELECTRIC | MARV GRUNIG | EXPENSE | 73.73 |
| ELECTRIC | MIDWEST DATA, INC | UTILITY BILL | 1,411.96 |
| ELECTRIC | MIDWEST DATA, INC | UTILITY/TELECOM CONVERSI | 680.00 |
| ELECTRIC | LISA SPRAGUE | REFUND - LATE FEE | 8.10 |
| Total for Department 182 | | | 264,433.43* |
| Total for Fund 62 | | | 264,433.43* |
| SEWER | MIDWEST DATA, INC | UTILITY BILL | 1,411.96 |
| SEWER | MIDWEST WIRELESS | TELEPHONE | 42.63 |
| SEWER | MN ENERGY RESOURCES | HEATING | 790.50 |
| Total for Department 183 | | | 2,245.09* |
| Total for Fund 63 | | | 2,245.09* |
| ECONOMIC DEVELOPMENT | WINDOM BAKERY | EXPENSE - MAYORS MEDAL | 42.75 |
| ECONOMIC DEVELOPMENT | LAMAR | SIGN EXPENSES | 325.00 |
| Total for Department 187 | | | 367.75* |
| Total for Fund 67 | | | 367.75* |
| TELECOMMUNICATIONS | BIG TEN NETWORK | SUBSCRIBER | 1,598.26 |
| TELECOMMUNICATIONS | MIDWEST DATA, INC | UTILITY BILL | 4,235.88 |
| TELECOMMUNICATIONS | MIDWEST DATA, INC | UTILITY/TELECOM CONVERSI | 320.04 |
| TELECOMMUNICATIONS | OLSEN THIELEN & CO., | SERVICE | 749.38 |
| Total for Department 199 | | | 6,903.56* |
| Total for Fund 69 | | | 6,903.56* |
| Grand Total | | | 304,118.45* |

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|-----------------------------------|----------------------|-----------|
| MAYOR & COUNCIL | COALITION OF GREATER REGISTRATION | | 120.00 |
| | Total for Department 101 | | 120.00* |
| CITY OFFICE | COALITION OF GREATER REGISTRATION | | 60.00 |
| CITY OFFICE | PITNEY BOWES | POSTAGE METER | 59.50 |
| CITY OFFICE | WINDOM AREA CHAMBER | WOMEN'S LUNCHEON | 24.00 |
| | Total for Department 103 | | 143.50* |
| P & Z / BUILDING OFF | MIDWEST WIRELESS | TELEPHONE | 21.49 |
| P & Z / BUILDING OFF | PITNEY BOWES | POSTAGE METER | 59.50 |
| P & Z / BUILDING OFF | WINDOM AREA CHAMBER | WOMEN'S LUNCHEON | 6.00 |
| | Total for Department 106 | | 86.99* |
| CITY HALL | MN ENERGY RESOURCES | HEATING | 1,309.77 |
| | Total for Department 115 | | 1,309.77* |
| POLICE | COTTONWOOD CO TREASU | DISPATCHING | 275.00 |
| POLICE | COTTONWOOD CO TREASU | RENT | 1,200.00 |
| POLICE | PITNEY BOWES | POSTAGE METER | 59.50 |
| | Total for Department 120 | | 1,534.50* |
| FIRE DEPARTMENT | COTTONWOOD CO TREASU | DISPATCHING | 212.50 |
| | Total for Department 125 | | 212.50* |
| EMERGENCY MANAGEMENT | COTTONWOOD CO TREASU | DISPATCHING | 12.50 |
| | Total for Department 130 | | 12.50* |
| STREET | COTTONWOOD CO TREASU | DISPATCHING | 125.00 |
| STREET | PITNEY BOWES | POSTAGE METER | 59.50 |
| | Total for Department 140 | | 184.50* |
| HEALTH & SANITATION | NEAL GRUNEWALD | COMPOST SITE MANAGER | 96.00 |
| | Total for Department 145 | | 96.00* |
| PARKS | COTTONWOOD CO TREASU | DISPATCHING | 37.50 |
| | Total for Department 165 | | 37.50* |
| | Total for Fund 01 | | 3,737.76* |
| LIBRARY | THE NEW YORK TIMES | SUBSCRIPTION | 405.60 |
| LIBRARY | MN ENERGY RESOURCES | HEATING | 1,108.71 |
| LIBRARY | STAR TRIBUNE | SUBSCRIPTION | 234.00 |
| | Total for Department 171 | | 1,748.31* |
| | Total for Fund 03 | | 1,748.31* |
| AIRPORT | MN DEPT OF ADMINISTR | TELEPHONE | 19.60 |
| | Total for Department 174 | | 19.60* |
| | Total for Fund 11 | | 19.60* |

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|--------------------------|--------------------------|-----------|
| AMBULANCE | ARROW MANUFACTURING | MAINTENANCE | 4,009.37 |
| AMBULANCE | COTTONWOOD CO TREASU | DISPATCHING | 200.00 |
| AMBULANCE | VAUGHN CORWIN | EXPENSE | 46.27 |
| AMBULANCE | TIM HACKER | EXPENSE | 47.27 |
| AMBULANCE | ALLAN REMPEL | EXPENSE | 31.47 |
| | Total for Department 176 | | 4,334.38* |
| | Total for Fund 13 | | 4,334.38* |
| MULTI-PURPOSE BUILDI | MN DEPT OF ADMINISTR | TELEPHONE | 19.60 |
| MULTI-PURPOSE BUILDI | MN ENERGY RESOURCES | HEATING | 1,928.29 |
| MULTI-PURPOSE BUILDI | WINDOM BAKERY | EXPENSE | 72.50 |
| | Total for Department 177 | | 2,020.39* |
| | Total for Fund 14 | | 2,020.39* |
| LIQUOR | BEVERAGE WHOLESALERS | MERCHANDISE | 3,545.40 |
| LIQUOR | CADBURY SCHWEPPES BO | MERCHANDISE | 98.20 |
| LIQUOR | GRIGGS COOPER | MERCHANDISE | 1,355.50 |
| LIQUOR | HAGEN DISTRIBUTING | MERCHANDISE | 4,694.45 |
| LIQUOR | HOLINKA DISTR. CO. | MERCHANDISE | 207.50 |
| | Total for Department 180 | | 9,901.05* |
| | Total for Fund 60 | | 9,901.05* |
| WATER | AMERICAN PAYMENT CEN | SERVICE | 16.50 |
| WATER | COTTONWOOD CO TREASU | DISPATCHING | 100.00 |
| WATER | H P SUDS | BILLING CONTRACT SERVICE | 125.00 |
| WATER | H P SUDS | BILLING CONTRACT SERVICE | 66.67 |
| WATER | MN ENERGY RESOURCES | HEATING | 711.73 |
| WATER | PITNEY BOWES | 1/4 PAYMENT MAILER INSER | 576.40 |
| WATER | PITNEY BOWES | POSTAGE METER | 59.50 |
| | Total for Department 181 | | 1,655.80* |
| | Total for Fund 61 | | 1,655.80* |
| | HY-VEE FOOD STORE | DEMAND REFUND | 13.61 |
| | PAMIDA | DEMAND REFUND | 5.07 |
| | RUNNING'S SUPPLY | DEMAND REFUND | 39.58 |
| | QWEST | DEMAND REFUND | 1.27 |
| | Total for Department | | 59.53* |
| ELECTRIC | AMERICAN PAYMENT CEN | SERVICE | 16.50 |
| ELECTRIC | COTTONWOOD CO TREASU | DISPATCHING | 187.50 |
| ELECTRIC | MARV GRUNIG | EXPENSE | 90.90 |
| ELECTRIC | H P SUDS | BILLING CONTRACT SERVICE | 125.00 |
| ELECTRIC | H P SUDS | BILLING CONTRACT SERVICE | 66.67 |
| ELECTRIC | HY-VEE FOOD STORE | DEMAND REFUND | 209.41 |
| ELECTRIC | MIDWEST WIRELESS | TELEPHONE | 89.35 |
| ELECTRIC | HSBC BUSINESS SOLUTI | SUPPLIES | 353.02 |

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|------------------------------|--------------------------|-----------|
| ELECTRIC | PAMIDA | DEMAND REFUND | 77.92 |
| ELECTRIC | MN ENERGY RESOURCES | HEATING | 271.30 |
| ELECTRIC | PITNEY BOWES | 1/4 PAYMENT MAILER INSER | 576.40 |
| ELECTRIC | PITNEY BOWES | POSTAGE METER | 59.50 |
| ELECTRIC | RUNNING'S SUPPLY | DEMAND REFUND | 608.75 |
| ELECTRIC | WINDOM PUBLIC SCHOOL | DEMAND REFUND | 974.00 |
| ELECTRIC | BANK MIDWEST | NSF CHECK | 640.00 |
| ELECTRIC | QWEST | DEMAND REFUND | 19.48 |
| ELECTRIC | SOGGE MEMORIAL HOME | DEMAND REFUND | 126.62 |
| | Total for Department 182 | | 4,492.32* |
| | Total for Fund 62 | | 4,551.85* |
| SEWER | AMERICAN PAYMENT CEN SERVICE | | 16.50 |
| SEWER | COTTONWOOD CO TREASU | DISPATCHING | 100.00 |
| SEWER | H P SUDS | BILLING CONTRACT SERVICE | 125.00 |
| SEWER | H P SUDS | BILLING CONTRACT SERVICE | 66.67 |
| SEWER | MN ENERGY RESOURCES | HEATING | 119.29 |
| SEWER | PITNEY BOWES | 1/4 PAYMENT MAILER INSER | 576.40 |
| SEWER | PITNEY BOWES | POSTAGE METER | 59.50 |
| | Total for Department 183 | | 1,063.36* |
| | Total for Fund 63 | | 1,063.36* |
| ARENA | MIDWEST WIRELESS | TELEPHONE | 42.74 |
| ARENA | MN ENERGY RESOURCES | HEATING | 1,269.51 |
| ARENA | PITNEY BOWES | POSTAGE METER | 59.50 |
| | Total for Department 184 | | 1,371.75* |
| | Total for Fund 64 | | 1,371.75* |
| ECONOMIC DEVELOPMENT | AARON BACKMAN | EXPENSE | 156.55 |
| ECONOMIC DEVELOPMENT | MIDWEST WIRELESS | TELEPHONE | 61.38 |
| ECONOMIC DEVELOPMENT | MN ENERGY RESOURCES | HEATING | 387.79 |
| ECONOMIC DEVELOPMENT | PITNEY BOWES | POSTAGE METER | 59.50 |
| ECONOMIC DEVELOPMENT | WINDOM AREA CHAMBER | WOMEN'S LUNCHEON | 6.00 |
| ECONOMIC DEVELOPMENT | WINDOM BAKERY | EXPENSE MAYORS MEDAL | 42.75 |
| | Total for Department 187 | | 713.97* |
| | Total for Fund 67 | | 713.97* |
| TELECOMMUNICATIONS | AMERICAN PAYMENT CEN SERVICE | | 49.50 |
| TELECOMMUNICATIONS | H P SUDS | BILLING CONTRACT SERVICE | 375.00 |
| TELECOMMUNICATIONS | H P SUDS | BILLING CONTRACT SERVICE | 199.99 |
| TELECOMMUNICATIONS | QWEST COMMUNICATIONS | LEXIS BILLING SERVICE | 150.07 |
| TELECOMMUNICATIONS | MN ENERGY RESOURCES | HEATING | 221.94 |
| TELECOMMUNICATIONS | PITNEY BOWES | 1/4 PAYMENT MAILER INSER | 1,152.80 |
| TELECOMMUNICATIONS | PITNEY BOWES | POSTAGE METER | 59.50 |
| | Total for Department 199 | | 2,208.80* |

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|----------------------|--------------------------|------------|
| Total for Fund 69 | | | 2,208.80* |
| | AFSCME | UNION DUES | 225.96 |
| | AFLAC | INSURANCE | 444.78 |
| | JOHNSON COUNTY COURT | PAYROLL DEDUCTION CDDMO1 | 1,302.00 |
| | LOCAL UNION #949 | UNION DUES | 1,533.58 |
| | MN BENEFIT ASSOCIATI | INSURANCE | 96.18 |
| Total for Department | | | 3,602.50* |
| Total for Fund 70 | | | 3,602.50* |
| Grand Total | | | 36,929.52* |

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

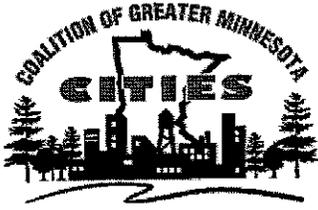
| Department | Vendor Name | Description | Amount |
|----------------------|--------------------------|--------------------------|------------|
| MAYOR & COUNCIL | CONVENT. & VISTOR BU | LODGING TAX | 2,418.73 |
| MAYOR & COUNCIL | LEAGUE OF MN CITIES | INSURANCE | 118.28 |
| | Total for Department 101 | | 2,537.01* |
| CITY OFFICE | HEARTLAND TECHNOLOGY | BILLING SYSTEM FIRE WALL | 40.00 |
| CITY OFFICE | LEAGUE OF MN CITIES | INSURANCE | 235.00 |
| CITY OFFICE | SELECTACCOUNT | FLEX SPENDING | 86.01 |
| | Total for Department 103 | | 361.01* |
| P & Z / BUILDING OFF | HEARTLAND TECHNOLOGY | BILLING SYSTEM FIRE WALL | 40.00 |
| P & Z / BUILDING OFF | LEAGUE OF MN CITIES | INSURANCE | 488.14 |
| | Total for Department 106 | | 528.14* |
| CITY HALL | LEAGUE OF MN CITIES | INSURANCE | 692.50 |
| | Total for Department 115 | | 692.50* |
| POLICE | LEAGUE OF MN CITIES | INSURANCE | 2,585.00 |
| | Total for Department 120 | | 2,585.00* |
| FIRE DEPARTMENT | LEAGUE OF MN CITIES | INSURANCE | 5,467.50 |
| FIRE DEPARTMENT | MIDWEST WIRELESS | TELEPHONE | 27.04 |
| | Total for Department 125 | | 5,494.54* |
| ANIMALS | LEAGUE OF MN CITIES | INSURANCE | 212.00 |
| | Total for Department 135 | | 212.00* |
| STREET | KOLANDER TREE SERVIC | STUMP REMOVAL | 250.00 |
| STREET | LEAGUE OF MN CITIES | INSURANCE | 6,897.90 |
| STREET | REED BUSINESS INFORM AD | | 250.38 |
| | Total for Department 140 | | 7,398.28* |
| PARKS | LEAGUE OF MN CITIES | INSURANCE | 10,248.72 |
| | Total for Department 165 | | 10,248.72* |
| | Total for Fund 01 | | 30,057.20* |
| LIBRARY | JOAN HUNTER | MILEAGE | 39.39 |
| LIBRARY | LEAGUE OF MN CITIES | INSURANCE | 1,876.00 |
| | Total for Department 171 | | 1,915.39* |
| | Total for Fund 03 | | 1,915.39* |
| UHF TV | LEAGUE OF MN CITIES | INSURANCE | 16.00 |
| | Total for Department 173 | | 16.00* |
| | Total for Fund 10 | | 16.00* |
| AIRPORT | LEAGUE OF MN CITIES | INSURANCE | 7,879.00 |
| | Total for Department 174 | | 7,879.00* |
| | Total for Fund 11 | | 7,879.00* |

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|----------------------|--------------------------|------------|
| POOL | LEAGUE OF MN CITIES | INSURANCE | 1,713.00 |
| | | Total for Department 175 | 1,713.00* |
| | | Total for Fund 12 | 1,713.00* |
| AMBULANCE | ARROW MANUFACTURING | MAINTENANCE | 4,069.37 |
| AMBULANCE | LEAGUE OF MN CITIES | INSURANCE | 999.00 |
| | | Total for Department 176 | 5,068.37* |
| | | Total for Fund 13 | 5,068.37* |
| MULTI-PURPOSE BUILDI | LEAGUE OF MN CITIES | INSURANCE | 6,302.00 |
| | | Total for Department 177 | 6,302.00* |
| | | Total for Fund 14 | 6,302.00* |
| LIQUOR | BEVERAGE WHOLESALERS | MERCHANDISE | 4,424.90 |
| LIQUOR | GRIGGS COOPER | MERCHANDISE | 1,114.23 |
| LIQUOR | HAGEN DISTRIBUTING | MERCHANDISE | 4,313.35 |
| LIQUOR | JOHNSON BROS. | MERCHANDISE | 450.27 |
| LIQUOR | LEAGUE OF MN CITIES | INSURANCE | 11,113.00 |
| LIQUOR | MN MUNICIPAL BEVERAG | REGISTRATION | 329.00 |
| LIQUOR | MN ENERGY RESOURCES | HEATING | 348.29 |
| LIQUOR | QUALITY WINE SPIRITS | MERCHANDISE | 5,411.46 |
| | | Total for Department 180 | 27,504.50* |
| | | Total for Fund 60 | 27,504.50* |
| WATER | H P SUDS | BILLING CONTRACT SERVICE | 140.00 |
| WATER | LEAGUE OF MN CITIES | INSURANCE | 8,810.00 |
| WATER | WENCK ASSOCIATES, IN | LANDFILL | 535.30 |
| | | Total for Department 181 | 9,485.30* |
| | | Total for Fund 61 | 9,485.30* |
| ELECTRIC | H P SUDS | BILLING CONTRACT SERVICE | 140.00 |
| ELECTRIC | LEAGUE OF MN CITIES | INSURANCE | 33,041.79 |
| ELECTRIC | BANK MIDWEST | NSF CHECK | 102.35 |
| | | Total for Department 182 | 33,284.14* |
| | | Total for Fund 62 | 33,284.14* |
| SEWER | H P SUDS | BILLING CONTRACT SERVICE | 140.00 |
| SEWER | LEAGUE OF MN CITIES | INSURANCE | 11,200.89 |
| | | Total for Department 183 | 11,340.89* |
| | | Total for Fund 63 | 11,340.89* |
| ARENA | LEAGUE OF MN CITIES | INSURANCE | 6,749.94 |
| | | Total for Department 184 | 6,749.94* |

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|----------------------|--------------------------|-------------|
| | | Total for Fund 64 | 6,749.94* |
| RIVERBLUFF TOWNHOMES | LEAGUE OF MN CITIES | INSURANCE | 7,781.00 |
| | | Total for Department 186 | 7,781.00* |
| | | Total for Fund 66 | 7,781.00* |
| | BANK MIDWEST | LOAN PAYMENT | 4,000.00 |
| | | Total for Department | 4,000.00* |
| ECONOMIC DEVELOPMENT | HEARTLAND TECHNOLOGY | BILLING SYSTEM FIRE WALL | 40.00 |
| ECONOMIC DEVELOPMENT | LEAGUE OF MN CITIES | INSURANCE | 4,240.14 |
| | | Total for Department 187 | 4,280.14* |
| | | Total for Fund 67 | 8,280.14* |
| TELECOMMUNICATIONS | AT & T | USAGE CHARGES | 125.00 |
| TELECOMMUNICATIONS | DISH NETWORK | SERVICE | 3,400.00 |
| TELECOMMUNICATIONS | FIBER INSTRUMENT SAL | SUPPLIES | 176.50 |
| TELECOMMUNICATIONS | H P SUDS | BILLING CONTRACT SERVICE | 420.00 |
| TELECOMMUNICATIONS | LEAGUE OF MN CITIES | INSURANCE | 10,128.20 |
| TELECOMMUNICATIONS | MIDWEST WIRELESS | TELEPHONE | -9.62 |
| TELECOMMUNICATIONS | QUEST | TELEPHONE | 98.04 |
| | | Total for Department 199 | 14,338.12* |
| | | Total for Fund 69 | 14,338.12* |
| | | Grand Total | 171,714.99* |



Coalition of Greater Minnesota Cities
CGMC in Brief

May 1, 2008

Contact: Tim Flaherty
651.225.8840

House Inches Closer to Final LGA Proposal

With millions of dollars at stake for local governments, the House is moving closer to a floor debate on increasing LGA. The Senate tax bill—which includes an amended version of the Unity Proposal—increases LGA by \$70 million in 2009. Meanwhile, the House Tax Committee recently increased the House Property Tax Division's original \$30 million allotment to \$50 million while maintaining some aspects of the Unity Proposal.

To compare the impact on your city under both House and Senate proposals, visit www.greatermncities.org and click on the Property Taxes/LGA link. In the Advocacy Documents section, select **Compare LGA in the House and Senate tax bills to the Unity proposal and projected 2009 LGA.**

To compare the impact of the new House formula to the current LGA formula, visit www.greatermncities.org and click on the Property Taxes/LGA link. In the Advocacy Documents section, select **Compare the House LGA formula with a \$50 million increase with the current law formula with a \$50 million increase.**

Even though some cities will receive less funding under the House's new formula than they would under the current law formula, the CGMC feels that this short-term drawback will result in long-term stability of LGA funding because more cities and their legislators will support LGA.

The House tax bill will likely go to the floor on Monday and to the Conference Committee next week. With the Senate, House, and Governor deadlocked over a budget resolution, increased LGA funding may be grounds for a veto, or may be packaged with other items that prompt a veto.

Governor Pushes Levy Limits

In Wednesday's latest round of budget offers, Governor Pawlenty called for a cap on property taxes, claiming the cap would provide property tax relief to homeowners. Conversely, the cap would also limit a city's ability to increase levies, and would particularly penalize CGMC cities that receive LGA. The Governor's push echoes earlier budget negotiation attempts which Democrats rejected.

House DFL Propose Major Change to Personal Property Tax Relief

In an effort to make the overall Minnesota tax system more progressive, the House tax bill makes major changes in the personal property tax relief programs provided by the state. The proposal, if passed, would give a property tax rebate (called the "Homestead Credit State Refund") to all homeowners with income less than \$200,000 if their property taxes exceed more than 2% of their income. The lower the income in relation to the property taxes the higher the rebate would be.

The changes in the bill are revenue neutral, meaning that not every property tax payer will benefit from the change. The bill removes the state deduction for property taxes from income taxes, and phases out the Market Value Credit. House Tax Chair Ann Lenczewski (DFL-Bloomington) fully admits that the proposal will create winners and losers, but if there can be no new revenue added to property tax relief (refer to last year's vetoed fourth tier income tax increase) priority should be given to people paying the most taxes compared to their income.



Mall of America Expansion Critical to End Session

The House Tax Committee has posted a Property Tax Relief Calculator on its website so that you can see how their bill impacts you. You can access it at www.greatermncities.org under the News section on the homepage.

There is much talk about the Mall of America around the Capitol after all four DFL and GOP leaders publicly supported funding the project. Currently, the expansion is in the Senate tax bill with Chair Tom Bakk (DFL-Cook) being one of the mall's biggest supporters. There are no such provisions in the House tax bill with Chair Ann Lenczewski (DFL-Bloomington) being the strongest voice against funding for the mall.

Due to the effect that the current language in the Senate tax bill has on taxable property, LGA may be impacted. A run of the impact is available on www.greatermncities.org on the Property Taxes/LGA page. This run assumes that the expansion of the Mall of America would be the same with or without public funding. This is disputed by mall expansion supporters, who say that without public funding, the mall will be considerably smaller and thus provide a smaller tax base, therefore shifting less LGA to Greater Minnesota.

JOBZ Program Remains Eliminated in House Omnibus Tax Bill

The House Omnibus Tax Bill presented this week mimicked the Senate Omnibus Tax Bill JOBZ language by prohibiting any new JOBZ business subsidy agreements from being implemented after June 1, 2008. House Tax Chair Ann Lenczewski (DFL-Bloomington) scaled back her original JOBZ language that would have eliminated any future and current JOBZ tax incentives.

CGMC lobbyist Holly Thompson testified in opposition to the complete elimination of the JOBZ program. Thompson testified that the CGMC Board of Directors recently took a position to support retention of the JOBZ program for the most distressed areas of the state. Representatives from Rice County, Red Wing Port Authority, and DEED also testified against the elimination of JOBZ.

Rep. Dean Simpson (R-Perham) attempted to amend the House tax bill with language that would have retained and extended the JOBZ program with changes recommended by the Office of the Legislative Auditor. The amendment failed on a vote of 8-14. The fate of JOBZ will be decided in the Tax Conference Committee next week. The Governor has said he wants the program retained and extended for another 12 years.

Save the Date for the CGMC Summer and Fall Conferences

**(Reserve your hotel for the
Summer Conference today!)**

Please save the dates for the CGMC's Summer and Fall Conferences. Both events are a great opportunity to get the low-down on what is happening at the Legislature, share ideas with other city officials, mix with legislators, and enjoy yourself!

This year's Summer Conference is being hosted by Mankato, North Mankato, and New Ulm and will be held **July 30-August 1, 2008**. Visit www.greatermncities.org and click on "CGMC Calendar" for more information. (PLEASE NOTE: the CGMC website previously displayed the incorrect dates for the Summer Conference; the correct dates are listed above.) Reservations may be made at:

Hilton Garden Inn, Downtown Mankato
20 Civic Center Plaza
Mankato, MN 56001
507-344-1111

The Fall Conference will be held in Willmar **November 20-21, 2008**. Please stay tuned for further agenda and registration information for both events.





CONNECTING & INNOVATING
SINCE 1913

April 30, 2008

Dear City Official –

Since you attended one of the League of Minnesota Cities Regional Meetings last Fall, you may recall my presentation regarding the “Value of Cities” research survey in conjunction with my Presidential initiative for 2007-08. The initial results from the survey have been compiled, and I am pleased to share some of the results with you. Enclosed is a news release and fact sheet that was distributed to media outlets throughout the state earlier this week.

Though we are pleasantly surprised by how overwhelmingly positive the survey results are, that doesn’t mean our work to promote the “Value of Cities” is finished—it is really just beginning. Ultimately, my Presidential Initiative is a call to you to redouble your efforts in making our cities better known for the great things we do. A call to you to help residents of Minnesota cities know that making decisions neighbor-to-neighbor is the most honorable form of government and the one that is best suited to meet the needs of the community. It’s a call to you to continue the positive things that you do.

I encourage you to consider what these survey results may mean for your own communities, and to communicate results to your city’s elected and appointed staff, and to residents. If you are contacted by your local media for comment, please feel free to use talking points from the news release or fact sheet. A summary of the key messages follows:

- City residents in our state—no matter where they live—overwhelmingly view city government in positive ways.
- That holds true not only for city government in their own communities, but in communities throughout the state.
- Nevertheless, there is always room for improvement, and city officials will use the survey results to help achieve the goal of continuing to provide high-quality constituent service.
- Later in May, the League will release additional survey results about perceptions of elected officials and staff, and the city workforce of the future.

If you have questions or comments about the survey, contact Don Reeder, the League’s Public Affairs Manager, at dreeder@lmc.org or (651) 215-4031. Best wishes, and keep up the good work!! I hope to see you at the League’s Annual Conference in June.

Sincerely,

Todd Prafke
President, League of Minnesota Cities



Value of Cities research survey—fact sheet

Background:

- The survey was conducted for LMC in November, 2007 by Decision Resources, Ltd.
- A total of 800 city residents from Minnesota were interviewed via telephone—they were selected using random sampling methods.
- The survey has a margin of error of +/-3.5 percent in 95 out of 100 cases.
- The League hopes to use the survey results to learn more about Minnesotans' knowledge and perception of city government, with the goal of helping cities continue to provide high-quality constituent service.

Findings

- Cities across Minnesota are viewed very positively by residents.
- Quality of life ratings are high, and city government and its services are viewed as playing a “very important” role.
- City government is among the most trusted and highest-rated provider of value in comparison with other levels of government.
- Job ratings of the mayor and city council are strong, as are those of city staff.
- Large majorities of respondents think most cities are forward-thinking, hard-working, ethical, essential, and smart.

A sampling of questions and responses:

- *Overall, do you have a positive impression, negative impression, or a neutral impression of your city government as a whole?*

| | |
|--------------------|-----|
| Positive | 51% |
| Negative | 12% |
| Neutral | 28% |
| Don't know/refused | 9% |
- *How important of a role do you think city government and its services play in the overall quality of life in your city?*

| | |
|------------------------------|-----|
| Very important | 63% |
| Somewhat important | 35% |
| Not too/not at all important | 2% |
- *Please tell me if you trust (city government) a lot, somewhat, not too much, or not at all.*

| | |
|--------------|-----|
| A lot | 26% |
| Somewhat | 60% |
| Not too much | 11% |
| Not at all | 3% |

(OVER)

- *Please tell me if you think the value of services you receive for the amount of taxes you pay for city government is excellent, good, only fair, or poor?*

| | |
|------------|-----|
| Excellent | 9% |
| Good | 59% |
| Fair | 24% |
| Poor | 6% |
| Don't know | 2% |

- *Compared to other cities across Minnesota, do you think your city government does a much better job, somewhat better, somewhat worse, or a much worse job or do you think they do about the same job?*

| | |
|--------------------|-----|
| Much better | 1% |
| Somewhat better | 29% |
| About the same | 56% |
| Somewhat worse | 5% |
| Much worse | 1% |
| Don't know/refused | 8% |

- *For each characteristic, please tell me if you think it accurately applies to only your city, most cities in Minnesota, some cities in Minnesota, or no cities in Minnesota? (% shown indicates those responding "most cities in Minnesota")*

| | | | |
|------------------|-----|-------------------------|-----|
| Essential | 75% | Accessible | 57% |
| Hard working | 70% | Accountable | 57% |
| Ethical | 65% | Credible | 57% |
| Bureaucratic | 65% | Cooperative | 55% |
| Smart | 63% | Responsive | 55% |
| Stable | 62% | Open | 54% |
| Forward thinking | 62% | Wasteful | 52% |
| Competent | 61% | Financially responsible | 48% |
| Relevant | 59% | Slow | 48% |

For more information contact Don Reeder, Public Affairs Manager, dreeder@lmc.org or 651-215-4031.



FOR RELEASE ON OR AFTER APRIL 28, 2008

Contact: Don Reeder, Public Affairs Manager, dreeder@lmc.org or 651-215-4031

Statewide “Value of Cities” survey shows very positive view of city government among Minnesotans *League study yields unexpected findings for city officials*

(April 28, 2008—Saint Paul, Minn.) A recent survey conducted by Decision Resources, Ltd. for the League of Minnesota Cities shows that an overwhelming majority of city residents in the state—no matter where they live—recognize city government as an important contributor to quality of life. Furthermore, by great margins, residents trust and value the work of their elected and appointed city officials. The survey results were derived from questions asked as part of a broader research study concerning the “Value of Cities,” administered to a random sample of Minnesota city residents in November of 2007.

The survey showed that nearly two-thirds (63 percent) of respondents indicated they believe that city government plays a “very important” role in quality of life, with another 35 percent believing the city role to be “somewhat important.” Additionally, 86 percent of survey respondents indicate they trust city government “a lot” or “somewhat”—a rating that is higher than the trust level for state government (75 percent), and much higher than the Federal Government (48 percent).

In other findings, more than two-thirds of respondents said the value of services they receive from cities is “good” or “excellent”, when thinking about the quality of the services given the amount of taxes paid. In terms of how individual services are perceived, city residents identified law enforcement as the city service with the most impact on their quality of life (25 percent). The next most-common responses were street maintenance (16 percent), public works (11 percent), and parks and recreation (8 percent).

“Though we sometimes tend to take city services for granted, we can see from the survey results that a majority of residents are not only aware of those services, but are pleased with the way they are delivered,” said League Executive Director Jim Miller. “Livability factors like safe streets, clean park and recreation areas, and public libraries all contribute a great deal to the quality of life we enjoy in Minnesota cities.”

The survey also showed that nearly 80 percent of respondents have either a positive or neutral impression of city government as a whole, while only 12 percent have a negative impression. Generally, respondents have positive views not only about their own cities, but of cities throughout Minnesota. Additionally, large majorities of respondents think most city governments are forward-thinking, hard-working, ethical, essential, and smart.

(MORE)

“We, as city officials, know the work of local government is not always portrayed in the most positive light. With that in mind, we’re somewhat surprised by the survey results,” said Todd Prafke, League president and city administrator for the City of St. Peter. “Each of Minnesota’s 854 cities is unique in its own way. It’s great to see that, despite those differences, Minnesota city residents view their cities in remarkably similar and positive ways.”

Over the next several weeks and months, the League hopes to use the survey results to learn more about Minnesotans’ knowledge and perception of city government, with the goal of helping cities continue to provide high-quality constituent service. Additional findings about perceptions of elected officials and city staff, and the city workforce of the future, will be publicly released in May.

The League of Minnesota Cities is a membership organization dedicated to promoting excellence in local government through effective advocacy, expert analysis, and trusted guidance for all Minnesota cities. The League serves its more than 830 members through advocacy, education and training, policy development, risk management and other services. For more information, visit www.lmc.org.



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(MORE)



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Cities testify on House property tax and sales tax provisions

The House Property Tax and Local Sales Tax division convened Wednesday night to take testimony on the various provisions and mark-up the bill. The recommendations were amended onto HF 1222, which is division Chair and Rep. Paul Marquart's bill dealing with truth in taxation changes. The HF 1222 package includes \$30 million in additional local government aid (LGA), includes portions of the changes from the Cities' Unity LGA proposal; a redirection of the current market value homestead credit program into an expanded direct property tax relief program; an assortment of items to help with home foreclosures; and a three-year moratorium on local option sales taxes. For more complete details, see the 4/23/08 edition of the League's *Cities Bulletin*.

The League led off the testimony of the city groups by thanking the committee for supporting additional LGA, and reminding members of the importance of the LGA formula changes put forth under the Cities Unity bill. After all the city groups spoke to the LGA issue, the League then testified on several other tax and finance issues in the bill. Minnetonka Mayor Jan Callison spoke on behalf of the Municipal Legislative Commission, and her comments focused on direct homeowner property tax relief efforts of the bill.

Testimony on the bill went on for three hours as other organizations including the public utilities, MN Senior Federation, county organizations, and others testified on various aspects in the bill. Discussion of LGA lasted for about an hour—signaling a long night. The

Tax Committee was scheduled to meet after the division completed their work at 10:30 p.m.

The only amendment adopted was a two-year extension of the limited market value program. The only other amendment offered would have removed the utility classification change, and that amendment failed. From here, the bill goes to full House Tax Committee on Monday, April 28, at 9 a.m. where it will likely be included as part of the committee's omnibus bill. The Tax Committee is expected to take testimony on Tuesday morning and consider amendments in a later meeting on Tuesday. With another stop in Ways & Means, the earliest the bill could be brought up for debate on the floor is Thursday.

Watch next week's *Bulletin* for an article on all the provisions in the House omnibus tax bill.

Questions? Contact Jennifer O'Rourke at 651.281.1261, jorourke@lmc.org or Gary Carlson at 651.281.1255, gcarlson@lmc.org.

Supplemental budget conference committee in holding pattern

House and Senate supplemental budget conferees met a few times this week and continued to wade through the differences in their respective supplemental budget proposals (HF 1812, Carlson/SF 3813, Cohen). Despite some lengthy meetings and compromises reached in so-called "work groups" made up of conferees and budget committee chairs, the group has adopted only a few common provisions.

Meanwhile, Governor Tim Pawlenty (R) and legislative leaders began exchanging offers in an attempt to negotiate an agreement on budget items. This agreement will provide the



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framework the conference committee needs in order to proceed.

The supplemental budget bill encompasses all areas of state budget. It addresses the state's projected \$935 million deficit.

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

Pool safety legislation amended by full Senate

During Wednesday's floor session, the Senate considered and amended SF 2833, the bill authored by Sen. Geoff Michel (R-Edina) to address pool safety issue in the wake of the tragic pool event involving Abigail Taylor.

Sen. Ann Lynch (DFL-Rochester) offered an amendment to remove a provision that would have allowed local governments up to two years to comply with the new drain standards for pools that do not charge an entrance fee. She expressed concerns about the potential for serious injury to swimmers in unmodified pools. Sen. Linda Berglin (DFL-Minneapolis) defended the language, stating that the drain covers and inspection requirements would be in force almost immediately and that the extended compliance timeline would have given more flexibility to local units of government. The amendment was adopted 54-8.

The bill will likely be scheduled for final Senate action sometime next week. The House companion will be considered in the Finance Committee in the near future.

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

Governor signs EMAC clarification for a second time

On Thursday, Gov. Tim Pawlenty signed Chapter 229, the League sponsored clarification of the state's emergency management assistance compact (EMAC) statute. The bill (HF 3456/SF3119) was authored by Rep. Ken Tschumper (DFL-La Crescent) and Sen. Rick Olseen (DFL-Harris). The bill clarifies that local government employees who are deployed to respond to inter-state emergencies, are now explicitly covered and are considered agents of the requesting state for tort and immunity purposes under the state's EMAC statute.

On April 18, the Governor signed Chapter 202, a separate bill that was amended with the EMAC clarification during the committee deadline rush to move legislation.

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

Fireworks amendment adopted on House floor

Sometime around midnight Thursday, an amendment that would increase the legal amount of explosives in fireworks was added to HF 2996 (Paymar, DFL-St. Paul), a bill pertaining to civil commitment for sexually dangerous or psychopathic persons. The fireworks amendment, offered by Rep. Tom Hackbarth (R-Cedar) would increase from 200 to 500 the grams of chemical mixture allowed in the non-aerial, non-explosive fireworks that are legal in Minnesota.



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Injury trends and dollar losses related to fireworks incidents surged after the consumer fireworks ban in Minnesota was lifted in 2002 according to data provided by the Minnesota State Fire Marshal Division. Hospital reports reveal that the annual number of injuries caused by fireworks rose dramatically in 2002 and remains elevated.

The League opposed the 2002 legislation that lifted the fireworks ban – a ban that had existed in Minnesota since 1941 – and the League has since sought repeal of the 2002 law.

A bill containing the Hackbarth language (SF 3279, Sparks) was removed from a hearing agenda of the Senate Commerce and Consumer Protection Committee earlier this session after the League expressed concerns.

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

Omnibus pension bill ready for introduction

With little time to spare, the Legislative Commission on Pensions and Retirement (LCPR) completed its work for the 2008 Legislative Session on Tuesday. The bills approved by the commission were rolled into an Omnibus Retirement Bill, which will be assigned a number upon introduction.

The bill contains a number of provisions that could impact local government employees and employers, including legislation involving the Public Employees Retirement Association (PERA) as well as fire relief associations. Specifically, the League is supporting a proposal developed by the Post Fund Committee of the Joint Retirement Systems to

address an estimated \$2.4 billion deficit in the Post Fund (introduced as HF 3421, Murphy, M./SF 2969, Betzold), and a provision that would allow local units of government to contribute on behalf of an employee to a wider array of 457 deferred compensation plans and would increase the maximum permissible employer contribution to deferred compensation plans (introduced as HF 3029, Hilstrom/SF 2759, Betzold). Both measures were incorporated.

At a prior hearing, the League testified against HF 3713 (Nelson)/SF 3405 (Betzold), a bill that would have required employers to find light duty positions for injured police officers and firefighters, and would have increased duty disability benefits for public safety officers who become disabled after more than 20 years of service. The bill was ultimately withdrawn from consideration by Sen. Betzold, and was not incorporated into the bill as it will be introduced.

Upon introduction, the bill will have to move quickly through the committee process in order to make it to the governor's desk by the end of the legislative session. It is scheduled for a hearing in the Senate State and Local Government Operations and Oversight Committee on Wednesday, April 30 at 3:00 p.m. A hearing on the bill is expected but not yet scheduled in the House Governmental Operations, Reform, Technology and Elections Committee.

For more information, go to the LCPR's website: www.lcpr.leg.mn.

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



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Tax chair Lenczewski carries HRA levy increase bill

The House Tax Committee on Friday heard HF4204 (Lenczewski, DFL-Bloomington), a bill that would increase the maximum levy for housing and redevelopment authorities (HRAs). Lenczewski introduced the bill to help local governments with their housing and redevelopment needs. The League, Metro Cities, and the National Association of Housing and Redevelopment Authorities all testified in support of the bill. As drafted, the bill goes from .0144 percent of market value to .025 percent of taxable market value for the previous year's taxable market value which is finalized by that time. The committee was concerned about going that far, as the fiscal note indicated this would be a 74% increase in levy authority. It is likely this will be scaled back if it makes it into the House omnibus tax bill next week.

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

Assessing delinquent vacant building registration fees

With the surge in mortgage foreclosures, cities throughout Minnesota have had to find ways to recover costs associated with monitoring and addressing vacant and abandoned properties. Many cities are either establishing programs to register vacant and abandoned properties, or are increasing fees to existing abandoned properties registration programs. The fees cover costs such as police and fire calls, nuisance orders, and trespassing complaints. The City of Minneapolis, for example, has estimated its costs associated with abandoned homes at more than \$6,000 per property.

Rep. Tim Mahoney (DFL-St. Paul) and Sen. Mee Moua (DFL-St. Paul) introduced HF 4199 and SF 3840, authorizing cities to collect on delinquent vacant building registration fees as special assessments. HF4199 was referred to the House Tax Committee, and SF3840 was referred to the Senate State and Local Government Operations and Oversight Committee.

Last year a working group convened by Rep. Joe Mullery (DFL-Minneapolis) to address the increase in foreclosures did discussed this issue and agreed to move it forward as part of over a dozen various foreclosure assistance bills introduced this session. Ron Elwood, from Legal Aid testified in the House Tax committee that this item was inadvertently left out in the drafting process.

The House laid over HF 4199 for possible inclusion in the second House omnibus tax bill which will be presented before the tax committee on Monday. The Senate has already passed their second omnibus tax bill.

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

Utility disconnection notification bill double tracked

After hearing from their local communities about the increase in water damaged homes due to lack of notice that heat sources had been turned off, Sen. Leo Foley (DFL-Coon Rapids) and Rep. Mike Nelson (DFL-Brooklyn Park) introduced SF 2775 and HF 3229 requiring utility companies to inform municipalities when service is disconnected due to nonpayment.



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The bills state that between October 15 and April 15, utility companies that disconnect a customer's gas or electric service must provide notice and a residential address to any city that requests the information. The information would be made available on October 15 and November 1 of each year. Daily updates after November 1 would also be available if a city desired. Recognizing the sensitivity of customer information, all data would be considered private.

After sitting on the House floor for almost two weeks, SF 2775 saw action in both the Senate and House on Thursday. SF 2775 passed off the Senate floor earlier this month. Expressing some concern that the House may not have time to act on the bill Sen. David Senjem (R-Rochester) moved to amend the language onto HF 3346/SF 3073 a bill authored by Sen. Linda Higgins (DFL - Minneapolis) that will help homeowners catch up on late mortgage payments.

Sen. Senjem said that he thinks SF 2775 is a good bill and wanted to put the language in HF 3346 as an insurance policy that the language would become law. The amendment was adopted and HF 3346 was passed off the general orders calendar. The Senate can take up HF 3346 for final passage early next week.

Hours later the House took up SF 2775 on the floor. During the House debate Rep. Bud Normes (R-Fergus Falls) amended the bill to require cities who receive the disconnection notice to share the information with the police and fire departments. The amendment was adopted and the bill was passed 123-3. The bill now heads back to the Senate where Sen. Foley can either accept the amendment or request a conference committee.

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

Bridge victim's compensation conference committee at impasse

The conference committee negotiating the House and Senate versions of the bridge victim's compensation fund has not met publicly since Monday, April 14. When the conference committee adjourned that meeting, there was no date set for the next meeting and as of today, there has been no meeting date announced.

Prior to the last meeting, House and Senate members had exchanged offers but the major area of disagreement was centered on the structure of the fund and the application of caps on the maximum damage award to any individual. The Senate version of the bill, authored by Sen. Ron Latz (DFL-St. Louis Park), specifically limits recovery to \$400,000 per claimant and retroactively increases the per person state tort liability limit that was in place at the time of the bridge collapse. Due to the number of injured individuals, the bill also effectively waives the overall limit by appropriating approximately \$25 million to the compensation fund.

The House bill, authored by Rep. Ryan Winkler, (DFL-Golden Valley) provides that payments made from the "catastrophe survivor's compensation fund" are not subject to the state tort limits, although the overall appropriation is limited to \$39.3 million.

For local units of government, the main concern surrounds the impact of the two bills on the state and local government tort liability



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limits. The structure of a final compromise could create future challenges to the state and local tort caps because a person injured in the bridge collapse could receive a larger damage award than a similarly injured party might receive as a result of some other event.

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

Bill linking continued health insurance and line-of-duty disability for injured public safety officers presented to the Governor

A bill intended to clarify eligibility for continued health insurance benefits for injured police officers and firefighters is likely to become law in the coming days. Chapter 243 (HF 3503/SF 2403), which was presented to Governor Tim Pawlenty for his signature on Wednesday, is a League supported initiative that amends Minn. Stat. 299A.465 by tying eligibility for continued health insurance benefits for injured public safety employees to the Public Employees Retirement Association Police and Fire (PERA-P&F) line-of-duty disability determination under Minn. Stat. 353.656 as enacted in 2007 (Chapter 134, article 4).

Minn. Stat. 299A.465 requires public employers to continue health insurance benefits for firefighters and peace officers injured in the line of duty. However, the law did not contain language limiting eligibility for the benefit to individuals injured while protecting life or property. With the absence of clear eligibility criteria, many of the claims approved under Minn. Stat. 299A.465 were for injuries sustained while engaging in non-hazardous, on-the-job activities such as fitness training or

office duties. The number of eligible claimants quickly multiplied.

The 2005 Legislature attempted to mitigate the impact of this law on employers by providing additional reimbursement funds and creating a stakeholder panel to determine eligibility for benefits under Minn. Stat. 299A.465. The panel, which is set to expire on July 1, 2008, did not succeed in narrowing eligibility for the continued health insurance benefit, in part because the few claims denied by the panel were overturned by the courts.

In 2007, the Legislature attempted to limit eligibility for PERA-P&F line-of-duty disability benefits by defining "duty disability" as an injury sustained while performing activities that present "inherent dangers specific to these professions." This means public safety employees injured while performing duties that do not present inherent dangers would be ineligible for line-of-duty disability benefits.

The legislation that is awaiting action by the governor establishes a clear correlation between the PERA-P&F line-of-duty disability benefits and the continued health insurance benefit. This change is expected to result in a decline in eligibility for continued health insurance.

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

(Continued)



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Cable commission and franchise administrators visit with and interview lawmakers for local community TV cablecasts

Despite the constant rain, a room full of city cable commission and franchise administrators from as far away as Duluth made it to the League office on April 24 for a "Day at the Capitol" organized by the MN Association of Community Telecommunications Administrators (MACTA), an affiliate organization of the League of Minnesota Cities.

Local officials who attended had the chance to visit with 60 legislators who represent their communities.

Local cable commission members and administrators were also briefed on the status and outlook for pending cable franchising study and broadband mapping legislation after which they spent several hours at the State Capitol meeting with their area lawmakers to discuss city interests in the outcome of HF 2351 (Johnson, DFL-St. Paul) and HF 2959 (also Rep. Johnson)/SF 2866 (Prettner-Solon, DFL-Duluth).

An added feature of local lobbying activities was the opportunity for legislators to participate in interviews and discussions of the session with local officials for viewing on community TV cablecasts back in their districts.

Those attending the lobbying day were also encouraged to follow up with their legislators and to continue to keep in contact with them as the legislative session moves into its final weeks.

HF 2351 would fund a study of the impact on cities and their public, educational and government (PEG) cable services of state franchising legislation enacted in about 17 states during the past 2-3 years. The bill is currently included in the House version of the supplemental budget legislation (HF 1812) and is moving through the House as a stand-alone proposal.

Legislation that would provide for mapping of the availability of advanced broadband service throughout the state is also included in the supplemental budget legislation that is in conference committee.

Questions? Contact Ann Higgins at 651.281.1257 or ahiggins@lmc.org.

MEMORANDUM

To: CGMC Mayors and Managers/Administrators
From: Tim Flaherty
Date: April 22, 2008
Re: **Important Information on LGA**

Circumstances on LGA have changed. Last night the House Property Tax Division released its proposal on LGA. The proposal contains only a \$30 million increase in LGA and LGA formula changes that are significantly different from our unity proposal agreed to by the CGMC, League of Minnesota Cities, North Metro Mayors Association, Metro Cities Association, Minnesota Association of Small Cities, Minneapolis, and St. Paul.

We will get you more information on this proposal in the near future. However, if you have not yet sent a letter to the editor or letter to residents in support of LGA, please use the new attached letter as a guide. **Do not use the old sample letter.**

Letters to the editor in support of a \$90 million increase in LGA has been published in Wadena, Virginia, Red Wing, Waseca, Brainerd, Detroit Lakes and Hutchinson. If a letter has been published in your local paper and your city does not appear on this list, please send a copy via email to slwash@flaherty-hood.com or fax it to (651) 225-9088. Also, if you have distributed an email or letter to your residents, either fax or email to us a copy of that letter.

Letters to the editor and letters to residents are still very important. They are generating calls and having an impact. If you have not done so yet, take action. Thank you.

SAMPLE LETTER TO EDITOR OR RESIDENTS

Dear Resident,

The members of the *(name of city)* City Council have worked diligently to keep the cost of running our city as low as possible, but despite our hard work, property taxes have risen steadily over the past few years. Rising costs have been part of the problem, but most of the tax increases stem from a change in direction on the state level.

After years of a successful city/state partnership program that worked to hold down property taxes while ensuring that all citizens in the state received basic services, the Local Government Aid program received a funding cut of \$150 million in 2003 that is still being felt today. The Legislature did attempt to correct this problem last year, but the bill to restore \$70 million of the LGA cuts was vetoed within hours of its passage by Governor Tim Pawlenty.

This year, there is another bill working its way through the Legislature that would help keep your property taxes in line, but without the assistance of citizens like you, it has little chance of passage in both houses of the Legislature.

The Senate has passed a bill that again includes a \$70 million increase in LGA, but it will take action by local property owners to ensure that the House will do the same. For that reason, we are asking *(name of city)* residents and property owners to e-mail or call Representative *(name of representative)* and key House members to ask them to include at least \$70 million more in LGA in the final tax bill.

Any bill, once passed by the House and Senate, must be signed by the governor before it becomes law. So we are also asking you to call or e-mail Governor Pawlenty to ask him to support a tax bill that includes additional LGA funding. You can tell the governor and the legislators that the current housing crisis, rising service costs, declining property values and threat of recession mean it is more important than ever to provide additional LGA funding. Without it, we will have to cut services and increase taxes, a double blow to our city.

An attached sheet contains the contact information for Representative *(name of representative)*, key legislators and Governor Tim Pawlenty. We urge you to get in touch with them today, asking them to support a \$70 million increase in the Local Government Aid program.

Very truly yours,

Mayor *(name of mayor)*
City of *(name of city)*

Representative (*name of your representative*) – (*phone number and e-mail address*)
Representing (*name of city*) in House District (*number of district*)

Governor Tim Pawlenty – 651-296-3391 phone, 651-296-2089 fax, or
tim.pawlenty@state.mn.us

Speaker of the House, Representative Margaret Anderson Kelliher – 651-296-0171 or
rep.margaret.kelliher@house.mn

Chair, House Tax Committee, Representative Ann Lenczewski – 651-296-4218 or
rep.ann.lenczewski@house.mn

Chair, House Property Tax Relief and Local Sales Tax Division, Representative Paul
Marquart – 651-296-6829 or rep.paul.marquart@house.mn



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Data practices bill amended on House floor

On Wednesday, the full House considered and processed SF 3235, the omnibus data practices bill. The Senate bill originally was largely a technical update to the state's data practices statutes. However, the House chief author of the bill, Rep. Steve Simon (DFL-St. Louis Park), amended the Senate bill with the language contained in the House version of the bill, HF 3553, which includes dramatic increases in the data practices penalty provisions.

Under current law, damages for willful violations of the Data Practices Act can result in exemplary damage awards of not less than \$100 and not more than \$10,000. The House language would increase the exemplary damage award to not less than \$5,000 and not more than \$50,000. In addition, the bill would increase the potential civil penalty against a government entity to compel compliance from the current \$300 to \$3,000. Although Representative Simon was not the author of the original amendment to increase the penalties, the League has met with him to express our opposition to these changes.

The bill was also successfully amended by Rep. Chris DeLaForest (R-Andover) to prohibit health insurance companies from surveying public employees for the purpose of assessing the health of the individual or collective group. The amendment was apparently the result of a provision in the state health insurance program where the Department of Employee Relations asks for employees to participate in a health assessment survey. Employees who agree and complete the health assessment and then agree

to a follow-up call from a health coach are entitled to \$5 lower copayment for office visits.

Although the target of the amendment was apparently the state, the prohibition affects all public employees. It would effectively prevent cities from surveying employees for similar wellness initiatives at least through use of the city's health insurance company. The bill may still allow a city to conduct a health assessment through a contracted vendor.

The bill will now go to conference committee where these and other differences will be reconciled. The League will continue to oppose the House penalty changes and the health assessment prohibition and will seek to remove those provisions from the final bill.

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

House to unveil property tax recommendations on Monday

For the second time now, the House Property Tax Relief and Local Sales Tax Division has postponed their meeting to unveil their recommendations. The unveiling is slated for Monday after the 1:30 p.m. House floor session. Given the usual floor schedules this time of year, that means the meeting will not likely occur until very late in the afternoon and it most likely will be a night meeting. The recommendations will be made public at this meeting, and House Research staff will provide an overview. The property tax panel will then take public testimony and amendments on Wednesday morning at 9 a.m.

This committee has spent the majority of their time on property tax issues, with very little time



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spent on sales tax issues, except for the local option sales tax piece. Chair, Marquart (DFL-Dilworth) presented a bill last week establishing a temporary moratorium on local option sales taxes. There has been some speculation that the House delayed putting out their recommendations in light of the fact that the governor and legislative leadership had started meeting this week to hammer out a global agreement. Details on the tax package will be made available in next week's *Cities Bulletin*.

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

Sick leave expansion bill would cost cities an estimated \$24 million

A bill that would greatly expand what an employee could use their sick time for has hit a minor roadblock, due to a local impact fiscal note prepared by the Department of Finance. SF 1128 (Erickson Ropes, DFL-Winona) would expand Minn. Stat. § 181.9413, which currently allows a parent to use their sick time to care for a sick or injured child. SF 1128 expands that coverage to also include: spouse, sibling, parent, grandparent, or stepparents. The House companion bill, HF 219 (Walker, DFL- Minneapolis), covers those additions and domestic partners. The fiscal note was requested only on the Senate file; it stands to reason that the House file would cost even more.

For some cities and counties, they already have benefits negotiated along the lines of SF 1128. Some others have adopted paid time off (PTO) policies. But for those cities with separate vacation and sick time that do not address the coverage of extra family members, this would

be a clear mandate. The League has testified to that effect, along with concerns about local control and the fiscal impacts of such an expansion, in committees during the 2007 and 2008 sessions. The bill was sidelined last year due to a \$11 million cost to the state; this has since been addressed in their employee benefit negotiations.

Interested cities should take the time to connect with their legislators about the impact this could have on personnel issues and budgets. While the large price tag has temporarily stopped progress, the proponents are questioning the validity of the department's numbers, and are speaking to the cost-shifting aspects of an expanded policy.

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

Supplemental budget conferees balk at surcharge increase on traffic tickets

A provision in the Senate version of the Omnibus Supplemental Budget bill (SF 3813, Cohen, DFL-St. Paul) that increases the surcharge on criminal and traffic offenses by \$3 drew criticism from conferees this week. If the increase becomes law, the surcharge will reach \$75 this year. The surcharge is added to the base fine of approximately \$40, bringing the minimum cost of a traffic ticket to over \$120 when all fees are included. All but about \$10 of the surcharge, and as much as half of the fine, is deposited into the state's general fund.

The conference committee met Thursday night to discuss the non-tax revenues and revenue transfers in the in SF 3813 and the House companion, HF 1812 (Carlson, DFL-Crystal). As in recent history, the state is looking at fees,



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surcharges and accounting shifts as the primary tools to help balance an estimated \$935 million budget shortfall. According to legislative fiscal analysts, the surcharge increase would raise approximately \$1.2 million in fiscal year 2009, and \$1.62 million the following year.

Rep. Tom Rukavina (DFL-Virginia) urged the committee to resist increasing the surcharge, saying it is illogical that the surcharge is already more than the fine, and that the cost for a relatively minor violation has become excessive.

City officials are concerned that the public has no way of knowing that local units of government have virtually no control over the cost of tickets, and that even when local peace officers issue the costly state tickets, the state takes most of the revenues.

A provision that would have required the uniform traffic ticket to include notice of the state surcharge was defeated on the Senate floor. The so-called "Truth in Ticketing" amendment would have required all parts of the uniform traffic ticket to give conspicuous notice of the fact that, if convicted, the person to whom the ticket was issued must pay a state imposed surcharge of \$75. The amendment also would have allowed law enforcement agencies to exhaust their existing supply of tickets before coming into compliance. This would have eliminated any fiscal impact on individual agencies.

The committee did not vote on whether to adopt or remove the provision.

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

Competitive bid threshold increase bill signed into law

On Thursday, Governor Tim Pawlenty signed into law Chapter 207, the legislation authored by Sen. Rick Olseen (DFL-Harris) and Rep. Paul Marquart (DFL-Dilworth) SF 3622/HF 3646 increases the competitive bid threshold in Minn. Stat. § 471.345, to \$100,000 from the current \$50,000 level. The new law continues to allow cities to award contracts to contractors offering the "best value" under a request for proposals as described in Minn. Stat. § 16C.28. The law will be effective on August 1, 2008.

The legislation was initiated by the Minnesota Association of Townships and is supported by the League of Minnesota Cities and the Minnesota Inter-County Association.

Under the competitive bidding statute, a contract is defined as an agreement entered into by a municipality for the sale, purchase or rental of supplies, materials or equipment or for the construction, alteration, repair or maintenance of real or personal property.

The new law also increases the contract threshold amount that triggers the competitive bidding requirement from \$50,000 to \$100,000. The threshold was increased to \$50,000 in 2000 for cities over 2,500 population and then increased for cities under 2,500 population in 2004.

If the contract is estimated to exceed \$25,000, but not to exceed \$100,000, the new law specifies that competitive bidding is allowed but not required. These limits are currently set at \$10,000 and \$50,000. For contracts in this range, the contract may be made either upon sealed



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bids or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible. However, if the city chooses to use the competitive-bidding process, it must follow through with the procedure even though it was not originally required.

If a contract is estimated to be \$25,000 or less, the city has the choice of making the contract upon quotation or in the open market. If the city makes the contract upon quotation, the city must obtain at least two quotations and keep them on file for at least one year after their receipt.

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

Pool safety bill progresses

The House Housing Policy and Finance and Public Health Finance Division met on Tuesday afternoon to consider HF 3812, the pool safety legislation authored by Rep. Paul Thissen (DFL-Minneapolis). On Friday, the Senate Finance Committee considered and approved the Senate companion, SF 2833 authored by Sen. Geoff Michel (R-Edina). Similar legislation is also contained in the House version of the omnibus supplemental budget bill, HF 1812.

The bills are slightly different but both bills would essentially require each "public" pool operator to install by June 1, 2008 drain covers and grates according to the manufacturer's specifications. By January 1, 2009, pools with a depth of less than four feet would be required to meet new drain standards while deeper pools would not be required to meet these new drain standards until January 1, 2011.

Both bills would also require the pool operator to keep a daily inspection record to indicate that this inspection was completed every day the pool is open for use. If at any time an outlet cover or grate is missing, broken, or loose, the operator must close the pool immediately and the pool may not be reopened until the cover or grate has been replaced and properly installed.

The Senate bill was amended in the Health and Human Services Budget Division to provide a local government up to two years to comply with the new drain standards for pools that do not charge an entrance fee. The local unit of government would have to submit a plan for compliance by January 1, 2009. These pools would still have to comply with the new drain cover requirements and daily inspection requirements.

The House bill was referred to the Finance Committee while the Senate bill was sent to the floor.

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

EMAC clarification language signed into law

League-sponsored legislation to protect from liability local government employees who are deployed to an emergency in another state, was signed into law on Friday by Governor Tim Pawlenty. The new law, Chapter 202, originally only addressed a similar interstate assistance issue for medical responders but was amended in the committee deadline rush with the League's EMAC language in the Senate Judiciary committee. The new law is effective the day following final enactment, or April 19.



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The separate bill introduced by the League, HF 3456 authored by Rep. Ken Tschumper (DFL-La Crescent) and SF 3119 authored by Sen. Rick Olseen (DFL-Harris), which contains identical language was approved on the House floor on Thursday and will be sent to the governor in the next several days.

Without the clarification contained in Chapter 202, local government employees, who are those who most frequently respond to inter-state emergencies, are not explicitly covered and are not considered agents of the requesting state for tort and immunity purposes under EMAC.

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

Government reform and accountability bill compiled

On Tuesday afternoon, the Senate Finance Committee considered and merged a number of bills to form a more expansive bill on government reform and accountability. The bill, SF 3363, originally addressed budget recommendation requirements for the Legislative Commission on Planning and Fiscal Policy authored by Sen. Dick Cohen (DFL-St. Paul).

With the amendments, the bill now contains a number of initiatives that were separately introduced including the somewhat controversial bill, SF 3128, authored by Sen. Cohen that would include expenditure inflation estimates in the state budget forecast. The bill also includes SF 3180, authored by Sen. Ann Rest (DFL-New Hope) that would create a disclosure and appeal process for fiscal notes. Fiscal notes are the official estimates of the

costs of legislative proposals. Currently, there is no official process for legislators to appeal a fiscal note if they disagree with the estimate, assumptions or methodology.

The bill also now includes a provision authored by Sen. Kathy Sheran (DFL-Mankato) originally offered as SF 2767, a bill that was drafted with the League's input to enhance the legislative discussion of the impact of legislative actions on local budgets and local property taxes. Under the original Sheran bill, the chair or ranking minority member of any committee could have requested the preparation of a local impact note. The revised language based on negotiations with other members would now limit the expanded authority to request to the chair or ranking minority member of the Senate or House Finance committees or the Ways and Means Committee in the House.

The bill will now go to the Senate Floor. The House companion bill, HF 3587 authored by Rep. Loren Solberg (DDFL-Grand Rapids), contains a narrower version of the bill as originally introduced.

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

State building code bill passes House

On Thursday, the House passed a bill making the building code the standard that applies statewide. HF 3574 authored by Rep. Al Juhnke (DFL-Willmar) and its companion SF 3291, authored by Sen. Tom Bakke (DFL-Cook) would establish the state building code as the standard for all new construction and remodeling of all buildings regulated by the state building code in all municipalities,



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regardless of population. Currently, cities located in the metro area are required to - and many cities in Greater Minnesota already do - administer and enforce the state building code. The building code remains a local option for cities with a population under 2,500, located outside the metropolitan area, and where voters have approved an exemption from the state building code.

These bills do not require enforcement by those municipalities that are not currently enforcing the state building code unless they choose to pass an ordinance to enforce the State Building Code in their municipality. The bills clarify that municipalities that are currently enforcing the State Building Code cannot repeal it unless they are under 2,500 population and located outside of a metropolitan county as defined in Minn. Stat. § 473.121 subd. 4. All exemptions listed in current law remain.

The League worked with the authors of the bills, the Department of Labor and Industry and the Builders Association of Minnesota to address concerns and avoid unintended consequences relating to reimbursement of costs associated with enforcement of the building code.

Questions were raised during the House floor debate whether it would require enforcement of the codes, how it would affect small cities and the state's liability if the codes were found later to be flawed and caused harm to individuals. Rep. Juhnke assured members that the bill does not mandate enforcement of the codes and said that the state is currently liable for the codes and would remain liable.

Two amendments were offered during the floor debate. Rep. Bud Nornes (R-Fergus Falls)

offered an amendment allowing municipalities to repeal their adoption of the building codes with a majority vote of the city council. Rep. Juhnke said that if the amendment was adopted it would undo the intent of the bill which is to create consistent standards statewide. The amendment failed. Rep. Denny McNamara (R-Hastings) unsuccessfully offered an amendment to permit the use of waterless urinals.

The House passed HF 3574, 112-19. SF 3291 is currently awaiting action on the Senate floor.

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

New water tax proposed

The House Tax Committee will hear a bill next Monday morning, HF 3590 (Wagenius, DFL-Minneapolis) that would put in place a new tax on water in the eleven county metropolitan area. It raises .0002 cents per gallon as a fee on groundwater used in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright. The tax would be collected by municipal water utilities in that area and then would be passed through to the state for groundwater monitoring expenses statewide.

This bill raises several concerns for the League:

- Senate budget proposals already raise existing water use fees for city water systems by \$.50 per million gallons this year, increasing that fee to a total amount ranging from \$3.50 to \$8.00 per million gallons of water, depending on the size of the utility. That money goes to the state general fund. This proposal would create a



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new tax of \$2.00 per million gallons in addition to that existing fee.

- The money would be raised only from communities and businesses using groundwater for their water supplies and only from ones in the metropolitan area. The funds would then be transferred to the state for usage on monitoring anywhere in the state.
- This proposal does not apply to agricultural groundwater users or residential or industrial users that are not connected to a metered public water supply. Metropolitan municipal water utility customers, however, would be the ones paying to monitor water around the state, mostly to watch for potential agricultural and industrial contaminants.
- Heavy use of surface water resources by industry, utilities, and other water users can dramatically affect groundwater quantity and quality, yet those users are not included in this tax.
- Some cities use a varying combination of surface and ground water for their water supplies depending on demand and water supply issues. This tax could be extremely difficult to accurately set in those cases.

This bill will be heard on Monday, April 21 after the 12:30 p.m. floor session and after the Property Tax Division has finished.

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

New funds for city energy projects complete committee hearing

A bill previously covered in League publications has made substantial progress in the Legislature. The bill would create a

voluntary energy efficiency technical assistance and financing improvement program for state and local governments. SF 3096 (Dibble, DFL-Minneapolis)/ HF 3669 (Kalin, DFL-North Branch) was introduced in March and has now been considered and passed by all necessary committees in each body. The League and the Minnesota School Boards Association have both actively supported this legislation.

The legislation provides a voluntary tool for local units of government to use to identify buildings where energy improvements would generate substantial energy savings, to identify the most cost-effective capital improvements to make, and to help arrange financing and contracting to complete the project. It will be done as a lease-purchase arrangement to simplify funding solutions and to prevent projects from adding to local capital debt loads. The state will then oversee the payback duration to assure that financing is spread over the correct time period so that energy savings from the improvements are sufficient to cover the lease payments.

The Senate version of the legislation was amended to include language from another bill supported by the League, SF 2949 (Rosen, R-Fairmont). This bill creates a state loan pool of \$20 million financed by revenue bonds for local renewable energy projects. This funding would be allocated through the Department of Commerce and could be used for a wide range of small renewable energy projects, including local programs developed to provide funding sources through their economic development authorities or other mechanisms for private property owners to install renewable energy. The House version of this bill is HF 3334 (Magnus, R-Slayton). That bill has passed



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several committees and is currently in the House Capital Investment Finance Division.

Both the energy efficiency program legislation and the renewable energy loan program have been actively supported by the League and are also backed by the Department of Commerce, Office of Energy Security, and the administration. The next step in the Senate requires that the bill be passed on the floor, which could happen as soon as next Wednesday. In the House, HF 3669 needs to be passed on the floor and HF 3334 either needs to be heard in the Capital Investment Division or the House needs to accept the Senate language for the bill either when the Senate sends the combined bill language over after passage or in a conference committee.

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

Consensus annexation bill signed by Governor

The Municipal Boundary Adjustment Advisory Task Force, a group created by statute in 2006, made up of city and township officials and state legislators, met throughout the late fall and winter. The group was required by statute to report back to the legislature with recommendations for changes to annexation policies. After meeting throughout the fall and winter, a bill was introduced that contained only items all parties had agreed to support.

The bill, Chapter 196; HF 3357, contained a number of useful corrections and clarifications to annexation law, including:

- Encouraging orderly annexations;

- Clarification of the powers and role of the Administrative Law Judge (ALJ) in annexation by order proceedings;
- Increased notification of various neighboring governmental units when annexations are petitioned;
- Requirement for a tour of proposed annexation area by the ALJ in annexation by order proceedings;
- Clarification of statutory language on joint information hearing requirements for town and city officials;
- Limitations and clarifications on differential taxation in annexation by order settlements; and
- Extends the sunset date of the Municipal Boundary Adjustment Advisory Task Force until January 16, 2009 with a requirement for further recommendations being submitted to the legislature by that date.

The bill was supported by all city and township groups and was signed into law by the governor on April 17, 2008.

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

Foreclosure counseling workshops announced

A series of foreclosure counseling workshops will be held throughout the state. During these workshops, lenders and servicers will be on hand to meet directly with homeowners to review their individual situation and if possible modify the terms of the loans in an effort to prevent foreclosure. These workshops are part of actions Governor Pawlenty announced on Monday to deal with foreclosures across Minnesota.



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The first four of the workshops will be held:

Tuesday, April 22, 4:30 -8:30 p.m.
Minneapolis Urban League
2100 Plymouth Ave North, Minneapolis

Tuesday, May 13, 4:30 – 8:30 p.m.
Anoka County Technical College
1355 West Highway 10, Anoka

Tuesday, May 20, 4:30-8:30 p.m.
Buffalo Discovery Center
301 NE Second Ave, Buffalo

Thursday, June 5, 4:30 – 8:30 p.m.
Eagan Community Center
1501 Central Parkway, Eagan

Additional workshops in St. Cloud, Rochester,
and Duluth are being planned.

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

Punitive damages cap increased

The House and Senate passed legislation that lifts the cap on punitive damages for violations of the Human Rights Act from \$8,500 to \$25,000 for all respondents including political subdivisions. Originally, SF 2915 and HF 3478 authored by Sen. Mee Moua (DFL-St. Paul) and Rep. Neil Peterson (R-Bloomington) as introduced eliminated the cap on punitive damages.

The League worked with Sen. Moua to amend the bills to keep the cap for political subdivisions at \$8,500, arguing that if the cap was removed, local government would be subject to potentially frivolous lawsuits and increase costs. Sen. Moua agreed to exclude

political subdivisions. Sen. Moua did increase the cap to \$25,000 for all other respondents pointing out that the cap had not been raised in more than 20 years and if inflation was taken into account the new amount is reasonable.

During a hearing in the House Public Safety and Civil Justice Committee, Rep. Mary Liz Holberg (R-Lakeville) and Rep. Paul Kohls (R-Victoria) questioned why the bills created two different cap limits and said that everyone should be subjected to the same cap. After some discussion, an amendment was offered to increase the punitive cap for political subdivisions to the same amount as every other respondent. Although the League of Minnesota Cities preferred to leave the punitive cap at \$8,500 the League did not oppose the increase believing that \$25,000 was a reasonable compromise. The amendment passed unanimously on a voice vote. Strangely, when the committee report was written, the amendment increasing the punitive cap for political subdivisions was not included in the version of the bill headed to the House floor. To fix the mistake, Rep. Peterson offered the same amendment on the House floor.

The House and Senate passed the bills off the floor this week.

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

Utility disconnections notification passes to House floor

A bill allowing cities to obtain information regarding utility disconnection during cold weather months has been passed to the House floor. The full Senate has already unanimously passed SF 2775 authored by Sen. Leo Foley



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(DFL-Coon Rapids) and Rep. Mike Nelson (DFL-Brooklyn Park).

SF 2775 states that between October 15 and April 15 utility companies that disconnect a customer's gas or electric service must provide notice and a residential address to any city that requests the information. The information would be made available on October 15 and November 1 of each year. Daily updates after November 1 would also be available if a city desired. Recognizing the sensitivity of customer information, all data would be considered private.

The bill was held up in the House because a fiscal note was drawn to an earlier version of the bill which asked the Department of Commerce to be the repository of disconnection information. The fiscal impact on the state forced the bill to be referred to the Finance Committee. Later amendments removed the Department of Commerce's involvement which eliminated any fiscal impact on the state.

Members of the Finance Committee spoke to the importance of the bill and how frozen pipes and subsequent pipe bursts have affected the housing stock in their communities. The bill passed unanimously on a voice vote and was sent to the House floor.

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

New law clarifies representation for police officers facing discipline

On Thursday, Governor Tim Pawlenty (R) signed into law legislation that allows police officers to be represented by an attorney *and* a

union representative at disciplinary hearings. The law amends Minn. Stat. 626.89, subd. 9, which previously stated that an officer whose formal statement is taken in a disciplinary hearing has the right to have an attorney *or* a union representative present.

The bill, HF 3483 (Mullery, DFL-Minneapolis)/SF 3362 (Foley, DFL-Coon Rapids), is Chapter 205 of the 2008 Session Laws. The chapter becomes effective August 1, 2008.

Questions? Contact Anne Finn at 651.281.1257 or afinn@lmc.org.

Minnesota Women in City Government Leadership Awards

Minnesota Women in City Government (MWCG) is seeking nominations for the 2008 MWCG Leadership Awards recognizing two outstanding women in Minnesota city government, one elected and one appointed woman in city government. Both winners will be recognized for individual achievement in their cities, as well as leadership and mentoring roles both inside and outside of their communities. Nominations are due on or before May 10, 2008. A nomination form and additional information is available online at www.mwcg.org or by contacting MWCG President and LMC Board member Mary McComber at marymccomber@aol.com.

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



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LMC joint legislative conference draws hundreds

On Wednesday and Thursday city leaders from across Minnesota joined together with township, county, and school officials in advocating for local government during the 2008 Joint Legislative Conference. Dozens of legislators mingled with city and other local government officials at a reception on Wednesday. Legislative leaders and the State Auditor addressed attendees on Thursday prior to heading up to the State Capitol for more meetings with legislators. While this event was clearly a huge success in both turn out and in the number of partnerships between school, city, township, and county officials on display, the snowy rain mix in St. Paul, and the forecast of blowing snow and poor driving conditions across the state, led some attendees to return home earlier than planned on Thursday. Those who did not make it to the Capitol and those who were not able to attend this conference still have five weeks left to tell your city story before the 2008 legislative session adjourns on May 19. The 2008 Joint Legislative Conference was sponsored by the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Association of Townships, and the Minnesota School Boards Association.

House and Senate conference supplemental budget bills

Conference Committee members were appointed this week to negotiate the House and Senate omnibus supplemental budget bills. The House and Senate last week approved separate supplemental budget bills. The bills, HF 1812, Rep. Lyndon Carlson (DFL-Crystal) and SF 3812, Sen. Richard Cohen (DFL-St. Paul), make adjustments to the state's

existing budget and eliminate the state's projected \$935 million budget deficit. Both bills reduce the deficit by tapping reserves, increasing revenues, and cutting expenditures, including cuts to a variety of state programs and state agency budgets. However, the House and Senate differ on the methods of cutting and raising revenues and the House bill contains many policy provisions not included in the Senate bill.

The House named Reps. Lyndon Carlson, Mary Murphy (DFL-Hermantown), Jean Wagenius (DFL-Minneapolis), Tom Rukavina (DFL-Virginia), and Dennis Ozment (R-Rosemont) and the Senate named Sens. Richard Cohen, David Tomassoni (DFL-Chisholm), Dennis Frederickson (R-New Ulm), Don Betzold (DFL-Fridley), and Linda Higgins (DFL-Minneapolis) to the conference committee. Since the supplemental budget bills encompass all aspects of the state budget, chairs of finance divisions will also be on hand to discuss provisions within their division's jurisdictions.

No action was taken this week, rather the conference committee met several times to walk through and discuss the differences in the two bills. Finance Commissioner, Tom Hanson, testified before the conference committee on Wednesday stating that he and the governor were willing to work with the conference committee and would like to set goals to work together to achieve mutually acceptable results. On a positive note, Commissioner Hanson identified areas of commonality in all three proposals. Commissioner Hanson stated that almost \$515 million in proposed cuts to agencies and programs are similar in all three proposals, in addition, Commissioner Hanson pointed out that all three bills include foreign operating corporation changes which will bring in



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additional state revenues. Unlike the House and Senate, the governor offsets the revenue increase by a reduction in the state sales tax.

The conference committee will continue to meet next week to discuss and review the House and Senate bills in hopes of negotiating a compromise that will eliminate the state's budget deficit. The conferees face a difficult challenge in attempting to rectify differences between their two bills and because the governor has suggested that neither the House nor the Senate approach would solve the state deficit in a manner that he could support. After this week, the Legislature and the governor will have approximately five weeks to find a compromise.

Below is a brief summary of the approaches used by the governor, House and Senate to address the \$935 million state budget shortfall. Please note that the amounts listed are not exclusively within the versions of HF1812.

Proposals to Balance the State Budget

(dollars in millions)

| | Governor | House | Senate |
|------------------------------------|----------|--------|--------|
| Budget Reserve transfer | +250.0 | +250.0 | +100.0 |
| Health Care/TANF Transfer | +342.0 | 0.0 | 0.0 |
| Cash Flow Account | 0.0 | +350.0 | +350.0 |
| Net Revenue Increases ¹ | +11.2 | +269.4 | +283.9 |
| Net Spending Cuts ² | -345.5 | -109.1 | -229.4 |
| Bridge Victim's Fund ³ | 20.0 | 40.0 | 26.4 |
| Net Savings ⁴ | 928.7 | 938.5 | 936.9 |

¹ Senate revenues include \$150.1 million from their pending tax bill.

² Includes the impact of changes in spending under the transportation, tax, deficiency and bonding bills that have all been enacted into law.

³ Pending in separate legislation

⁴ The governor's plan assumed approximately a \$7.1 million lower general fund impact of the bonding bill and therefore, his March proposal coupled with the enacted portions of the bonding bill do not fully cover the deficit.

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

Pension Commission approves Post Fund fix, deferred compensation option; holds off on benefit improvements for injured public safety employees

The Legislative Commission on Pensions and Retirement (LCPR) held two marathon meetings this week and considered almost 50 bills. The bills approved by the commission will be rolled into an omnibus pension bill which could be introduced as soon as next week.

The League monitored the hearings closely for bills and provisions that could impact local government employees and employers, including legislation involving the Public Employees Retirement Association (PERA) as well as fire relief associations. Specifically, the League supported HF 3421 (Murphy, M.)/SF 2969 (Betzold), a proposal developed by the Post Fund Committee of the Joint Retirement Systems to address an estimated \$2.4 billion deficit in the Post Fund, and HF 3029 (Hilstrom)/SF 2759 (Betzold) a bill that increases the permissible employer contribution to 457 plans and allows employer contributions to 457 plans managed by third parties. Both measures were approved. The League testified against HF 3713 (Nelson)/SF 3405 (Betzold), a bill that would have required employers to find



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light duty positions for injured police officers and firefighters, and would have increased duty disability benefits for public safety officers who become disabled after more than 20 years of service. The bill was ultimately withdrawn from consideration by Sen. Don Betzold.

The LCPR consists of five House members and five Senate members, and makes recommendations to the Legislature. All public pension legislation is reviewed by the commission before action in policy making committees. The LCPR has met only once since the Legislature convened in February of this year. Since deadlines for committee work have passed, recommendations of the LCPR can proceed this session only with the approval of the House Rules and Legislative Administration Committee and the Senate Rules and Administration Committee.

Questions? Contact Gary Carlson at 651.281.1255 or gcarlson@lmc.org, or Anne Finn at 651.281.1263 or afinn@lmc.org.

House to unveil property tax recommendations next week

While the House Property Tax Relief and Local Sales Tax Division had planned to release their recommendations today, April 11, 2008, that apparently will not happen until next week. This gives city officials and lobbyists an extra week to work on whatever it is they'd like to see in the property tax article. This committee has spent the majority of their time on property tax issues, with very little time spent on sales tax issues, except for the local option sales tax piece. Chairman Marquart (DFL-Dilworth) presented his bill last week establishing a temporary moratorium on local option sales

taxes. For a link to the membership of the committee, go to:

<http://www.house.leg.state.mn.us/comm/committee.asp?comm=3100>.

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

Senate tax working group/conference committee members

On Thursday, the Senate named five members to a tax working group—Sens. Bakk (DFL-Cook), Dibble (DFL-Minneapolis), Larson (DFL-Bloomington), Moua (DFL-St. Paul), and Skoe (DFL-Clearbrook). According to the non-partisan Senate Information Office, there were no Republicans appointed because none voted for the omnibus tax bill. These members will likely be the conference committee members on the pending second omnibus tax bill conference committee, but will also be the group that will apparently review the tax provisions in HF 1812.

At this time, it is not clear if the tax provisions in the House version of the supplemental budget bill and the separate Senate omnibus tax bill will be negotiated in the supplemental budget bill conference committee.

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

LMC and MACTA advocacy event April 24 at the Capitol

Please join us, Thursday April 24, 2008 to make contact with your legislators and share the message "Preserve Local Community Television and Local Franchising"



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Make your presence known at the Capitol as a way of improving awareness of PEG, local programming, and local franchising issues.

Give your legislator a chance to appear on camera courtesy of your local PEG facility.

Legislative updates, training, and handouts will be provided by LMC and MACTA Lobbyists.

Location & Schedule

League of Minnesota Cities

9:00 - 11:30

145 University Ave W

St. Paul, MN 55103

St. Croix Conference Room

Continental Breakfast will be served

Capitol Building Great Hall (*located 1 the west wing of the ground floor of the Capitol*)

12:00 - 2:00 (approx)

There is no fee for this event. Go to www.mactamn.org for more information and complete a registration form.

Questions? Contact Ann Higgins at 651.281.1257 or ahiggins@lmc.org.

Town hall meetings

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

April 12 in **Rochester** (Dunn Brothers Coffee, 120 Elton Hills Drive NW, 8:30-9:30 am) with Rep Kim Norton

April 12 in **St. Paul** (Hillcrest Community Center, 1978 Ford Parkway, 10am) with Rep. Michael Paymar

April 14, 15, & 16 in **St. Paul** (State Capitol, 10 am) Constituent Day on the Hill for citizens of Senate District 48 with Sen. Mike Jungbauer. Everyone, including children is invited to this chance to learn the political process and discuss the issues. If you have any questions about the event or would like to RSVP, please contact Peder Mewis at 651-296-3733 or at peder.mewis@senate.mn. Senate District 48 includes all or parts of the cities of **Anoka, Bethel, East Bethel, Elk River, Oak Grove, and Ramsey.**

Check your local newspaper or radio station for additional dates. To receive e-mail notice of upcoming town hall meetings near you, subscribe online at <http://www.house.leg.state.mn.us/maillist/maillinglist.asp> and <http://www.senate.leg.state.mn.us/schedule/listserv.htm>

Staying informed

One great way to stay informed (in addition to regular reading of League publications) is to read the non-partisan magazines of the House and Senate. The House publication, *Session Weekly*, can be found online at www.house.mn/hinfo/swmain.asp. You can sign up to receive a hard copy delivered by mail to your home at www.house.mn/hinfo/subscribesw.asp. In the Senate, *Senate Briefly* can be found at www.senate.mn/briefly/. You can watch House floor sessions at www.house.mn/htv/schedule.asp, sign up for email updates on specific bills at www.house.mn/leg/billslogin.asp, and sign up for email updates on specific committees at www.house.mn/maillist/maillinglist.asp.



Coalition of Greater Minnesota Cities

CGMC in Brief

April 10, 2008

Contact: John Sundvor
651.225.8840

CGMC Economic Development Programs Survive Veto

When Gov. Tim Pawlenty took out his veto pen and crossed out major portions of the bonding bill Monday, he spared two economic development programs important to greater Minnesota: The Greater Minnesota Business Development Public Infrastructure Grant Program and the Redevelopment Grant Program.

The governor did, however, veto one earmark in each program: a \$500,000 grant to the city of Floodwood out of the Greater Minnesota Business Development Public Infrastructure Grant Program and \$750,000 from the Redevelopment Grant Program to St. Louis County for a regional competition and exhibit center.

The CGMC lobbied against including the earmarks in the two grant programs. The governor's veto of the earmarks lowers the funding available from the programs through competitive grant applications.

The final amounts in these programs are:

Greater Minnesota Business Development Grant Program: \$7 million of which \$1.75 million is still earmarked for biomass energy project grants.

Redevelopment Grant Program: \$7.75 million of which \$1.89 million is earmarked for the Ah-Gwah-Ching site in Walker. Grants from the program must be divided equally between projects in the Twin Cities metro area and greater Minnesota.

CGMC Presses Rural Lawmakers to Support JOBZ, New Funding for LGA

Tim Flaherty, Nancy Larson and Steve Peterson of Flaherty & Hood, P.A. met this week with almost all rural House legislators, House Speaker Margaret Anderson Kelliher, DFL-Minneapolis, and Senate Tax Chair Tom Bakk, DFL-Cook on behalf of JOBZ and increased LGA funding.

"JOBZ appears to be in big trouble in both the House and Senate," Flaherty said. "Support for the program is not as strong as it should be among greater Minnesota Democrats in the House and Senate. CGMC members should contact their legislators and tell them that JOBZ is an important economic development tool."



As part of the lobbying campaign, the CGMC sent a letter to all rural House members Monday urging them to demand more funding for LGA. In the letter the coalition reminded legislators that residential property taxes statewide have increased 70 percent since 2003 and will increase again next year without more city aid.

The CGMC issued an Action Alert Monday urging members to pressure the House leadership to provide more funding for the LGA property tax relief program. If you did not receive the alert, the CGMC is asking you to contact the following legislators:

- Your local House members
- Rep. Kelliher – rep.margaret.kelliher@state.mn
or (651) 296-0171
- Rep. Loren Solberg – rep.loren.solberg@state.mn
or (651) 296-2365
Chair, Ways and Means Committee
- Rep. Ann Lenczewski – rep.ann.lenczewski@state.mn
or (651) 296-4218
Chair, Tax Committee

Remind them of the property tax relief they promised voters in the last election and ask them to increase funding for LGA. Contact your constituents and ask them to get involved, as well.

A run that compares the Unity LGA proposal with bills in the House and Senate is available on the CGMC website: www.greatermncities.org.

Mayor Wolden Tells House, Senate Committees JOBZ Needed

Wadena Mayor and CGMC Vice President Wayne Wolden told the House and Senate tax committees Tuesday that the Legislature should improve the JOBZ Program, not eliminate it. The mayor endorsed JOBZ recommendations made by the legislative auditor but said elimination of the economic development program would hurt his and other cities in greater Minnesota.

Representatives from Hutchinson, Perham, Fergus Falls, St. Cloud, Hibbing and Albert Lea also told the committees that the program had been an effective economic development tool in their communities.

Cannon Falls Votes to Join CGMC

The CGMC is proud to welcome the city of Cannon Falls as its newest member. The city joined the coalition last Thursday after a presentation from coalition lobbyists **Holly Thompson** and **Bradley Peterson**. Thanks goes to Cannon Falls city administrator **Aaron Reeves** who encouraged the city to join based on his experience as city administrator with the city of Kenyon. The CGMC now has 79 members!

