

Council Meeting
Tuesday, October 18, 2011
City Council Chambers
7:30 p.m.



AGENDA

Call to Order
Pledge of Allegiance

1. Approval of Minutes
 - Council Minutes–October 4, 5, 10 & 11, 2011
2. Consent Agenda
 - Minutes
 - EDA Commission – October 10, 2011
 - Park & Recreation Commission – October 10, 2011
 - Library Board – October 11, 2011
 - Telecommunication Commission – October 12, 2011
 - Permit Application – Exempt Permit – Windom Youth Hockey Association
3. Department Heads
4. Early Warning Sirens Upgrade
5. Water/Wastewater Bond Sale
 - Resolution for Bond Sale
 - Resolution for State Credit Enhancement
6. Ambulance Service Billing Agreements
7. 2011-2012 Ice Rate – Windom Youth Hockey Association
8. Telecommunications
 - Approval of Application of Assignment of Video Franchises – First Reading
 - Cable TV Rate Change – Home Box Office (HBO)
9. Cottonwood County All-Hazard Mitigation Plan
10. Airport
 - MN Dept of Transportation – Hangar Doors and Fuel System Repair
 - MN Dept of Transportation – State Aid for Airport Maintenance and Operation
11. Beer & Wine License Ordinance Revision – First Reading
12. New Business
13. Old Business
14. Regular Bills
15. Council Concerns
16. Closed Session – Labor Negotiation Strategy



Council Meeting
Windom City Hall, Council Chamber
October 4, 2011
7:30 p.m.

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

2. Roll Call: Mayor: Kirby Kruse

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

Council Members Absent: Kelsey Fossing

City Staff Present: Steve Nasby, City Administrator; Marv Grunig, Electric Utility Manager; Bruce Caldwell, Street & Park Superintendent; Mike Haugen, Water & Wastewater Superintendent and Jeff Dahna, Telecom

3. Pledge of Allegiance

4. Approval of Minutes:

Motion by Maricle second by Jones, to approve the City Council minutes from September 20, 2011. Motion carried 4 – 0 (Fossing Absent).

5. Consent Agenda:

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

- Utility Commission – September 21, 2011 & September 28, 2011
- Telecommunications Commission – September 22, 2011
- Community Center Commission – September 26, 2011

Kruse noted an Amplification Permit request from the Phat Pheasant Pub for October 15, 2011.

Motion by Powers second by Ray, to approve the Consent Agenda as presented. Motion carried 4 – 0 (Fossing Absent).

6. Department Heads:

Marv Grunig, Electric Utility Manager, said that the Central Minnesota Municipal Power Agency (CMMPA) Annual meeting is coming up. Windom has been a member of CMMPA since 1999. CMMPA is inviting City Council members and administration to the

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annual meeting to discuss trends, issues facing municipal utility providers and outlook for the industry. The CMMPA Annual meeting is October 27 at 5:00 p.m. and held at the Springfield Community Center. The RSVPs need to be completed and can be returned to City Hall. Staff will arrange transportation and plan to leave Windom at 4:00 p.m. with the meeting expected to conclude around 9:00 p.m.

7. Wastewater Treatment Plant – Bid Award:

Mike Haugen, Water/Wastewater Superintendent, and Kelly Yahnke, Bolton & Menk Engineering, introduced themselves. Yahnke said the project involves the construction of a new main lift station, new interceptor line, river crossing and plant improvements. The engineer's estimate was \$2.8 million.

Five bids were received that ranged in cost from \$2.26 million to \$3.27 million. The bids were deemed as competitive and they are recommending awarding the bid to the lowest bidder, which was Robert L. Carr Company. This company has done work in the area and was a contractor for the construction of both Windom's water and wastewater plants.

Jones asked if this was the appropriate time to discuss the financing needed to pay for the project should the City Council move ahead.

Nasby said that a packet of information from Ehlers & Associates, Financial Advisors, was handed out showing the proposed financing for the project. The proposed bond issue would be for \$3.19 million and include monies for the Wastewater Project and also three other water and sewer projects. These other projects are in various stages and had been discussed by the Council. The projects included the River Road and 6th Street projects with Cottonwood County and the relocation of the water mains on Highway 60/71. The bond would pay for all of the construction costs, engineering and bond issuance costs. A small contingency fund would be left over for unexpected costs.

The proposed financing package is structured to blend in with the existing debt and loans for the wastewater fund. A loan from the Minnesota Public Facilities Authority that was used to build the plant will be paid off in 2016 so the new bond will have escalating debt payments, which will make the debt service for that fund more consistent. Due to the new project there will need to be a rate increase.

Jones asked about the rate increase. Haugen said that a rate study is currently underway and it will be presented to the Utility Commission in November. Nasby said that the study will be looking at the needed rates, but will also be looking at how that rate is fairly applied to residential, commercial and industrial users. The plan is to introduce rate changes to be effective January 1, 2012.

Council member Jones introduced the Resolution No. 2011-40, entitled "A RESOLUTION AWARDED THE CONTRACT FOR A PROJECT ENTITLED - WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT" and moved its adoption. The resolution was seconded by Maricle and on roll call vote: Aye: Maricle, Powers, Ray and Jones. Nay: None. Absent: Fossing. Resolution passed 4 – 0.

8. Des Moines River Dam – Bid Award:

Rocky Keehn, S.E.H. Engineering, Inc., introduced himself and said that the project for the dam removal and installation of rock riffles had been bid. There were 12 plan holders and two bids were received. The engineer's estimate was \$451,400 with the base bid and \$417,000 for the bid with the alternate. The bids received were \$925,607 and \$634,000 for the base bid and \$845,857 and \$577,750 for the bid plus the alternate. Both bids were over the engineer's estimates. The reasons why the bids were high was researched and the cause was primarily due to the quantities of material and cost of the rock. Keehn said he had discussions with the MN DNR about the design and there may be adjustments that can be made to reduce the material and the possibility of eliminating one riffle. Keehn said that the City could award the bid and discuss change orders with the contractor, but the contractor would have to be in agreement to any changes.

The options are to award the base bid of \$634,000, award the bid plus alternate for \$577,750 or to reject the bids.

Kruse asked if the bids were rejected could the project be re-bid. Keehn said it could but it would add three weeks on to the project and the soonest a new bid would be opened is November 2, 2011. There would also likely be some design and/or material adjustments in the new plans.

Powers asked if there was an issue as there were only two bidders. Keehn said that with 12 plan holders the project was viewed by an adequate number of contractors, but some factors such as the small size of the project or uncertainty of working in a river may have limited some from bidding. He added that some contractors they have spoken with appeared to have work already scheduled. Powers asked if the contractor doing the Jackson project bid on our project as they were about completed. Keehn said he could not recall who is doing the Jackson project.

Jones noted that high price of the rock material and was that due to the suppliers used by the bidders. Keehn said that other suppliers could be contacted and prices may be lower. Jones asked if there could be a prospective bidders list developed and then the plans or a notice could be sent to the contractors on the list to make them aware of the project. Keehn said that is allowable to notify contractors of the project.

Nasby asked if the bid specifications could include an option for the City to provide the rock and the bid would be for the labor of dam removal and rock placement. Keehn said that would be possible. Powers noted that he did not think the City trucks and staff should be involved in hauling the rock. Nasby said he was suggesting the rock be purchased and delivered to the site by the rock supplier.

Jones said that in the engineering memo the design for the project was done that way to address the needs of the City and what was best for the viability of the project in accordance with approvals from the DNR. He does not want to change the design only to make the project less expensive if there would be other consequences or risks that the

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project would not function as envisioned. He is in favor of keeping the original design with only slight modifications, if needed, and then re-bid the project with the options discussed. Keehn said the changes could leave the design but re-use some of the material at the site and look at the tie-backs of the riffles into the bank.

Motion by Jones second by Powers, to reject all bids based on them exceeding the engineer's estimate and directs the project to be re-bid with modifications and/or alternates. Motion carried 4 – 0 (Fossing Absent).

9. Environmental Assessment Worksheet (EAW) – Des Moines River Dam Project:

Keehn said that the EAW had been completed and published. The deadline for comments was September 21. Two comments were received on time and one was a day or two late, but all the comments would be addressed in the responses. Comments from the MN DNR, MN DOT and MPCA were received. He did not have any concerns about the comments. The DNR comments were supportive of the project, the DOT comments were concerning the State Highway 62 Bridge and the MPCA comments were regulatory. The DOT comments on the bridge dealt with the potential for scour. Keehn said that the models they had run showed little or no impact with the dam removal. He said the model showed stability for the change in flow and that the 100 year and 500 year model wasn't an issue either. If there was a 500 year flood event, which would equal water about 20 feet higher than existing levels, then just about the whole community would be under water and the bridge would be essentially a non-issue. He also noted that there did not appear to be any concern, correspondence or urgency by DOT to have the by-pass repaired in 2007 and if the dam was that essential to the bridge way was this not raised as a concern at that time.

Jones noted that the resolution states that the City has prepared responses. Keehn said that his office would be completing the responses on behalf of the City and the discussion tonight was part of that response process. The responses will be published.

Council member Jones introduced the Resolution No. 2011-41, entitled “RESOLUTION OF THE WINDOM CITY COUNCIL MAKING A NEGATIVE DECLARATION OF THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED DES MOINES RIVER DAM REMOVAL” and moved its adoption. The resolution was seconded by Maricle and on roll call vote: Aye: Ray, Jones and Maricle. Nay: Powers. Absent: Fossing. Resolution passed 3 – 1 -- 1.

10. Letter of Engagement for 2011 City Audit:

Nasby said he contacted Dennis Rick, LTD. as they have been conducting the City's audits and asked for a proposal for the 2011 audit. The letter of engagement in the packet shows the cost for the City audit at \$28,000, which is the same price as the prior two years and an estimate for a federal single audit. A federal single audit is required if the City receives more than \$500,000 in federal funds. If the City were to get the communications grant for the emergency communications system and have the U.S. Fish and Wildlife money for the dam project the City would need a federal single audit.

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Motion by Maricle, seconded by Ray, to approve the letter of engagement between the City of Windom and Dennis Rick, LTD for the 2011 audit. Motion carried 4 – 0 (Fossing Absent).

11. New Business:

None.

12. Old Business:

None.

13. Regular Bills:

Motion by Powers, seconded by Ray, to approve the bills. Motion carried 4 – 0 (Fossing Absent).

14. Council Concerns:

None.

15. Adjourn:

Kruse adjourned the meeting by unanimous consent at 8:19 p.m.

Kirby Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

**Special Council Meeting
Windom City Hall, Council Chamber
October 5, 2011
7:00 p.m.**

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

2. Roll Call: Mayor: Kirby Kruse
Council Members: Kelsey Fossing, Dominic Jones, Corey Maricle and Bradley Powers
Council Members Absent: JoAnn Ray
City Staff Present: Steve Nasby, City Administrator; Brigitte Olson, Assistant City Administrator; Marv Grunig, Electric Utility Manager and Al Baloun, Recreation Director.

3. Pledge of Allegiance

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

Dave Unmacht, Springsted, Inc., introduced himself. Unmacht handed out a summary of the five strategies and the two goals under each as a reference piece. He reviewed the latest draft of the planning document, the process and the additional efforts needed.

The Council reviewed each strategy, goal and action step. Some action steps were determined to be “characteristics” and were moved to the applicable section, some action steps were combined or expanded and “details”, which are the implementations of the actions will need to be separated out and new details added as the plan evolves.

Discussion on the need to continue the work on this plan and capital planning. Kruse suggested adding discussion on one strategy at the end of each Council meeting as a means of furthering the process. Council agreed this was a good idea and approach.

Nasby said that much of the discussion has been on the need for formalization and prioritization of capital items and the cities of Luverne and Grand Rapids have a software program they use and recommend. He thought the cost was around \$1,700.

Kruse asked the public in attendance if they had comments or additional input. Several members of the audience make suggestions, discussed Finding Windom and encouraged the Council to move ahead with the items outlined and long range planning discussion.

Unmacht thanked the City Council for the opportunity to work on this project, the citizens of Windom for participating in the discussions and to staff for their assistance.

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Kruse and the City Council thanked citizens for their involvement and encouraged continued participation as the strategies and goals are implemented. The Council also thanked Unmacht and staff for their efforts.

5. Old Business:

None.

6. New Business:

None.

7. Adjourn:

Kruse adjourned the meeting by unanimous consent at 8:26 p.m.

Kirby Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

**Special Council Meeting
Budget Workshop
Windom City Hall, Council Chamber
October 10 and 11, 2011
6:00 p.m.**

1. Call to Order: The meeting was called to order by Mayor Kruse at 6:00 p.m.

2. Roll Call: Mayor: Kirby Kruse

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

Council Members Absent: None.

City Staff Present: Steve Nasby, City Administrator; Brigitte Olson, Assistant City Administrator; Marv Grunig, Electric Utility Manager; Bruce Caldwell, Street & Park Superintendent; Mike Haugen, Water & Wastewater Superintendent; Scott Peterson, Police Chief; Dan Olsen, Telecom Manager; Jim Kartes, Building Official; Mark Hanson, EDA Director; Dan Ortman, Fire Chief; Gene Lenning, Liquor Store Manager; Joan Hunter, Library Director; Brad Bussa, Community Center Director; Tim Hacker, Ambulance Director and Al Baloun, Recreation\Arena Director.

3. Pledge of Allegiance

4. 2012 City of Windom Budget Workshop:

Kruse said that these workshops are for the presentation of proposed budgets by Department Heads and for the Council to ask questions about the proposed departmental budgets. Copies of the 2012 budget worksheets had previously been distributed to the Council.

Department budgets presented to the Council for these two meetings included the following:

Telecommunications
Fire
Airport
Ambulance
City Hall
City Office
Liquor

Preliminary

Water
Wastewater
Electric
Community Center
EDA
Planning\Zoning & Building
Library
Parks
Streets
Police
Arena
Pool
Recreation

Motion by Jones, seconded by Fossing to add \$600 to the Airport budget for part-time employee salaries. Motion carried 5 – 0.

Motion by Maricle, seconded by Jones, to annually index the payment of airport management services to the general wage changes provided within the IBEW labor agreement. Motion carried 5 – 0.

Request by Council to Liquor Store manager to obtain a second quote for replacement air conditioning units for the Liquor Store based on having two units instead of only one large unit.

Kruse adjourned the meeting by unanimous consent at 10:26 p.m.

**Special Council Meeting
Budget Workshop
Windom City Hall, Council Chamber
October 11, 2011
6:00 p.m.**

Mayor Kruse called the meeting to order at 6:00 p.m.

Emergency management radio to meet federal narrow band requirements to be added to the capital budget request for the Community Center as it is to be used as a Red Cross facility or emergency shelter.

Motion by Jones, seconded by Ray, directing the Police Chief to purchase three Taser units from the 2011 budget to replace existing units that may be unreliable and budget for the replacement of four more in the 2012 budget, which would complete the replacement of all Taser units. Motion carried 5 – 0.

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Motion by Maricle, second by Jones, to allow vacation carryover of a maximum of 411.93 hours for Sergeant Patterson from 2011 into 2012 due to staffing changes within the Department over the last year. Motion carried 5 – 0.

Recommendation from Council to Baloun to raise the storage rental prices for the storage spaces the City rents due to the County's price increase to the City.

Motion by Maricle, seconded by Jones, not to provide a donation to the SW Minnesota Initiative Fund for the \$2,500 they requested. Motion carried 5 – 0.

Motion by Powers, seconded by Fossing to continue the City of Windom's membership in the Coalition of Greater Minnesota Cities and League of Minnesota Cities organizations. Motion carried 5 – 0.

Recommendation from the Council to staff to research the steps needed and allowed expenses to start an employee recognition program for possible inclusion in the 2012 budget.

Nasby noted that the City has received the notices of intent to negotiate from both of the labor unions and the Mayor has suggested adding a Closed Session item to the October 18 City Council meeting agenda so the Council could discuss strategy.

5. Adjourn:

Kruse adjourned the meeting by unanimous consent at 10:26 p.m.

Kirby Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

**ECONOMIC DEVELOPMENT AUTHORITY OF WINDOM
MINUTES
OCTOBER 10, 2011**

1. Call to Order: The meeting was called to order by President Erickson at 12:03 p.m.
2. Roll Call & Guest Introductions:
EDAWN Commissioners: Juhl Erickson, Trevor Slette, and Kelsey Fossing.
Absent: Sally Larson and Corey Maricle.

Also Present: EDA Staff –Mark Hanson, Executive Director, and Mary Hensen, Admin. Asst.; City Administrator Steve Nasby, and Lisa Fredin, WADC Liaison.
3. Approval of Minutes:
Motion by Commissioner Fossing, seconded by Commissioner Slette, to approve the Minutes of the EDA Meeting held on September 12, 2011. Motion carried 3-0.

Motion by Commissioner Fossing, seconded by Commissioner Slette, to approve the Minutes of the Special EDA Meeting held on September 27, 2011. Motion carried 3-0.
4. Spec Building Lease – Discussion: Director Hanson requested the addition of this agenda item. He then updated the Board concerning the negotiations with Toro on the lease of the Spec Building.
5. North Windom Industrial Park
 - A. Farm Lease: The Board received a copy of the 2011 Farm Lease. Director Hanson reported to the Board concerning his research regarding rental rates and discussions with the current tenant. He also advised the Board that there a provision missing from the lease concerning refund of rent paid for the crop year in the event that acreage is taken out of production before fall harvest is completed.

Motion by Commissioner Slette, seconded by Commissioner Fossing, approving rental of the farmland in the North Windom Industrial Park to Scott Veenker for the 2012 crop year on the proposed terms, including the following changes to the lease: (1) an increase in the rental rate to \$175.00/acre and (2) addition of a provision that if any acres are taken out of production before harvest, the Lessee would be reimbursed for the portion of the rent payment covering the number of acres taken out of production. Motion carried 3-0.
 - B. TIF District – Preliminary Estimates: For discussion purposes, the Board received an estimate of costs, from the EDA'S TIF consultant, to establish a new TIF district in the industrial park and a potential timetable for establishment of such a district. Director Hanson reviewed these items with the Board.
 - C. Infrastructure Costs: The Board received a summary of the estimated costs for installation of infrastructure at the North Windom Industrial Park, prepared by the engineer in May, 2011, and a copy of the plat of the industrial park for their review.
 - D. Property Tax Valuations: For discussion purposes, the Board received a preliminary estimate of valuations and property taxes, based on 2010 assessment valuations, in the event

that new buildings were to be constructed in the North Windom Industrial Park. The Board requested property tax comparisons from other cities with comparable populations.

6. Madson Property – Discussion: The Board received copies of past flood plain information concerning this property. Further discussion regarding this property will be held at an upcoming meeting.
7. Minnesota Main Street Program
 - A. Workshop Outline & Application Form: The Board received a copy of a powerpoint presentation from the Windom application workshop and a copy of the Minnesota Main Street 2012 Application form.
 - B. Discussion of Next Steps: Currently Windom is an associate member of the Minnesota Main Street Program. This membership allows the EDA access to information but does not provide technical assistance. There was a discussion concerning the effort and time involved in pursuing this application. Director Hanson advised that other cities that have participated in this program utilized an individual who administers the program, including contact with local business owners, arranging for financing, etc. After further discussion, the Board requested that Director Hanson secure more information from cities of similar size that participated in the Minnesota Main Street Program, and also requested that the EDA Director schedule a presentation to the Board by a program administrator from one of these cities concerning the program and their scope of work, etc.
8. Executive Director’s Report
 - A. Meetings, Seminars & Business Activity – Recap: Director Hanson updated the Board concerning his presentation to the Remick Foundation. On September 26, 2011, representatives from the Intelligent Rural Communities program and the Blandin Foundation were in Windom to evaluate results of the MIRC grants. The “Wired for Business” Workshop, which was a result of the MIRC funding, was held twice the first week of October. Director Hanson also toured the facilities of three of the local Toro suppliers.
9. Miscellaneous Information:
 - A. River Bluff Townhomes – Monthly Financial Report: The Board received copies of the financial report provided by Van Binsbergen & Associates for the period ending August, 2011. The Board requested an update on the current status of the townhomes concerning vacancies, any repairs, etc.
10. Adjourn: By consensus, President Erickson adjourned the meeting at 1:14 p.m.

Juhl Erickson, EDA President

Attest: _____
Mark P. Hanson, Executive Director

**PARK AND RECREATION COMMISSION MEETING
MINUTES OCTOBER 10, 2011**

1. Call to Order: The meeting was called to order by Chairman Terry Fredin 5:17 p.m. at City Hall.
2. Roll Call:

Commission Present:	Kay Clark, Terry Fredin, Sherri Zimmerman, & Angie Blanshan
Commission Absent:	Jeff LaCanne
City Staff Present:	Recreation Director Al Baloun & Park Superintendent Bruce Caldwell
Council Liaisons:	Corey Maricle & JoAnn Ray Absent
Public:	Justin Espenson WYHA Representative
3. Approve Agenda
Motion by Clark, seconded by Blanshan to approve agenda
Motion Carried Unanimous
4. Approve Minutes September 12, 2011 Park & Recreation Commission Meeting
Motion by Clark, seconded by Blanshan
Motion Carried Unanimous
5. Park Superintendent Bruce Caldwell
 - a. Island Park North Softball Field Lighting, the commission received an estimate from the Electrical Utility Manager Marv Grunig for the replacement of the poles and lighting equipment on the north ball field using the existing fixtures and burying the electric lines. In the estimate Mr. Grunig stated the work could only be done during a low water table. Estimate costs for the repairs are \$10,814.82 not including taxes, Freight/Shipping and Handling or any Sur Charges fees. Commission members stated due to budget reductions and the lack of usage during the low light hours on that field, they did not want to proceed at this time with the improvements and users can work with the Recreation Director to schedule low light games on the lighted WRA ball fields.
Motion by Blanshan, seconded by Zimmerman not to proceed at this time with new lighting on the north Island Park softball field.
Motion Carried Unanimous
 - b. Witt Park Playground – Caldwell stated his staff is currently installing the new cargo net climbing pole with wood chip fall protection materials in the park. The installation within a day or so.
 - c. Witt Park Skating Rink Request Update -- Mr. Espenson representing the WYHA gave a report concerning a few questions raised at the September 12, 2011 commission meeting regarding the usage of the outside skating rink during the winter months. There would be no change regarding liability during the usage as long as the rink has some safety signage posted. The hockey association would be responsible for all labor, expenses and signage during the weeks the rink is used for ice skating. The hockey association would have to make arrangements with the Water Department for the water needed to flood the rink to make ice and keep the Park Superintendent updated throughout the season.
Motion by Blanshan, seconded by Clark to permit the WYHA to use the outdoor rink at Witt Park during the winter months as stated above.
Motion Carried Unanimous

6. Recreation Director's Report- Al Baloun

- a. Fall Programming- Youth soccer program has been a success and the final night will be held on October 11th. The Youth Flag Football program will be done this evening with positive results also. Several good comments from parents and the kids. Commission members stated their concerns with the tackle football program the school is hosting due to the number of head concussions being reported this year.
- b. Summer Baseball Program Year End Review – Baloun stated that the cost to run all the recreation baseball programs this year ran 84% of the fees collected not counting the Recreation Directors wages. The commission stated with the challenges placed on them at the beginning of the year to reduce the budget and change the program so as to teach the youth more fundamentals and give everyone a chance to play was a major success. The program was improved and expenses were lowered which was a goal of the commission. Some discussion was held on the fees paid to the program head coach and his assistants this past season. The commission said perhaps next year the city might want to look at paying the program head coach a larger fee. Then it would be his or her responsible to bring in any additional help to run the program at his or her expense.
- c. WYHA –Ice Rates- Justin Espenson, WYHA and Baloun have met and come to an agreement on a recommendation for a seasonal ice fee for 2011-12 Ice Season for the Windom Youth Hockey Association of \$42,500 from mid Oct 2011- March 3,2012 or end of MAHA hockey season for unlimited hours. The Following conditions will apply to the scheduling of ice hours:
- Can't sell to outside organizations.
 - Must schedule two weeks ahead of time or by approval of Al Baloun, Recreation Director.
 - Open skating, Open figure, and Open hockey will be scheduled by the City Of Windom.
 - Can not bump scheduled ice time for figure skating lessons and outside organization rentals that have been scheduled.
 - Sectional hockey game ice fees for boys and girls high school hockey are not included. Additional fees will apply.
 - The Windom Youth Hockey Association is responsible for securing the building and any damage's to building.
- Motion by Blanshan, seconded by Clark to recommend the Windom Youth Hockey Association pay a rate of \$42,500 for the 2011-12 Ice Season (October 2011- March 3, 2012 or end of MAHA Season) for unlimited ice usage with the conditions listed above applying when scheduling ice time.**
- Motion Carried Unanimous.**
- d. Ice Rink Update – the staff installed all the coils and during the startup of the system they found a major glycol leak which required a plumber to correct the problem. This created a minor delay but Baloun said if all goes well and weather permitting the rink should be open for usage October 17th which was his original goal. The new glass has been installed on the rink which is a great improvement.

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- e. North Cattle Barn Rafter Damage Update – Baloun said a contractor was brought in to repair a couple damaged rafters from last winter's heavy snowfall. The building is owned by the Fair Board and the city rents it during the year for horse shows and storage for cars, campers and boats during the winter months. Baloun said he will be requesting a letter from the Fair Board stating the building is safe for usage following the repairs.
- 7. Update for Future Meeting Des. Moines Valley Trail System – Baloun stated the commission will be updated on the trail system at the next monthly meeting as stated below. They are also requesting that the city hosts a public open house to review what their ideas are.
 - 1. Tentative November 14, 2011 5:15 p.m. Meeting
 - 2. Public Open House – November 14, 2011 7:00 p.m.
- 8. Open Mike: None
- 9. Meeting Adjourned at 6:21P.M.

Windom Library Board Meeting
Windom Library
Oct. 11, 2011
5:05 p.m.

1. Call to order: The meeting was called to order by John Duscher at 5:05 p.m.
2. Roll Call:
Members Present: Kathy Hiley, Anita Winkel, Charles Reid,
Beth Fleming and John Duscher

Members Absent: Jan Johnson and Mary Erickson

Library Staff Present: Joan Hunter and Dawn Aamot

City Council Member Present: None
3. Agenda and Minutes
Motion by Charles Reid and seconded by Beth Fleming to approve the Agenda and the Minutes.

4. Financial Report:

Motion by Anita Winkel and seconded by Kathy Hiley to approve the Financial Report.

5. Librarians Report:

Joan will be going to City Council tonight to discuss the library's proposed budget for next year. The library's proposed budget is 2% higher than this year's mostly due to salaries. The city employees union will be negotiating a new contract at the end of the year.

Joan received an email from the new director of the Worthington library. The Worthington director is exploring providing E-books. She received a quote from a company called "Overdrive" that would provide E-books to an individual library for a \$1,000 fee with the agreement that \$2,000 in E-books would be purchased. She is not sure if the \$1,000 was a onetime fee or an annual fee. Information is still be gathered.

Dawn is hosting Head Start and Bridges classes once a month.

Motion by Charles Reid and seconded by Beth Fleming to approve the librarian's report.

6. Old Business:

Joan hasn't heard anything about the new shelving. She will be giving Dan Fossing a call. She thinks they may arrive the first week in November.

As the scheduling of the annual Book Sale revolves around the arrival of the new shelves, it is possible that the Sentenced to Serve coordinator will be asked to have individuals come and move the boxes of books piled up in the back library office to the basement.

7. New Business:

Joan distributed the library's Mission Statement, Goals and Policies to the board. They will review these and discuss them in November. The Mission Statement and Goals were last updated in 2011 and the Library Policies were updated in 2010.

9. New Book Suggestions:

The board presented their suggestions.

10. Adjourn:

Motion by Anita Winkel, seconded by Charles Reid to adjourn.

Meeting adjourned at 5:22 p.m.

Respectfully submitted,

Kathy Hiley, recording secretary

Telecommunication Commission Minutes
Oct 12th, 2011

1. Call to Order:

Wendell Woodcock called the meeting to order.

2. Roll Call:

Commission Members Present: Wendell Woodcock, Virgil Meier, Forrest Fosheim, Corey Maricle

Commission Members Absent, Dominic Jones

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

Public Present: None

3. Retransmission Agreements:

Windomnet has 11 separate agreements to deal with. Cinnamon Mueller could help with these at a cost of between 11 to 15 thousand. Cinnamon Mueller will provide initial strategy discussions/reviews and mark ups on the agreements. They will negotiate necessary change up, completion and provide legal advice.

SMBS will coop with charges at a 50/50 rate.

Dan Olsen recommends Cinnamon Mueller dive into the agreements and start initial discussions with contracts.

**Wendell made the motion to ok Cinnamon Mueller to help with retransmission agreements, with SMBS sharing the cost 50/50
Virgil 1st Forrest 2nd All in Favor**

4. Fox Sports Agreement:

Dan has been in negotiation with Fox Sports since Mid June. Fox Sports 5 year contract will increase the programming rates over \$3. Dan will do some more negotiations with them before deciding on the agreement.

5. HBO Price Increase:

HBO new programming agreements have gone up. Need to raise price of HBO to \$14.99 to cover the cost.

**Forrest made the motion to raise HBO rate to \$14.99 to cover programming cost
Wendell 1st Virgil 2nd All in Favor**

6. Commissioner's Comments & Concerns:

Dan stated the the EAS needs to be updated to be compliant; they have pushed this out to July of 2012.

SMBS rates will stay steady the first year and then follow Windomnet rates.

Good Sam wants individual cable for each room. Wiring needs to be redone before Windomnet can do cable to each room. Windomnet offered to look at wiring again but will charge Engineering Fees to do so.

Billing – SMBS Bills,

**Corey made a motion to Not charge MSBS a restocking fee of 20%.
Virgil 1st 2nd Forrest 2nd All in Favor.**

Commissioners meetings for the rest of the year will be few and far between. Dan will be gone for Calix Meeting in Nov, along with trying to use up vacation time.

SMBS has close to 1200 drops buried now. They will be heading to Round Lake in the near future. The sign up number are looking really good. SMBS having a hard time finding qualified techs to hire.

7. Adjourn:

Wendell adjourned the meeting

Minnesota Lawful Gambling
LG220 Application for Exempt Permit

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

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

ORGANIZATION INFORMATION Check# _____ \$ _____

Organization name Windom Youth Hockey Assoc	Previous gambling permit number 00998-004
Minnesota tax ID number, if any	Federal employer ID number, if any

Type of nonprofit organization. Check one.

Fraternal
 Religious
 Veterans
 Other nonprofit organization

Mailing address PO Box 41	City Windom	State MN	Zip Code 56101	County Cottonwood
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Name of chief executive officer (CEO) Jenny Hedquist	Daytime phone number 507-822-1678	Email address johnhed@swwnet.com
----------------------------------------------------------------	---------------------------------------------	--------------------------------------------

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

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

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

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

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

GAMBLING PREMISES INFORMATION

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

Address (do not use PO box) 821 4th Ave	City or township Windom	Zip Code 56101	County Cottonwood
---------------------------------------------------	-----------------------------------	--------------------------	-----------------------------

Date(s) of activity (for raffles, indicate the date of the drawing)
December 29, 2011

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

Bingo*
 Raffles
 Paddlewheels*
 Pull-Tabs*
 Tipboards*

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

To find a licensed distributor, go to www.gcb.state.mn.us and click on List of Licensed Distributors, or call 651-639-4000.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

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

The application is acknowledged with no waiting period.

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

The application is denied.

Print city name _____

On behalf of the city, I acknowledge this application.

Signature of city personnel receiving application _____

Title _____ Date _____

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

The application is acknowledged with no waiting period.

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

The application is denied.

Print county name _____

On behalf of the county, I acknowledge this application.

Signature of county personnel receiving application _____

Title _____ Date _____

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

Print township name _____

Signature of township official acknowledging application _____

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

Print form and have CEO sign

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

Chief executive officer's signature *[Signature]* Date 10-6-11

Complete a separate application for each gambling event:

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

Send application with:

- a copy of your proof of nonprofit status, and
 - application fee for each event
- Make check payable to "State of Minnesota."

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

Financial report and recordkeeping required

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

Questions?

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

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

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

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

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

Reset Form

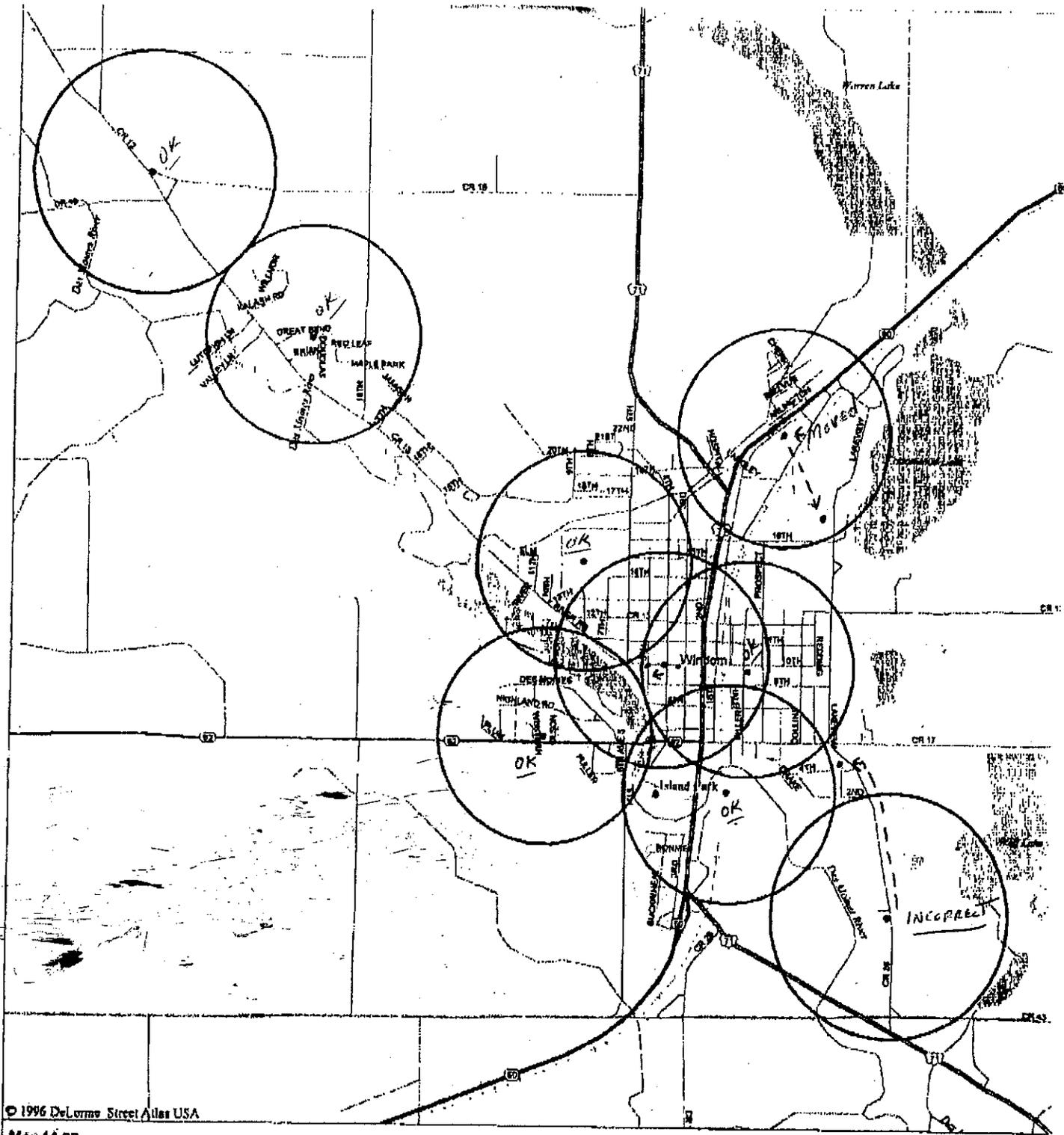
Civil Defense Sirens – Upgrade to new FCC narrow band requirement.

Request:

1. Prepare audit/assessment of Windom's existing warning system.
2. Prepare a cost analysis to upgrade the 9 sirens to the new FCC narrow band requirement.

Siren Locations:

1. 108 9th Street (behind HCL in alley)
2. 10 16th Street (Water Treatment Plant) (generator connected)
3. 878 6th Street (Dick Vortherm's residence)
4. Cottonwood County Law Enforcement Center (generator connected)
5. 1480 8th Avenue (west of City of Windom Arena)
6. 2174 River Road (west of residence)
7. River Road and Country Club Drive
8. 111 1st Avenue (behind Sun Bowl)
9. 420 County Road 26 (Jack Kelly's Lot)



© 1996 DeLorme Street Atlas USA

Mag 14.00
 Wed Mar 19 15:22 1997
 Scale 1:31,250 (at center)
 2000 Feet
 1000 Meters

- Local Road
- State Route
- Primary State Route
- US Highway
- Railroad
- County Seat
- ▲ Park/Reservation
- Cemetery
- County Boundary
- Population Center
- Land
- Water
- River/Canal
- Intermittent River

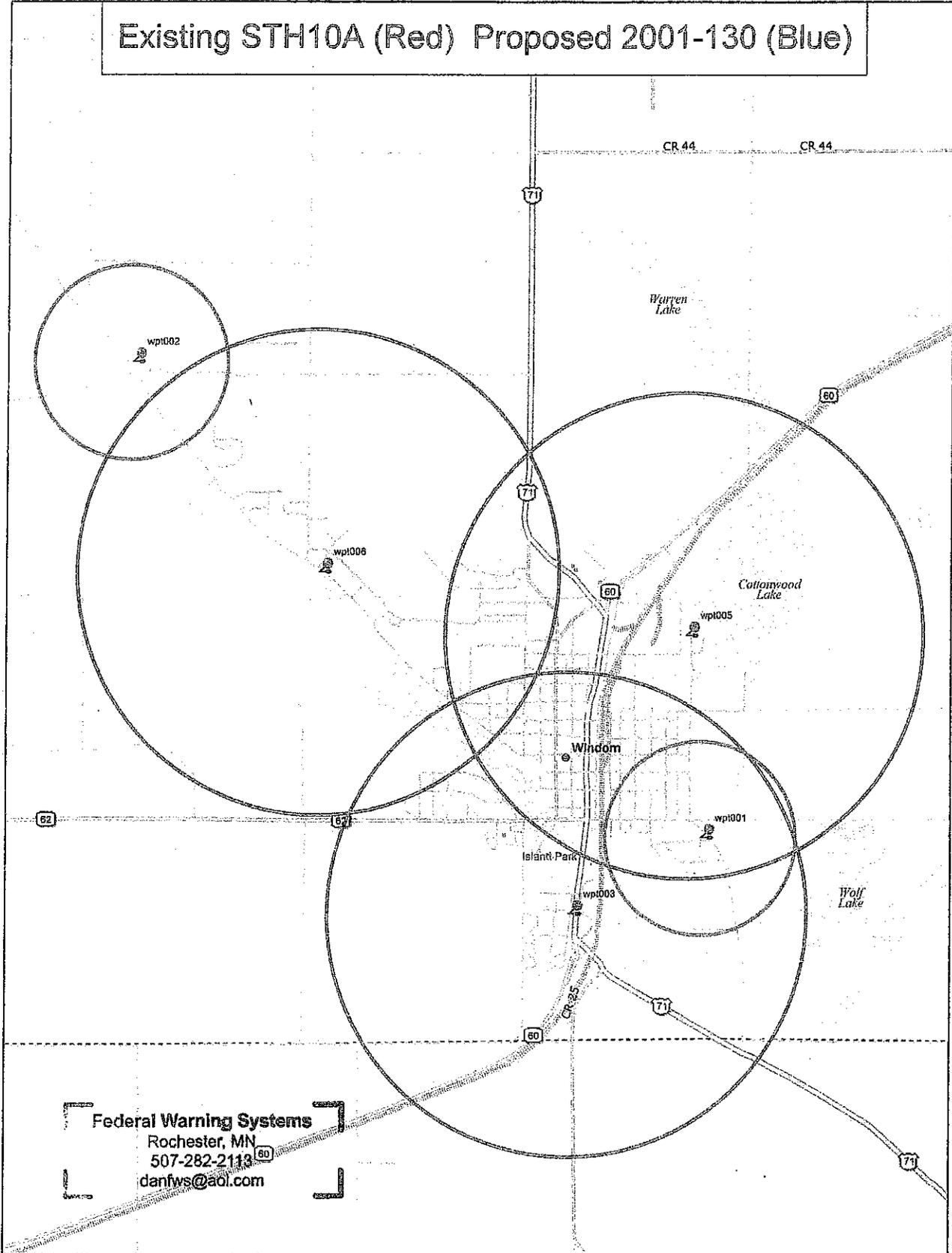
Existing Sirens
 Proposed STHIO's
 115db 2,350ft
 * ASSUMING EXISTING
 ARE 2T22 OR 3T22

507 831-6143

Civil Defense Sirens – Upgrade to new FCC narrow band requirement

Location	Older units installed in 1973, newer units in 1997	FCC Narrow Band Upgrade required	Estimated cost	Electric System upgrade recommended	New motor starter	New 3 phase fused disconnect	New fused outlet	Estimated cost	Additional comments or recommendations
1 420 County Road 26 (Jack Kelly's Lot)	14 years 10 HP STH10A sn - D97	Yes	\$ 2,500.00	Yes			Install	\$ 1,000.00	3 Phase Feeder Amps - 40 Needs weatherproof enclosure*
2 108 9 th Street (behind HCL in alley)	38 years 10 HP ARC 2 SN. S 1324	Yes	\$ 2,500.00	Yes		Install	Install	\$ 1,000.00	3 Phase Feeder Amps - 70
3 10 16 th Street (Water Treatment Plant) (generator connected)	38 years 10 HP ? Has new receiver	re-program	\$ 200.00	Yes	Install		Install	\$ 1,500.00	3 Phase Feeder Amps - 60
4 878 6 th Street (Dick Vortherm's residence)	38 years 10 HP ARC 2 SN. S 1325	Yes	\$ 2,500.00	Yes		Install	Install	\$ 1,000.00	3 Phase Feeder Amps - 70
5 Cottonwood County Law Enforcement Center (generator connected)	38 years 10 HP ARC 2H SN. S 1548	Yes	\$ 2,500.00	Yes			Install	\$ 100.00	3 Phase Feeder Amps - 40
6 1480 8 th Avenue (west of City of Windom Arena)	38 years 10 HP ARC 2 SN. S 1323	Yes	\$ 2,500.00	Yes		Install	Install	\$ 1,000.00	3 Phase Feeder Amps - 70
7 2174 River Road (west of residence)	38 years 10 HP ARC 2H SN. S 1512	Yes	\$ 2,500.00	Yes	install	Install	Install	\$ 2,000.00	3 Phase Feeder Amps - 60
8 River Road and Country Club Drive	14 years 10 HP STH10A sn - D97	Yes	\$ 2,500.00	Yes		Install	install	\$ 1,000.00	3 Phase Feeder Amps - 40 Needs weatherproof enclosure*
9 111 1 st Avenue (behind Sun Bowl)	38 years 10 HP ? ARC 2 SN. S 1322	Yes	\$ 2,500.00	Yes	install	Install	Install	\$ 2,000.00	3 Phase Feeder Amps - 35
Totals			\$ 20,200.00					\$ 10,600.00	
Budgeted number for 2012 - \$32,500.00									*enclosure should be approximately 24" x 24" x (8" or 10") deep

Existing STH10A (Red) Proposed 2001-130 (Blue)

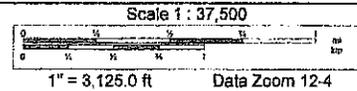


Federal Warning Systems
 Rochester, MN
 507-282-2113
 danfws@aol.com

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www.delorme.com



2001-130 Siren

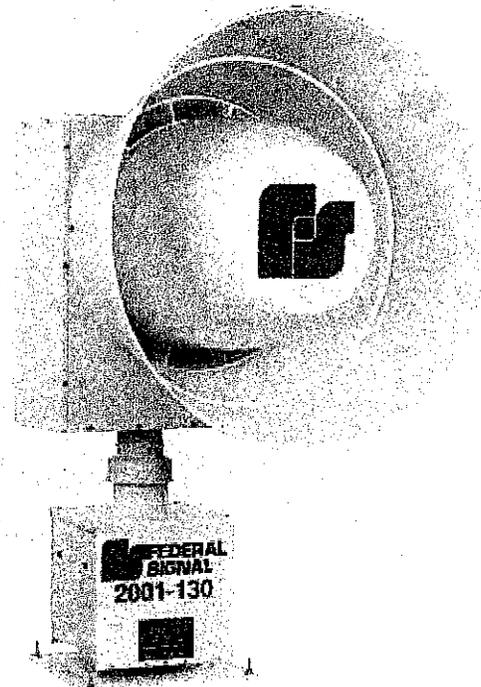
Features

- **130 dB(C) output**
- **Directional, rotating siren for maximum coverage**
- **Three distinct warning signals**
- **Full battery operation or battery back-up**
- **Maintenance-free sealed bearing motors**
- **Weather-resistant coating**
- **Ideal for outdoor warning**
- **5-year limited warranty**

The Federal Signal 2001-130 public siren is a high power, rotating, uni-directional outdoor warning siren that offers an anechoic certified signal strength of 130 dB(C) +/- 1 dB(C) at 100-ft. The high-decibel output provides maximum coverage with minimum installation cost. Radio activation can further minimize installation costs by eliminating the need for leased dedicated control lines.

The siren's projector produces a 60-degree projection of sound which rotates at 3 RPM and can produce three distinct warning signals: steady, wail and fast wail. The 2001-130 siren will supply a minimum of 15 minutes of full power output from its batteries after AC power loss. The siren controls are available with battery operation, AC operation, and AC operation with battery back-up, one-way and two-way radio control, wired or wireless ethernet, satellite/cellular or landline.

Ideally suited to provide warning for hazardous weather conditions, fires, floods, chemical spills and other types of emergencies, the 2001-130 siren is a perfect choice to protect any community.



 **FEDERAL SIGNAL**
Safety and Security Systems

Advancing security and well being.

2001-130 Siren Specifications

Power Requirements*

Siren Motor	48V (DC or full wave rectified AC) 110A (nom.)
Rotator Motor	48V (DC or full wave rectified AC) 1A (nom.)

Wiring

Siren Motor	2 AWG
Rotator Motor	12 AWG

Motor Type

Siren	Series wound DC 6 Hp
Rotator	Permanent magnet DC 1/8 Hp

Signal Information

Signal	Frequency Range	Sweep Rate
Steady	790 Hz	N.A.
Wail	470-790 Hz	10 sec.
Fast Wail	600-790 Hz	3.5 sec.
Signal Duration	3min. std. (programmable)	
Signal Output (SPL)	130 dB(C) +/- 1 dB(C) at 100' (30.5 m) 6400 feet Effective Range at 70dB(C)	
Rotation	3 RPM	

Dimensions

Height x Width x Depth	55" x 37" x 41" 140cm x 94cm x 10cm
------------------------	----------------------------------------

Weight

Shipping Weight	450 lbs. (205 kg)
-----------------	-------------------

Environmental

Operating Temperature	-30°C to +60°C**
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* Power requirements refer to the power supplied by the batteries or optional AC operation through 2001TRB.

** The siren can operate throughout this temperature range provided that battery temperature is maintained at 18°C or higher.

Ordering Information*

Siren Motor	Rotating electro-mechanical Siren 130 dB(C) +/- 1dB(C), 48VDC, pole mount included
2001AC ¹	AC operated motor control, 208 or 220/240VAC (specify voltage) NEMA 3R control cabinet, two 48VDC contactors and transformer/rectifier, 182 lbs. 53 kg
2001DC ^{1,2}	120VAC motor control, NEMA 4 control cabinet, four chargers, two 48VDC contactors and NEMA 3R battery cabinet. 224 lbs, 102 kg

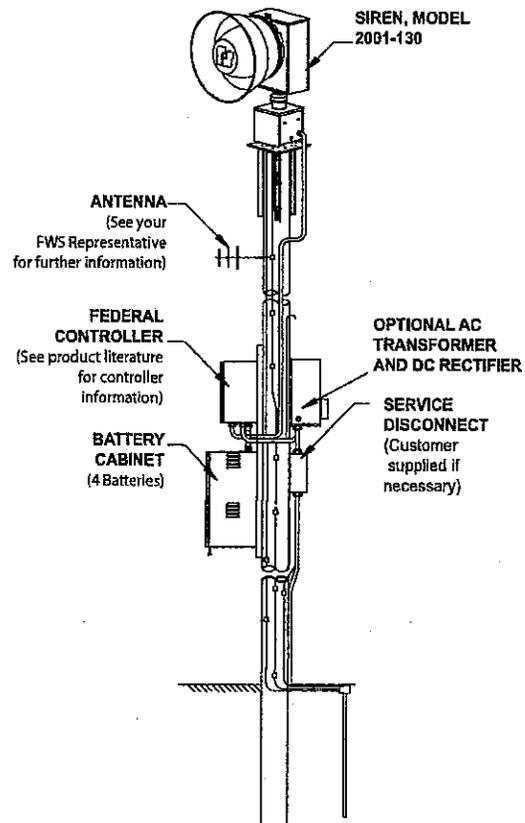
Landline Option

2001HR	Rotator holding relay for use with external timer
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* 2001-130 Siren requires a Federal Controller such as FC or DFCB (See controller product literature)

¹ For use with Electro-mechanical sirens. Antenna and cable are not included with any radio activation control and must be purchased separately. (See your sales representative)

² Batteries not included.



FEDERAL SIGNAL
Safety and Security Systems
Advancing security and well being.



QUOTATION
FEDERAL SIGNAL CORPORATION
Federal Warning Systems

Quotation No.: FWS **106111055**
 Reference quote no. on your order

Name City of Windom
 Co. Name Marv Grunig
 Address 444 9th St.
 City, State, Zip Windom, MN 56101
 Phone No. 507-831-6151
 Fax No. marvg@windom-mn.com

Date 10/6/2011
 Reference _____

CUSTOMER COPY SALESPERSON COPY OFFICE COPY

Item No.	Qty.	Federal Model/Part No.	Description	Net Cost Each	Total Cost
1	1	2001-130	130 db Rotating Mechanical Siren		
2	1	2001AC	AC Control Unit in Cabinet		
3	1	FCH-N/10A6	One-Way Narrowband Receiver/Whip Antenna		
4	1	MISC.	Shipping from Factory		
5	1	MISC.	MN Sales Tax 6.875%		
6	1	TOTAL	Equipment, Shipping, Tax	(1)	\$11,248.59
7	===	=====	=====		=====
8	1	2001-130	130 db Rotating Mechanical Siren		
9	1	DCFCBH-N	DC Control Unit/Battery Cabinet/4 Chargers		
10			High Band Radio Receiver - Narrow		
11	1	RP164/10A3	Ground Plane Antenna/25 ft Coaxial Cable		
12	1	AMB-RP164	Antenna Mounting Bracket		
13	1	MISC.	Shipping from Factory		
14	1	MISC.	MN Sales Tax 6.875%		
15	1	TOTAL	Equipment, Shipping, Tax	(2)	\$12,600.56
16					
17			OPTIONS		
18	1	2001TRB-P	Transformer/Rectifier for AC/DC Operation	(2)	\$1,500.00
19	1	HTR4	4 Battery Warming Blankets Per Siren	(2)	\$295.00
20	1	TKI2001ACZ2	Turnkey Installation Class 2 Wood Pole	(1)	\$5,626.00
21	1	TKI2001DCZ2	Turnkey Install Class 2 Wood Pole/Batteries	(2)	\$5,886.00
22	2	FCH-N/10A6	Narrowband Radio Receiver/Whip Antenna	(2)	\$1,450.00
					\$2,900.00

Prices are firm for 30 days from the date of quotation unless shown otherwise. Upon acceptance, prices are firm for _____ (days / months). This quotation is expressly subject to acceptance by Buyer of all Terms stated on the reverse side hereof, and any exception to or modification of such Terms shall not be binding on Seller unless expressly accepted in writing by an authorized agent or Officer of Seller. Any order submitted to Seller on the basis set forth above, in whole or in part, shall constitute an acceptance by Buyer of the Terms on this and the reverse side hereof. Any such order shall be subject to acceptance by Seller in its discretion. If the total price for the items set forth above exceeds \$50,000 then this quotation IS ONLY VALID if countersigned below by a Regional Manager of the Signal Division, Federal Signal Corporation.

F.O.B. University Park, IL
 EST. DEL. WT. _____
 DELIVERY 6 - 8 Weeks (ARO)
 TERMS Equipment: Net 30 Days
Services: Net 30 Days Billed Monthly Upon Completion
 FREIGHT TERMS See Line Item Above

BY: *[Signature]*
FWS Sales Representative
 ADDRESS: Federal Warning Systems, Inc.
1708 3rd Ave. SE
Rochester, MN 55904
 BY: _____
Federal Signal / Countersigned
 TITLE: _____

Purchase order **MUST** be made out to:
Federal Signal Corporation, Federal Warning Systems, 2645 Federal Signal Drive, University Park, IL 60484

\$ 60,337.⁷¹

RESOLUTION #2011-

INTRODUCED:

SECONDED:

VOTED: Aye:

Nay:

Absent:

CITY OF WINDOM

Resolution Providing for the Sale of \$3,190,000 General Obligation Water and Sewer Revenue Bonds, Series 2011A

- A. WHEREAS, the City Council of the City of Windom, Minnesota, has heretofore determined that it is necessary and expedient to issue the City's \$3,190,000 General Obligation Water and Sewer Revenue Bonds, Series 2011A (the "Bonds"), to finance improvements to the wastewater treatment facility and water and sewer mains in the City; and
- B. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor for the Bonds and is therefore authorized to solicit proposals in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

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

1. Authorization; Findings. The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. Meeting; Proposal Opening. The City Council shall meet at 7:30 p.m. on November 15, 2011, for the purpose of considering proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and, after full discussion thereof and upon a vote being taken thereon, the following Council Members voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

Dated this 18th day of October, 2011.

Kirby G. Kruse, Mayor

ATTEST:

Steven Nasby, City Administrator

RESOLUTION #2011-

INTRODUCED:

SECONDED:

VOTED: Aye:

Nay:

Absent:

CITY OF WINDOM

Resolution Authorizing the City to Enter into a Credit Enhancement Program Agreement with the Minnesota Public Facilities Authority

- A. WHEREAS, the City Council of the City of Windom, Minnesota (the "City") proposes to issue its General Obligation Water and Sewer Revenue Bonds (the "Bonds"), the proceeds of which will be used to finance the costs of construction, improvement or rehabilitation of water, sanitary sewer, and storm sewer facilities; and
- B. WHEREAS, the City Council hereby determines it is in the best interests of the City to apply to the Minnesota Public Facilities Authority (the "Authority") for credit enhancement of the Bonds;

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

1. Approval of the Authority's Credit Enhancement Program Agreement. The Authority's Credit Enhancement Program Agreement (the "Agreement") is hereby approved, the same being before the City Council and made a part of this resolution by reference.
2. Authorization to Sign Agreement and Related Forms. The Mayor and the City Administrator are authorized to sign the Agreement on the City's behalf and to execute any other related forms prescribed by the Authority with respect to the Agreement.
3. Agreement to Comply with Minnesota Statutes, Section 446A.086. The City is entering into the Agreement with the Authority pursuant to Minnesota Statutes, Section 446A.086 (the "Act") and the City hereby agrees to comply with and be bound by the provisions of the Act.
4. Submission of the Agreement. The Mayor and City Administrator are hereby authorized to submit, on the City's behalf, the Agreement to the Authority, together with the nonrefundable application fee in the amount of \$500.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and, after full discussion thereof and upon a vote being taken thereon, the following Council Members voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

Dated this 18th day of October, 2011.

Kirby G. Kruse, Mayor

ATTEST:

Steven Nasby, City Administrator

October 18, 2011

Pre-Sale Report for
\$3,190,000 General Obligation Water and
Sewer Revenue Bonds, Series 2011A
City of Windom, Minnesota



Prepared and Presented by:

Todd Hagen
Financial Advisor

And

Rebecca Kurtz
Financial Advisor

Executive Summary of Proposed Debt

Proposed Issue:	\$3,190,000 General Obligation Water and Sewer Revenue Bonds, Series 2011A
Authority:	<p>The Bonds are being issued pursuant to Chapter 444 and 475, which allows cities to issue debt without limitation as long as debt service is expected to be paid from water and sewer revenues.</p> <p>The Bonds will be general obligations of the City, for which its full faith, credit and taxing powers are pledged.</p>
Purposes/Funding Sources:	The proposed issue includes financing for improvements to the City's wastewater treatment facility and water and sewer mains.
Term/Call Feature	<p>The Bonds are being issued for a 16 year term. Principal on the Bonds will be due on February 1 in the years 2014 through 2029. Interest is payable every six months beginning August 1, 2012.</p> <p>The principal payments are structured to begin after the City's 1994 bonds have matured.</p> <p>The Bonds maturing February 1, 2022, and thereafter will be subject to prepayment at the discretion of the City on February 1, 2021, or any date thereafter.</p>
Bank Qualification	Because the City is issuing less than \$10,000,000 in the calendar year, the City will be able to designate the Bonds as "bank qualified" obligations. Bank qualified status broadens the market for the Bonds, which can result in lower interest rates.
Credit Enhancement:	<p>City bond issues for water, sanitary sewer and storm water facilities are now authorized to receive credit enhancement from the State. Under current bond ratings, the state credit enhancement would bring a Standard & Poor's "AA+" rating or a Moody's "Aa2" because the State guarantees the debt service payments on the Bonds. Currently, state credit enhancement provides a significant interest cost savings, to lower or non-rated cities.</p> <p>To qualify for the credit enhancement, a city must submit an application and \$500 fee to the State. There will also be a credit rating fee that is lower than the standard fee to either rating agency. Ehlers will take care of the application to the State on your behalf.</p>



<p>Rating:</p>	<p>The City's most recent bond issues were rated A+ by Standard & Poor's. The City will request a new rating for the Bonds.</p> <p>If the winning bidder on the Bonds elects to purchase bond insurance, the rating for the issue may be higher than the City's bond rating if the bond rating of the insurer is higher than that of the City.</p>
<p>Method of Sale/Placement:</p>	<p>In order to obtain the lowest interest cost to the City, we will solicit competitive bids for purchase of the Bonds from local banks in your area and regional underwriters.</p> <p>We have included an allowance for discount bidding equal to 1.15% of the principal amount of the issue. The discount is treated as an interest item and provides the underwriter with all or a portion of its compensation in the transaction.</p> <p>If the Bonds are purchased at a price greater than the minimum bid amount (maximum discount), the unused allowance may be used to lower your borrowing amount.</p>
<p>Review of Existing Debt:</p>	<p>We have reviewed all outstanding indebtedness for the City and find that there are no refunding opportunities at this time. However, Ehlers is working with City Staff and Bank of America Public Capital Corp., New York, NY, to refinance the Series 2004 and Series 2009 Telecom bonds to achieve a lower interest rate and level payback structure. The reserve requirement will also be negotiated out of the new bonds.</p> <p>We will continue to monitor the market and the call dates for the City's outstanding debt and will alert you to any other future refunding opportunities.</p>
<p>Continuing Disclosure:</p>	<p>Because the City has more than \$10,000,000 in outstanding debt (including this issue) and this issue is over \$1,000,000, the City will be agreeing to provide certain updated Annual Financial Information and its Audited Financial Statement annually as well as providing notices of the occurrence of certain "material events" to the Municipal Securities Rulemaking Board (the "MSRB"), as required by rules of the Securities and Exchange Commission (SEC). The City is already obligated to provide such reports for its existing bonds, and has contracted with Ehlers to prepare and file the reports.</p>
<p>Arbitrage Monitoring:</p>	<p>Interest on the Bonds is exempt from federal income tax to the extent the City complies with both the arbitrage rebate and yield restriction requirements of the Internal Revenue Code. To comply, the City must either remit profits from investing Bond proceeds at a yield in excess of the Bond yield to the Treasury or satisfy an exception. The City reasonably expects to qualify for the small issue exception to the rebate requirements. However, additional measures must be taken to comply with the yield restriction requirements.</p>



Proposed Debt Issuance Schedule

Pre-Sale Review by Council:	October 18, 2011
Distribute Official Statement:	Week of October 24, 2011
Conference with Rating Agency:	Week of November 7, 2011
City Council Meeting to Award Sale of the Bonds:	November 15, 2011
Estimated Closing Date:	Approximately December 1, 2011

Attachments

Sources and Uses of Funds
 Proposed Debt Service Schedule
 Bond Buyer Index
 Resolution Authorizing Ehlers to Proceed with Bond Sale
 Resolution Authorizing the City to Proceed with the Credit Enhancement Program

Ehlers Contacts:

Financial Advisors:	Todd Hagen Rebecca Kurtz	(651) 697-8508 (651) 697-8516
Bond Analyst:	Melissa Johnson	(651) 697-8547
Bond Sale Coordinator:	Alicia Aulwes	(651) 697-8523
Financial Analyst:	Alicia Gage	(651) 697-8551

The Official Statement for this financing will be mailed to the City Council at their home address or e-mailed for review prior to the sale date.



City of Windom, Minnesota

\$3,190,000

General Obligation Water and Sewer Revenue Bonds, Series 2011

Issue Summary -State Credit Enhanced

Total Issue Sources And Uses

Dated 12/01/2011 | Delivered 12/01/2011

	Wastewater Treatment	Water and Sewer Mains	Issue Summary
Sources Of Funds			
Par Amount of Bonds	\$2,665,000.00	\$525,000.00	\$3,190,000.00
Total Sources	\$2,665,000.00	\$525,000.00	\$3,190,000.00
Uses Of Funds			
Deposit to Project Construction Fund	2,600,000.00	500,000.00	3,100,000.00
Costs of Issuance	30,889.77	6,085.23	36,975.00
Total Underwriter's Discount (1.150%)	30,647.50	6,037.50	36,685.00
Deposit to Capitalized Interest (CIF) Fund	-	13,238.75	13,238.75
Rounding Amount	3,462.73	(361.48)	3,101.25
Total Uses	\$2,665,000.00	\$525,000.00	\$3,190,000.00



City of Windom, Minnesota

\$3,190,000

General Obligation Water and Sewer Revenue Bonds, Series 2011
Issue Summary - State Credit Enhanced

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+	Capitalized Interest	1994 PFA Loan	Net New DIS	105% of Total	Water & Sewer Main Assessments	Revenue Required
02/01/2012	-	-	-	-	-	126,505.65	126,505.65	132,830.93	-	132,830.93
02/01/2013	-	-	93,829.17	93,829.17	(13,238.75)	253,011.30	333,601.72	350,281.81	-	350,281.81
02/01/2014	35,000.00	0.800%	80,425.00	115,425.00	-	253,011.30	368,436.30	386,858.12	9,782.03	377,076.09
02/01/2015	35,000.00	0.950%	80,145.00	115,145.00	-	253,011.30	368,156.30	386,564.12	9,782.03	376,782.09
02/01/2016	85,000.00	1.300%	79,812.50	164,812.50	-	126,505.13	291,317.63	305,883.51	9,782.03	296,101.48
02/01/2017	210,000.00	1.450%	78,707.50	288,707.50	-	-	288,707.50	303,142.88	9,782.04	293,360.84
02/01/2018	215,000.00	1.700%	75,662.50	290,662.50	-	-	290,662.50	305,195.63	9,782.03	295,413.60
02/01/2019	215,000.00	1.950%	72,007.50	287,007.50	-	-	287,007.50	301,357.88	9,782.03	291,575.85
02/01/2020	220,000.00	2.200%	67,815.00	287,815.00	-	-	287,815.00	302,205.75	9,782.03	292,423.72
02/01/2021	225,000.00	2.300%	62,975.00	287,975.00	-	-	287,975.00	302,373.75	9,782.04	292,591.71
02/01/2022	235,000.00	2.450%	57,800.00	292,800.00	-	-	292,800.00	307,440.00	9,782.03	297,657.97
02/01/2023	235,000.00	2.600%	52,042.50	287,042.50	-	-	287,042.50	301,394.63	9,782.03	291,612.60
02/01/2024	245,000.00	2.750%	45,932.50	290,932.50	-	-	290,932.50	305,479.13	9,782.03	295,697.10
02/01/2025	250,000.00	2.850%	39,195.00	289,195.00	-	-	289,195.00	303,654.75	9,782.03	293,872.72
02/01/2026	255,000.00	3.050%	32,070.00	287,070.00	-	-	287,070.00	301,423.50	9,782.03	291,641.47
02/01/2027	265,000.00	3.200%	24,292.50	289,292.50	-	-	289,292.50	303,757.13	9,782.04	293,975.09
02/01/2028	230,000.00	3.350%	15,812.50	245,812.50	-	-	245,812.50	258,103.13	-	258,103.13
02/01/2029	235,000.00	3.450%	8,107.50	243,107.50	-	-	243,107.50	255,262.88	-	255,262.88
Total	\$3,190,000.00	-	\$966,631.67	\$4,156,631.67	(13,238.75)	\$1,012,044.68	\$5,155,437.60	\$5,413,209.48	\$136,948.45	\$5,276,261.03

Significant Dates

Dated	12/01/2011
First Coupon Date	8/01/2012

Yield Statistics

Bond Year Dollars	\$35,021.67
Average Life	10.979 Years
Average Coupon	2.7600961%

Net Interest Cost (NIC)	2.8648456%
True Interest Cost (TIC)	2.8569415%
Bond Yield for Arbitrage Purposes	2.7331314%
All Inclusive Cost (AIC)	2.9835981%

Ser 2011A GO Water & Sew | Issue Summary | 9/30/2011 | 12:20 PM



City of Windom, Minnesota

\$3,190,000

General Obligation Water and Sewer Revenue Bonds, Series 2011

Issue Summary -State Credit Enhanced

Net Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	CIF	Net New D/S	Fiscal Total
08/01/2012	-	-	53,616.67	53,616.67	(7,565.00)	46,051.67	-
02/01/2013	-	-	40,212.50	40,212.50	(5,673.75)	34,538.75	80,590.42
08/01/2013	-	-	40,212.50	40,212.50	-	40,212.50	-
02/01/2014	35,000.00	0.800%	40,212.50	75,212.50	-	75,212.50	115,425.00
08/01/2014	-	-	40,072.50	40,072.50	-	40,072.50	-
02/01/2015	35,000.00	0.950%	40,072.50	75,072.50	-	75,072.50	115,145.00
08/01/2015	-	-	39,906.25	39,906.25	-	39,906.25	-
02/01/2016	85,000.00	1.300%	39,906.25	124,906.25	-	124,906.25	164,812.50
08/01/2016	-	-	39,353.75	39,353.75	-	39,353.75	-
02/01/2017	210,000.00	1.450%	39,353.75	249,353.75	-	249,353.75	288,707.50
08/01/2017	-	-	37,831.25	37,831.25	-	37,831.25	-
02/01/2018	215,000.00	1.700%	37,831.25	252,831.25	-	252,831.25	290,662.50
08/01/2018	-	-	36,003.75	36,003.75	-	36,003.75	-
02/01/2019	215,000.00	1.950%	36,003.75	251,003.75	-	251,003.75	287,007.50
08/01/2019	-	-	33,907.50	33,907.50	-	33,907.50	-
02/01/2020	220,000.00	2.200%	33,907.50	253,907.50	-	253,907.50	287,815.00
08/01/2020	-	-	31,487.50	31,487.50	-	31,487.50	-
02/01/2021	225,000.00	2.300%	31,487.50	256,487.50	-	256,487.50	287,975.00
08/01/2021	-	-	28,900.00	28,900.00	-	28,900.00	-
02/01/2022	235,000.00	2.450%	28,900.00	263,900.00	-	263,900.00	292,800.00
08/01/2022	-	-	26,021.25	26,021.25	-	26,021.25	-
02/01/2023	235,000.00	2.600%	26,021.25	261,021.25	-	261,021.25	287,042.50
08/01/2023	-	-	22,966.25	22,966.25	-	22,966.25	-
02/01/2024	245,000.00	2.750%	22,966.25	267,966.25	-	267,966.25	290,932.50
08/01/2024	-	-	19,597.50	19,597.50	-	19,597.50	-
02/01/2025	250,000.00	2.850%	19,597.50	269,597.50	-	269,597.50	289,195.00
08/01/2025	-	-	16,035.00	16,035.00	-	16,035.00	-
02/01/2026	255,000.00	3.050%	16,035.00	271,035.00	-	271,035.00	287,070.00
08/01/2026	-	-	12,146.25	12,146.25	-	12,146.25	-
02/01/2027	265,000.00	3.200%	12,146.25	277,146.25	-	277,146.25	289,292.50
08/01/2027	-	-	7,906.25	7,906.25	-	7,906.25	-
02/01/2028	230,000.00	3.350%	7,906.25	237,906.25	-	237,906.25	245,812.50
08/01/2028	-	-	4,053.75	4,053.75	-	4,053.75	-
02/01/2029	235,000.00	3.450%	4,053.75	239,053.75	-	239,053.75	243,107.50
Total	\$3,190,000.00	-	\$966,631.67	\$4,156,631.67	(13,238.75)	\$4,143,392.92	-



City of Windom, Minnesota

\$2,665,000

General Obligation Water and Sewer Revenue Bonds, Series 2011

Wastewater Treatment -State Credit Enhanced

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	1994 PFA		105% Revenue
					Loan	Net New D/S	
02/01/2012	-	-	-	-	126,505.65	126,505.65	132,830.93
02/01/2013	-	-	80,590.42	80,590.42	253,011.30	333,601.72	350,281.81
02/01/2014	-	-	69,077.50	69,077.50	253,011.30	322,088.80	338,193.24
02/01/2015	-	-	69,077.50	69,077.50	253,011.30	322,088.80	338,193.24
02/01/2016	50,000.00	1.300%	69,077.50	119,077.50	126,505.13	245,582.63	257,861.76
02/01/2017	175,000.00	1.450%	68,427.50	243,427.50	-	243,427.50	255,598.88
02/01/2018	180,000.00	1.700%	65,890.00	245,890.00	-	245,890.00	258,184.50
02/01/2019	180,000.00	1.950%	62,830.00	242,830.00	-	242,830.00	254,971.50
02/01/2020	185,000.00	2.200%	59,320.00	244,320.00	-	244,320.00	256,536.00
02/01/2021	190,000.00	2.300%	55,250.00	245,250.00	-	245,250.00	257,512.50
02/01/2022	195,000.00	2.450%	50,880.00	245,880.00	-	245,880.00	258,174.00
02/01/2023	195,000.00	2.600%	46,102.50	241,102.50	-	241,102.50	253,157.63
02/01/2024	205,000.00	2.750%	41,032.50	246,032.50	-	246,032.50	258,334.13
02/01/2025	210,000.00	2.850%	35,395.00	245,395.00	-	245,395.00	257,664.75
02/01/2026	215,000.00	3.050%	29,410.00	244,410.00	-	244,410.00	256,630.50
02/01/2027	220,000.00	3.200%	22,852.50	242,852.50	-	242,852.50	254,995.13
02/01/2028	230,000.00	3.350%	15,812.50	245,812.50	-	245,812.50	258,103.13
02/01/2029	235,000.00	3.450%	8,107.50	243,107.50	-	243,107.50	255,262.88
Total	\$2,665,000.00	-	\$849,132.92	\$3,514,132.92	\$1,012,044.68	\$4,526,177.60	\$4,752,486.48

Significant Dates

Dated	12/01/2011
First Coupon Date	8/01/2012

Yield Statistics

Bond Year Dollars	\$30,319.17
Average Life	11.377 Years
Average Coupon	2.8006473%
Net Interest Cost (NIC)	2.9017302%
True Interest Cost (TIC)	2.8947786%
Bond Yield for Arbitrage Purposes	2.7331314%
All Inclusive Cost (AIC)	3.0177333%

City of Windom, Minnesota

\$525,000

General Obligation Water and Sewer Revenue Bonds, Series 2011

Water and Sewer Mains -State Credit Enhanced

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	CIF	Net New D/S	105% of Total	Assessments	Revenue Required
02/01/2012	-	-	-	-	-	-	-	-	-
02/01/2013	-	-	13,238.75	13,238.75	(13,238.75)	-	-	-	-
02/01/2014	35,000.00	0.800%	11,347.50	46,347.50	-	46,347.50	48,664.88	9,782.03	38,882.85
02/01/2015	35,000.00	0.950%	11,067.50	46,067.50	-	46,067.50	48,370.88	9,782.03	38,588.85
02/01/2016	35,000.00	1.300%	10,735.00	45,735.00	-	45,735.00	48,021.75	9,782.03	38,239.72
02/01/2017	35,000.00	1.450%	10,280.00	45,280.00	-	45,280.00	47,544.00	9,782.04	37,761.96
02/01/2018	35,000.00	1.700%	9,772.50	44,772.50	-	44,772.50	47,011.13	9,782.03	37,229.10
02/01/2019	35,000.00	1.950%	9,177.50	44,177.50	-	44,177.50	46,386.38	9,782.03	36,604.35
02/01/2020	35,000.00	2.200%	8,495.00	43,495.00	-	43,495.00	45,669.75	9,782.03	35,887.72
02/01/2021	35,000.00	2.300%	7,725.00	42,725.00	-	42,725.00	44,861.25	9,782.04	35,079.21
02/01/2022	40,000.00	2.450%	6,920.00	46,920.00	-	46,920.00	49,266.00	9,782.03	39,483.97
02/01/2023	40,000.00	2.600%	5,940.00	45,940.00	-	45,940.00	48,237.00	9,782.03	38,454.97
02/01/2024	40,000.00	2.750%	4,900.00	44,900.00	-	44,900.00	47,145.00	9,782.03	37,362.97
02/01/2025	40,000.00	2.850%	3,800.00	43,800.00	-	43,800.00	45,990.00	9,782.03	36,207.97
02/01/2026	40,000.00	3.050%	2,660.00	42,660.00	-	42,660.00	44,793.00	9,782.03	35,010.97
02/01/2027	45,000.00	3.200%	1,440.00	46,440.00	-	46,440.00	48,762.00	9,782.04	38,979.96
Total	\$525,000.00	-	\$117,498.75	\$642,498.75	(13,238.75)	\$629,260.00	\$660,723.00	\$136,948.45	\$523,774.55

Significant Dates

Dated	12/01/2011
First Coupon Date	8/01/2012

Yield Statistics

Bond Year Dollars	\$4,702.50
Average Life	8.957 Years
Average Coupon	2.4986443%
Net Interest Cost (NIC)	2.6270335%
True Interest Cost (TIC)	2.6191963%
Bond Yield for Arbitrage Purposes	2.7331314%
All Inclusive Cost (AIC)	2.7692341%

City of Windom, Minnesota

\$100,000

General Obligation Water and Sewer Revenue Bonds, Series 2011

Water and Sewer Main Assessments

Assessments

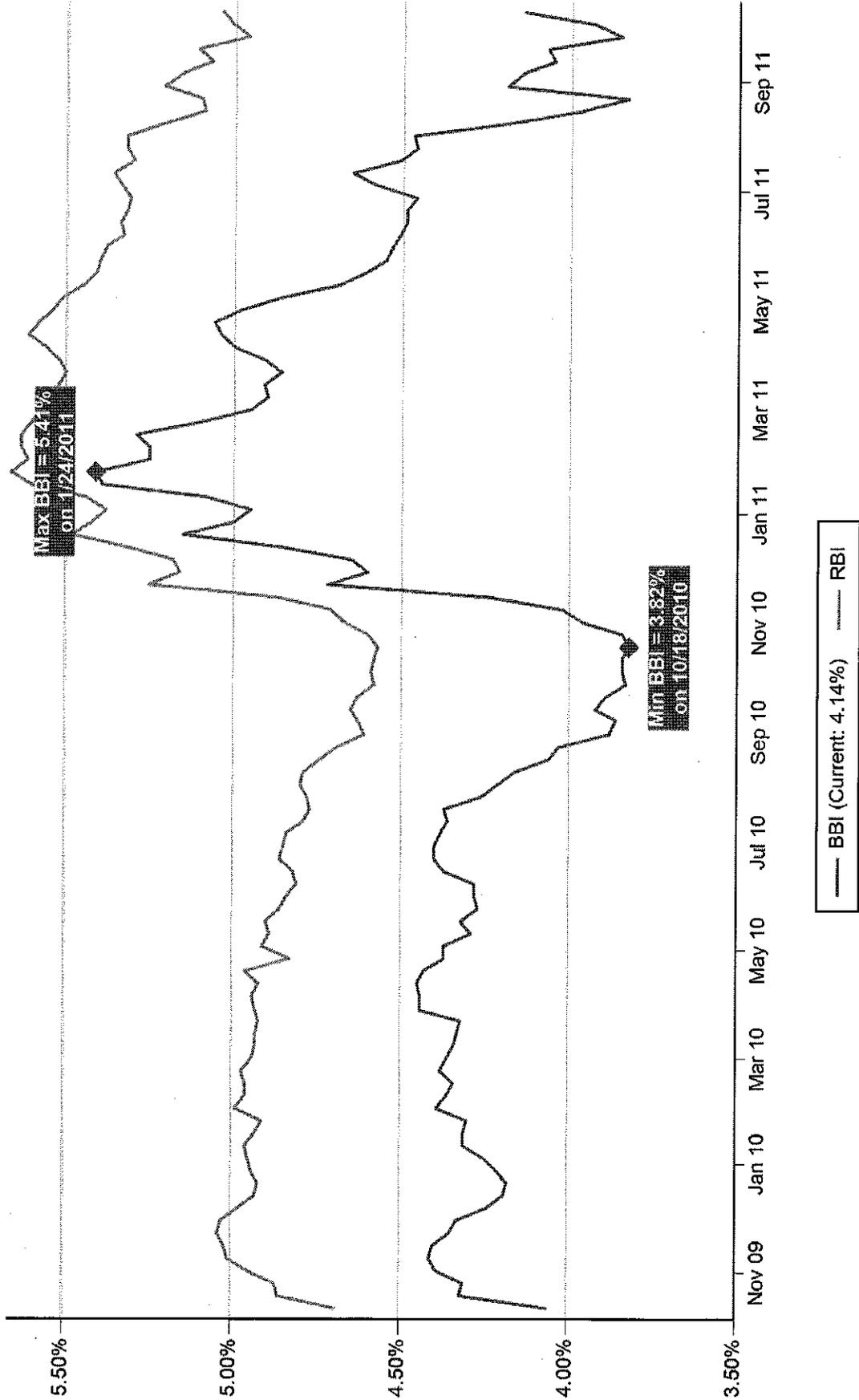
Date	Principal	Coupon	Interest	Total P+I
12/31/2013	5,282.03	4.500%	4,500.00	9,782.03
12/31/2014	5,519.72	4.500%	4,262.31	9,782.03
12/31/2015	5,768.11	4.500%	4,013.92	9,782.03
12/31/2016	6,027.68	4.500%	3,754.36	9,782.04
12/31/2017	6,298.92	4.500%	3,483.11	9,782.03
12/31/2018	6,582.37	4.500%	3,199.66	9,782.03
12/31/2019	6,878.58	4.500%	2,903.45	9,782.03
12/31/2020	7,188.12	4.500%	2,593.92	9,782.04
12/31/2021	7,511.58	4.500%	2,270.45	9,782.03
12/31/2022	7,849.60	4.500%	1,932.43	9,782.03
12/31/2023	8,202.83	4.500%	1,579.20	9,782.03
12/31/2024	8,571.96	4.500%	1,210.07	9,782.03
12/31/2025	8,957.70	4.500%	824.33	9,782.03
12/31/2026	9,360.80	4.500%	421.24	9,782.04
Total	\$100,000.00	-	\$36,948.45	\$136,948.45

Significant Dates

Filing Date	1/01/2013
First Payment Date	12/31/2013

2 YEAR TREND IN MUNICIPAL BOND INDICES

Weekly Rates October, 2009 - October, 2011



The Bond Buyer "20 Bond Index" (BBI) shows average yields on a group of municipal bonds that mature in 20 years and have an average rating equivalent to Moody's Aa2 and S&P's AA.

The Revenue Bond Index (RBI) shows the average yield on a group of revenue bonds that mature in 30 years and have an average rating equivalent to Moody's A1 and S&P's A+.

Source: The Bond Buyer



MEMORANDUM



CITY OF WINDOM
444 9th Street
Windom, MN 56101
Phone: 507-831-6129
Fax: 507-831-6127
www.windom-mn.com

TO: City Council
FROM: City Administrator 
DATE: October 13, 2011
RE: Ambulance Billing – Third Party Vendor Agreement

Per the discussion at the City Council budget workshop, the Windom Ambulance Service will be engaging a private, third party vendor to perform their billing functions. Previously, the Windom Area Hospital did all of the billing for the Ambulance Service. Due to a change in financial management systems and federal medical coding changes affecting the Hospital's operations it was determined that the Ambulance Service would need to contract out this service. The Windom Area Hospital will continue to do data entry for the Ambulance Service related to State of Minnesota reporting.

Attached is an agreement for Ambulance Service billing between the City of Windom and Expert-T. Expert-T is the billing vendor for other area ambulance services and comes highly recommended. The proposed agreement calls for a fee of \$24.75 per billable account, with the contact starting on January 1, 2012 and running through December 31, 2013. The proposed agreement has been reviewed by the City Attorney.

If you have any questions please contact Steve at 831-6129 or Tim at 830-0530.

AMBULANCE SERVICE BILLING AGREEMENT BETWEEN
EXPERT T BILLING, INC.
AND
THE CITY OF WINDOM

This agreement for service made as of January 1, 2012 between the City of Windom, a Minnesota municipal corporation ("CITY) and Expert T Billing, Inc., a Minnesota corporation ("CONTRACTOR") shall specify the billing services the CONTRACTOR will provide the CITY.

1. CONTRACTOR SERVICES AND OBLIGATIONS

1.1 The CONTRACTOR agrees to provide and furnish ambulance billing service for the accounts receivable of the CITY as follows:

- 1.1.1 Preparation of initial and monthly statements for all accounts and mailing to responsible parties.
- 1.1.2 Processing insurance on accounts that are subject to Medicare, Minnesota Care and Medicaid coverage.
- 1.1.3 Processing and assisting individuals with accounts and with third party insurance payments (private insurance) in order to coordinate payment to the CITY.
- 1.1.4 Issue billing statements on each account.
- 1.1.5 Issue delinquent account letters on all accounts that have not had any payment activity for 120 days.
- 1.1.6 Perform telephone follow up calls on accounts to patients, medical providers, insurance carriers, or other facilitators to insure that reasonable collection efforts have been attempted. This would include the use of internet resources when applicable.
- 1.1.7 Per CITY authorization or directive, refer to a designated collection agency all delinquent accounts which have failed to have any payment activity after the delinquent account letter was mailed and telephone calls made.
- 1.1.8 All accounts authorized for collection agency handling and as permitted under MN State Statute 270 A, shall be submitted to the Minnesota Department of Revenue and certified for collection per the Minnesota Revenue Recapture Act.
- 1.1.9 Furnish to the CITY a monthly accounting of all charges and revenue statements handled during the month as well as other billing system reports.

- 1.1.10 Respond to inquiries from individuals that have received ambulance service that are related to their accounts and balances due.
- 1.1.11 Forward complaints and all written comments regarding the CITY to the CITY'S designee.
- 1.1.12 Retain possession of a back-up billing software program at a secure off sight location.
- 1.1.13 Create and maintain on a daily basis a computer back-up of accounts receivable records.
- 1.1.14 Upon termination of this agreement, return to the CITY all accounts receivable records and billing information as provided by the CITY over the course of the billing agreement(s).
- 1.1.15 Train and, where required, license CONTRACTOR personnel to provide services hereunder and to provide such services in accordance with all applicable laws, ordinances, regulations and rules of federal, state and local authority. CONTRACTOR will obtain all necessary certificates, permits and licenses at CONTRACTOR'S sole expense and, upon request, provide the CITY with evidence thereof.
- 1.1.16 Maintain a general liability insurance policy with a contract liability rider of \$2,000,000 annual aggregate and \$1,000,000 per occurrence. The CITY shall be named as an additional insured on the policy and provided documentation to verify the CITY is listed as an additional insured.

2. CITY OBLIGATIONS

- 2.1 The CITY agrees to provide and furnish the CONTRACTOR the following:
 - 2.1.1 Information required by the CONTRACTOR to properly bill the accounts. Information to be in the form of legible EMS Patient Care Reports (PCRs) or typewritten information taken from the EMS - PCR. Legible information shall be required from electronic as well as paper information.
 - 2.1.2 THE CITY shall provide the CONTRACTOR with hospital admission face sheets and other information, if readily available and legally obtainable, for individuals receiving ambulance service when necessary for billing purposes.
 - 2.1.3 The CITY shall provide the CONTRACTOR with information that is necessary regarding collection for accounts that remain delinquent after the CONTRACTOR has provided billing services.

3. PAYMENT FOR SERVICES

3.1 The CITY agrees to pay for services performed by the CONTRACTOR as follows:

3.1.1 The charge of \$ 24.75 per each billable account. "Billable Account" is herein defined as each billable run\call, transport or Personal Care Record (PCR) as determined and submitted to Expert-T by the Windom Ambulance Service.

3.2 The CONTRACTOR shall invoice the CITY on a monthly basis for services rendered and payment of each invoice shall be due within 30 days of the date of the postmark or email time\date stamp for said invoice.

4. TERM, DEFAULT, AND TERMINATION

4.1 This agreement shall be effective January 1, 2012 and shall extend through and including December 31, 2013, unless terminated prior to that date pursuant to this Article Four.

4.2 If any one or more of the following occurs: (1) a payment due from CITY to CONTRACTOR shall be and remain unpaid in whole or in part for more than thirty (30) days after same is due and payable; (2) CITY shall violate or default on any of the other covenant agreements, stipulations or conditions herein and such violation or default shall continue for a period of ten (10) days after written notice from CONTRACTOR of such violation or default; then it shall be optional for CONTRACTOR, without further demand or notice, to declare this agreement forfeited and the said Term ended and CONTRACTOR shall not be liable for damages by reason of such termination; but notwithstanding termination by CONTRACTOR, the liability of CITY for the payments provided herein shall not be relinquished or extinguished for the services provided prior to termination. CITY shall be responsible for, in addition to the payments agreed to be paid hereunder, reasonable attorneys' fees and costs incurred by CONTRACTOR to enforce the provisions of this Agreement or to collect the payments due CONTRACTOR hereunder.

4.3 Each right or remedy of CONTRACTOR provided for in this agreement shall be cumulative and shall be in addition to every other right or remedy provided for in this agreement now or hereafter existing at law or in equity or by statute or otherwise.

4.4 CONTRACTOR shall not be deemed to be in default under this agreement until CITY has given CONTRACTOR written notice specifying the nature of the default and CONTRACTOR does not cure such default within (30) days after receipt of such notice or within such reasonable time thereafter as may be necessary to cure such default where such default is of such a character as to reasonably require more than thirty (30) days to cure.

- 4.5 No waiver of any default of CITY hereunder shall be implied from any omission to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect any default other than the default specified in the express waiver and that only for the time and to the extent therein stated. One or more waivers by CONTRACTOR shall not be construed as a waiver of a subsequent breach of the same covenant, term or conditions.
- 4.6 CITY may terminate agreement if CONTRACTOR does not cure any default within the time period defined in 4.4.

5. INDEMNIFICATION

- 5.1 Each party agrees that it shall protect, indemnify and hold harmless from and against all liabilities, actions, damages, claims, demands, judgment, losses, costs, expenses, suits or actions and reasonable attorneys' fees, and shall defend the other in any suit, including appeals, for loss or damage to property caused by the negligent acts or omissions of the indemnifying party, its agents or employees, in connection with or as a result of this agreement, the performance of either party's obligations hereunder or the performance of services governed by this agreement. Neither party shall be required to reimburse, defend or indemnify the other party for loss or claim due to the negligence of such other party. In case of joint or concurrent negligence of the parties giving rise to a loss or claim against either one or both, each shall have full rights of contribution against the other.
- 5.2 Each party shall promptly notify the other party of the assertion of any claim against which the party is indemnified by the other party.

6. GENERAL PROVISIONS

- 6.1 Nothing in this agreement is intended or shall be construed to create an employer - employee relationship, a partnership, a joint venture, or a lessor-lessee relationship between the parties. Expert -T is an independent contractor.
- 6.2 Each party understands and agrees that it is responsible for payment of the wages, salaries and benefits of its own employees and that the other party shall not pay or withhold any sums for income tax, unemployment insurance, workers compensation premiums, social security or any other withholding required by law or any other agreement.
- 6.3 This agreement shall be interpreted, construed and governed by the laws of the State of Minnesota.
- 6.4 This agreement may be amended or modified only in writing and signed by both parties.
- 6.5 This agreement constitutes the entire agreement between the parties and shall bind and inure to the benefit of the CITY and the CONTRACTOR and their respective successors and assigns.
- 6.6 This agreement may be executed in multiple counterparts, each of which shall be

deemed an original, but all of which, taken together, shall constitute only one agreement.

- 6.7 Any notice required or permitted under this Agreement shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

If to CONTRACTOR:

Expert T. Billing, Inc.,

Attn: Tamme Kuehn

311 Oak Street

Farmington, Minnesota 55024

If to CITY:

City of Windom

Attn: Ambulance Director

444 9th Street, P.O. Box 38

Windom, MN 56101

CONTRACTOR and CITY shall each have the right from time to time to change the place notice is to be given under this paragraph by written notice thereof to the other party.

- 6.8 If any term or provision of this agreement shall to any extent be held invalid or unenforceable, the remainder shall not be affected thereby, and each other term and provision of this agreement shall be valid and be enforced to the fullest extent permitted by law. No receipts or acceptance by CONTRACTOR from CITY of less than the monthly payments herein stipulated shall be deemed to be other than a partial payment on account for any due and unpaid amounts; no endorsement or statement of any check or any letter or other writing accompanying any check or payment of rent to CONTRACTOR shall be deemed an accord and satisfaction, and CONTRACTOR may accept and negotiate such check or payment without prejudice to CONTRACTOR's rights to (i) recover the remaining balance of such unpaid amounts or (ii) pursue any other remedy provided in this agreement. Time is of the essence with respect to the due performance of the terms, covenants and conditions herein contained.

6.9 **HIPAA BUSINESS ASSOCIATE ADDENDUM**

The attached HIPAA Business Associate Addendum is incorporated herein in order to satisfy the requirements of the final and/or amended regulations in

compliance with the privacy regulations pursuant to Public Law 104-191 of August 21, 1996, known as the Health Insurance Portability and Accountability Act of 1996.

IN WITNESS WHEREOF, each of the parties hereto has caused this agreement to be executed on its behalf by its duly authorized officer or other representatives on this 19th day of October, 2011.

CITY OF WINDOM

EXPERT T BILLING, INC.

By: _____
Kirby Kruse
Its: Mayor

By: _____
Tamme Kuehn
Its: President

By: _____
Steve Nasby
Its: City Administrator



October 13, 2011

Memo: Seasonal Ice Rates

To: Windom City Council

From: Al Baloun
Recreation Director

Justin Espenson, WYHA and I have met and come to an agreement on a recommendation for a seasonal ice fee for the Windom Youth Hockey Association of \$42,500 from mid Oct 2011- March 3, 2012 or end of MAHA hockey season for unlimited hours. The following conditions will apply to the scheduling of ice hours:

- Can't sell to outside organizations.
- Must schedule two weeks ahead of time or by approval of Al Baloun, Recreation Director.
- Open skating, Open figure, and Open hockey will be scheduled by the City Of Windom.
- Can not bump scheduled ice time for figure skating lessons and outside organization rentals that have been scheduled.
- Sectional hockey game ice fees for boys and girls high school hockey are not included. Additional fees will apply.
- The Windom Youth Hockey Association is responsible for securing the building and any damage's to building.

The following recommendation was passed at the Monday, October 10, 2011 Parks and Recreation Commission meeting:

Motion by Blanshan, seconded by Clark to recommend the Windom Youth Hockey Association pay a rate of \$42,500 for the 2011-12 Ice Season (October 2011- March 3, 2012 or end of MAHA Season) for unlimited ice usage with the conditions listed above applying when scheduling ice time. Motion Carried Unanimous.



RESOLUTION #2011-

INTRODUCED:

SECONDED:

VOTED: Aye:

Nay:

Absent:

CITY OF WINDOM

**RESOLUTION ESTABLISHING
RATES, CHARGES AND FEES FOR
PARK AND RECREATION FACILITIES**

WHEREAS, the City Council has the authority to establish rates and fees for municipal services, admissions and rentals; and

WHEREAS, the City Council periodically establishes rates and fees for municipal special revenue funds; and

WHEREAS, the Windom Park & Recreation Commission recommends to the Windom City Council to change the fee charged to the Windom Youth Hockey Association and allow them conditional use of the ice during any non-scheduled time slot; and

WHEREAS, it is in the best interests of the City of Windom and its citizens to operate the city special revenue funds in a cost-effective manner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Windom, Minnesota, that fees be amended as follows:

2011-2012 Annual Ice Rate for Windom Youth Hockey Association	\$42,500.00
---------------------------------------------------------------	-------------

Adopted this 18th day of October, 2011.

Kirby G. Kruse, Mayor

ATTEST:

Steven Nasby, City Administrator



MEMO

To: Windom City Council Members

From: Dan Olsen Telecommunication General Manager

Date: October 14, 2011

Subject: Video Franchise Transfer Application Ordinance

Due to last minute changes of the ordinance to transfer the Southwest MN Broadband Services (SMBS) video franchises to the City of Windom (COW) . I was not able to include a copy in the council package. I will have the ordinance re-drafted and a copy available at Tuesday evening meeting.

This process entails transferring the existing Southwest MN Broadband services Franchise to the City Of Windom to enable the use of the City of Windom Cable TV headend. This is a recommendation from the Telecommunications Commission that the council proceed with the transfer.

I will be able to answer questions and explain in greater detail at Tuesday's meeting.



RESOLUTION #2011-

INTRODUCED:

SECONDED:

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

ADOPTION OF THE COTTONWOOD COUNTY ALL-HAZARD MITIGATION PLAN

WHEREAS, the City of Windom has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000; and

WHEREAS, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and

WHEREAS, the Act, as part of the planning process, requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the Cottonwood County Plan includes a risk assessment documenting past hazards, hazards that threaten the County, an estimate of structures at risk, a general description of land uses and development trends; and

WHEREAS, the Cottonwood County Plan integrates a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the Cottonwood County Plan establishes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Cottonwood County will maintain public participation and coordination; and

WHEREAS, the Plan has been submitted to the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, this is a multi-jurisdictional plan and cities that participated in the planning process may choose to adopt the County Plan; and

WHEREAS, through adoption of the Cottonwood County All-Hazard Mitigation Plan, the county and participating jurisdictions will be eligible to receive FEMA hazard mitigation assistance grants.

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

1. The City of Windom supports the hazard mitigation planning effort and adopts the Cottonwood County All-Hazard Mitigation Plan.

Adopted by the City Council this 18th day of October, 2011.

Kirby G. Kruse, Mayor

Attest: _____
Steven Nasby, City Administrator

Cottonwood County All-Hazard Mitigation Plan

August 2011

Executive Summary

This hazard mitigation plan documents the multi-jurisdictional, multi-hazard mitigation planning update process in Cottonwood County, Minnesota, which is intended to meet the requirements of the federal Disaster Mitigation Act of 2000.

The Cottonwood County All-Hazard Mitigation Plan is intended to protect public health, safety and welfare by coordinating mitigation of natural and man-made hazards, and to meet FEMA requirements.

This project was undertaken so that all local units of government in Cottonwood County that wished to participate could become eligible to adopt the plan. All incorporated municipalities participated in the County's hazard mitigation planning process: Bingham Lake, Comfrey, Jeffers, Mountain Lake, Storden, Westbrook and Windom, Minnesota. The City of Comfrey—most of which is located in Brown County and is covered by the *Brown County All Hazard Mitigation Plan*—also chose to participate in this planning process as well.

Cottonwood County and the cities of Comfrey and Windom participate in the National Flood Insurance Program (NFIP). No other cities have identified Flood Hazard Areas.

The Cottonwood County All-Hazard Mitigation Planning Team identified the following natural and man-made hazards as High Rank Hazards for Cottonwood County:

- Tornado / Straight-line Winds
- Hazardous Materials

The Planning Team considered improving weather warning systems and modernizing FEMA floodplain maps to be the top priority mitigation actions. The plan identifies specific actions for each participating jurisdiction to address identified hazards.

This plan is formatted to follow FEMA guidance. Chapter One introduces the concept of multi-hazard mitigation planning, in one section. Section I describes all-hazard mitigation programs in Minnesota and provides a profile of Cottonwood County.

Chapter Two covers prerequisites for eligibility to adopt this multi-hazard mitigation plan in multiple jurisdictions, in two sections. Section II describes the plan adoption process. Section III describes multi-jurisdictional participation in the planning process.

Chapter Three documents the process used in developing this plan. Section IV describes the planning process, the All Hazard Mitigation Planning Team, public involvement, and existing plans, studies, reports and technical information used in the planning process.

Chapter Four is the risk assessment of hazards facing the county, in multiple sections. Section V describes identified natural and technological hazards. Section VI provides a profile of identified hazards. Section VII provides an overview of vulnerability to identified hazards. Section VIII addresses Repetitive Loss Properties. Section IX addresses risks to structures. Section X addresses estimates of potential losses. Section XI provides an analysis of development trends. Section XII addresses multi-jurisdictional risk analysis for participating jurisdictions.

Chapter Five documents goals, objectives and mitigation strategies that the All-Hazard Mitigation Planning Team developed through the all-hazard mitigation planning process. Section XIII describes mitigation goals and objectives. Section XIV describes the comprehensive range of specific mitigation actions identified. Section XV addresses NFIP compliance. Section XVI describes implementation of mitigation actions. Section XVII addresses the multi-jurisdictional nature of mitigation actions.

Chapter Six documents procedures for long-term plan maintenance. Section XVIII describes monitoring, evaluating and updating the plan. Section XIX addresses incorporation of this plan into existing planning mechanisms. Section XX addresses the need for continued public involvement.

This planning process has been conducted by the Southwest Regional Development Commission (SRDC) and Cottonwood County Emergency Management in accordance with current guidance provided by US Federal Emergency Management Agency (FEMA) and Minnesota Homeland Security and Emergency Management (HSEM).

This project was supported by Grant Award Number EMC-2007-PC-0004 awarded by the Federal Emergency Management Agency (FEMA). Points of View or opinions in this document are those of the author and do not represent endorsement by FEMA or reflect FEMA's views.

Cottonwood County All Hazard Mitigation Plan

August 2011

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For more information on local hazard mitigation, contact:

Cottonwood County Emergency Management,
902 – 5th Ave, Suite 101
Windom, MN 56101
<http://www.co.cottonwood.mn.us/emergencymanagement.html>
507.832.8255

Southwest Regional Development Commission,
2401 Broadway Ave, Ste 1
Slayton, MN 56172
<http://www.swrdc.org/>
507.836.8547

RESOLUTION #2011-

INTRODUCED:

SECONDED:

VOTED: Aye:
 Nay:
 Absent:

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR THE MUNICIPAL AIRPORT

WHEREAS, the City of Windom has received from the State of Minnesota Department of Transportation, Office of Aeronautics, a Grant Agreement No. 99846, "Grant Agreement for Airport Improvement, " for State Project No A1701-33 for hangar doors and fuel system repair; and

WHEREAS, the City of Windom will receive from the State of Minnesota Department of Transportation, Office of Aeronautics, 50% of the allowable costs incurred for the project not to exceed \$14,320.54; and

WHEREAS, the Grant Offer is contingent upon all applicable State requirements being met; and

WHEREAS, funds have been budgeted for the City's portion of the 50% match of the project costs.

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

1. That the City Council approves the grant offer from the State of Minnesota Department of Transportation and agrees to the terms and conditions required to accept the grant.
2. That the Mayor and City Administrator are authorized to execute the grant agreement and any amendments or required documents on behalf of the City of Windom.

Adopted by the Council this 18th day of October, 2011.

Kirby G. Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

CERTIFICATION

STATE OF MINNESOTA }
COUNTY OF COTTONWOOD}

I certify that the above Resolution is a true and correct copy of the Resolution adopted by the Windom City Council at an authorized meeting held on the 18th day of October, 2011, as shown by the records in my possession.

Steve Nasby, City Administrator

Notary Public
My Commission Expires: _____

GRANT AGREEMENT FOR AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION

This Agreement is by and between the State of Minnesota acting through its Commissioner of Transportation ("State"), and the **City of Windom** ("Recipient").

WHEREAS, the Recipient desires the financial assistance of the State for an airport improvement project ("Project") as described in Article 2 below; and

WHEREAS, the State is authorized by Minnesota Statutes Sections 360.015 (subdivisions 13 & 14) and 360.305 to provide financial assistance to eligible airport sponsors for the acquisition, construction, improvement, or maintenance of airports and other air navigation facilities; and

WHEREAS, the Recipient has provided the State with the plans, specifications, and a detailed description of the airport improvement Project.

NOW, THEREFORE, it is agreed as follows:

1. This Agreement is effective upon execution by the Recipient and the State, and will remain in effect until **June 30, 2014**.
2. The following table provides a description of the Project and shows a cost participation breakdown for each item of work:

<u>Item Description</u>	<u>Federal Share</u>	<u>State Share</u>	<u>Local Share</u>
Hangar Door, Fuel System Repair	0%	50%	50%

3. The Project costs will not exceed **\$28,621.08**. The proportionate shares of the Project costs are: Federal: **\$0.00**,
4. State: **\$14,320.54**, and Recipient: **\$14,320.54**. Federal funds for the Project will be received and disbursed by the State. In the event federal reimbursement becomes available or is increased for this Project, the State will be entitled to recover from such federal funds an amount not to exceed the state funds advanced for this Project. No funds are committed under this Agreement until they are encumbered by the State. No more than 95% of the amount due under this Agreement will be paid by the State until the State determines that the Recipient has complied with all terms of this Agreement, and furnished all necessary records.
5. The Recipient will designate a registered engineer (the "Project Engineer") to oversee the Project work. If, with the State's approval, the Recipient elects not to have such services performed by a registered engineer, then the Recipient will designate another responsible person to oversee such work, and any references herein to the "Project Engineer" will apply to such responsible person.
6. The Recipient will complete the Project in accordance with the plans, specifications, and detailed description of the Project, which are on file with the State's Office of Aeronautics and are incorporated into this Agreement by reference. Any changes in the plans or specifications of the Project after the date of this Agreement will be valid only if made by written change order signed by the Recipient, the Project Engineer, and the contractor. Change orders must be submitted to the State. Subject to the availability of funds the State may prepare an amendment to this Agreement to reimburse the Recipient for the allowable costs of qualifying change orders.
7. The Recipient will make payments to its contractor on a work-progress basis. The Recipient will submit requests for reimbursement of certified costs to the State on state-approved forms. The State will reimburse the Recipient for the state and federal shares of the approved Project costs.
 - a. At regular intervals, the Recipient or the Project Engineer will prepare a partial estimate in accordance with the terms of the contract, special provisions, and standard specifications for the Project(s). Partial estimates must be completed no later than one month after the work covered by the estimate is completed. The Project Engineer and the contractor must certify that each partial estimate is true and correct, and that the costs have not been included on a previous estimate.

- b. Following certification of the partial estimate, the Recipient will make partial payments to the contractor in accordance with the terms of the contract, special provisions, and standard specifications for the Project(s).
 - c. Following certification of the partial estimate, the Recipient may request reimbursement from the State for costs eligible for federal and state participation. A copy of the partial estimate must be included with the Recipient's request for payment. Reimbursement requests and partial estimates should not be submitted if they cover a period in which there was no progress on the Project.
 - d. Upon completion of the Project(s), the Recipient will prepare a final estimate in accordance with the terms of the contract, special provisions, and standard specifications for the Project(s). The final estimate must be certified by the Recipient, Project Engineer and the contractor.
 - e. Following certification of the final estimate, the Recipient will make final payment to the contractor in accordance with the terms of the contract, special provisions, and standard specifications for the Project(s).
 - f. Following certification of the final estimate, the Recipient may request reimbursement from the State for costs eligible for federal and state participation. A request for final payment must be submitted to the State along with those project records required by the State.
8. For a Project which involves the purchase of equipment, the Recipient will be reimbursed by the State in one lump sum after the Recipient: (1) has acquired both possession and unencumbered title to the equipment; and (2) has presented proof of payment to the State, and (3) a certificate that the equipment is not defective and is in good working order. The Recipient will keep such equipment, properly stored, in good repair, and will not use the equipment for any purpose other than airport operations.
 9. If the Project involves force-account work or project donations, the Recipient must obtain the written approval of the State and Federal Aviation Administration (FAA). Force-account work performed or project donations received without written approval by the State will not be reimbursed under this Agreement. Force-account work must be done in accordance with the schedule of prices and terms established by the Recipient and approved by the State.
 10. Pursuant to Minnesota Statutes Section 360.305, subdivision 4 (g) (1), the Recipient will operate its airport as a licensed, municipally-owned public airport at all times of the year for a period of 20 years from the date the Recipient receives final reimbursement under this Agreement. The Airport must be maintained in a safe, serviceable manner for public aeronautical purposes only. The Recipient will not transfer, convey, encumber, assign, or abandon its interest in the airport or in any real or personal property, which is purchased or improved with State aid funds without prior written approval from the State. If the State approves such transfer or change in use, the Recipient must comply with such conditions and restrictions as the State may place on such approval. The obligations imposed by this clause survive the expiration or termination of this Agreement.
 11. This Agreement may be terminated by the Recipient or State at any time, with or without cause, upon ninety (90) days written notice to the other party. Such termination will not remove any unfulfilled financial obligations of the Recipient as set forth in this Agreement. In the event of such a termination, the Recipient will be entitled to reimbursement for eligible expenses incurred for work satisfactorily performed on the Project up to the date of termination. The State may immediately terminate this Agreement if it does not receive sufficient funding from the Minnesota Legislature or other funding source, or such funding is not provided at a level sufficient to allow for the continuation of the work covered by this Agreement. In the event of such termination, the Recipient will be reimbursed for work satisfactorily performed up to the effective date of such termination to the extent that funds are available. In the event of any complete or partial state government shutdown due to a failure to have a budget approved at the required time, the State may suspend this Agreement, upon notice to the Recipient, until such government shutdown ends, and the Recipient assumes the risk of non-payment for work performed during such shutdown.
 12. Pursuant to Minnesota Rules 8800.2500, the Recipient certifies that (1) it presently has available sufficient unencumbered funds to pay its share of the Project; (2) the Project will be completed without undue delay; and (3) the Recipient has the legal authority to engage in the Project as proposed.
 13. Pursuant to Minnesota Statutes Section 16C.05, subdivision 5, the Recipient will maintain such records and provide such information, at the request of the State, so as to permit the Department of Transportation, the Legislative Auditor, or the State Auditor to examine those books, records, and accounting procedures and practices of the Recipient relevant to this Agreement for a minimum of six years after the expiration of this Agreement.

RESOLUTION #2011-

INTRODUCED:

SECONDED:

VOTED: Aye:
 Nay:
 Absent:

**RESOLUTION AUTHORIZING EXECUTION OF
MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT
FOR AIRPORT MAINTENANCE AND OPERATION**

WHEREAS, the City of Windom has received notification of the awarding of a grant by the Minnesota Department of Transportation for the purpose of airport maintenance and operation; and

WHEREAS, it is necessary that the City of Windom accept this grant and execute an Agreement with the Minnesota Department of Transportation concerning the terms of the grant.

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

1. That the City of Windom hereby accepts the State of Minnesota Grant Agreement No. 99318 entitled "Grant Agreement for Airport Maintenance and Operation" for the Windom Municipal Airport.
2. The Mayor and City Administrator are hereby authorized to execute this agreement and any amendments on behalf of the City of Windom.

Adopted by the Council this 18th day of October, 2011.

Kirby G. Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

CERTIFICATION

STATE OF MINNESOTA :
COUNTY OF COTTONWOOD:

I certify that the foregoing Resolution#2011- ___ is a true and correct copy of the Resolution adopted by the Windom City Council at an authorized meeting held on the 18th day of October, 2011, as shown by the minutes of the meeting in my possession.

Steve Nasby, City Administrator

Notary Public

My Commission Expires: _____

GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

This Agreement is by and between the state of Minnesota acting through its Commissioner of Transportation ("State"), and the City of Windom ("Recipient").

WHEREAS, the Recipient desires the financial assistance of the State for maintenance and operation of the Windom Municipal Airport ("Airport"); and

WHEREAS, the State is authorized by Minnesota Statutes Sections 360.015 and 360.305 to provide financial assistance to the Recipient for its airport.

NOW, THEREFORE, it is agreed as follows:

1. This Agreement is effective upon execution by the Recipient and the State, and will remain in effect for the State's fiscal years 2012 and 2013.
2. If paint striping of the Airport is a part of this Agreement, the State will contract for the periodic paint striping of the airport runways and taxiways. The Recipient agrees to a deduct of \$298.00 as its assigned share of airport paint striping. The Recipient agrees to cooperate with the marking operation.
3. The Recipient will keep the runway and the area around the lights mowed. The grass will be mowed at least 7 feet beyond the lights, and at no time will the grass exceed 6 inches in height on the landing area.
4. If the Airport is to remain operational during the winter months, the Recipient will keep at least one runway, associated taxiway, and apron area cleared of snow and ice to the same priority as arterial roads. Snow banks will be limited in height so that aircraft wings, engines, and propellers will clear them, and landing strip markers and/or lights will remain visible.
5. The Airport must pass periodic inspections performed by a representative of the Office of Aeronautics for compliance with the rules of the Department of Transportation and for compliance with this Agreement. If the Airport is not so maintained, then no reimbursement will be made hereunder.
6. The State will reimburse the Recipient for 2/3 of the eligible maintenance and operation costs not reimbursed by any other source, not to exceed \$15,486.00 of State aid for each State fiscal year. If applicable, this base amount already includes the deduct for paint striping.
7. The Recipient may submit a breakdown of its incurred costs to the Director of the Office of Aeronautics, quarterly, on forms supplied by the Office of Aeronautics if said incurred costs total at least \$5,000.00 for the quarter. Costs are to be submitted as follows:
 - a. In October for the period July 1 through September 30.
 - b. In January for the period October 1 through December 31.
 - c. In April for the period January 1 through March 31.
 - d. In July for the period April 1 through June 30.

Final costs must be submitted to the Director of the Office of Aeronautics on or before August 1 for each State fiscal year ending June 30. No requests received after August 1 for the preceding State fiscal year will be honored by the State. The State reserves the right to reject items that may not be eligible for reimbursement, and reimbursement may be denied entirely if the Airport is not properly maintained in accordance with this Agreement.

8. The Recipient has established a zoning authority for the Airport, and such authority has completed, or is in the process of and will complete, with due diligence, an airport zoning ordinance in accordance with Minnesota Statutes Sections 360.061 to 360.074.
9. The State may immediately terminate or suspend this Agreement if the funds necessary to pay the State's share are not received from the Minnesota Legislature or other funding source. The State will provide notice of such lack of funding as soon as possible. Upon such termination or suspension, the State will pay the Recipient a pro-rata share for work performed prior to such notice, to the extent that funds are available.
10. Under Minnesota Statutes § 16C.05, subd. 5, the Recipient's books, records, documents, and accounting procedures and practices relevant to this Grant Contract are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Contract.
11. The Recipient and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes § Chapter 13, as it applies to all data provided by the State under this Grant Contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Recipient under this Grant Contract. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the Recipient or the State.

State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15.

By: *J. L. Blum*

Date: 10-9-11

Purchase Order (PO) ID No: 3 21765

MnDOT Contract Management
as to form & execution

By: _____

Date: _____

Recipient

Recipient certifies that the appropriate person(s) have executed the Agreement on behalf of the Recipient as required by applicable resolutions, charter provisions or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

Commissioner, Minnesota Department of Transportation

By: _____

Director, Office of Aeronautics

Date: _____

ORDINANCE NO. 136, 2ND SERIES

**AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA
AMENDING CITY CODE CHAPTER 5,
ENTITLED "ALCOHOLIC BEVERAGES LICENSING AND
REGULATION"**

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

SECTION 5.01 "DEFINITIONS" IS HEREBY AMENDED AS FOLLOWS:

A. Definition No. 4 is amended to read:

4. "3.2 Malt Liquor – Beer" – Malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight. (This definition includes so-called "malt coolers" with the alcoholic content limits stated herein.)

B. A new definition is added and shall be number "9" and existing Definitions No. 9 through No. 22 shall be renumbered as No. 10 through No. 23.

9. "Intoxicating Liquor" – "Intoxicating liquor" is ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

SECTION 5.60 "ON-SALE WINE LICENSE REQUIRED" IS HEREBY AMENDED TO READ:

Subd. 1. It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of wine on-sale, as part of a commercial transaction, without a license therefor from the City. This Section shall not apply (1) to sales by manufacturers to wholesalers duly licensed as such by the Commissioner, (2) to sales by wholesalers to persons holding on-sale or off-sale liquor licenses from the City, (3) to sales by wholesalers to persons holding on-sale wine licenses from the City, or (4) to sales by on-sale liquor licensees on days and during hours when on-sale liquor sales are permitted.

Subd. 2. A holder of an on-sale wine license issued pursuant to Subd. 1. who is also licensed to sell 3.2 percent malt liquors at on-sale, and whose verified gross receipts are at least 60 percent attributable to the sale of food, is authorized to sell intoxicating malt liquors at on-sale without an additional license.

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

Adopted by the City Council of the City of Windom, Minnesota, this 1st day of November, 2011.

Kirby G. Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

1st Reading: October 18, 2011
2nd Reading: November 1, 2011
Adoption: November 1, 2011
Published: November 9, 2011

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
CITY OFFICE	COTTONWOOD COUNTY AS ASSESSING		30,266.22
	Total for Department 103		30,266.22*
CITY HALL	SANDRA HERDER	CLEANING	353.35
CITY HALL	MELISSA PENAS	CLEANING	353.35
	Total for Department 115		706.70*
POLICE	KEVIN L. PATTERSON	EXPENSE	8.25
POLICE	SCOTT PETERSON	EXPENSE	31.26
POLICE	FLEET SERVICES DIVIS	LEASE CAR	2,217.74
POLICE	VOYAGER FLEET SERVIC	GAS	582.04
	Total for Department 120		2,839.29*
STREET	VOYAGER FLEET SERVIC	GAS	87.34
	Total for Department 140		87.34*
RECREATION	TRAVIS JANSSEN	UMPIRE	25.00
	Total for Department 150		25.00*
	Total for Fund 01		33,924.55*
LIBRARY	SANDRA HERDER	CLEANING	362.90
LIBRARY	MELISSA PENAS	CLEANING	362.90
LIBRARY	USA TODAY	SUBSCRIPTION	208.00
	Total for Department 171		933.80*
	Total for Fund 03		933.80*
	TRANSCEND UNITED TEC	TELEPHONE SERVICE	2,800.00
	Total for Department		2,800.00*
	Total for Fund 04		2,800.00*
AIRPORT	SO. CENTRAL ELECTRIC	POWER COST	286.65
	Total for Department 174		286.65*
	Total for Fund 11		286.65*
AMBULANCE	KATE AXFORD	EXPENSE	25.66
AMBULANCE	JIM AXFORD	EXPENSE	109.12
AMBULANCE	TIM HACKER	EXPENSE	43.07
AMBULANCE	ALLAN REMPEL	EXPENSE	46.72
	Total for Department 176		224.57*
	Total for Fund 13		224.57*
MULTI-PURPOSE BUILDI	VOYAGER FLEET SERVIC	GAS	110.96
	Total for Department 177		110.96*
	Total for Fund 14		110.96*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
SCDP	SW MN HOUSING PARTNE	DRAW REQUEST	13,500.00
		Total for Department 163	13,500.00*
		Total for Fund 17	13,500.00*
N IND PARK	SO. CENTRAL ELECTRIC	POWER COST	32.59
		Total for Department 147	32.59*
		Total for Fund 18	32.59*
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	583.10
		Total for Department 180	583.10*
		Total for Fund 60	583.10*
	TRANSCEND UNITED TEC	TELEPHONE SERVICE	1,680.00
		Total for Department	1,680.00*
WATER	GOPHER STATE ONE CAL	LOCATE	15.58
WATER	VOYAGER FLEET SERVIC	GAS	371.23
		Total for Department 181	386.81*
		Total for Fund 61	2,066.81*
	TRANSCEND UNITED TEC	TELEPHONE SERVICE	2,100.00
	SEAN PALODICHUK	UTILITY PRE PAYMENT	300.00
		Total for Department	2,400.00*
ELECTRIC	MICHAEL BREGEL	REIMB STEEL TOE BOOT	50.00
ELECTRIC	GOPHER STATE ONE CAL	LOCATE	15.58
ELECTRIC	VOYAGER FLEET SERVIC	GAS	201.06
		Total for Department 182	266.64*
		Total for Fund 62	2,666.64*
	COTTONWOOD CTY RECOR	RECORDING FEE	46.00
	COTTONWOOD CO TREASU	DEED TAX	49.50
	TRANSCEND UNITED TEC	TELEPHONE SERVICE	1,680.00
		Total for Department	1,775.50*
SEWER	GOPHER STATE ONE CAL	LOCATE	15.58
SEWER	VOYAGER FLEET SERVIC	GAS	104.45
		Total for Department 183	120.03*
		Total for Fund 63	1,895.53*
ARENA	VOYAGER FLEET SERVIC	GAS	186.00
		Total for Department 184	186.00*
		Total for Fund 64	186.00*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	MN 9-1-1 PROGRAM	911 SERVICE	1,014.13
	TRANSCEND UNITED TEC	TELEPHONE SERVICE	2,327.50
	Total for Department		3,341.63*
TELECOMMUNICATIONS	GOPHER STATE ONE CAL	LOCATE	15.61
TELECOMMUNICATIONS	SDN COMMUNICATIONS	SERVICE	2,839.77
TELECOMMUNICATIONS	VOYAGER FLEET SERVIC	GAS	237.86
TELECOMMUNICATIONS	VOYAGER FLEET SERVIC	MERCHANDISE	118.93
TELECOMMUNICATIONS	BANK MIDWEST	NSF CHECK	758.17
	Total for Department 199		3,970.34*
	Total for Fund 69		7,311.97*
	Grand Total		66,523.17*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	CONVENT. & VISTOR BU	LODGING TAX	3,109.39
		Total for Department 101	3,109.39*
CITY OFFICE	ELECTRIC FUND	UTILITY BILLING	181.37
CITY OFFICE	MII LIFE	VEBA	198.40
CITY OFFICE	QUILL CORP	SUPPLIES	87.02
		Total for Department 103	466.79*
P & Z / BUILDING OFF	COTTONWOOD CTY	RECOR SERVICE	46.00
P & Z / BUILDING OFF	ELECTRIC FUND	UTILITY BILLING	61.32
P & Z / BUILDING OFF	MII LIFE	VEBA	148.80
P & Z / BUILDING OFF	VET'S WHOA N'GO	GAS	130.67
P & Z / BUILDING OFF	SOUTHWEST CHAPTER OF	REGISTRATION	65.00
		Total for Department 106	451.79*
CITY HALL	ELECTRIC FUND	MAINTENANCE	2.94
CITY HALL	ELECTRIC FUND	UTILITY BILLING	667.71
		Total for Department 115	670.65*
POLICE	ELECTRIC FUND	UTILITY BILLING	68.56
POLICE	MII LIFE	VEBA	1,498.16
POLICE	VET'S WHOA N'GO	GAS	153.65
		Total for Department 120	1,720.37*
FIRE DEPARTMENT	ELECTRIC FUND	UTILITY BILLING	27.79
FIRE DEPARTMENT	JAY GRANDPREY	TRAINING	6.00
FIRE DEPARTMENT	SANFORD LABORATORIES	TESTING	36.96
FIRE DEPARTMENT	VET'S WHOA N'GO	GAS	274.13
FIRE DEPARTMENT	WHITE BEAR RESCUE TR	TRAINING	1,030.00
		Total for Department 125	1,374.88*
STREET	ELECTRIC FUND	MAINTENANCE	15.30
STREET	ELECTRIC FUND	UTILITY BILLING	2,866.36
STREET	ERICKSON OIL CO	GAS	1,424.77
STREET	MII LIFE	VEBA	841.92
		Total for Department 140	5,148.35*
PARKS	ELECTRIC FUND	UTILITY BILLING	4,618.76
PARKS	ERICKSON OIL CO	GAS	96.48
PARKS	MII LIFE	VEBA	99.20
		Total for Department 165	4,814.44*
		Total for Fund 01	17,756.66*
LIBRARY	ELECTRIC FUND	UTILITY BILLING	526.43
		Total for Department 171	526.43*
		Total for Fund 03	526.43*
	TRANSCEND UNITED TEC	TELEPHONE-CITY HALL	2,800.00
		Total for Department	2,800.00*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Fund 04	2,800.00*
AIRPORT	RED ROCK RURAL WATER	WATER	24.00
		Total for Department 174	24.00*
		Total for Fund 11	24.00*
POOL	ELECTRIC FUND	UTILITY BILLING	397.59
		Total for Department 175	397.59*
		Total for Fund 12	397.59*
AMBULANCE	ELECTRIC FUND	MAINTENANCE	44.44
AMBULANCE	ELECTRIC FUND	UTILITY BILLING	26.40
AMBULANCE	VET'S WHOA N'GO	GAS	1,779.61
		Total for Department 176	1,850.45*
		Total for Fund 13	1,850.45*
MULTI-PURPOSE BUILDI	MELVIN DUERKSEN	DAMAGE TO COMM CENTER	2,306.91
MULTI-PURPOSE BUILDI	ELECTRIC FUND	UTILITY BILLING	2,007.86
MULTI-PURPOSE BUILDI	MII LIFE	VEBA	284.88
MULTI-PURPOSE BUILDI	RIVER BEND LIQUOR	MERCHANDISE	582.49
		Total for Department 177	5,182.14*
		Total for Fund 14	5,182.14*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	4,170.05
LIQUOR	CITIZEN PUBLISHING C	SUBSCRIPTION	43.00
LIQUOR	ELECTRIC FUND	UTILITY BILLING	1,666.25
LIQUOR	WIRTZ BEVERAGE MN WI	MERCHANDISE	1,478.80
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	1,595.30
LIQUOR	A H HERMEL CANDY & T	MERCHANDISE	519.40
LIQUOR	JOHNSON BROS.	MERCHANDISE	3,199.51
LIQUOR	GENE LENNING	SUPPLIES	182.53
LIQUOR	MII LIFE	VEBA	371.36
LIQUOR	QUALITY WINE SPIRITS	MERCHANDISE	2,938.22
		Total for Department 180	16,164.42*
		Total for Fund 50	16,164.42*
	TRANSCEND UNITED TEC	TELEPHONE-CITY HALL	1,680.00
		Total for Department	1,680.00*
WATER	DATA-PAC MAILING SYS	RESET FEE	1.50
WATER	ELECTRIC FUND	UTILITY BILLING	5,760.46
WATER	ERICKSON OIL CO	GAS	82.70
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	71.88
WATER	SOURCE ONE SOLUTIONS	POSTAGE	4.64
WATER	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	143.16

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
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WATER	SOURCE ONE SOLUTIONS	UTILITY BILL SERVICE	688.77
WATER	MII LIFE	VEBA	560.22
WATER	RANDY DITTMAN	REFUND - STATEMENT CREDI	1.40
		Total for Department 181	7,314.73*
		Total for Fund 61	8,994.73*
	ELECTRIC FUND	REFUND-UT PREPAY-JASON V	300.00
	ELECTRIC FUND	REFUND-UT PREPAY-JESSE C	300.00
	ELECTRIC FUND	REFUND-UT PREPAY-LISA RE	125.00
	TRANSCEND UNITED TEC	TELEPHONE-CITY HALL	2,100.00
	DEBRA ARENDS	REFUND - UTILITY PREPAYM	125.00
	ANGEL RODRIGUEZ	REFUND - UTILITY PREPAYM	300.00
	GENE SUNDERMAN	REFUND - STATEMENT CREDI	1.84
	SANDRA SWANSON	REFUND - ELECTRIC RECONN	1.71
	RANDY DITTMAN	REFUND - STATEMENT CREDI	.28
	MYRON BOELTER	REFUND -ENERGY BALANCE-W	.59
	NATASHA COONRADT	REFUND -ENERGY BALANCE-W	7.42
	JESSICA GARRISON	REFUND-ENERGY BALANCE-WC	3.64
	DAN HENDERSON	REFUND-ENERGY BALANCE-WC	8.58
	EMILY JACOBSON	REFUND-ENERGY BALANCE-WC	1.73
	KELLEE PUDENZ	REFUND -ENERGY BALANCE-W	4.25
		Total for Department	3,280.04*
ELECTRIC	DATA-PAC MAILING SYS	RESET FEE	1.49
ELECTRIC	ELECTRIC FUND	UTILITY BILLING	275.28
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	71.88
ELECTRIC	SOURCE ONE SOLUTIONS	POSTAGE	4.64
ELECTRIC	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	143.18
ELECTRIC	SOURCE ONE SOLUTIONS	UTILITY BILL SERVICE	1,420.64
ELECTRIC	MII LIFE	VEBA	950.66
ELECTRIC	BRAD BUSSA	CLEANING	184.60
ELECTRIC	VET'S WHOA N'GO	GAS	53.58
ELECTRIC	DEPARTMENT OF ENERGY	POWER COST	111,914.78
ELECTRIC	GENE SUNDERMAN	REFUND - STATEMENT CREDI	3.22
ELECTRIC	SANDRA SWANSON	REFUND - ELECTRIC RECONN	25.00
ELECTRIC	RANDY DITTMAN	REFUND - STATEMENT CREDI	.38
ELECTRIC	MYRON BOELTER	REFUND -ENERGY BALANCE-W	8.67
ELECTRIC	NATASHA COONRADT	REFUND -ENERGY BALANCE-W	107.97
ELECTRIC	JESSICA GARRISON	REFUND-ENERGY BALANCE-WC	53.03
ELECTRIC	DAN HENDERSON	REFUND-ENERGY BALANCE-WC	124.86
ELECTRIC	EMILY JACOBSON	REFUND-ENERGY BALANCE-WC	25.27
ELECTRIC	KELLEE PUDENZ	REFUND -ENERGY BALANCE-W	61.87
		Total for Department 182	115,431.00*
		Total for Fund 62	118,711.04*
	TRANSCEND UNITED TEC	TELEPHONE-CITY HALL	1,680.00
		Total for Department	1,680.00*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
SEWER	DATA-PAC MAILING SYS	RESET FEE	1.49
SEWER	ELECTRIC FUND	UTILITY BILLING	14,832.93
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	71.88
SEWER	SOURCE ONE SOLUTIONS	POSTAGE	4.64
SEWER	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	143.16
SEWER	SOURCE ONE SOLUTIONS	UTILITY BILL SERVICE	688.77
SEWER	MII LIFE	VEBA	659.42
SEWER	VET'S WHOA N'GO	GAS	82.21
SEWER	GENE SUNDERMAN	REFUND - STATEMENT CREDI	23.66
SEWER	RANDY DITTMAN	REFUND - STATEMENT CREDI	2.33
	Total for Department 183		16,510.49*
	Total for Fund 63		18,190.49*
ARENA	AL BALOUN	SUPPLIES	89.09
ARENA	ELECTRIC FUND	MAINTENANCE	1,538.26
ARENA	ELECTRIC FUND	UTILITY BILLING	2,279.92
ARENA	MII LIFE	VEBA	371.36
ARENA	VET'S WHOA N'GO	GAS	306.90
ARENA	WASECA COMM EDDUCION	ENTRY FEE-HERSHEY TRACK	25.00
	Total for Department 184		4,610.53*
	Total for Fund 64		4,610.53*
ECONOMIC DEVELOPMENT	ELECTRIC FUND	UTILITY BILLING	80.56
ECONOMIC DEVELOPMENT	BUCKWHEAT JOHNSON	DRY BRASER BOARD	75.00
ECONOMIC DEVELOPMENT	MII LIFE	VEBA	235.28
ECONOMIC DEVELOPMENT	BARC	FINANCIAL SUPPORT	750.00
	Total for Department 187		1,140.84*
	Total for Fund 67		1,140.84*
	TRANSCEND UNITED TEC	TELEPHONE-CITY HALL	2,327.50
	GLEN GARMS	REFUND-STATEMENT CREDIT	2.23
	CAROL SAATHOFF	REFUND - STATEMENT CREDI	2.02
	SI JAMBO CAFE	REFUND - STATEMENT CREDI	.12
	Total for Department		2,331.87*
TELECOMMUNICATIONS	B B C AMERICA	SUBSCRIBER	19.86
TELECOMMUNICATIONS	BEIM CONSULTING	WEB SITE REDESIGN	1,460.00
TELECOMMUNICATIONS	BIG TEN NETWORK	SUBSCRIBER	1,550.26
TELECOMMUNICATIONS	BLUEHIGHWAYS	SUBSCRIBER	40.95
TELECOMMUNICATIONS	COMCAST MEDIA CENTER	SUBSCRIBER	16.50
TELECOMMUNICATIONS	DATA-PAC MAILING SYS	RESET FEE	4.47
TELECOMMUNICATIONS	DISCOVERY DIGITAL NE	SUBSCRIBER	35.92
TELECOMMUNICATIONS	ELECTRIC FUND	UTILITY BILLING	2,272.43
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	215.61
TELECOMMUNICATIONS	HUB TELEVISION NETWO	SUBSCRIBER	8.98
TELECOMMUNICATIONS	KARE	SUBSCRIBER	496.40
TELECOMMUNICATIONS	LIFETIME	SUBSCRIBER	694.96

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
TELECOMMUNICATIONS	LIFETIME MOVIE NETWO	SUBSCRIBER	30.00
TELECOMMUNICATIONS	SOURCE ONE SOLUTIONS	POSTAGE	13.90
TELECOMMUNICATIONS	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	464.47
TELECOMMUNICATIONS	SOURCE ONE SOLUTIONS	UTILITY BILL SERVICE	1,506.69
TELECOMMUNICATIONS	MII LIFE	VEBA	665.78
TELECOMMUNICATIONS	NATIONAL CABLE TV CO	SUBSCRIBER	22,060.84
TELECOMMUNICATIONS	CENTURY LINK	DIRECTORY LISTING	167.90
TELECOMMUNICATIONS	OWN	SUBSCRIBER	19.04
TELECOMMUNICATIONS	RFD TV	SUBSCRIBER	193.60
TELECOMMUNICATIONS	SHOWTIME NETWORKS IN	SUBSCRIBER	322.00
TELECOMMUNICATIONS	TOWER DISTRIBUTION C	SUBSCRIBER	220.44
TELECOMMUNICATIONS	WOODSTOCK TELEPHONE	SERVICE	186.67
TELECOMMUNICATIONS	ZAYO BANDWIDTH	BANDWIDTH BILLING	4,128.33
TELECOMMUNICATIONS	GLEN GARMS	REFUND-STATEMENT CREDIT	32.48
TELECOMMUNICATIONS	CAROL SAATHOFF	REFUND - STATEMENT CREDI	29.39
TELECOMMUNICATIONS	SI JAMBO CAFE	REFUND - STATEMENT CREDI	1.79
	Total for Department 199		36,859.66*
	Total for Fund 69		39,191.53*
	COLONIAL LIFE INSURA	INSURANCE	8.82
	LAW ENFORCMENT LABOR	UNION DUES	252.00
	LOCAL UNION #949	UNION DUES	1,507.52
	Total for Department		1,768.34*
	Total for Fund 70		1,768.34*
	Grand Total		237,309.19*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	MCDONALD & SCHRAMEL	LEGAL FEES	336.00
		Total for Department 101	336.00*
CITY OFFICE	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.38
CITY OFFICE	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
CITY OFFICE	MN MUNICIPAL UTILITI	SAFETY COMP	720.48
CITY OFFICE	STEVE NASBY	EXPENSE	118.66
CITY OFFICE	SCHWALBACH HARDWARE	MAINTENANCE	190.62
CITY OFFICE	SELECTACCOUNT	ADM FEE	86.01
		Total for Department 103	1,148.65*
P & Z / BUILDING OFF	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
P & Z / BUILDING OFF	MN DEPT OF LABOR & I	BLDG PERMIT SURCHARGE	453.65
P & Z / BUILDING OFF	MN MUNICIPAL UTILITI	SAFETY COMP	540.36
		Total for Department 106	1,000.51*
LEGAL	MCDONALD & SCHRAMEL	CONFERENCE	29.42
LEGAL	MCDONALD & SCHRAMEL	LEGAL SUPPLIES	10.00
		Total for Department 110	39.42*
CITY HALL	COLE PAPER INC.	SUPPLIES	53.17
CITY HALL	AMERIGAS - WORTHINGT	WATER TREATMENT	23.46
CITY HALL	CULLIGAN	SALT	14.00
CITY HALL	HEARTLAND PAPER COMP	SUPPLIES	147.54
CITY HALL	HOMETOWN SANITATION	HAUL GARBAGE	85.04
		Total for Department 115	323.21*
POLICE	COTTONWOOD CO TREASU	DISPATCHING	275.00
POLICE	COTTONWOOD CO TREASU	RENT	1,500.00
POLICE	KEEPERS, INC.	MAINTENANCE	959.73
POLICE	MCDONALD & SCHRAMEL	LEGAL FEES	3,816.00
POLICE	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	22.50
POLICE	MN CHIEF OF POLICE A	REGISTRATION	485.00
POLICE	RUNNING'S SUPPLY	MAINTENANCE	7.85
POLICE	UNIFORM UNLIMITED	CLOTHING	184.33
POLICE	WINDOM AREA HOSPITAL	TESTING	38.00
POLICE	COUNTRY PRIDE SERVIC	MAINTENANCE / DISCOUNT	566.73
POLICE	WINDOM QUICK PRINT	SUPPLIES	162.10
		Total for Department 120	8,017.24*
FIRE DEPARTMENT	CITIZEN PUBLISHING C	COMPUTER SUPPORT	26.71
FIRE DEPARTMENT	CITIZEN PUBLISHING C	FIRE PREVENTION	75.00
FIRE DEPARTMENT	COTTONWOOD CO TREASU	DISPATCHING	212.50
FIRE DEPARTMENT	HEIMAN FIRE EQUIP. C	MAINTENANCE	126.23
FIRE DEPARTMENT	WINDOM AUTO VALU	MAINTENANCE	14.30
FIRE DEPARTMENT	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
FIRE DEPARTMENT	PETERSON JEWELRY	PLAGUES & ENGRAVING	47.10
FIRE DEPARTMENT	STREICHER'S	EQUIPMENT	187.63
FIRE DEPARTMENT	WINDOM QUICK PRINT	SUPPLIES	24.37
FIRE DEPARTMENT	CARQUEST AUTO PARTS	MAINTENANCE	8.53
		Total for Department 125	728.87*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
EMERGENCY MANAGEMENT	COTTONWOOD CO TREASU	DISPATCHING	12.50
EMERGENCY MANAGEMENT	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	200.00
	Total for Department 130		212.50*
ANIMALS	COTTONWOOD-SLAYTON V	VETERINARY SERVICE	213.14
ANIMALS	J. P. COOKE CO	DOG LICENSE TAGS	50.75
	Total for Department 135		263.89*
STREET	AG RESOURCES	CHEMICAL	1,567.00
STREET	COTTONWOOD CO TREASU	DISPATCHING	125.00
STREET	HOMETOWN SANITATION	HAUL GARBAGE	84.73
STREET	WINDOM AUTO VALU	MAINTENANCE	10.62
STREET	WINDOM AUTO VALU	MAINTENANCE	4.61
STREET	MCLAUGHLIN & SCHULZ,	MAINTENANCE	5,729.70
STREET	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
STREET	MN MUNICIPAL UTILITI	SAFETY COMP	2,161.48
STREET	PAMIDA	SUPPLIES	94.51
STREET	RUNNING'S SUPPLY	MAINTENANCE	214.28
STREET	SCHWALBACH HARDWARE	MAINTENANCE	61.10
STREET	TOWMASTER	MAINTENANCE	82.81
STREET	COUNTRY PRIDE SERVIC	MAINTENANCE / DISCOUNT	1,595.54
STREET	CARQUEST AUTO PARTS	MAINTENANCE	33.97
	Total for Department 140		11,771.85*
RECREATION	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
RECREATION	GRAPHIC EDGE	T SHIRTS	271.51
	Total for Department 150		297.81*
PARKS	COTTONWOOD CO TREASU	DISPATCHING	37.50
PARKS	GDF ENTERPRISES, INC	MAINTENANCE	67.26
PARKS	GCC ALLIANCE CONCRET	MAINTENANCE	588.61
PARKS	HOMETOWN SANITATION	HAUL GARBAGE	46.12
PARKS	WINDOM AUTO VALU	MAINTENANCE	9.98
PARKS	LAMPERTS YARDS, INC.	MAINTENANCE	254.75
PARKS	MN MUNICIPAL UTILITI	SAFETY COMP	360.24
PARKS	MTI DISTRIBUTING, IN	MAINTENANCE	314.43
PARKS	RUNNING'S SUPPLY	MAINTENANCE	73.04
PARKS	SCHWALBACH HARDWARE	MAINTENANCE	480.23
PARKS	COUNTRY PRIDE SERVIC	MAINTENANCE / DISCOUNT	1,000.00
PARKS	CLEARWATER RECREATIO	WOOD CHIPS	2,433.54
	Total for Department 165		5,665.70*
	Total for Fund 01		29,805.65*
	CITIZEN PUBLISHING C	ADVERTISING	189.00
	Total for Department		189.00*
	Total for Fund 02		189.00*
LIBRARY	AUDIO GO	BOOKS	112.26

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
LIBRARY	DEMCO	SUPPLIES	117.05
LIBRARY	GALE	BOOKS	264.94
LIBRARY	INGRAM	BOOKS	2,341.98
LIBRARY	J & K WINDOWS	CLEANING	40.00
LIBRARY	MICROMARKETING	BOOKS & AUDIO	441.13
LIBRARY	READERS SERVICE	BOOK	62.17
LIBRARY	SCHWALBACH HARDWARE	MAINTENANCE	21.36
LIBRARY	EARLY AMERICAN LIFE	SUBSCRIPTION	24.00
LIBRARY	FAMILY FUN	SUBSCRIPTION	16.95
LIBRARY	HEALTHY COOKING	SUBSCRIPTION	19.97
LIBRARY	COUNTRY LIVING	SUBSCRIPTION	26.97
LIBRARY	HOUSE BEAUTIFUL	SUBSCRIPTION	26.97
LIBRARY	MN SPORTSMAN	SUBSCRIPTION	18.00
LIBRARY	ROCKER CONSTRUCTION,	MAINTENANCE	250.00
LIBRARY	DISNEY MOVIE CLUB	MOVIES	28.90
	Total for Department 171		3,812.65*
	Total for Fund 03		3,812.65*
	CITIZEN PUBLISHING C	COMPUTER SUPPORT	1,448.51
	Total for Department		1,448.51*
	Total for Fund 04		1,448.51*
AIRPORT	SCHWALBACH HARDWARE	MAINTENANCE	8.54
AIRPORT	TKDA ENGINEERS	SERVICE	4,605.69
	Total for Department 174		4,614.23*
	Total for Fund 11		4,614.23*
POOL	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
POOL	SCHWALBACH HARDWARE	MAINTENANCE	21.29
	Total for Department 175		47.59*
	Total for Fund 12		47.59*
AMBULANCE	COTTONWOOD CO TREASU	DISPATCHING	200.00
AMBULANCE	LEWIS FAMILY DRUG #5	SUPPLIES	17.32
AMBULANCE	HIGLEY FORD SALES	MAINTENANCE	98.32
AMBULANCE	KDOM RADIO	ADVERTISING	324.00
AMBULANCE	MANKATO MOBIL - ALPH	MAINTENANCE	417.42
AMBULANCE	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
AMBULANCE	PETERSON JEWELRY	PLAGUES & ENGRAVING	117.30
AMBULANCE	PRAXAIR DISTRIBUTION	SERVICE	365.19
AMBULANCE	WINDOM AREA HOSPITAL	SERVICE	2,360.83
AMBULANCE	WINDOM AREA HOSPITAL	TESTING	258.00
AMBULANCE	COUNTRY PRIDE SERVIC	MAINTENANCE / DISCOUNT	20.00
AMBULANCE	CRYSTAL WINSHIELD RE	MAINTENANCE	50.00
	Total for Department 176		4,234.88*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 13			4,234.88*
MULTI-PURPOSE BUILDI	A & B BUSINESS EQUIP	MAINTNEANCE CONTRACT	26.30
MULTI-PURPOSE BUILDI	COLE PAPER INC.	SUPPLIES	408.16
MULTI-PURPOSE BUILDI	HEARTLAND PAPER COMP	SUPPLIES	117.46
MULTI-PURPOSE BUILDI	HOMETOWN SANITATION	HAUL GARBAGE	51.52
MULTI-PURPOSE BUILDI	KDOM RADIO	ADVERTISING	150.80
MULTI-PURPOSE BUILDI	MN MUNICIPAL UTILITI	SAFETY COMP	900.60
MULTI-PURPOSE BUILDI	RUNNING'S SUPPLY	MAINTENANCE	11.21
MULTI-PURPOSE BUILDI	SCHWALBACH HARDWARE	MAINTENANCE	37.76
MULTI-PURPOSE BUILDI	STONER INDUSTRIAL, I	SERVICE	84.22
Total for Department 177			1,788.03*
Total for Fund 14			1,788.03*
LIQUOR	A & B BUSINESS EQUIP	MAINTNEANCE CONTRACT	26.30
LIQUOR	ADRIAN'S PLUMBING &	MAINTENANCE	152.00
LIQUOR	ENVIROMASTER, INC.	SERVICE	39.54
LIQUOR	HOMETOWN SANITATION	HAUL GARBAGE	96.12
LIQUOR	MN MUNICIPAL UTILITI	SAFETY COMP	720.48
LIQUOR	S&K LINES	FREIGHT	667.20
LIQUOR	TOTAL REGISTER SYSTE	SUPPLIES	178.11
LIQUOR	CAMPUS CLEANERS	SERVICE	40.10
Total for Department 180			1,919.85*
Total for Fund 60			1,919.85*
HD SUPPLY WATERWORKD			1,160.28
MAINTENANCE			1,160.28*
WATER	A & B BUSINESS EQUIP	MAINTNEANCE CONTRACT	115.97
WATER	COTTONWOOD CO TREASU	DISPATCHING	100.00
WATER	HAWKINS, INC	CHEMICALS	4,533.45
WATER	HACH COMPANY	SUPPLIES	387.38
WATER	WINDOM AUTO VALU	MAINTNEANCE	17.93
WATER	WINDOM AUTO VALU	MAINTENANCE	21.24
WATER	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
WATER	MN MUNICIPAL UTILITI	SAFETY COMP	900.60
WATER	MN VALLEY TESTING	TESTING	56.25
WATER	RUNNING'S SUPPLY	MAINTENANCE	757.68
WATER	SCHWALBACH HARDWARE	MAINTENANCE	28.82
WATER	USA BLUE BOOK	MAINTENANCE	488.80
WATER	WORTHINGTON DAILY GL	SUBSCRIPTION	79.68
Total for Department 181			7,494.30*
Total for Fund 61			8,654.58*
BORDER STATES ELECTR			556.82
INVENTORY			80.37
DAKOTA SUPPLY GROUP			175.00
MAINTENANCE			175.00
ELECTRIC FUND			175.00
REFUND-UT PREPAY-LISA			RE

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	J. H. LARSON	SUPPLIES/MAINTENANCE	752.53
	ODDSON UNDERGROUND I	MAINTENANCE	7,918.50
	RESCO	INVENTORY	1,281.97
	WERNER ELECTRIC	MAINTENANCE	-23.24
	WESCO DISTRIBUTION,	SUPPLIES	224.44
	Total for Department		10,966.39*
ELECTRIC	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
ELECTRIC	ALTERNATIVE TECHNOLO	SUPPLIES	80.00
ELECTRIC	CENTRAL MINNESOTA MU	CAPX2020 ASSESSMENT	2,882.00
ELECTRIC	CENTRAL MINNESOTA MU	CIP SERVICE ASSESSMENT	4,083.00
ELECTRIC	CENTRAL MINNESOTA MU	ECO @ HOME SUBSCRIPTION	941.81
ELECTRIC	CENTRAL MINNESOTA MU	POWER COST	191,377.17
ELECTRIC	COLE PAPER INC.	SUPPLIES	66.62
ELECTRIC	COTTONWOOD CO TREASU	DISPATCHING	187.50
ELECTRIC	DAKOTA SUPPLY GROUP	MAINTENANCE	155.70
ELECTRIC	MELVIN DUERKSEN	MAINTENANCE	320.00
ELECTRIC	HOMETOWN SANITATION	HAUL GARBAGE	84.75
ELECTRIC	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50
ELECTRIC	M&G DISTRIBUTORS	MAINTENANCE	60.00
ELECTRIC	MN MUNICIPAL UTILITI	CONNECTOR LAYOUT	250.00
ELECTRIC	MN MUNICIPAL UTILITI	JOB TRAINING SAFETY	2,200.00
ELECTRIC	MN MUNICIPAL UTILITI	SAFETY COMP	3,602.40
ELECTRIC	NORTHLAND CHEMICAL C	SUPPLIES	96.00
ELECTRIC	RAILROAD MANAGEMENT	RENT	8,047.27
ELECTRIC	RUNNING'S SUPPLY	MAINTENANCE	102.85
ELECTRIC	SCHWALBACH HARDWARE	MAINTENANCE	51.95
ELECTRIC	SO. CENTRAL ELECTRIC	FIND FAULT	286.02
ELECTRIC	STONER INDUSTRIAL, I	SERVICE	68.20
ELECTRIC	THE STAG CLOTHIERS	CLOTHING	200.00
ELECTRIC	WERNER ELECTRIC	MAINTENANCE	405.70
ELECTRIC	WINDOM AREA DEVELOPM	INDUSTRIAL DEVELOPMENT	1,200.00
ELECTRIC	WINDOM QUICK PRINT	SUPPLIES	202.90
ELECTRIC	CARQUEST AUTO PARTS	MAINTENANCE	159.45
ELECTRIC	OAK GROVE FARM	SERVICE	52.00
	Total for Department 182		217,196.09*
	Total for Fund 62		228,162.48*
SEWER	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	52.60
SEWER	COTTONWOOD COUNTY LA	GARBAGE	50.00
SEWER	COTTONWOOD CO TREASU	DISPATCHING	100.00
SEWER	ELECTRIC PUMP INC	MAINTENANCE	1,214.13
SEWER	ENVIRONMENTAL TOXICI	TESTING	1,150.00
SEWER	HAWKINS, INC	CHEMICALS	1,199.87
SEWER	HOMETOWN SANITATION	HAUL GARBAGE	85.04
SEWER	WINDOM AUTO VALU	MAINTENANCE	91.70
SEWER	JIFFY-JR. PRODUCTS	SUPPLIES	213.47
SEWER	MCDONALD & SCHRAMEL	LEGAL FEES	492.00
SEWER	MANKATO MOBIL - ALPH	MAINTENANCE CONTRACT	6.50

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
SEWER	MN MUNICIPAL UTILITI	SAFETY COMP	1,621.08
SEWER	MN VALLEY TESTING	TESTING	2,887.40
SEWER	RUNNING'S SUPPLY	MAINTENANCE	317.13
SEWER	SCHWALBACH HARDWARE	MAINTENANCE	193.54
SEWER	USA BLUE BOOK	MAINTENANCE	488.81
SEWER	WINDOM FARM SERVICE	MAINTENANCE	38.24
SEWER	CARQUEST AUTO PARTS	MAINTENANCE	18.60
SEWER	WORTHINGTON DAILY GL	SUBSCRIPTION	79.67
	Total for Department 183		10,299.78*
	Total for Fund 63		10,299.78*
ARENA	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	26.30
ARENA	AMERIPRIDE LINEN CO	SERVICE	82.91
ARENA	BECKER ARENA PRODUCT	MAINTENANCE	793.17
ARENA	CARLSON & STEWART RE	MAINTENANCE	6,023.01
ARENA	COTTONWOOD-SLAYTON V	VETERINARY SERVICE	120.00
ARENA	FERRELLGAS	GAS	13.90
ARENA	HEARTLAND PAPER COMP	SUPPLIES	290.61
ARENA	HOMETOWN SANITATION	HAUL GARBAGE	130.88
ARENA	KDOM RADIO	ADVERTISING	78.00
ARENA	LAMPERTS YARDS, INC.	MAINTENANCE	139.21
ARENA	MN MUNICIPAL UTILITI	SAFETY COMP	900.60
ARENA	SCHWALBACH HARDWARE	MAINTENANCE	276.80
ARENA	STONER INDUSTRIAL, I	SERVICE	9.55
ARENA	COUNTRY PRIDE SERVIC	MAINTENANCE / DISCOUNT	20.00
ARENA	CARQUEST AUTO PARTS	MAINTENANCE	165.06
	Total for Department 184		9,070.00*
	Total for Fund 64		9,070.00*
ECONOMIC DEVELOPMENT	ADRIAN'S PLUMBING &	MAINTENANCE	114.00
ECONOMIC DEVELOPMENT	CITIZEN PUBLISHING C	ADVERTISING	458.80
ECONOMIC DEVELOPMENT	MCDONALD & SCHRAMEL	LEGAL FEES	60.00
ECONOMIC DEVELOPMENT	MN MUNICIPAL UTILITI	SAFETY COMP	720.48
ECONOMIC DEVELOPMENT	SUBWAY	EXPENSE	29.93
	Total for Department 187		1,383.21*
	Total for Fund 67		1,383.21*
TELECOMMUNICATIONS	A & B BUSINESS EQUIP	MAINTENANCE CONTRACT	78.90
TELECOMMUNICATIONS	BEC TECHNOLOGIES	SERVICE	3,474.50
TELECOMMUNICATIONS	BORDER STATES ELECTR	INVENTORY	124.51
TELECOMMUNICATIONS	HOMETOWN SANITATION	HAUL GARBAGE	73.92
TELECOMMUNICATIONS	WINDOM AUTO VALU	MAINTENANCE	144.16
TELECOMMUNICATIONS	KDOM RADIO	ADVERTISING	96.00
TELECOMMUNICATIONS	MCDONALD & SCHRAMEL	LEGAL FEES	312.00
TELECOMMUNICATIONS	MN MUNICIPAL UTILITI	SAFETY COMP	1,801.20
TELECOMMUNICATIONS	NEUSTAR, INC.	MAINTENANCE	3.25
TELECOMMUNICATIONS	CALIX	MAINTENANCE	1,016.30

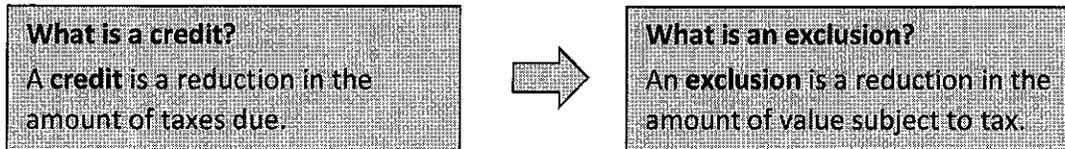
CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
TELECOMMUNICATIONS	RUNNING'S SUPPLY	MAINTENANCE	59.99
TELECOMMUNICATIONS	SCHWALBACH HARDWARE	MAINTENANCE	22.40
TELECOMMUNICATIONS	SDN COMMUNICATIONS	SERVICE	2,839.78
TELECOMMUNICATIONS	SHOWTIME NETWORKS IN	SUBSCRIBE	312.80
TELECOMMUNICATIONS	SOUTHWEST/WEST CENTR	SERVICE	833.33
TELECOMMUNICATIONS	SUBWAY	EXPENSE	42.22
TELECOMMUNICATIONS	STONER INDUSTRIAL, I	SERVICE	38.26
TELECOMMUNICATIONS	MANKATO NETWORKS LLC	SERVICE	1,050.00
TELECOMMUNICATIONS	HURRICANE ELECTRIC I	SERVICE	1,000.00
	Total for Department 199		13,323.52*
	Total for Fund 69		13,323.52*
	Grand Total		318,753.96*

Understanding Recent Changes in Homestead Benefits For Property Tax Purposes

What Changed?

The 2011 Legislature repealed the **Homestead Market Value Credit**, (the homestead credit), and replaced it with a new **Homestead Market Value Exclusion**. The last year of the credit is for property taxes paid in 2011 and the exclusion begins for property taxes payable in 2012.



The old law with the credit was as simple as: **$X - Y = Z$**

If your initial tax was **X**, and your credit was **Y**, then the tax you had to pay was **Z**.

Under the new law, an exclusion changes the initial tax amount (**X**), and with the credit gone, the new initial tax becomes the final tax (**X = Z**).

HOW DO HOMESTEAD BENEFITS CHANGE?

Under the old law, the credit itself equaled the homestead benefit, and its calculation **depended only on the value of the homestead**. Because the credit was subtracted from the initial tax amount, the credit **affected each taxpayer independently**.

Under the new law, the exclusion is still calculated using the value of the homestead, but the tax benefit **depends on a variety of factors other than homestead value**. Because the exclusion is a reduction in the value subject to tax, it also **affects tax rates and the taxes of all properties**.

WHY IS THIS CHANGE COMMONLY RESULTING IN TAX INCREASES?

There are four reasons why the change commonly results in increases:

- 1) **State money is no longer reducing total taxes.** For 2012, the state was projected to pay approximately \$260 million of local taxes through the credit program. With the change, there will be no state paid credit and the entire local property tax levy will be paid by taxpayers.
- 2) **The reduction in taxable value increases tax rates.** With the total taxable value being reduced by the exclusion, raising the same total levy as the prior year requires a higher rate.
- 3) **The reduction in taxable value shifts the relative burdens of who pays.** With homestead values reduced, other property types (and homes with higher values) pay a larger share of the tax.
- 4) **The exclusion provides less benefit in low tax rate areas than the credit.** The computation of the exclusion and credit amounts are roughly comparable where the tax rate is close to the state average, but in lower tax rate areas the excluded value provides less benefit. High rate areas may see greater benefit.

COMPUTATION OF CREDIT AND EXCLUSION AMOUNTS

Even though the tax benefits of the credit and the exclusion are not equal, the calculation of the exclusion amount is similar to the calculation of the former credit. Both reach their maximum at \$76,000 of market value (\$304 for the credit; \$30,400 for the exclusion). Both reduce to \$0 at about \$414,000 of market value.

Credit = 0.4% of the first \$76,000,
minus 0.09% of the value over \$76,000.

Exclusion = 40% of the first \$76,000,
minus 9% of the value over \$76,000.

Example: A house valued at \$116,000.

$$\begin{aligned} \text{Credit} &= (0.4\% \times \$76,000) - (\$40,000 \times 0.09\%) \\ &= \$304 - \$36 \\ &= \$268 \end{aligned}$$

$$\begin{aligned} \text{Exclusion} &= (40\% \times \$76,000) - (\$40,000 \times 9\%) \\ &= \$30,400 - \$3,600 \\ &= \$26,800 \end{aligned}$$

WANT MORE DETAILS? CONSIDER THIS THEORETICAL ILLUSTRATION

Similarly computed amounts do not yield equal benefits:

AVERAGE TAX RATE ILLUSTRATION		
	Old Law: <u>Credit</u>	New Law: <u>Exclusion</u>
Estimated Market Value	\$116,000	\$116,000
Exclusion	\$0	\$26,800
Taxable Market Value	\$116,000	\$89,200
Class Rate	1%	1%
Net Tax Capacity	\$1,160	\$892
Tax Rate	105.810%	110.920%
Gross Tax	\$1,227	\$989
Credit	\$268	\$0
Net Tax	\$959	\$989

LOW TAX RATE ILLUSTRATION		
	Old Law:	New Law:
Tax Rate	63.486%	66.552%
Gross Tax	\$736	\$594
Credit	\$268	\$0
Net Tax	\$468	\$594

Let's say you live in a house valued at \$116,000.

Under the old law the full value was taxed, but the new exclusion lowers the taxable value.

Different classes of property are taxed at different levels. The first \$500,000 of homestead value has a rate of 1%. (Higher value has a rate of 1.25%.)

"Net tax capacity" is a term describing the taxable value after class rates are applied. Again, this is lower under the new law due to the exclusion.

Tax rates increase because the exclusion shrinks the taxable value. This illustration shows statewide average rates before and after the change.

The gross tax under the old law was higher because there was no exclusion, but the credit reduced the net tax. Under the new law the gross and net are the same. Here the increase is modest, but...

Tax rates affect the relative strength of the exclusion because multiplying excluded value by a low rate is less beneficial than multiplying it by a high rate. So, under a "low tax rate" example, the increase in tax is more extreme.

NOTE: This illustration does not reflect an actual location.

WHAT ELSE AFFECTS MY TAXES (IN ADDITION TO THE HOMESTEAD BENEFIT)?

Local levy decisions, including the effects of changes in state aid and local budget priorities.

Market forces can affect property taxes in two ways:

- The **value of your property** may increase or decrease.
- The **value of other properties** may increase or decrease and change the share that your property is of the total tax base, whether your property's value changed or not.

Various other changes (the **classification** or your property, eligibility for **other benefits**, and miscellaneous **law changes**) may also affect property taxes.

Cottonwood County

Windom city

Tax Burdens by Property Class	Estimated Market Value				Net Tax				Effective Tax Rates	
	Baseline	Alternative	Change	Pctg Chng	Baseline	Alternative	Change	Pctg Chng	Base	Alter
Res Hmstd	131,274	131,274	0	0.0	1,943	2,007	64	3.3	1.48	1.53
Res Non-Hmstd	18,637	18,637	0	0.0	332	369	36	10.9	1.78	1.98
Misc props	0	0	0	0.0	0	0	0	0.0	0.00	0.00
Apartments	4,970	4,970	0	0.0	104	116	12	11.3	2.10	2.33
Low-inc Apts	1,947	1,947	0	0.0	26	28	3	10.8	1.31	1.45
Seasonal Rec	323	323	0	0.0	5	6	1	12.3	1.54	1.73
Com/Ind: Lo	15,970	15,970	0	0.0	507	552	45	9.0	3.17	3.46
Com/Ind Hi	19,089	19,089	0	0.0	785	857	72	9.2	4.11	4.49
Publ U: Elec Gen	0	0	0	0.0	0	0	0	0.0	0.00	0.00
Publ U: Other	570	570	0	0.0	23	26	2	9.2	4.11	4.49
Ag Hmstd House	0	0	0	0.0	0	0	0	0.0	0.00	0.00
Ag Hmstd Land	415	415	0	0.0	3	3	0	14.8	0.68	0.78
Ag Non-Hmstd	990	990	0	0.0	14	16	2	13.7	1.38	1.57
Total	194,184	194,184	0	0.0	3,741	3,979	237	6.3	1.93	2.05

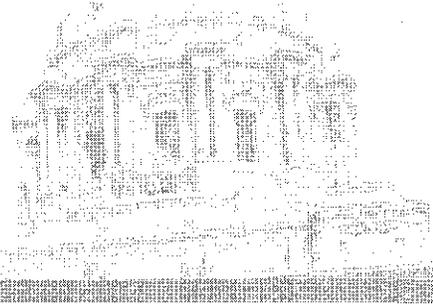
Tax Base

Tax Rates

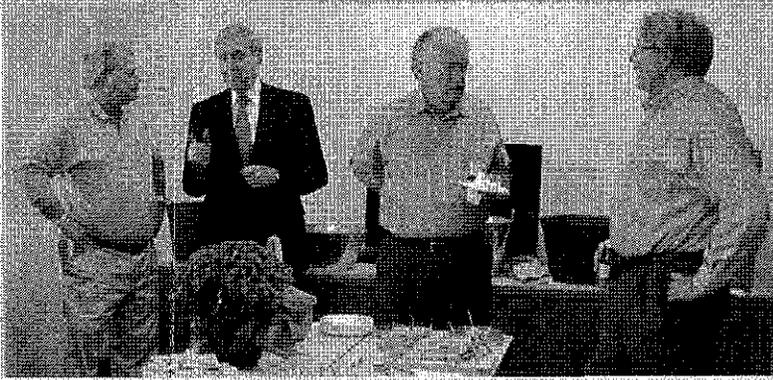
					County	Net Tax Cap (Pctg)		Ref Mkt Val	
	Baseline	Alternative	Change	Pctg Chng		Base	Alter	Base	Alter
Total Tax Capacity	2,223	1,888	-335	-15.1		38.78	40.66	0.00	0.00
(-) TIF Tax Capacity	215	215	0	0.0	City/Town	78.54	94.28	0.00	0.00
(-) FD Contrib Tax Cap	0	0	0	0.0	School District	20.73	22.03	36.53	36.53
(=) Taxable Tax Capacity	2,008	1,673	-335	-16.7	Special District	0.34	0.36	0.00	0.00
FD Distrib Tax Cap	0	0	0	0.0	Total	138.39	157.33	36.53	36.53

Tax Burdens on
Hypothetical Properties

	Taxable Market Value			Pctg Chng	Net Tax				Effective Tax Rates	
	Baseline	Alternative	Change		Baseline	Alternative	Change	Pctg Chng	Base	Alter
Res Hmstd: Lo Val	60,600	60,600	0.0	818	793	-24	-3.0	1.35	1.31	
Res Hmstd: Avg Val	90,900	90,900	0.0	1,299	1,305	6	0.4	1.43	1.44	
Res Hmstd: Hi Val	121,200	121,200	0.0	1,857	1,935	79	4.2	1.53	1.6	
Res Hmstd: Ex-Hi Val	181,800	181,800	0.0	2,971	3,196	225	7.6	1.63	1.76	
Comm/Ind: Lo Val	150,000	150,000	0.0	4,761	5,187	426	9.0	3.17	3.46	
Comm/Ind: Med Val	300,000	300,000	0.0	10,925	11,919	994	9.1	3.64	3.97	
Comm/Ind: Hi Val	1,000,000	1,000,000	0.0	39,694	43,339	3,645	9.2	3.97	4.33	



FLAHERTY & HOOD WINONA HOSTS OPEN HOUSE



Flaherty & Hood's Winona office is staffed full-time by attorney Michael Flaherty and paralegal Roseann Shaw and part-time by City Attorney Chris Hood. The Winona office serves as a regional legal hub for southeast Minnesota. Flaherty, along with the St. Paul office, provides civil and criminal legal services. Shaw brings with her over 30 years of experience working under former city attorneys George Robertson and Rich Blahnik.

Communication still best method to advance bonding projects

Flaherty & Hood has secured bonding for many clients and is available to help advance your project next session. Jenny Nash, a former Committee Administrator for the House Capital Investment Committee, is now on our staff and can share her expertise in this area as well.

Even year legislative sessions are traditionally larger bonding years and 2012 should be no exception. State agencies and local governments have made preliminary requests to the Minnesota Management and Budget Office (MMB).

To date, the preliminary requests total \$2.256 billion: \$1.757 billion from state agencies and \$499 million from local governments. Governor Dayton will submit his Strategic Capital Budget to the Legislature on January 15, 2012. Not all projects will get funded so it is important to make your project stand out.

Jobs and economic development: Provide information on the jobs retained or created for your project. While it can be hard to quantify, legislators want to know the estimated number of short-term and long-term jobs that will be created. Another important piece of information is the economic impact to the area. What is the annual economic benefit of the project? Will it bring out of state dollars to the area?

Community support and partnerships: Show how a wide array of stakeholders in your community support the project. This includes area legislators, city councils, county officials, local businesses, educational institutions, associations, coalitions or other community groups.

Start early and stay connected: It is not too early to contact the Governor's office and the House and Senate Capital Investment Committees. Share with committee members, chairs and the governor's bonding staff what makes your project significant to the state or region. Remember to include jobs and economic impact figures.

Flaherty & Hood staff will help your project advance at each and every level.

For more information, contact Bradley Peterson at bmpeterson@flaherty-hood.com or Elizabeth Wefel at eawefel@flaherty-hood.com.

Massive Alliant Energy rate increase successfully reduced

Over the last year, Attorneys **Joe Sullivan** and **Steve Nyhus** represented the City of Albert Lea in its challenge to Alliant Energy's massive electric rate increase. Alliant Energy proposed raising electric rates for all of its Minnesota customers by approximately



22%. As the largest Minnesota customer of Alliant Energy, the City of Albert Lea faced an approximate \$250,000 yearly increase in its electric bills. In representing the City, Joe and Steve developed a two pronged strategy for attacking the necessity of the electric rate increase. This strategy had the City formally intervene in the Alliant Energy rate case before the Minnesota Public Utilities Commission and spearhead a public relations and media campaign to advocate to the Commission for reduced rates. Prior to this case, no other communities had been so actively involved in opposing a utilities request to increase their electricity rates. The overall campaign was tremendously successful and spurred a massive outpouring

of opposition by similar communities, residents, and businesses affected by the increase. The Public Utilities Commission ruled this past summer that Alliant Energy's rate increase would be reduced by approximately 50%.

For more information, please contact Joe Sullivan at jksullivan@flaherty-hood.com or Steve Nyhus at swnyhus@flaherty-hood.com.

St. Charles chooses Flaherty & Hood as city attorney



Flaherty & Hood is proud to announce that Principal Attorney **Chris Hood** now serves as the City of St. Charles' City Attorney. St. Charles is now added to the cities of Northfield, Winona, Grand

Marias, Park Rapids and Sartell that have chosen Flaherty & Hood. As City Attorney, Chris and the attorneys at Flaherty & Hood will exclusively meet these cities' respective needs for civil legal services. Flaherty & Hood looks forward to a long and productive relationship with the City of St. Charles.

For more information, please contact Chris Hood at cmhood@flaherty-hood.com

Flaherty & Hood prevails in grievance arbitration



Brandon Fitzsimmons represented the City of Waite Park in a grievance arbitration in which the arbitrator denied a union's request that employees receive an increase in the City's payment to health insurance premiums after the labor contract expired.

This arbitration involved a grievance initiated under a labor contract by Teamsters, Local 320 - the union for public works employees of the City - requesting that the City increase its payments to the employee's health insurance premiums beginning in 2010 even though the labor contract expired on December 31, 2009 and the parties were negotiating the terms of a 2010 contract.

The grievance award is available at: <http://www.bms.state.mn.us/documents/awards/20110215-waitepark.pdf>

For more information please contact Brandon Fitzsimmons at 651-225-8840 or bmfitzsimmons@flaherty-hood.com

Flaherty & Hood negotiates condemnation settlement



Flaherty & Hood Senior Attorney **Robert Scott** successfully negotiated a global settlement agreement between a greater Minnesota city and

two private landowners. The agreement resolved the city's eminent domain action to condemn property owned by the landowners, clearing the way for the city to proceed with a project to realign and reconstruct an intersection of a city street and a County State Aid Highway within its boundaries in order to increase the safety of the city's transportation network.

For more information, please contact Robert Scott at 651-225-8840 or rtscott@flaherty-hood.com.

Flaherty & Hood helps cities comply with new variance laws



Flaherty & Hood Shareholder/Attorney **Chris Hood** drafted amendments to several cities' variance ordinances and related application documents to bring them into compliance and fully take advantage of the new flexibility created by the legislature's amendments to the variance provision of the Minnesota Municipal Planning Act.

For more information, please contact Chris Hood at 651-225-8840 or cmhood@flaherty-hood.com

Flaherty & Hood drafts new utility ordinance



Flaherty & Hood Senior Attorney **Robert Scott** completed a comprehensive review of a Greater Minnesota city's ordinance

and policies governing its collection of delinquent utility bills. He drafted an ordinance amendment and related template documents to enable the city to most efficiently administer its accounts for the city's electric, natural gas and water services and secure payment of delinquent utility bills by routinely certifying delinquent charges to the County Auditor for collection with property taxes.

For more information please contact Robert Scott at 651-225-8840 or rtscott@flaherty-hood.com.

Larson and Wefel present to Minnesota Association of Rehabilitation Providers



Elizabeth Wefel and **Nancy Larson**

recently gave a presentation to the Minnesota Association of Rehabilitation Providers (MARP). They discussed how the 2010 election affected the Minnesota



Department of Labor and Industry and how this is impacting workers compensation and the rehabilitation industry.

Flaherty & Hood represents MARP at the legislature and the Department of Labor and Industry.

STATE NEWS

Flaherty & Hood hires client support manager



Flaherty & Hood has added **Jenny Nash** to its regular staff. Jenny was employed for over 20 years at the Minnesota Legislature in a

variety of capacities. As the House Capital Investment committee administrator from January 2007-January 2011, Jenny planned committee hearings, helped prepare and negotiate House bonding bills and organized site visits in multitudes of Greater Minnesota cities.

As client support manager, Jenny will be available to assist clients with communication outreach, media relations and event planning.

Please feel free to contact Jenny Nash at 651-259-1928 or jsnash@flaherty-hood.com with questions.

Greater Minnesota Economic Development efforts underway



Flaherty & Hood, P.A. Senior Attorney/Lobbyist **J.D. Burton**

and Senior Policy Analyst **Steve Peterson** have led a multi-tiered effort this fall to help boost economic development and job growth in greater Minnesota. As part of their work for the Coalition of Greater

Minnesota Cities, Burton and Peterson have engaged dozens of local chambers of commerce, Economic Development Authority professionals, city leaders, and others to identify many of the programs or policies needed to enhance economic recovery outside the Metro Area. Burton and Peterson will present feedback and recommendations to the CGMC's membership in November, followed by official introduction of policy recommendations at the Capitol next year.

For more information about these efforts, please contact J.D. Burton at 651-225-8840 or jdburton@flaherty-hood.com or Steve Peterson at 651-225-8840 or smpeterson@flaherty-hood.com.

Provide your input on redistricting

Ordinary citizens and city officials have the opportunity to provide input on one of the most important decisions this decade – the drawing of legislative and congressional districts. The decision will determine how your community is represented at the legislature and in Congress.

In the initial maps proposed by the legislature, several cities were split into two or more legislative districts. Other cities were placed in long narrow districts shared by very different communities located hours away. The proposed congressional maps also split the state into districts that ran from the western boundary to the eastern boundary.

Although the legislature still could pass another map in January, it would still

need approval from the governor. Thus, the maps being created by the Judicial Panel on Redistricting are likely to be the final maps. Past judicial panels have relied on oral and written testimony from cities and citizens. You can help your community by providing written comments before 5:00 PM on October 21, 2011.

Start by looking at the initial legislative maps here and congressional maps here. The interactive map in the bottom right hand corner will identify which proposed district your city would be located in. The pull down maps provide detail about the individual districts.

Redistricting is not simply plugging numbers into a computer program. Written comments should include what cities,

towns, and other communities of interest make sense to group together and where lines should be drawn if a city must be split.

E-mail statements to StateRedistricting-Panel@courts.state.mn.us or send one original and one copy of the statement via U.S. mail to: Minnesota Special Redistricting Panel, c/o Bridget Gernander, Clerk of Appellate Courts, 305 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd, St Paul, MN 55155.

If you have additional questions, please contact Elizabeth Wefel at ewefel@flaherty-hood.com or 651-259-1924.

Invitations and appointments



Flaherty & Hood, P.A. Senior Attorney/Lobbyist **J.D. Burton** was recently invited to join the Legislative Committee of the Economic Development

Association of Minnesota (EDAM). EDAM is a professional association of economic development professionals, contractors, government officials and others whose purpose is to advance economic development in Minnesota through exchange of ideas, legislative advocacy and education. Burton will help advise EDAM on their legislative strategies for the upcoming 2012 session.



Elizabeth Wefel was recently appointed to the Metropolitan Council's Land Use Advisory

Committee as a representative for District 14. The LUAC provides advice and assistance to the Metropolitan Council on land use matters.



In early October, Senior Attorney **Steve Nyhus** was appointed as one of two individuals representing MESERB

on an advisory committee providing input to the MPCA on the study of, and possible revision to, the state's sulfate standard for wild rice waters. The advisory group was created as part of legislation passed during the 2011 session. The group is currently developing a protocol for scientific study of the effects of sulfate concentrations on the growth and reproduction of wild rice, both in natural stands and in farmed paddies.

For more information, please contact Steve Nyhus at 651-225-8840 or swnyhus@flaherty-hood.com.

Seminars, conferences and meetings



Shareholder/Attorney **Chris Hood** attended the Minnesota Association of City Attorneys Education Conference in February in Brooklyn Center

and the Upper Midwest Employment Law Institute Education Conference on May 24-25 in St. Paul. The city attorneys conference is widely attended by city attorneys throughout the state and provides educational opportunities on a variety of subjects impacting cities including appropriate uses of conditional and interim use permits, development of joint powers and subdivision agreements, and development of social media policies.



Senior attorney **Brandon Fitzsimmons** attended the Public Sector Labor and Employment Law 2011 CLE in February.

This Minnesota-specific CLE examined topics such as the legal, arbitral, and practical ramifications of personnel budget-cutting measures, social media in the workplace, and the Veterans Preference Act.



Senior Attorney **Robert Scott** attended the Minnesota Association of City Attorneys' 2011 Legislative Update CLE in June in Bloomington. This conference is widely attended by City Attorneys throughout Minnesota and serves to update the City Attorney bar on changes to the law made in the preceding year in municipal practice areas, including employee discipline, condemnation, variances, risk management in city contracts, trends in interest arbitration decisions, and quasi-judicial capacity of City Council members.



Senior Attorney **Steve Nyhus** attended an Upper Mississippi River Basin Forum workshop in Onalaska, WI on August 24.

This workshop, sponsored by the Upper Mississippi River Basin Alliance and focused on nutrient pollution contributing to the hypoxic "dead zone" in the Gulf of Mexico, featured presentations by the U.S. Environmental Protection Agency and state water quality regulatory entities from the states of Iowa, Minnesota, and Wisconsin.



Senior Attorney **Steve Nyhus**, on behalf of the Minnesota Environmental Science and Economic Review Board (MESERB), participated in a

meeting of stakeholder groups representing municipal, industrial and agricultural interests in early September. Although each sector had its own perspective, there were common concerns with proposed new and amended water quality standards currently being considered by the Minnesota Pollution Control Agency (MPCA). MESERB is monitoring the development of numeric nutrient standards for rivers and streams very closely, given recent regulatory activity in Florida that has gained the attention of Congress.



In June, **Chris Hood** and **Brandon Fitzsimmons** presented to over 50 Minnesota city employees and officials at two Labor and Employee Relations seminars for local governments in Brainerd and Mankato.



The theme of the seminars was practical and legal solutions for providing services and managing employees in local government.

Seminar topics included health care reform impacts on local governments, labor negotiation and mediation strategies under tight budgets, an update on legislation affecting budgets and employment and hiring best practices. Additionally, a panel of knowledgeable city representatives discussed what their cities have done and will do from a labor and employment and budgeting standpoint to deal with the tough economic and financial conditions.

When clients have complex legal and legislative challenges they turn to Flaherty & Hood for comprehensive solutions.

NEWS YOU CAN USE

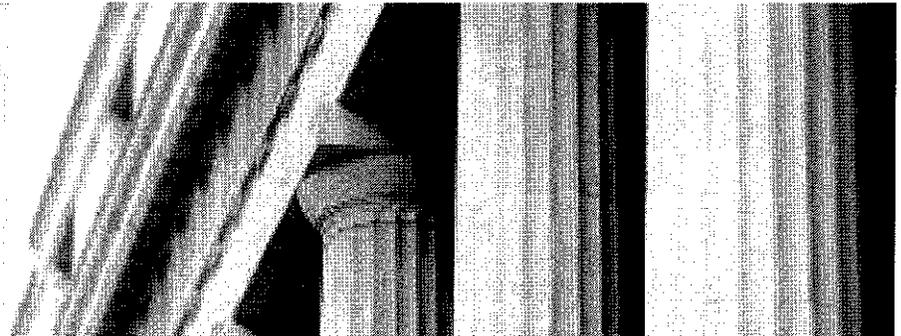
Click the red link to learn more about a recent case decision of interest.

City franchise powers clarified

The Minnesota Supreme Court held that two Minnesota statutes, one relating to public service corporations and the other relating to municipal regulatory and taxing authority, both authorize a city to impose a franchise fee on a public utility that serves customers within the city or uses public property within the city to serve customers elsewhere. Flaherty & Hood Senior Attorney Elizabeth Wefel wrote an amicus brief supporting the city of Cohasset at the lower court level. The Court said it did not matter that natural gas being sent through the pipeline in question was going to fuel a baseload power plant and not going directly to customers. The Court also held that the Minnesota Public Utility Commission's routing permit authority did not preempt a city from imposing a franchise fee. *City of Cohasset v. Minnesota Power*, No. A09-572 (Minn. June 1, 2011), <http://www.lawlibrary.state.mn.us/archive/supct/1106/OPA090572-0601.pdf>

Takings test defined for airport runway safety zone

The Minnesota Supreme Court held that its test developed in *McShane v. City of Faribault*, 292 N.W.2d 253 (Minn. 1980), which distinguishes mutually beneficial "arbitration" land use regulations from "enterprise" regulations that benefit a specific public or governmental enterprise, applies to an airport runway safety zone ordinance. The *McShane* test applies the takings clause of the Minnesota Constitution, which is broader than the takings clause of the U.S. Constitution (i.e., private property may not be "taken, destroyed or damaged" without just compensation versus just "taken"). At trial, the jury had awarded the landowners \$170,000 as compensation for the diminution of their property value due to the city's expanded airport safety zone. The Court of Appeals concluded that this constituted a "substantial" diminution of value as a matter of law, and the case was remanded to district court for judgment in favor of the landowners. *DeCook v. Rochester International Airport Joint Zoning Board*, A09-969 (Minn. March 30, 2011), <http://www.lawlibrary.state.mn.us/archive/supct/1103/OPA090969-0330.pdf>



Court provides guidance on foreclosure fees

The Minnesota Court of Appeals held that a fee imposed by a city against a foreclosed property for the removal of an underground areaway, which was creating a nuisance and interfering with a street reconstruction project, constituted an assessment under the city's police power to cover removal costs (versus an assessment to raise revenue). For this reason, a reasonableness standard, subject to fairness and due-process protections, applied to the assessment. The special-benefit standard did not apply because the areaway removal remediated a nuisance or illegal activity, rather than conferring a benefit to the property, and the fee was imposed to defray the City's removal costs. *American Bank of St. Paul v. City of Minneapolis*, A10-1740 (Minn. App. August 1, 2011), <http://www.lawlibrary.state.mn.us/archive/ctappub/1108/opa101740-0801.pdf>

Subject matter jurisdiction found in unjust enrichment claim against city utility

The Minnesota Court of Appeals held that when a city is providing utility services to its residents, such activity is proprietary because the city voluntarily engages "in the same business which, when conducted by private persons, is operated for profit." [citation omitted]. For this reason, the Court held that a district court does have subject matter jurisdiction over an unjust-enrichment claim brought by a county aggrieved by a city's alleged over-charging for water and sewer services. The county is not limited to petitioning for a writ of certiorari due to the city's "quasi-judicial" action in denying a refund. *County of Washington v. City of Oak Park Heights*, No. A11067 (Minn. App. July 18, 2011), <http://www.lawlibrary.state.mn.us/archive/ctappub/1107/opa110067-0718.pdf>

FLAHERTY & HOOD

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Glen D. Fladeboe	Sr. Media Advisor
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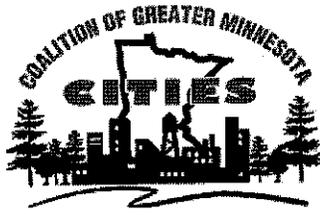
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This newsletter is provided for general informational purposes only and should not be construed as legal advice or legal opinion on any specific facts or circumstances. You are urged to consult a lawyer concerning any specific legal questions you may have.



Coalition of Greater Minnesota Cities

CGMC in Brief

October 13, 2011

Contact: Tim Flaherty
651-225-8840

CGMC Meets With State Chamber

On Tuesday, CGMC lobbyists Tim Flaherty and J.D. Burton met with Minnesota State Chamber President David Olson and other staff to discuss the CGMC's economic development program. The Chamber described its perspective on job creation in greater Minnesota and elaborated on their positions related to tax incentives, JOBZ, workforce development, permitting and other issues. Overlapping issues of concern for both the CGMC and the Chamber include reducing the wait time for environmental permits and the training and re-training of workers. The Chamber expressed their interest in working with the CGMC on these issues next session.

Tuesday's meeting continued the CGMC's outreach efforts to cities, local chambers of commerce, economic development authorities and others to identify job creation strategies for greater Minnesota. Final policy recommendations will be discussed and voted-on at the CGMC Fall Conference in Fergus Falls, Nov. 16-18.

Don't Miss October 21 Deadline On Redistricting

The Judicial Panel on Redistricting will be accepting written testimony through next Friday, October 21, 2011. Take a few moments and provide input on the legislative and congressional districts that will affect your community for the next ten years (and possibly longer).

Take a look at the initial maps that were vetoed to understand why your input is needed. In these maps, cities like Hutchinson and Glencoe were placed in a congressional district and legislative districts with the western suburbs and exurbs. Ortonville, Morris, and Elbow Lake were placed in a senate district that extends far to the east, while Wadena was placed in a district that extends north to Red Lake but does not include its close neighbor cities. Even if the initial maps were favorable to your city, the judicial panel needs to hear that insight as well. Maps can be found at <http://bit.ly/j8lgSA> and <http://bit.ly/kuhMRs>

Submit your written comments via email or U.S. mail by October 21. Details can be found at <http://1.usa.gov/rg8yth> or on our website at <http://bit.ly/ncOOgy>. Watch video of Moorhead Mayor Mark Voxland providing his input if you want ideas. <http://bit.ly/qkJBvh> Contact Elizabeth Wefel at Flaherty & Hood with your questions ewefel@flaherty-hood.com.



Register Now For The Fall Conference

Please join us in Fergus Falls November 16 – 18 for the CGMC Fall Conference. At this conference we'll be unveiling our economic development initiatives and making decisions about our 2012 legislative agenda. Don't miss this opportunity to connect with other cities and help us as we prepare for the 2012 session. Registration materials are attached and should be returned to Colleen Millard at cfmillard@flaherty-hood.com. Members are responsible for making their own hotel reservations.

Are You Using Recently Expanded TIF Powers? Tell Us!

During the 2011 session, the legislature passed and the governor enacted a temporary expansion of TIF provisions to any type of project (excluding housing) if there was a finding of job creation, the construction began by 7/1/12 and there was a request for certification by 6/30/12. The measure also extended the deadline for a temporary suspension of various rules limiting use of tax increment revenues under certain conditions.

The House Tax Committee has asked city organizations to poll their members to learn which cities have utilized, or plan on utilizing, these expanded TIF provisions in the next year for economic development projects in their communities. The Committee intends to hold a hearing next session to examine the TIF provisions and their usage.

If your community has utilized these expanded provisions over the past 2 years, or plans to utilize these provisions, please contact J.D. Burton with Flaherty & Hood, P.A. at jdburton@flaherty-hood.com or 651-259-1905.

CGMC Mayors Speak Out On Property Taxes

As communities across the state have been realizing the true impact of the budget deal coming out of the shutdown, some legislators have been trying to place the blame for rising property taxes solely with local governments. The CGMC has been working hard to make sure that everyone understands that the legislative decisions do impact local communities. CGMC President Alan Oberloh and First Vice-President Bruce Ahglren penned a guest column that has been published across the state. President Oberloh also wrote a letter to the editor published in yesterday's Winona Tribune responding to a column by Representative Drazkwoski (R-Mazeppa).

You can find the letter and related coverage here:

KWLM Radio station: <http://bit.ly/p7lRtA>

Letter in Winona Paper: <http://bit.ly/p6rTt9>

The column is attached.



**RECRUITMENT
EFFORTS
CONTINUE IN FULL
FORCE**

Since the Summer Conference CGMC members have been busy making phone calls and visiting with non-CGMC cities across the state in a full court recruitment press. Recently these efforts have included a visit with Duluth Mayor Don Ness by Cloquet Mayor Bruce Ahlgren, Flaherty & Hood media specialist Glen Fladeboe and lobbyist Bradley Peterson. Just this last Monday Owatonna Mayor Tom Kuntz, and former State Rep. Dan Dorman joined Bradley Peterson in a presentation to the Fairmont city council. Meetings with the Pelican Rapids and Two Harbors city councils are scheduled for later this month. Thanks to all the CGMC members across the state who have been working on building our organization!

If there are cities near you who should be CGMC members but are not don't hesitate to reach out to them and spread the good word about the Coalition. If you have questions or ideas for recruitment please be in touch with Bradley Peterson at bmpeterson@flaherty-hood.com

**We Need Your Input
On Economic
Development**

The CGMC membership approved an expanded economic development program for the CGMC during the upcoming 2012 legislative session. Accordingly, the CGMC is currently soliciting policy ideas and suggestions from stakeholders including cities, EDAs, local chambers of commerce, and others. Information received will be compiled to form the backbone of the CGMC's economic development platform.

All ideas, comments and suggestions are welcome. If you would like to add your insights or would like to connect the CGMC with your local chamber or EDA, please contact J.D. Burton with Flaherty & Hood, P.A.





Dedicated to a Strong Greater Minnesota

October 6, 2011

Contact: Glen Fladeboe
gdfladeboe@flaherty-hood.com
Cell: 651-208-3262

CALL IT LIKE IT IS – PROPERTY TAXES GOING UP BECAUSE OF STATE CUTS

Guest Column by:

Alan Oberloh, Mayor, City of Worthington
President, Coalition of Greater Minnesota Cities

Bruce Ahlgren, Mayor, City of Cloquet
Vice-President, Coalition of Greater Minnesota Cities

It has been a hard pill to swallow but Greater Minnesota cities have come to terms with the budgetary decision to cut over \$600 million in property tax relief to cities and counties to balance the budget and end the state government shutdown. The real insult is not the devastating cuts themselves, rather the rhetoric from certain state lawmakers who deny that deep cuts to programs like Local Government Aid, County Program Aid and the Market Value Homestead Credit will increase property taxes. That's the real shame.

Is there any wonder why the public is so upset with officials in St. Paul and Washington DC?

These same lawmakers blame local units of government for property tax increases when we all know rising property taxes are necessary to offset the massive losses of state aid. Greater Minnesota cities are cutting their budgets drastically and many are struggling to provide basic core services like police and fire protection and road safety measures.

To make matters worse, Greater Minnesota cities are burdened disproportionately compared to the metropolitan area. According to the non-partisan House Research Department,

property tax relief cuts impact rural businesses more than twice as much compared to their metropolitan counterparts—further worsening the metro-rural tax disparity. Even if our rural cities keep their levies exactly the same as last year, property taxes will go up significantly due to the removal of the Market Value Homestead Credit alone.

Though it is disappointing that some lawmakers fail to acknowledge the real impacts of their budget, I am encouraged by one acknowledgement of reality from a lawmaker regarding the fiscal situation of cities—the need for stability in the LGA funding system when it comes to planning city budgets.

Senator Julianne Ortman, chair of the Senate Tax Committee, made the following statement on the Senate Floor during the July Special Session tax debate when referring to future Local Government Aid and County Program Aid funding levels:

“All of our cities and counties know that the 2010 levels are permanent. That they will be paid out at those levels in 2011 and 12, and 13, and 14, and 15.”

This sentiment has been echoed by other key legislative leaders since then.

Now all of us, including our Greater Minnesota legislators, must hold Sen. Ortman and other legislative leaders accountable – and demand no more cuts in property tax relief programs. We are taking Sen. Ortman at her word.

It's time for the decision makers in St. Paul to understand what local officials in Greater Minnesota know from our daily discussions at Main Street shops and cafes - our homeowners and small rural business owners simply can't afford to keep paying more and more in property taxes for fewer and fewer services.

Together we can and must repair the once trusted partnership between state and local governments. Let's start with some honesty: property tax increases are a result of massive state cuts in property tax relief aids and credits to cities.

###



2011 CGMC Fall Conference Agenda

Wednesday, November 16 – Friday, November 18

Bigwood Event Center, Fergus Falls

City: _____

Names/titles: _____

Names/titles: _____

Names/titles: _____

Guest(s): _____

Guest(s): _____

Guest(s): _____

Please mark how many people are attending each event

Wednesday, November 16

_____ 2:00 p.m. Board of Directors Meeting

5:30 p.m. Dinner at Mable Murphy's – please choose one of the options below:

____ # _____ Broiled Walleye

____ # _____ 12 oz. Prime Rib

____ # _____ Lasagna

Thursday, November 17

_____ 8:30 a.m. Tour of Fergus Falls

_____ 12:00 p.m. Lunch

_____ 1 p.m. CGMC Programs, Legislative Panel, and Labor Update

____ # _____ 6:00 p.m. Dinner

Friday, November 18

_____ 8 a.m. Breakfast and Membership Meeting

Registration Fees

_____ \$155 per person - Wednesday, Thursday, and Friday

_____ \$110 per person - Thursday and Friday

_____ \$ 25 per person - Wednesday guest dinner(s)

_____ \$ 25 per person - Thursday guest dinner(s)

_____ TOTAL

Please make checks payable to CGMC.

___ Bill me ___ Payment enclosed ___ I'll pay at the conference

By **November 9**, please send completed registration form to:

Colleen Millard
Flaherty & Hood, P.A.
525 Park Street, Suite 470
Saint Paul, MN 55103
Fax: 651.225.9088
cfmillard@flaherty-hood.com

Hotel Reservations

Please call **Best Western Falls Inn and Suites** to book your hotel room at the special CGMC rate (starting at \$70.00 plus tax) before **Nov. 6**.

Phone: 800.293.2216

925 Western Ave.

Fergus Falls, MN 56537-4803



2011 CGMC Fall Conference Agenda

Wednesday, November 16 – Friday, November 18

Bigwood Event Center, Fergus Falls

All events at Bigwood Event Center unless otherwise noted

**Wednesday,
November 16**

- 2:00 p.m. **Board of Directors Meeting**
- Recruitment and Retention Update
 - Consultant Contracts
 - LGA Strategy Update
 - Other business
- 5:15 p.m. **Bus Leaves for Dinner**
- 5:30 p.m. **Dinner**
Mable Murphy's – Junction Hwy 210 & I-94

**Thursday,
November 17**

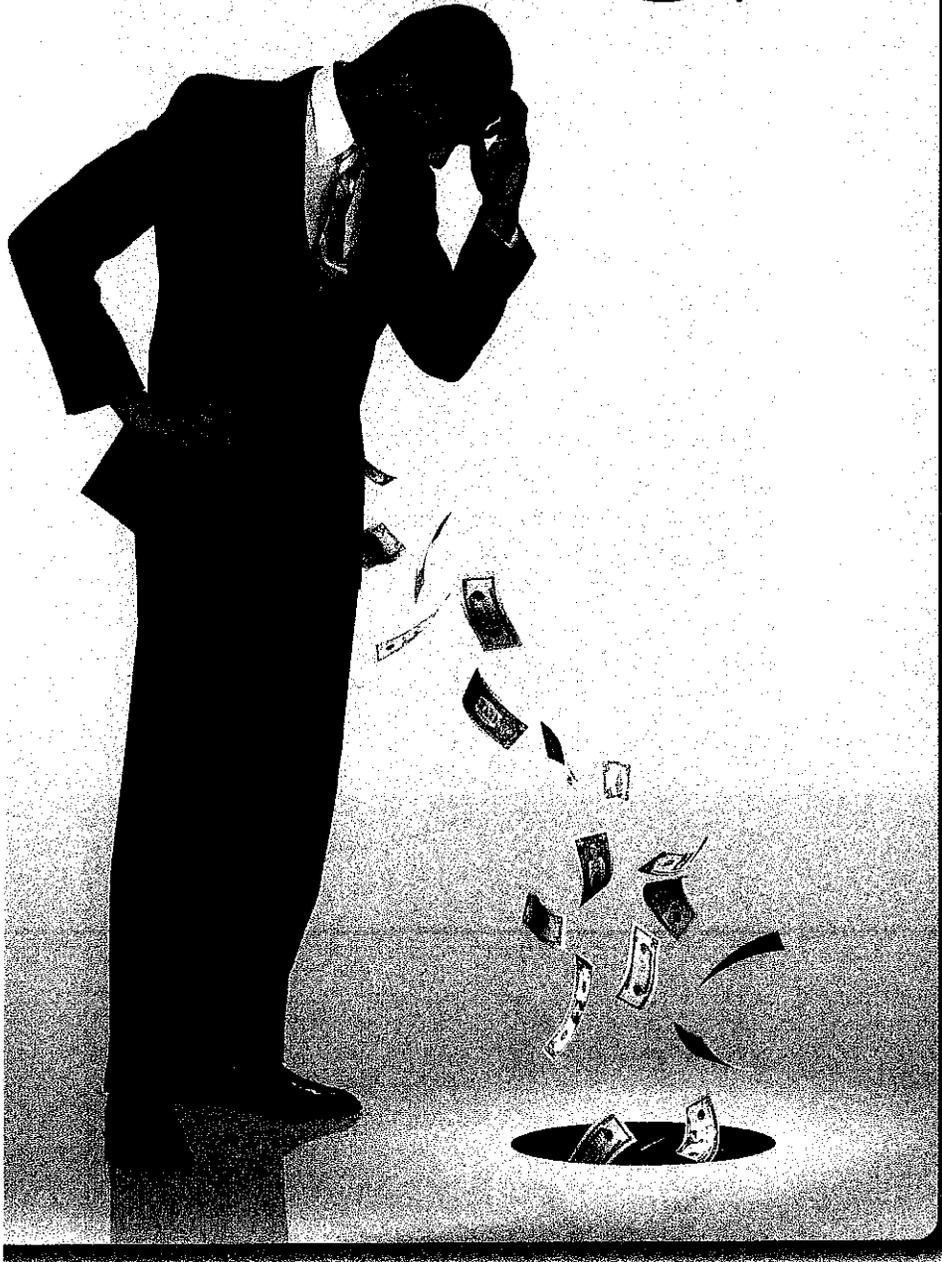
- 8:30 a.m. **Tour of Fergus Falls**
- New Fergus Falls Community Arena
 - Fergus Falls Regional Treatment Center Re-Development
- 12:00 p.m. **Lunch with Speaker – DEED Commissioner Mark Phillips (Invited)**
The Dayton Administration's Plans for Job Growth and Economic Development
- 1:00 p.m. **CGMC Economic Development Proposals**
Tim Flaherty & J.D. Burton, Flaherty & Hood, P.A.
- 2:00 p.m. **Legislative Panel on Constitutional Amendments**
Rep. Ryan Winkler, DFL – Golden Valley (Confirmed)
Rep. Steve Drazkowski, R – Mazeppa (Invited)
- 3:00 p.m. **Break**
- 3:15 p.m. **Redistricting Update**
Elizabeth Wefel, Flaherty & Hood, P.A.
- 3:30 p.m. **Labor & Employee Relations Update**
Chris Hood and Brandon Fitzsimmons, Flaherty & Hood, P.A.
- 5:00 p.m. **Social Hour**
- 6:00 p.m. **Dinner**

**Friday,
November 18**

- 8 a.m. **CGMC Full Membership Meeting**
- Discussion and Adoption of CGMC Policy Positions
 - Advocacy & Media Strategy for 2012 Session
 - Dues & Bylaws Change
 - Other Business
- 11 a.m. **Adjourn**

Beyond the Binge

By Carl Brown



Millions of citizens, taxpayers, business owners and homeowners are waking up from the most prolific debt-fueled bender they have ever known.

The day after the big “bender” one college frat rat says to his buddy, “I’ll never do that again.” His buddy says, “Next weekend... is that before or after never?” And, he’s not joking; he really needs clarification.

Millions of citizens, taxpayers, business owners and homeowners are waking up from the most prolific debt-fueled bender they have ever known. They are thinking, “We will never let that happen again.” Now, you may be thinking, “That’s

national politics. I just run this nice little water system or this fine little town. This larger crisis won’t impact what I do.”

Wrong! This will impact you. If you don’t deal with it you may become a casualty of the larger crisis. Here’s why and how you can avoid that.

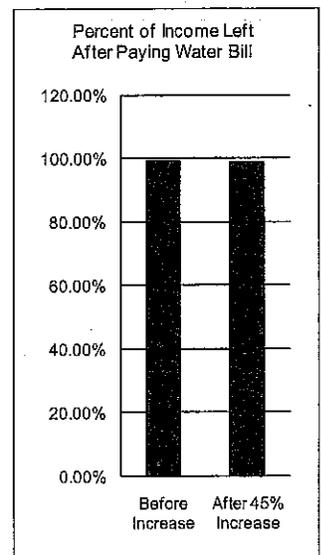
The larger crisis makes many tax payers and ratepayers say, “Stop spending my money, period.” Being pressed to spend more on debt payments and other obligations, tax payers and ratepayers are looking to spend less elsewhere. If that means lower water rates, they’ll take it.

Tax payers and ratepayers still have money to spend but they want to spend it on cheeseburgers, sodas, CDs and other things. Not water. Not sewer. You have some teachable moments ahead.

All utilities must get their financial houses in order. For most water and sewer systems that means rates need to go up right now on the order of 20 to 45 percent. That sounds awful but it’s not.

In most communities water rates are in the \$25 to \$40/month range. (Sewer rates are usually a bit more.) Household incomes run from \$50,000 to \$70,000/year in most of the states. Let’s be conservative and use \$40/month rates and \$50,000/year incomes as our basis. The affordability index of such rates is 0.96 percent ($\$40 * 12 \text{ months} / \$50,000$). That means the “average” family illustrated here must spend just less than one percent of their income to pay their water bills. That situation is represented by the first bar in the bar chart. Considering the life and job-supporting properties of water, that’s a good deal.

If this system needs to raise rates by 45 percent the affordability index will rise to 1.39 percent. The income left over after such an increase is represented by the second bar in the chart. As a result of such an increase, this family’s “after paying the water bill” income will go from 99.04 percent to 98.61 percent. On a spendable income basis, even this worst case rate increase doesn’t amount to much and the “picture” makes that pretty clear.



Your key to getting and keeping adequate rates will be capturing teachable moments like this. Do not highlight the fact that rates need to go up 45 percent. That is an ugly picture. Focus on the fact their spendable income will hardly change. In exchange the value of their homes and businesses will hold steady or go up. Jobs will be retained or created in the community because investors and home buyers want to invest where the water system is sound, not weak or failing.

Distrustful ratepayers will reply with, "Well, you only need an extra \$18/month so just cut it out of the budget." This is another teachable moment. Using your rate calculations or a comprehensive rate analysis you can show such ratepayers where the money goes. You can show them the improvements and investments that are needed to keep their water service coming. For the utility that \$18/month increase works out to \$18/month times 12 times the number of users on the system. That's a lot of "waste" to cut each year and your calculations will show that it just is not there.

Up to this point we have been considering the "good cop" side of the equation – leading and teaching ratepayers using only the positive. You might also need to work the "bad cop" side. Why? Your ratepayers are wondering if water will really stop coming out of the tap if they don't pay an extra \$18/month. They are wondering if it will really be untrustworthy to drink without the higher investment.

The bad cop technique includes showing your ratepayers all their options, even the ugly ones. The ugliest is the "not having drinking water delivered to their homes 24/7, always pure" option. Help your ratepayers compare \$18 worth of water to \$18 worth of CDs, cheeseburgers or whatever they like. Let them decide where investing their \$18 makes sense. Be clear, if they don't invest in water, the service will be poor. If funding is woefully inadequate the system may be shut down someday. Make it clear that your personal wishes are not in play. You are just trying to serve them as well as their funding choices will allow.

In reality, water in the U.S. would be dirt cheap at twice the price but such rates are unnecessary almost everywhere. Here is the real question. Will you, the manager or a decision-maker for your water system be believed and respected by your ratepayers for the information you give them about the rates you propose to charge them?

It all boils down to this. You need to determine how high rates should be and how they should be structured in order to provide service fairly and sustainably. Tell ratepayers the truth and back it up with the facts. Be kind but firm. Teach them what they need to know to understand the impact rate increases will have on them, and the system. Be sober in all your dealings with them.

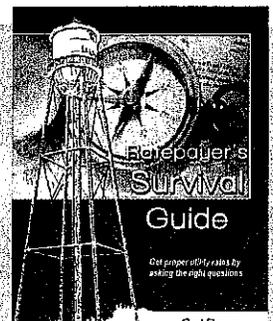
While your ratepayers may not invite you to their next party, they will believe and respect you. They won't love paying higher rates but they will understand why it must be so. As a result the system will be well funded and it will serve the ratepayers well for as long as they desire. Then they can focus their attention on solving the larger crisis while they let you run their nice little water system or fine little town.



Author Bio and Contact Information

Carl Brown is President of Carl Brown Consulting, LLC, specializing in water, sewer and storm water system rate analysis, asset management and training nationwide; and GettingGreatRates.com, home of many rate setting tools. Mr. Brown may be contacted at: Phone (573) 619-3411, E-mail carl@carlbrownconsulting.com, Web sites: <http://carlbrownconsulting.com/> and <http://www.gettinggreatrates.com/>

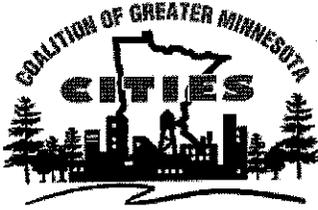
Editor's Note: Don't miss Carl Brown at MRWA's upcoming Water and Sewer Rate Setting Training Session on October 13, 2011 in St. Cloud, MN. Register online at: www.mrwa.com (use the training calendar link) or by calling MRWA at 800-367-6972. You can also purchase Mr. Brown's book, "How to Get Great Rates" in advance from MRWA for \$15 (plus tax).



Carl Brown

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- Water/Wastewater Treatment
- Wastewater Collection
- Water Storage Facilities
- Storm Water Systems

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Coalition of Greater Minnesota Cities

CGMC in Brief

October 6, 2011

Contact: Tim Flaherty
651-225-8840

Impacts of HMVC Elimination

Minnesota House Research, the non-partisan research arm of the Minnesota House, recently produced a city by city analysis of the conversion of the Homestead Market Value Credit program to a market value exclusion. The report shows the shift in property tax burdens by property classification and property value. The report compares actual property taxes paid in 2011 to what the property tax burdens would be in 2011 if the conversion of the HMVC occurred in 2011. The report shows that the HMVC conversion would increase overall property taxes statewide by \$272 million or 3.4%. See how the conversion impacts your city by going to the link below. **Warning the pdf document is over 900 pages.**

<http://www.house.leg.state.mn.us/hrd/issinfo/csim11F1cities.pdf>

Provide Your Input On Redistricting

The judicial panel on redistricting is holding hearings this week and next week to gather input on how legislative and congressional lines should be drawn for the next ten years. City officials should seriously consider testifying in person or through written comments. The deadline for signing up in advance is today, but you may be able to still show up and testify. Details can be found at <http://1.usa.gov/rg8yth> or on our website.

City Input Is Important. The redistricting map will have a significant impact on how greater Minnesota and your individual city is represented at the legislature. For example, the initial maps (found [here](#) and [here](#)) drawn by the legislature and vetoed by the Governor split a number of our cities including Mankato, Staples, and Lake City into two house districts, and in one case two Senate Districts. Even though some city splits are inevitable, it makes sense for a city to provide input on where the spit should be drawn.

Another important consideration is whether your city is grouped with other communities that have similar interests. For example, in the original proposal, Grand Rapids was placed in a senate district that extends all the way to Princeton. Morris, Ortonville, and Elbow Lake were placed in a Senate District that extends all the way to Sauk Rapids and Melrose. These cities could be represented by someone who has almost no connection to their area.

Similarly, the proposed congressional maps split the state in to districts that ran from western boundary to the eastern boundary. This change could further diminish greater Minnesota's representation in Congress.



Keep in mind that even if the initial maps were favorable to your city, they are not the final maps. Thus, if the initially proposed legislative or congressional districts made sense for your area, you may want to provide testimony to that effect as well.

Your Comments Do Make A Difference. These hearings are before a panel of five judges who will take your comments into consideration. For example, in 2002, the panel mentioned testimony by Detroit Lakes Mayor Larry Buboltz and Breckenridge Mayor Cliff Barth when it issued its final plan. Redistricting is not simply plugging numbers into a computer program. The panel wants to know what cities and towns it makes sense to group together and where lines should be drawn if a city must be split.

See the longer attached article for more suggestions and information on testifying. Contact Elizabeth Wefel at ewwefel@flaherty-hood.com or 651-259-1924 for further information.

Shutdown Legal Actions Continue

The legal maneuvering continues regarding the constitutionality of the Ramsey County District Court's order mandating the payment for state services during a shutdown. In June several Republican legislators filed a brief (*Limmer v. Swanson*) contesting the District Court's ability to mandate expenditures, such as the July 2011 LGA payment, without an appropriation by law.

In August, the Minnesota Supreme Court notified the parties of their intent to declare the legislators' matter moot because a budget agreement was reached. On September 28, the legislators filed a petition challenging the Supreme Court's issue of mootness. The legislators argue the court must decide this issue now because a future shutdown is likely and therefore the legal issues will present themselves again. Further, the legislators argue that a district court mandating expenditures is a matter of great public importance and will guide future action by the legislative and executive branches.

The CGMC, along with the League of Minnesota Cities and other city groups, engaged in legal action to protect LGA during the shutdown. The city groups also intervened in the *Limmer* petition so as to protect our position in the future (namely, that LGA must be paid regardless of a shutdown because it is a standing and statutory appropriation.) The city groups have not filed a legal petition specific to the mootness issue. Please contact J.D. Burton with Flaherty & Hood, P.A. if you would like additional information.



Input Welcomed on Economic Development

The CGMC membership approved an expanded economic development program for the CGMC during the upcoming 2012 legislative session. Accordingly, the CGMC is currently soliciting policy ideas and suggestions from stakeholders including cities, EDAs, local chambers of commerce, and others. Information received will be compiled to form the backbone of the CGMC's economic development platform.

All ideas, comments and suggestions are welcome. If you would like to add your insights and input to this discussion, or would like to connect the CGMC with your local chamber or EDA, please contact J.D. Burton with Flaherty & Hood, P.A.

Please Welcome Jenny Nash!

On Monday, Jenny Nash joined Flaherty & Hood. She joins us from the House of Representatives where she worked with media and with the capital investment committee. She will be assuming many of the communication duties previously performed by Erin Flaherty, assisting Glen Fladeboe with media work, and working on event planning, such as CGMC conferences. She can be reached at jsnash@flaherty-hood.com or 651-259-1928.

The Minnesota Department of Natural Resources moved the deadline for applications for FY2012 Parks & Trails grants, Local Trail Connections Grants and the Regional Trail Program up to October 31, 2011 rather than in the spring as in the previous cycle.

Park & Trail Applications Due October 31

Find more details on these programs on the DNR website at <http://bit.ly/hkrBR0>, <http://bit.ly/qEd4Xk>, and <http://bit.ly/r3QK0V>.

Summer Conference Presentations

If you missed the summer conference, you can still review the powerpoints from the presentation on our website. Visit <http://bit.ly/n1UIki> to see all of them.

Mark Your Calendars

Save the dates for these upcoming CGMC Events:

CGMC Fall Conference in Fergus Falls, November 16 – 18, 2011

CGMC Legislative Action Day & Reception at Mancini's, February 8, 2012

2012 CGMC Summer Conference in Owatonna, July 25 – 27, 2012



PROVIDE CITY INPUT ON REDISTRICTING

The judicial panel on redistricting is holding hearings this week and next week to gather input on how legislative and congressional lines should be drawn for the next ten years. City officials should seriously consider testifying in person or through written comments. You can sign up in advance for next week's hearings in Cloquet (Monday), Bemidji (Tuesday), Moorhead (Wednesday), or St. Cloud (Thursday). Limited space may be available at Mankato on Friday. All hearings are from 6:30 to 8:30.

City Input Is Important. The redistricting map will have a significant impact on how greater Minnesota and your individual city is represented at the legislature. For example, the initial map (found here) drawn by the legislature and vetoed by the Governor split a number of our cities including Mankato, Staples, and Lake City into two house districts, and in one case two Senate Districts. Even though some city splits are inevitable, it makes sense for a city to provide input on where the lines should be drawn.

Another important consideration is whether your city is grouped with other communities that have similar interests. For example, in the original proposal, Grand Rapids was placed in a senate district that extends all the way to Princeton. Morris, Ortonville, and Elbow Lake were placed in a Senate District that extends all the way to Sauk Rapids and Melrose. These cities could be represented by someone who has almost no connection to their area.

Similarly, the proposed congressional maps split the state in to districts that ran from western boundary to the eastern boundary. This change could further diminish greater Minnesota's representation in Congress.

Keep in mind that even if the initial maps were favorable to your city, they are not the final maps. Thus, if the initially proposed districts made sense for your area, you may want to provide testimony to that effect as well.

Preparing Your Input. When you prepare your testimony or statement, looking at the initial maps here <http://bit.ly/j8IgSA> (legislative) and here <http://bit.ly/kuhMRs> (congressional) is a good starting point. Start with the interactive map (bottom right hand corner of the page) to find out which proposed district your city would be located in and then go back to the pull down maps to examine the individual districts.

Keep in mind the final maps may look very different. Consider some of the following when preparing your testimony:

- If your city is likely to be split, either because it is large or because it might be necessary to achieve the correct size for a district, you may want to testify that you prefer your city not be split and explain why. If it is inevitable that a split will occur, you may want to comment on the most appropriate place for that to occur.
- If your city has non-contiguous or barely contiguous parcel due to annexation, you may want to recommend that the parcels be included in the same legislative district and explain what that would look like.

PROVIDE CITY INPUT ON REDISTRICTING

- If there are nearby cities/communities that have more common interests with yours, you may want to point that out. For example, Grand Rapids may want to point out that it has more in common with other communities in Northern Minnesota than in the exurban metropolitan area.
- Any number of our cities may want to comment that it would be beneficial that communities in Greater Minnesota be grouped together, whether in congressional districts or legislative districts, rather than being drawn into districts with suburban/exurban cities. It would also be helpful to comment that generally it is helpful to group population centers together into one district.

Your Comments Do Make A Difference. These hearings are before a panel of five judges who will take your comments into consideration. For example, in 2002, the panel mentioned testimony by Detroit Lakes Mayor Larry Buboltz and Breckenridge Mayor Cliff Barth when it issued its final plan. Redistricting is not simply plugging numbers into a computer program. The panel wants to know what cities and towns it makes sense to group together and where lines should be drawn if a city must be split.

Details on providing comments

If you or someone from your city is interested in testifying, please call 1-855-245-0849 and leaving a message that includes: (1) the requestor's name (and spelling) and telephone number; (2) the group that he or she represents, if any; (3) the hearing location at which he or she would like to speak; and (4) any requests for foreign-language or sign-language interpreting services. Please call before the end of the day on Thursday October 6. The online confirmation lists will be updated on Friday, October 7.

If time permits, the panel may hear additional presentations from members of the public who did not pre-register. Right now the lists are not full for Cloquet, Bemidji, Moorhead and St. Cloud so there is a good chance you could testify.

You can also submit written comments via United States mail or e-mail in the following manner:

- Deliver one original and one copy of your written statement to a public hearing
- **OR** e-mail the statement to StateRedistrictingPanel@courts.state.mn.us
- **OR** send one original and one copy of the statement via U.S. Mail to:

Minnesota Special Redistricting Panel
c/o Bridget Gernander, Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Boulevard
Saint Paul, Minnesota 55155

More details on the hearing location and submitting comments can be found here:

<http://www.mncourts.gov/?page=4478>

PROVIDE CITY INPUT ON REDISTRICTING

If you have additional questions, please contact Elizabeth Wefel at eawefel@flaherty-hood.com or 651-259-1924.



CITIES BULLETIN

Issue 38

October 5, 2011

Print a Copy



Download/print a pdf of all articles in this issue

League Seeks Member Comments on Draft 2012 City Policies

Please take a moment to download the policies now, review them, and send your comments to the League. [Read more.](#)

REGULATION

How Will New Homestead Market Value Exclusion Affect TIF Districts?

The League is collecting information from cities with certain housing TIF districts that will have less increment as a result of the new homestead market value exclusion. [Read more.](#)

Focus on New Laws: Library Maintenance of Effort

A 10 percent reduction in city and county library MOE could allow some savings for local governments. [Read more.](#)

State Offers Grants for Energy Code Enforcement Assessment

The state has posted an RFP for grants to allow cities to perform self-assessments of local compliance with the state energy code. [Read more.](#)

Is Your City Using the Extended 2011 TIF Authority?

Cities and development authorities using the 2011 TIF extensions on pooling and economic development districts are asked to contact the League. [Read more.](#)

Do Baseball and Beer Mix at Your City's Local Ballpark?

The Legislature is seeking input on certain liquor licenses from cities with baseball teams. [Read more.](#)

Shutdown Lawsuit: Status Update

The group of legislators that filed the lawsuit was the only party to respond to the Supreme Court's request for input on why the suit should not be dismissed. [Read more.](#)

More Than 100 Cities Qualify for Incentives Through State Program

A total of 113 cities will get money for participating in the state's new Performance Measures Program. [Read more.](#)

MnDOT Seeks Public Comments on 50-Year Transportation Vision

The document consists of a vision statement, guiding principles, and a look at the desired outcomes. [Read more.](#)

Local Information and Resources

[Regional Meeting Metro Agenda Just Announced: Register Today!](#)

[CEAM 2011 Engineer & Project of the Year Nominations--Deadline Nov. 11](#)

[Last Chance to Register: October Fire & Police Loss Control Workshops](#)

[Free Fall Symposium: Law Enforcement & Distracted Driving](#)

[Join the New and Improved Facebook Page for the Latest Updates from the League](#)

[Current Grant Opportunities](#)

Training, Conferences, Events

[Upcoming League Events](#)

[Online Training/E-Learning](#)

[Co-Sponsored Events](#)

[Events Sponsored by Other Organizations](#)

Featured Events

2011 LMC Regional Meetings

October-November
Various dates and locations throughout the state

Fireground Safety--10 Frequent Mistakes, 10 Best Practices

October--4 dates and locations

Police & Our Changing Communities

October--2 dates and locations

Quick Links

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

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League Seeks Member Comments on Draft 2012 City Policies



Please take a moment to download the policies now, review them, and send your comments to the League.

The League's policy committees have completed their work, and the *Draft 2012 City Policies* are now available. Please take a moment to download the policies now, review them, and send your comments to the League.

View the Draft 2012 City Policies (pdf) (*Link to: <http://www.lmc.org/media/document/1/draft2012policies.pdf>*)

Members are encouraged to submit comments on the draft policies to policycomments@lmc.org (*Link to: <mailto:policycomments@lmc.org>*). The comment period ends **Nov. 1**. All member comments are shared with the League Board of Directors before the Board takes final action on the policies in November. The policies will serve as a framework for the League's advocacy efforts during the 2012 legislative session, which begins Jan. 24, 2012.

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

How Will New Homestead Market Value Exclusion Affect TIF Districts?



The League is collecting information from cities with certain housing TIF districts that will have less increment as a result of the new homestead market value exclusion.

(Published Oct 5, 2011)

Along with all the property tax changes that will occur under the new homestead market value exclusion, tax increment financing (TIF) districts with qualifying homesteaded property will be affected. One major result will be a reduction of increment for those TIF districts, which will adversely impact the city's financing plans for the district.

If your city has a TIF district that will be affected, please let the League know. Examples will assist us in securing changes to the tax increment statutes in the 2012 legislative session.

With the new exclusion, the current year value of a TIF district will be reduced to reflect the impact of the new market value exclusion. As the League has reported in earlier articles on the new exclusion, the Department of Revenue's interpretation is that the TIF statutes do not provide for any adjustment to a TIF district's original (base year) net tax capacity resulting from the new market value exclusion. As a result of this interpretation, the application of the homestead market value exclusion will reduce increments in districts containing homesteaded property that qualifies for the exclusion.

The law governing changes to a TIF district's original net tax capacity, *Minnesota Statutes*,

section 469.177 (*Link to: <https://www.revisor.mn.gov/statutes/?id=469.177>*), provides for adjustments as a result of previously taxable real property within the district becoming tax exempt as well as for property classification changes. However, the Department of Revenue is interpreting the new homestead market value “exclusion” to be neither a “tax exemption” nor a “property classification change.”

The League’s Improving Local Economies Policy Committee has proposed policy language to address the TIF impacts under the new homestead market value exclusion. It has also proposed policy positions to address homestead market value exclusion issues related to economic development authorities, housing and redevelopment authorities, and port authority levy limits as well as impacts related to market value-based debt limits. The League will be pursuing legislation to address these issues in the 2012 legislative session.

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

Your LMC Resource

Does your city have a TIF district that will be adversely affected by the new homestead market value exclusion? Please let the League know.

Contact Jennifer O’Rourke

IGR Representative

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

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

Focus on New Laws: Library Maintenance of Effort



A 10 percent reduction in city and county library MOE could allow some savings for local governments.

(Published Oct 5, 2011)

In legislative session 2011, the statutory formula for maintenance of effort (MOE) for libraries was modified to provide for a 10 percent reduction of the 2011 official state-certified level of library support amount. The 90 percent of the 2011 state-certified level of library support amount is the base amount for 2012. The modification was included in First Special Session **Chapter 7**

(*Link to: <https://www.revisor.mn.gov/laws/?id=7&doctype=Chapter&year=2011&type=1>*).

This has the potential of a cumulative reduction of approximately \$13 million in funding for library operations for calendar year 2012. The state-mandated amount is the minimum level required by state law, and a county or city may increase support beyond this level to meet local library needs and goals.

Minnesota Department of Education staff said that the regular certification letters and forms would be going out to affected cities and counties this week. For more information, contact

Nancy Walton, director & state librarian, State Library Services, Minnesota Department of Education, at (651) 582-8881 or nancy.walton@state.mn.us (Link to: <mailto:nancy.walton@state.mn.us>) , or by mail at 1500 Highway 36 West, Roseville, MN 55113

Library MOE an ongoing issue

State-mandated MOE contributions have frustrated both city and county officials over the years, with the topic rising to the top of many mandate discussions both at the Capitol and in the various policy committees of both the Association of Minnesota Counties and the League of Minnesota Cities.

Over the past few years, there have been legislative efforts to reduce the MOE as well as to outright repeal *Minnesota Statutes, section 134.34* (Link to: <https://www.revisor.mn.gov/statutes/?id=134.34>) . Those proposals also came forward during the 2011 session.

The League's position for the last few years has not asked for an outright repeal, but has sought to educate legislators that when the counties are allowed to let up on their MOE contribution, it often results in an increased financial burden to the cities as everyone struggles to make the library budgets work. The topic has come up through the League's **Improving Service Delivery**

(Link to: <http://www.lmc.org/page/1/improving-service-delivery.jsp>) and **Improving Fiscal Futures** (Link to:

<http://www.lmc.org/page/1/improving-fiscal-futures.jsp>) policy committees.

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

Your LMC Resource

For more information or to share your local library situation:

Contact Jennifer O'Rourke

IGR Representative

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

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

State Offers Grants for Energy Code Enforcement Assessment

The state has posted an RFP for grants to allow cities to perform self-assessments of local compliance with the state energy code.

(Published Oct 5, 2011)



The Energy Resources Division of the Minnesota Department of Commerce posted a request for proposal (RFP) for local units of government to assess the compliance with a baseline energy code for new and renovated residential and commercial buildings and for identifying code enforcement procedural changes and/or training needs that could improve compliance rates.

Up to \$400,000 is available through this program, but no individual grant award is expected to exceed \$25,000. The funds being applied to this grant program were awarded to the state as part of the federal American Recovery and Reinvestment Act in 2009. The RFP includes guidance documents and recommended procedures and methods for performing the assessment.

RFPs must be submitted by 12 p.m. on **Oct. 28**.

Learn more and access the RFP (*Link to: <http://www.state.mn.us/portal/mn/jsp/content.do?id=536893811&subchannel=null&sc2=null&sc3=null&contentid=536921331&contenttype=EDITORIAL&programid=536917261&agency=Energy>*)

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

Your LMC Resource

Contact Craig Johnson

IGR Representative

(651) 281-1259 or (800) 925-1122

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

Is Your City Using the Extended 2011 TIF Authority?



Cities and development authorities using the 2011 TIF extensions on pooling and economic development districts are asked to contact the League.

(Published Oct 5, 2011)

In an effort to spur job creation last session, policymakers at the Capitol were successful in getting some of the tax increment financing (TIF) provisions in the 2010 jobs bill extended. The League and Metro Cities brought forward legislation (originally authored by Rep. Jenifer Loon, R-Eden Prairie, and Sen. Dave Senjem, R-Rochester), which was ultimately included in **Chapter 112** (*Link to: <https://www.revisor.mn.gov/laws/?id=112&doctype=Chapter&year=2011&type=0>*). A number of cities testified or contacted their legislators to support the idea.

Provide your input

Policymakers would like to know if your city is using this extra authority and time. As the bill moved through the process, both legislators and the governor's office expressed an interest in knowing whether the extra time would make a difference. If your city is making use of the extension, please let the League know by contacting Jennifer O'Rourke at jorourke@lmc.org (*Link to: <mailto:jorourke@lmc.org>*) or (651) 281-1261.

Here is information about the TIF extension, excerpted from page 55 of the League's **2011 Law Summaries (pdf)** (*Link to: <http://www.lmc.org/media/document/1/lmcclawsummaries11.pdf>*):

"2010 Jobs bill TIF flexibilities extended. Sections 13-14 extend last year's Jobs/State-

stimulation bill, by adding time onto the TIF flexibilities provided under Minnesota Session Laws 2010, Chapter 216. Section 13 addresses using the economic development districts for any new construction, and adds one year onto that. The effect is that a municipality would need to find that the construction would not have commenced before July 1, 2012, without the assistance, amending Minn. Stat. § 469.176, subd. 4m. This provision is limited however, in its application to housing, and specifies that construction must begin before Jan. 1, 2012, and cannot apply to owner occupied or rental housing qualified under Minn. Stat. § 469.1761, subd. 2 and 3 (subsidized housing).

“Section 14 allows for more time under the second major provision in last year’s bill, dealing with allowing cash balances in existing TIF districts to be used to spur new construction and rehabilitation authorized under Minn. Stat. § 469.1763, subd. 2. For projects consisting of housing, this authority expires on Dec. 31, 2011, and construction must commence before July 1, 2011. An exception is made for projects involving market rate housing, for which this authority is extended until July 31, 2012, and construction must commence before Jan. 1, 2012. Both sections are effective June 1, 2011.”

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

Your LMC Resource

Contact Jennifer O'Rourke

IGR Representative

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

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

Do Baseball and Beer Mix at Your City's Local Ballpark?

The Legislature is seeking input on certain liquor licenses from cities with baseball teams.

(Published Oct 5, 2011)



House of Representatives Research staff has asked the League for help with collecting information from cities and **local baseball teams** (*Link to: <http://www.minnesotabaseball.org/TeamsByAlphabetical>*) about their views on selling liquor. During the 2011 session, some “town teams” asked for the ability to serve strong beer and for special licenses to do so, but legislators were not fully comfortable with the idea.

House Research would like answers to the following questions:

- Does your city allow strong beer or 3.2 beer at your local ballpark?
- Is this an issue with your team, in that it would be in any way preferable to the team to allow strong beer?

- Does the city have issues with a general law allowing strong beer to be served in the concession area, which would require cities to issue a strong beer license?

Send replies to Jennifer O'Rourke, LMC, at jorourke@lmc.org (Link to: <mailto:jorourke@lmc.org>) or (651) 281-1261, or to Patrick McCormack, House Research, at patrick.mccormack@house.mn (Link to: <mailto:patrick.mccormack@house.mn>) or (651) 296-5048.

During the 2011 session, the idea came forward as HF 1562 (**Rep. Joe Mullery** (Link to: http://www.house.leg.state.mn.us/members/members.asp?leg_id=10442) , DFL-Minneapolis) and would have amended **Minnesota Statutes, section 340A.404** (Link to: <https://www.revisor.mn.gov/statutes/?id=340A.404>) to add city baseball parks or stadiums to those that can be issued a liquor license. The bill was permissive for the city, and as drafted would have covered amateur, town ball, semi-professional, or professional baseball.

Officially, this year's omnibus liquor bill (**Chapter 55** (Link to: <https://www.revisor.mn.gov/laws/?id=55&doctype=Chapter&year=2011&type=0>)) called for a basic study of the issue, and House Research is working with the League to conduct some research.

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

Your LMC Resource

Contact Jennifer O'Rourke

IGR Representative

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

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

Shutdown Lawsuit: Status Update

The group of legislators that filed the lawsuit was the only party to respond to the Supreme Court's request for input on why the suit should not be dismissed.

(Published Sep 8, 2011)



The legal challenge to the intervention by the courts in the Minnesota state government shutdown may be one step closer to resolution. Sept. 30 was the deadline for parties to submit responses to the Minnesota Supreme Court's request for input as to why the matter should not be dismissed as moot given that the state shutdown has ended and a budget has since been enacted.

The only party to submit a brief by the deadline was the group of legislators that filed the original lawsuit. In their memorandum to the court, they argue that despite the fact that the state shutdown ended after 20 days, the petition is still ripe for review due to the fact that the recent

repeated interventions of the district court in state government appropriations in 2001, 2005, and 2011 suggest that court intervention in future state government shutdowns is capable of repetition, yet can evade judicial review. Specific to the 2011 shutdown, they argue that the duration of the impasse was too short for the Supreme Court to adjudicate the merits of the petition.

The group of legislators submitting the brief also argues that the issue is an important public issue of statewide significance. The brief mentions that the 2011 governmental shutdown affected thousands of citizens and cost the state of Minnesota millions of dollars. In addition, the brief mentions the fact that numerous other statewide interests looked to the district court for mandated funding through intervention.

Neither Gov. Mark Dayton nor Attorney General Lori Swanson, two of the named respondents to the original lawsuit, chose to submit any response to the Supreme Court.

The original lawsuit was filed on July 8 by **Sen. Warren Limmer** ([Link to: http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1032&ls=](http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1032&ls=)) (R-Maple Grove), **Sen. Scott Newman** ([Link to: http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1173&ls=](http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1173&ls=)) (R-Hutchinson), **Sen. Sean Nienow** ([Link to: http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1172&ls=](http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1172&ls=)) (R-Cambridge), **Sen. Roger Chamberlain** ([Link to: http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1187&ls=](http://www.senate.leg.state.mn.us/members/member_bio.php?mem_id=1187&ls=)) (R-Lino Lakes), **Rep. Glenn Gruenhagen** ([Link to: http://www.house.leg.state.mn.us/members/members.asp?id=15350](http://www.house.leg.state.mn.us/members/members.asp?id=15350)) (R-Glencoe), and **Rep. Ernest Leidiger** ([Link to: http://www.house.leg.state.mn.us/members/members.asp?id=15355](http://www.house.leg.state.mn.us/members/members.asp?id=15355)) (R-Mayer). Specifically, the original petition challenged the authority of the Ramsey County District Court to authorize expenditures by executive branch agencies in the absence of legislative appropriations.

The original petition also challenged the authority of the attorney general to seek authorization for such expenditures in the absence of enacted appropriations, as well as the authority of the commissioner of the Minnesota Department of Management and Budget to make payments as authorized by the District Court.

The League decided not to submit a brief to the Supreme Court on the mootness issue, but under the Supreme Court order, any party can now respond to the Sept. 30 brief by the six legislators by Oct. 17. In addition, the Supreme Court may yet decide to consider oral arguments on the question of mootness or on the merits of the original petition. If oral arguments are sought, the Supreme Court will notify the parties of the date, time, and place of the hearing.

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

Your LMC Resource

Contact Gary Carlson

IGR Director

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gcarlson@lmc.org ([Link to: mailto:gcarlson@lmc.org](mailto:gcarlson@lmc.org))

More Than 100 Cities Qualify for Incentives Through State Program



A total of 113 cities will get money for participating in the state's new Performance Measures Program.

(Published Oct 5, 2011)

More than 100 cities were certified to receive additional local government aid (LGA) as part of the state's new Performance Measures Program, according to report released by Office of the State Auditor (OSA) on Sept. 29. This aid amount is separate from the regular formula LGA.

A total of 113 cities, or 13 percent, participated in the program and were certified. In addition, 38 counties, or 44 percent, participated and were certified. Entities in both the metro area and Greater Minnesota chose to participate.

A county or city that was successfully certified for 2011 is eligible for a reimbursement of 14 cents per capita in local government aid, not to exceed \$25,000. There are no levy limits for cities in 2012, but if there were, these 113 cities would have been exempt as an added benefit of the performance measures certification. When the program was first designed, cities with populations over 2,500 and counties were under levy limits.

- **Access the OSA's 2011 Performance Measurement Report, which lists the certified cities and counties** (*Link to: <http://www.auditor.state.mn.us/default.aspx?page=20110927.000>*)

History of the Performance Measures Program

In 2010, the Legislature created the Council on Local Results and Innovation to develop the Performance Measures Program. In February 2011, the council released a standard set of 10 performance measures for counties and cities that would aid residents, taxpayers, and state and local elected officials in determining the efficacy of counties and cities in providing services, and measure residents' opinions of those services. Participation in the standard measures program by a city or a county is voluntary.

To receive the 2011 incentive payment, cities had until July 1, 2011, to file with the auditor a signed resolution to adopt the 10 measures. For 2012 incentives, participating cities will also need to survey citizens and report results to the auditor. The League developed and is managing an online survey that cities can use to fulfill this requirement. There are 18 cities participating in the League-administered survey.

- **Learn more about the League-administered survey** (*Link to: <http://www.lmc.org/page/1/innovationguide.jsp>*)
- **Learn more about the Performance Measurement Program from the OSA website** (*Link to: <http://www.auditor.state.mn.us/default.aspx?page=20110525.013>*)

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

Your LMC Resource

Contact Jennifer O'Rourke

IGR Representative

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

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

Contact Rachel Walker

Manager, Policy Analysis

(651) 281-1236 or (800) 925-1122

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

MnDOT Seeks Public Comments on 50-Year Transportation Vision



The document consists of a vision statement, guiding principles, and a look at the desired outcomes.

(Published Oct 5, 2011)

The Minnesota Department of Transportation (MnDOT) invites public comments through Oct. 21 on a draft 50-year vision for transportation in the state. The vision was developed with input from the public and diverse representatives of the transportation community who participated in advisory group meetings, public workshops, and online during the past several months. The public can view the seven-page document on the Minnesota GO website and share their thoughts online, by e-mail, fax, or U.S. mail. MnDOT will accept comments until 4:30 p.m. on **Oct. 21**.

- **Access the 50-year vision on the Minnesota Go website** (Link to:

<http://www.citizing.org/projects/minnesotago/page/708>)

In February 2011, MnDOT launched the Minnesota GO visioning process in collaboration with many partners to better align the transportation system with what Minnesotans expect for their quality of life, economy, and natural environment.

The document consists of a vision statement and guiding principles as well as a broad look at the desired outcomes. The vision recognizes that transportation infrastructure is only one of the many elements to achieving a high quality of life, a competitive economy, and a healthy environment.

MnDOT and other transportation organizations will use the vision and information from this project in developing short-term and long-term plans. The vision will offer guidance in determining the transportation initiatives that the state chooses for investment.

Submit comments to Philip Schaffner by:

- E-mail: philip.schaffner@state.mn.us

- Fax: (651) 366-3794
- Phone: (651) 366-3743
- Mail: Minnesota Department of Transportation, Office of Statewide Multimodal Planning, 395 John Ireland Blvd., Mail Stop 440, St. Paul, MN 55155

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

Your LMC Resource

Contact Anne Finn

Assistant IGR Director

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

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



Current Grant Opportunities

Self-Assessments of Energy Code Enforcement Grants

The Energy Resources Division of the Minnesota Department of Commerce posted a request for proposal (RFP) for local units of government to assess the compliance with a baseline energy code for new and renovated residential and commercial buildings and for identifying code enforcement procedural changes and/or training needs that could improve compliance rates. Up to \$400,000 is available through this program, but no individual grant award is expected to exceed \$25,000. The funds being applied to this grant program were awarded to the state as part of the federal American Recovery and Reinvestment Act in 2009. The RFP includes guidance documents and recommended procedures and methods for performing the assessment. RFPs must be submitted by 12 p.m. on **Oct. 28**.

Learn more and access the RFP (*Link to: [http://www.state.mn.us/portal/mn/jsp/content.do?id=-](http://www.state.mn.us/portal/mn/jsp/content.do?id=-536893811&subchannel=null&sc2=null&sc3=null&contentid=536921331&contenttype=EDITORIAL&programid=536917261&agency=Energy)*

536893811&subchannel=null&sc2=null&sc3=null&contentid=536921331&contenttype=EDITORIAL&programid=536917261&agency=Energy)

MN Department of Natural Resources Park and Trail Grants

The Department of Natural Resources currently has three grant funding opportunities for park and trail projects across Minnesota. The programs soliciting applications include the Parks and Trails Legacy Grant Program, Local Trail Connections Program, and Regional Trail Program. Eligible projects include acquisition, development, restoration, and maintenance of park or trail related facilities. Local units of government are eligible applicants. There was an original grant solicitation in March 2011 for these programs, but this new solicitation is because of changes to the program statutes and appropriations during the 2011 legislative sessions, which lowered the amount of matching funds required.

Applications are due by **Oct. 31**. For more information, contact Audrey Mularie, Division of Parks and Trails, at (651) 259-5549 or audrey.mularie@state.mn.us (*Link to: <mailto:audrey.mularie@state.mn.us>*).

- **Learn more and access the application for the Parks and Trails Legacy Grant Program** (*Link to: http://www.dnr.state.mn.us/grants/recreation/pt_legacy.html*)
- **Learn more and access the application for the Local Trail Connections Program** (*Link to: http://www.dnr.state.mn.us/grants/recreation/trails_local.html*)
- **Learn more and access the application for the Regional Trail Program** (*Link to: http://www.dnr.state.mn.us/grants/recreation/trails_regional.html*)

DEED Redevelopment Grants

The Minnesota Department of Employment and Economic Development (DEED) will be awarding \$2 million in general fund dollars as well as additional bond dollars for grants through the Redevelopment Grant Program. Under the program, your project can receive up to 50 percent of costs to pay for land acquisition, demolition, infrastructure and other project-related improvements related to redeveloping the property. The deadline for applications is 4 p.m. on **Jan. 3, 2012**. For more information, contact Irene Dassier, DEED, at (651) 259-7449 or Irene.Dassier@state.mn.us (*Link to: <mailto:Irene.Dassier@state.mn.us>*)

- **Read about Redevelopment Grant workshops DEED is offering** (*Link to:*

<http://www.lmc.org/page/1/redevelopmentgrants.jsp>)

- **Learn more about the grant program** (*Link to:*

http://www.positivelyminnesota.com/Government/Financial_Assistance/Site_Cleanup_Redevelopment_Funding/Redevelopment_Grant_Program.aspx)

- **Access an application for the grant** (*Link to:*

http://www.positivelyminnesota.com/Government/Financial_Assistance/Site_Cleanup_Redevelopment_Funding/Redevelopment_Grant_Program_2.aspx)

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

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FLAHERTY & HOOD-WINONA HOSTS OPEN HOUSE



Flaherty & Hood's Winona office is staffed full-time by attorney Michael Flaherty and paralegal Roseann Shaw and part-time by City Attorney Chris Hood. The Winona office serves as a regional legal hub for southeast Minnesota. Flaherty, along with the St. Paul office, provides civil and criminal legal services. Shaw brings with her over 30 years of experience working under former city attorneys George Robertson and Rich Blahnik.

Massive Alliant Energy rate increase successfully reduced

Over the last year, Attorneys **Joe Sullivan** and **Steve Nyhus** represented the City of Albert Lea in its challenge to Alliant Energy's massive electric rate increase. Alliant Energy proposed raising electric rates for all of its Minnesota customers by approximately

22%. As the largest Minnesota customer of Alliant Energy, the City of Albert Lea faced an approximate \$250,000 yearly increase in its electric bills. In representing the City, Joe and Steve developed a two pronged strategy for attacking the necessity of the electric

rate increase. This strategy had the City formally intervene in the Alliant Energy rate case before the Minnesota Public Utilities Commission and spearhead a public relations and media campaign to advocate to the Commission for reduced rates. Prior to this case, no other communities had been so actively involved in opposing a utilities request to increase their electricity rates. The overall campaign was tremendously successful and spurred a massive outpouring

of opposition by similar communities, residents, and businesses affected by the increase. The Public Utilities Commission ruled this past summer that Alliant Energy's rate increase would be reduced by approximately 50%.

For more information, please contact Joe Sullivan at jsullivan@flaherty-hood.com or Steve Nyhus at swnyhus@flaherty-hood.com.

St. Charles chooses Flaherty & Hood as city attorney



Flaherty & Hood is proud to announce that Principal Attorney **Chris Hood** now serves as the City of St. Charles' City Attorney. St. Charles is now added to the cities of Northfield, Winona, Grand

Marias, Park Rapids and Sartell that have chosen Flaherty & Hood. As City Attorney, Chris and the attorneys at Flaherty & Hood will exclusively meet these cities' respective needs for civil legal services. Flaherty & Hood looks forward to a long and productive relationship with the City of St. Charles.

For more information, please contact Chris Hood at cmhood@flaherty-hood.com

Communication still best method to advance bonding projects

Flaherty & Hood has secured bonding for many clients and is available to help advance your project next session. Jenny Nash, a former Committee Administrator for the House Capital Investment Committee, is now on our staff and can share her expertise in this area as well.

Even year legislative sessions are traditionally larger bonding years and 2012 should be no exception. State agencies and local governments have made preliminary requests to the Minnesota Management and Budget Office (MMB).

To date, the preliminary requests total \$2.256 billion: \$1.757 billion from state agencies and \$499 million from local governments. Governor Dayton will submit his Strategic Capital Budget to the Legislature on January 15, 2012. Not all projects will get funded so it is important to make your project stand out.

Jobs and economic development: Provide information on the jobs retained or created for your project. While it can be hard to quantify, legislators want to know the estimated number of short-term and long-term jobs that will be created. Another important piece of information is the economic impact to the area. What is the annual economic benefit of the project? Will it bring out of state dollars to the area?

Community support and partnerships: Show how a wide array of stakeholders in your community support the project. This includes area legislators, city councils, county officials, local businesses, educational institutions, associations, coalitions or other community groups.

Start early and stay connected: It is not too early to contact the Governor's office and the House and Senate Capital Investment Committees. Share with committee members, chairs and the governor's bonding staff what makes your project significant to the state or region. Remember to include jobs and economic impact figures.

Flaherty & Hood staff will help your project advance at each and every level.

For more information, contact Bradley Peterson at bmpeterson@flaherty-hood.com or Elizabeth Wefel ewefel@flaherty-hood.com.

Flaherty & Hood prevails in grievance arbitration



Brandon Fitzsimmons

represented the City of Waite Park in a grievance arbitration in which the arbitrator denied a union's request that employees receive an increase in the City's payment to health insurance premiums after the labor contract expired.

This arbitration involved a grievance initiated under a labor contract by Teamsters, Local 320 - the union for public works employees of the City - requesting that the City increase its payments to the employee's health insurance premiums beginning in 2010 even though the labor contract expired on December 31, 2009 and the parties were negotiating the terms of a 2010 contract.

The grievance award is available at: <http://www.bms.state.mn.us/documents/awards/20110215-waitepark.pdf>

For more information please contact Brandon Fitzsimmons at 651-225-8840 or bmfitzsimmons@flaherty-hood.com

Flaherty & Hood negotiates condemnation settlement



Flaherty & Hood Senior Attorney **Robert Scott** successfully negotiated a global settlement agreement between a greater Minnesota city and

two private landowners. The agreement resolved the city's eminent domain action to condemn property owned by the landowners, clearing the way for the city to proceed with a project to realign and reconstruct an intersection of a city street and a County State Aid Highway within its boundaries in order to increase the safety of the city's transportation network.

For more information, please contact Robert Scott at 651-225-8840 or rtscott@flaherty-hood.com.

Flaherty & Hood helps cities comply with new variance laws



Flaherty & Hood Shareholder/Attorney **Chris Hood** drafted amendments to several cities' variance ordinances and related application documents to bring them into compliance and fully take advantage

of the new flexibility created by the legislature's amendments to the variance provision of the Minnesota Municipal Planning Act.

For more information, please contact Chris Hood at 651-225-8840 or cmhood@flaherty-hood.com

Flaherty & Hood drafts new utility ordinance



Flaherty & Hood Senior Attorney **Robert Scott** completed a comprehensive review of a Greater Minnesota city's ordinance

and policies governing its collection of delinquent utility bills. He drafted an ordinance amendment and related template documents to enable the city to most efficiently administer its accounts for the city's electric, natural gas and water services and secure payment of delinquent utility bills by routinely certifying delinquent charges to the County Auditor for collection with property taxes.

For more information please contact Robert Scott at 651-225-8840 or rtscott@flaherty-hood.com.

Larson and Wefel present to Minnesota Association of Rehabilitation Providers



Elizabeth Wefel and Nancy Larson

recently gave a presentation to the Minnesota Association of Rehabilitation Providers (MARP). They discussed how the 2010 election affected the Minnesota



Department of Labor and Industry and how this is impacting workers compensation and the rehabilitation industry.

Flaherty & Hood represents MARP at the legislature and the Department of Labor and Industry.

STAR NEWS

Flaherty & Hood hires client support manager



Flaherty & Hood has added **Jenny Nash** to its regular staff. Jenny was employed for over 20 years at the Minnesota Legislature in a

variety of capacities. As the House Capital Investment committee administrator from January 2007-January 2011, Jenny planned committee hearings, helped prepare and negotiate House bonding bills and organized site visits in multitudes of Greater Minnesota cities.

As client support manager, Jenny will be available to assist clients with communication outreach, media relations and event planning.

Please feel free to contact Jenny Nash at 651-259-1928 or jsnash@flaherty-hood.com with questions.

Greater Minnesota Economic Development efforts underway



Flaherty & Hood, P.A. Senior Attorney/Lobbyist **J.D. Burton**

and Senior Policy Analyst **Steve Peterson**



have led a multi-tiered effort this fall to help boost economic development and job growth in greater Minnesota. As part of their work for the Coalition of Greater Minnesota Cities, Burton and Peterson have engaged dozens of local chambers of commerce, Economic Development Authority professionals, city leaders, and others to identify many of the programs or policies needed to enhance economic recovery outside the Metro Area. Burton and Peterson will present feedback and recommendations to the CGMC's membership in November, followed by official introduction of policy recommendations at the Capitol next year.

For more information about these efforts, please contact J.D. Burton at 651-225-8840 or jdburton@flaherty-hood.com or Steve Peterson at 651-225-8840 or smpeterson@flaherty-hood.com.

Invitations and appointments



Flaherty & Hood, P.A. Senior Attorney/Lobbyist **J.D. Burton** was recently invited to join the Legislative Commit-

tee of the Economic Development Association of Minnesota (EDAM). EDAM is a professional association of economic development professionals, contractors, government officials and others whose purpose is to advance economic development in Minnesota through exchange of ideas, legislative advocacy and education. Burton will help advise EDAM on their legislative strategies for the upcoming 2012 session.



Elizabeth Wefel was recently appointed to the Metropolitan Council's Land Use Advisory Committee as a representative for District 14. The LUAC provides advice and assistance to the Metropolitan Council on land use matters.



In early October, Senior Attorney **Steve Nyhus** was appointed as one of two individuals representing MESERB

on an advisory committee providing input to the MPCA on the study of, and possible revision to, the state's sulfate standard for wild rice waters. The advisory group was created as part of legislation passed during the 2011 session. The group is currently developing a protocol for scientific study of the effects of sulfate concentrations on the growth and reproduction of wild rice, both in natural stands and in farmed paddies.

For more information, please contact Steve Nyhus at 651-225-8840 or swnyhus@flaherty-hood.com.

Provide your input on redistricting

Ordinary citizens and city officials have the opportunity to provide input on one of the most important decisions this decade – the drawing of legislative and congressional districts. The decision will determine how your community is represented at the legislature and in Congress.

In the initial maps proposed by the legislature, several cities were split into two or more legislative districts. Other cities were placed in long narrow districts shared by very different communities located hours away. The proposed congressional maps also split the state into districts that ran from the western boundary to the eastern boundary.

Although the legislature still could pass another map in January, it would still

need approval from the governor. Thus, the maps being created by the Judicial Panel on Redistricting are likely to be the final maps. Past judicial panels have relied on oral and written testimony from cities and citizens. You can help your community by providing written comments before 5:00 PM on October 21, 2011.

Start by looking at the initial legislative maps here and congressional maps here. The interactive map in the bottom right hand corner will identify which proposed district your city would be located in. The pull down maps provide detail about the individual districts.

Redistricting is not simply plugging numbers into a computer program. Written comments should include what cities,

towns, and other communities of interest make sense to group together and where lines should be drawn if a city must be split.

E-mail statements to StateRedistricting-Panel@courts.state.mn.us or send one original and one copy of the statement via U.S. mail to: Minnesota Special Redistricting Panel, c/o Bridget Gernander, Clerk of Appellate Courts, 305 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd, St Paul, MN 55155.

If you have additional questions, please contact Elizabeth Wefel at ewwefel@flaherty-hood.com or 651-259-1924.

Seminars, conferences and meetings



Shareholder/Attorney **Chris Hood** attended the Minnesota Association of City Attorneys Education Conference in February in Brooklyn Center

and the Upper Midwest Employment Law Institute Education Conference on May 24-25 in St. Paul. The city attorneys conference is widely attended by city attorneys throughout the state and provides educational opportunities on a variety of subjects impacting cities including appropriate uses of conditional and interim use permits, development of joint powers and subdivision agreements, and development of social media policies.



Senior attorney **Brandon Fitzsimmons** attended the Public Sector Labor and Employment Law 2011 CLE in February.

This Minnesota-specific CLE examined topics such as the legal, arbitral, and practical ramifications of personnel budget-cutting measures, social media in the workplace, and the Veterans Preference Act.



Senior Attorney **Robert Scott** attended the Minnesota Association of City Attorneys' 2011 Legislative Update CLE in June in Bloomington. This conference is widely attended by City Attorneys throughout Minnesota and serves to update the City Attorney bar on changes to the law made in the preceding year in municipal practice areas, including employee discipline, condemnation, variances, risk management in city contracts, trends in interest arbitration decisions, and quasi-judicial capacity of City Council members.

Senior Attorney **Robert Scott** attended the Minnesota Association of City Attorneys' 2011 Legislative Update CLE in June in Bloomington. This conference is widely attended by City Attorneys throughout Minnesota and serves to update the City Attorney bar on changes to the law made in the preceding year in municipal practice areas, including employee discipline, condemnation, variances, risk management in city contracts, trends in interest arbitration decisions, and quasi-judicial capacity of City Council members.



Senior Attorney **Steve Nyhus** attended an Upper Mississippi River Basin Forum workshop in Onalaska, WI on August 24.

This workshop, sponsored by the Upper Mississippi River Basin Alliance and focused on nutrient pollution contributing to the hypoxic "dead zone" in the Gulf of Mexico, featured presentations by the U.S. Environmental Protection Agency and state water quality regulatory entities from the states of Iowa, Minnesota, and Wisconsin.



Senior Attorney **Steve Nyhus**, on behalf of the Minnesota Environmental Science and Economic Review Board (MESERB), participated in a

meeting of stakeholder groups representing municipal, industrial and agricultural interests in early September. Although each sector had its own perspective, there were common concerns with proposed new and amended water quality standards currently being considered by the Minnesota Pollution Control Agency (MPCA). MESERB is monitoring the development of numeric nutrient standards for rivers and streams very closely, given recent regulatory activity in Florida that has gained the attention of Congress.



In June, **Chris Hood** and **Brandon Fitzsimmons**

presented to over 50 Minnesota city employees and officials at two Labor and Employee Relations seminars for local governments in Brainerd and Mankato.



The theme of the seminars was practical and legal

solutions for providing services and managing employees in local government.

Seminar topics included health care reform impacts on local governments, labor negotiation and mediation strategies under tight budgets, an update on legislation affecting budgets and employment and hiring best practices. Additionally, a panel of knowledgeable city representatives discussed what their cities have done and will do from a labor and employment and budgeting standpoint to deal with the tough economic and financial conditions.

When clients have complex legal and legislative challenges they turn to Flaherty & Hood for comprehensive solutions.

NEWS YOU CAN USE

Click the red link to learn more about a recent case decision of interest.

City franchise powers clarified

The Minnesota Supreme Court held that two Minnesota statutes, one relating to public service corporations and the other relating to municipal regulatory and taxing authority, both authorize a city to impose a franchise fee on a public utility that serves customers within the city or uses public property within the city to serve customers elsewhere. Flaherty & Hood Senior Attorney Elizabeth Wefel wrote an amicus brief supporting the city of Cohasset at the lower court level. The Court said it did not matter that natural gas being sent through the pipeline in question was going to fuel a baseload power plant and not going directly to customers. The Court also held that the Minnesota Public Utility Commission's routing permit authority did not preempt a city from imposing a franchise fee. *City of Cohasset v. Minnesota Power*, No. A09-572 (Minn. June 1, 2011), <http://www.lawlibrary.state.mn.us/archive/supct/1106/OPA090572-0601.pdf>

Takings test defined for airport runway safety zone

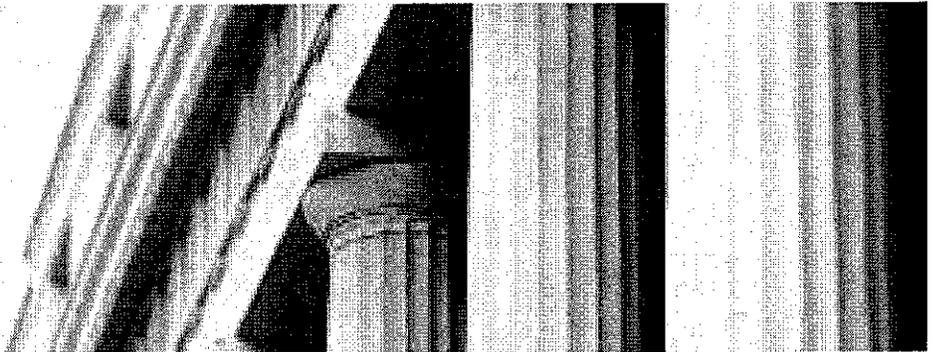
The Minnesota Supreme Court held that its test developed in *McShane v. City of Faribault*, 292 N.W.2d 253 (Minn. 1980), which distinguishes mutually beneficial "arbitration" land use regulations from "enterprise" regulations that benefit a specific public or governmental enterprise, applies to an airport runway safety zone ordinance. The *McShane* test applies the takings clause of the Minnesota Constitution, which is broader than the takings clause of the U.S. Constitution (i.e., private property may not be "taken, destroyed or damaged" without just compensation versus just "taken"). At trial, the jury had awarded the landowners \$170,000 as compensation for the diminution of their property value due to the city's expanded airport safety zone. The Court of Appeals concluded that this constituted a "substantial" diminution of value as a matter of law, and the case was remanded to district court for judgment in favor of the landowners. *DeCook v. Rochester International Airport Joint Zoning Board*, A09-969 (Minn. March 30, 2011), <http://www.lawlibrary.state.mn.us/archive/supct/1103/OPA090969-0330.pdf>

Court provides guidance on foreclosure fees

The Minnesota Court of Appeals held that a fee imposed by a city against a foreclosed property for the removal of an underground areaway, which was creating a nuisance and interfering with a street reconstruction project, constituted an assessment under the city's police power to cover removal costs (versus an assessment to raise revenue). For this reason, a reasonableness standard, subject to fairness and due-process protections, applied to the assessment. The special-benefit standard did not apply because the areaway removal remediated a nuisance or illegal activity, rather than conferring a benefit to the property, and the fee was imposed to defray the City's removal costs. *American Bank of St. Paul v. City of Minneapolis*, A10-1740 (Minn. App. August 1, 2011), <http://www.lawlibrary.state.mn.us/archive/ctappub/1108/opa101740-0801.pdf>

Subject matter jurisdiction found in unjust enrichment claim against city utility

The Minnesota Court of Appeals held that when a city is providing utility services to its residents, such activity is proprietary because the city voluntarily engages "in the same business which, when conducted by private persons, is operated for profit." [citation omitted]. For this reason, the Court held that a district court does have subject matter jurisdiction over an unjust-enrichment claim brought by a county aggrieved by a city's alleged over-charging for water and sewer services. The county is not limited to petitioning for a writ of certiorari due to the city's "quasi-judicial" action in denying a refund. *County of Washington v. City of Oak Park Heights*, No. A11067 (Minn. App. July 18, 2011), <http://www.lawlibrary.state.mn.us/archive/ctappub/1107/opa110067-0718.pdf>



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