

**Council Meeting
Tuesday, May 1, 2012
City Council Chambers
7:30 p.m.
AGENDA**



Call to Order

Pledge of Allegiance

1. Approval of Minutes
 - Council Minutes–April 17, 2012
2. Consent Agenda
 - Minutes
 - Utility Commission – April 2, 10 & 25, 2012
3. Department Heads
4. Resolution Recognizing the 2011-12 Knowledge Bowl Team
5. Electric Items
 - WAPA Contract
 - Sub-Station Sale
6. Consumer Confidence Report
7. Donation Request from the Civil Air Patrol
8. Federal Aviation Administration – Agreement for Transfer of Entitlement Funds for New Airport Hangar
9. New Business
10. Old Business
 - Set Dates for Capital Improvement Planning Workshops
11. Regular Bills
12. Council Concerns
13. Board of Review Reminder – May 14, 2012
14. Adjourn



**Regular Council Meeting
Windom City Hall, Council Chamber
April 17, 2012
7:30 p.m.**

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

2. Roll Call: Mayor: Kirby Kruse

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

Council Members Absent: Bradley Powers

City Staff Present: Steve Nasby, City Administrator; Bruce Caldwell, Streets & Parks Superintendent; Marv Grunig, Electric Utility Manager; Dan Olsen, Telecom Manager; Aaron Backman, EDA Director; Mike Haugen, Water/Wastewater Superintendent and Terry Glidden, Telecom

3. Pledge of Allegiance

4. Approval of Minutes:

Motion by Jones second by Ray, to approve the City Council minutes from April 3, 2012. Motion carried 4 – 0 (Powers absent).

5. Consent Agenda:

Kruse said that minutes were received from the following Boards/Commissions:

- Economic Development Authority – April 9, 2012
- Park & Recreation Commission – April 9, 2012
- Library Board – April 10, 2012

Kruse said there was an application for an Exempt Permit for a raffle from the Windom Area Chamber of Commerce for June 5, 2012 and the application was included in the packet.

Correspondence was also included in the packet from the Minnesota Department of Health.

Motion by Maricle second by Fossing, to approve the Consent Calendar as presented. Motion carried 4 – 0 (Powers absent).

6. Department Heads:

Aaron Backman, EDA Director, said that the new owner of the former Bolin Lumber site has started the demolition of the obsolete buildings and there is an agenda item relating to Tax Increment Financing (TIF) that will come up later concerning this section of town.

Backman asked the Council if they wanted to discuss a possible grant application for the North Windom Industrial Park (NWIP) under this agenda topic or under New Business. It was the consensus of the Council to proceed with the presentation and discussion on the grant opportunity. Backman said that the EDA has been working with two companies that are considering locating in the NWIP, but to make this happen there needs to be infrastructure improvements including Highway 71. There is a grant opportunity available through the MN DOT and Department of Employment and Economic Development (DEED) that could fund improvements to Highway 71 at the NWIP for an access road, turn lanes and/or acceleration/de-acceleration lanes. The due date on the grant application is April 27 and his office has been working with engineering consultants on the project. The estimated cost is \$360,000 with the grant to cover \$240,000 of the cost and the City would contribute \$120,000. Backman is asking the City Council for a resolution of support, which was handed out at the meeting.

Jones asked where the local contribution would come from for this project. Backman said the EDA has money in a Revolving Fund that was created through loan repayments from the PM Windom project and the State restricts the use of these monies; however, infrastructure for an industrial park is an eligible use.

Council member Fossing introduced the Resolution No. 2012-22, entitled “A RESOLUTION IN SUPPORT OF THE CITY OF WINDOM’S APPLICATION FOR MINNESOTA TRANSPORTATION ECONOMIC DEVELOPMENT (TED) PROGRAM GRANT” and moved its adoption. The resolution was seconded by Maricle and on roll call vote: Aye: Jones, Maricle and Fossing. Nay: None. Absent: Powers. Abstain: Ray. Resolution passed 3 – 0.

Dan Olsen, Telecom Manager, updated the City Council on the Southwest Minnesota Broadband Services (SMBS) project noting that they have 529 internet customers, 640 television customers and 82 telephone customers. The telephone switch over was just starting and they are adding new customers every day. The revenue back to Windom for selling services is about \$10,000\month. Fiber is buried in Wilder, 50% complete in Bingham Lake and just starting in Jackson. The fiber line between Windom and Jackson is about to Bergen.

Other projects under way include Lismore telephone and a possible co-location project similar to the SDN project.

Jones asked if there were plans for future projects. Olsen said that fiber projects are planned in Grand Marais and Sibley County, both of whom have asked for some assistance and possible service from Windomnet. Jones asked if there were capacity limits on the

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Windomnet system. Olsen replied that there are limits, but much can be done with the hardware and products that are available with Windomnet.

Council thanked Olsen for the update and the work on these projects.

7. South 1st Street Vacation (Public Hearing and Resolution):

Kruse said that he would ask the Streets & Parks Superintendent for a brief overview and then open the public hearing.

Bruce Caldwell, Streets & Parks Superintendent, said that the portion of the street being proposed for vacation is an undeveloped, platted street that runs behind St. Francis Xavier Cemetery and the Windom Street Shop. The street dead ends into Mayflower Park and there are no plans for additional development in this area or other potential users. All of the adjacent land owners have signed the petition to vacate the street.

If the street vacation is approved the Street shop will construct the salt\sand shed, which will be close to the vacated street. He said the materials had been purchased previously, plans reviewed by the Building Official and bids solicited for the construction. One bid was obtained, which was within the budget so he would notify the contractor to proceed.

Kruse opened the public hearing at 7:45 p.m. and asked if anyone wanted to address the City Council. Seeing no one, Kruse asked again. There were no comments so Kruse closed the public hearing at 7:46 p.m.

Fossing asked when the salt\sand shed would be started and completed. Caldwell said it would be started when the contractor could fit it in, but the completion date needs to be set so the project is done by October and salt\sand can be stored for the 2012-13 winter seasons.

Council member Ray introduced the Resolution No. 2012-23, entitled "A RESOLUTION APPROVING THE VACATING OF A PORTION OF SOUTH FIRST STREET UPON PETITION OF A MAJORITY OF ABUTTING LANDOWNERS" and moved its adoption. The resolution was seconded by Jones and on roll call vote: Aye: Maricle, Ray, Fossing and Jones. Nay: None. Absent: Powers. Resolution passed 4 – 0.

8. Street Signage Request for 7th Street & 3rd Avenue:

Caldwell said that this intersection has been problematic over the years and he has had citizen requests to review traffic at this location. The proposed plan is to have a yield sign placed on 7th Street, which would allow traffic on 3rd Avenue to proceed. This proposed plan is recommended by the Street Committee.

Jones asked if the Police Chief had made a recommendation. Caldwell said there was not a recommendation, but he is aware of the discussion for signage at this intersection.

Motion by Ray second by Jones to approve the placement of a yield sign on 7th Street at its intersection with 3rd Avenue upon concurrence of the Police Chief. Motion carried 4 – 0 (Powers absent).

9. Street Closure Request – Community Pride Day - May 16, 2012:

Meredith Hedges and Claire Warner introduced themselves and noted they are working on this activity as part of their student Eagle project. They are planning for Community Pride day to include games, a meal and tours of local businesses. They are asking for a portion of 9th Street (between 3rd and 4th Avenues) and 4th Avenue (between 9th and 10th Streets) to be closed between 11 am and 3 pm. They have talked to the business owners on these blocks and had favorable responses.

Fossing asked if they had contacted the Police Chief. Warner said they had not done that yet.

Caldwell asked if they were anticipating closing the intersections as well. Warner said that they will be using the Court House square as well and could fit the festivities into only one of those blocks.

Maricle said that the Fire Department primarily uses 9th Street to get to the highway, but could probably use 10th Street as an alternate. He suggested that they contact the Fire Chief as well so he was aware of the event.

Caldwell said if they did not have the intersections closed then the traffic flow would be much better and cause less disruption.

Motion by Fossing seconded by Ray to approve the closure of 4th Avenue, between 9th and 10th Streets (not including the intersections) for Community Pride Day on May 16, 2012. Motion carried 4 – 0 (Powers absent).

10. 2012 Seal Coating Project – Specifications and Request for Quotes:

Caldwell and Dennis Johnson, Wenck Associates, reviewed the list of streets proposed for seal coating and the specifications. Johnson said there is an option for two different types of oil and the rock would be red rock. There is 28,905 square yards in the project. The bids would be returned to the City Council for action on May 15, 2012 and then the project could be started, but no work would be done at Riverfest.

Caldwell said the list of streets is long, but he is hoping to catch up on some seal coating as we have not done it the last couple of years because of the budget issues.

Jones asked that the County and School District be notified that the City is doing a project as they may be interested in having some work done as well. Nasby said he would contact them.

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Fossing asked if the seal coating adds life expectancy onto the streets. Johnson said that MN DOT completed a study a couple years ago that showed no benefit to seal coating, but MN DOT highway use is much different than on City streets so the comparison is not equal. Experiences with Windom's streets do show a benefit, in his opinion. Caldwell agreed that seal coating has improved the life expectancy of streets, especially when the City started using red rock. Johnson said the seal coating oil penetrates cracks and helps prevent moisture which will break up a street surface through the freeze and thaw cycle.

Jones asked about the process of mill and overlay versus seal coating. Johnson said a mill and overlay would cost about \$16 per square yard and seal coating will be just over \$1 per square yard.

Jones asked if there are still reflection cracks with seal coats. Johnson said there would still be cracks, but oil is penetrating into the road surface for moisture prevention.

Jones noted that 17th Street is in poor condition in some places and seal coating may not be a benefit. Caldwell said there are bad spots and these will need to be cut out and patched.

Motion by Jones seconded by Maricle to approve the specifications for the 2012 Seal Coating project as presented and to call for advertisement of bids. Motion carried 4 – 0 (Powers absent).

11. Bonus Bucks Rebate Program:

Marv Grunig, Electric Utility Manager, said that the Windom Municipal Electric Utility is offering the Bonus Bucks program again this year for \$500 or \$600 rebates on new air conditioning units that meet the program guidelines. The program is funded for 55 rebates at an expense of \$30,000. The program last year served 48 customers and was a success. The 2012 program is available from April 15 to July 31. Applications and information is available from the Electric Utility office, City Hall and on the City web site. This Bonus Bucks rebate is in addition to the regular \$100 rebate for air conditioners. The Electric Utility also has rebates for other appliances and that information is also available.

Jones asked if the timeframe for the Bonus Bucks program was longer. Grunig said it is a month longer than last year as the installers were tightly scheduled to get all of the projects done.

Fossing asked if the program reached the maximum number last year. Grunig said there were 48 projects completed and about \$32,000 was spent on rebates.

12. Call for Public Hearing –Establishment of a new TIF District:

Backman said that there are five parcels that have been selected for redevelopment along the Highway 60 corridor, which would include the former Bolin lumber site, the auto salvage lot and former implement dealer. The proposed TIF would be qualified as a

Redevelopment District, which is what is recommended by the Windom EDA. The action this evening is to set a public hearing for June 5, 2012.

Jones asked if the properties were all commercial. Backman said there are two homes in the proposed district. Nasby said that the proposed area is zoned as commercial.

Council member Maricle introduced the Resolution No. 2012-24, entitled “RESOLUTION CALLING FOR A PUBLIC HEARING ON THE PROPOSED ADOPTION OF THE MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 1, THE PROPOSED ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-16 THERE IN, AND THE PROPOSED ADOPTION OF THE TAX INCREMENT FINANCING PLANS THEREFOR” and moved its adoption. The resolution was seconded by Fossing and on roll call vote: Aye: Ray, Fossing, Jones and Maricle. Nay: None. Absent: Powers. Resolution passed 4 – 0.

13. Refinance 2005A and 2007B Bonds – Pre-Sale Report:

Todd Hagen, Financial Advisor with Ehlers and Associates, introduced himself. Hagen said the proposed refinancing is for \$1.64 million for two bonds issued in 2005 and 2007. The interest rate and market for municipal bonds is at 45 year lows, but the markets may still move up or down so refinancing is a judgment call. The proposed refinancing will save about 5% of the principal amount due, which is well in excess of the 3% minimum required by State law. The bond sale would be set for May 15, but the issue can be pulled if favorable results are not obtained on May 7. The savings is estimated to be \$90,000.

Nasby asked Hagen to discuss arbitrage and the new IRS policy. Hagen said the IRS is stepping up compliance and cities must have policies in place for monitoring arbitrage. Ehlers has a policy template developed for communities, which is \$500. He said that the City’s bond counsel is capable of providing the same service.

Maricle asked if refinancing the bonds early will hurt the City’s credit rating or be a detriment to its debt limit. Hagen said that the proposed refinancing will not be a negative impact to either of those items.

Jones asked about the terms on the callable features for the bonds and the time period for the 2005 and 2007 bond pay offs. Hagen said that is why there is the issue of arbitrage and with the 2007 bond it is not callable until 2015 so the new money would be invested until that time.

Jones asked if there is a minimum savings number that should be set. Hagen said state law sets a minimum at 3% of outstanding principal, cities consider anything in the 4% range good and this issue is projected to save 5%. He would not set a minimum savings figure such as \$90,000 as this will limit flexibility, plus the City has an opportunity to decline on May 7 after the bid numbers are received.

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Fossing noted that rates are low, but refinancing costs can add up so could the City wait until another bond is issued to further spread out the issuance costs. Hagen said that is certainly possible and would save money, but the unknowns are the direction of interest rates.

Council member Jones introduced the Resolution No. 2012-25, entitled “RESOLUTION PROVIDING FOR THE SALE OF \$1,640,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012A” and moved its adoption. The resolution was seconded by Fossing and on roll call vote: Aye: Ray, Fossing, Jones and Maricle. Nay: None. Absent: Powers. Resolution passed 4 – 0.

14. Donation from POET Bio-Refinery -- Windom Fire Department:

Kruse thanked POET for the \$1,000 donation of SCBA equipment.

Council member Ray introduced the Resolution No. 2012-26, entitled “AUTHORIZATION TO ACCEPT A DONATION FROM POET BIO- REFINING FOR THE WINDOM FIRE DEPARTMENT” and moved its adoption. The resolution was seconded by Fossing and on roll call vote: Aye: Fossing, Jones, Maricle and Ray. Nay: None. Absent: Powers. Resolution passed 4 – 0.

15. New Business:

None.

16. Unfinished Business:

Nasby said the City\County joint project for River Road and 6th Street was reviewed due to the use of County State Aid funds and determined that there should be separate contracts for the City’s portion of the work and the County’s portion of the work. Each would get their invoices and pay as independent parties. The project has been approved by the Council and bid awarded so if the Council is in agreement the contact will be reviewed by the City Attorney and executed.

Nasby said that the long-range planning Capital Improvement Plan draft is nearing completion and will be sent out next week. He asked if the Council wanted to have a special meeting and if they wanted Department Heads to be present to discuss the projects and answer questions. Council indicated that they did want Department Heads present and a date for a workshop would be set at the May 1 City Council meeting.

17. Regular Bills:

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

Preliminary

18. Contractor Payments:

Kruse said that there was a request from the R.L. Carr Company for \$420,488.60 for their work on the Wastewater Plant and Lift Station project.

Mike Haugen, Water and Wastewater Superintendent said that the pumps, check valves and piping are the main costs shown in the contractor payment.

Motion by Jones seconded by Maricle, to approve the contractor payment to R.L.Carr Company in the amount of \$420,488.60. Motion carried 4 – 0 (Powers absent).

19. Council Concerns:

Jones asked for an update on the Windom dam project. Nasby said the contractors were in town today to do some rip rap on the east bank between the upper and lower riffles. The DNR office approved the additional work and it would be covered by the grant funds. Jones said he is pleased with the project and even with the low water flow there are cascades of water that are pleasant.

20. Adjourn:

Kruse adjourned the meeting by unanimous consent. Meeting adjourned at 8:50 pm

Kirby Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

UTILITY COMMISSION MINUTES
City Hall, Council Chamber
April 2, 2012

Call Meeting to Order: The Utility Commission meeting was called to order at 4:00 p.m., on April 2, 2012 in the City Hall Council Chamber.

Members Present: Utility Commission Chairperson: Glen Francis, Pro Tem

Members Present: Tom Riordan

Member Absent: Mike Schwalbach

City Council Liaison: Dominic Jones, absent

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

Staff Absent: None

Others Present: Dennis Johnson, Wenck Associates

**REVIEW CITY / COUNTY PROJECT BIDS FOR 6TH STREET AND RIVER RD --
AND TRUNK HIGHWAY 60 SERVICES**

Johnson and Haugen reviewed the bid results with the Utility Commission. Johnson said that there were only two (2) bids, and the low bidder was Svoboda Excavating from Jackson, MN. The total bid for the City of Windom's portion was \$541,426.00, with an allowance of \$50,000 for dewatering if that is required. The dewatering amount is over and above the contract.

The bid from Svoboda Excavating for the relocation of water service lines from Highway 60 was \$3,000 with an alternate for the Hanson service of \$3,500.

Discussion was held on the possibility of dewatering. The charge for this is \$50.00 per foot, and the charge will not incur if dewatering is not necessary. Johnson also said that Wenck Associates fee for engineering the City's portion of the project is 12% -13%, of the City of Windom's share for retain age was discussed and if the City would be paying Svoboda Excavating or Cottonwood County. The Commission decided unanimously, that they felt the warranty would be more effective if the County was paid by the City as the City of Windom will not be provided a contract.

Motion by Riordan, seconded by Francis, to concur with Cottonwood County and recommend approval to the City Council of the bids from Svoboda Excavating for the 6th Street and River Road / Trunk Highway 60 Service project. Motion carried 2-0.

PERSONNEL ISSUE DISCUSSION – SETTING TIME FOR FURTHER DISCUSSION

The time to discuss a personnel issue was set for April 10, 2012 at 4:00 p.m.

Meeting was adjourned by unanimous consent at 4:36 p.m.

Glen Francis, Utility Comm. Chairperson Pro Tem

Attest: _____
Steve Nasby, City Administrator

UTILITY COMMISSION MINUTES
City Hall, Council Chamber
April 10, 2012

Call Meeting to Order: The Utility Commission meeting was called to order at 4:00 p.m., on April 10, 2012 in the City Hall Council Chamber.

Members Present: Utility Commission Chairperson: Mike Schwalbach

Members Present: Tom Riordan and Glen Francis

Member Absent: None

City Council Liaison: Dominic Jones

Staff Present: Steve Nasby, City Administrator; Brigitte Olson, Assistant City Administrator; Marv Grunig, Electric Utility Manager;

Others Present: None

ELECTRIC UTILITY MANAGER SALARY REVIEW

Grunig reviewed the past discussions with the Utility Commission as some of the present members of the commission were not serving in that capacity when discussion first took place. Items that were reviewed were the retention pay, and the Fox Lawson Study. Grunig said that he didn't feel the Fox Lawson Study was accurate for his department, as this study showed that the Electric Utility department was over compensated, and when he compared the Fox Lawson Study with Minnesota Municipal Utilities Association (MMUA) the results showed that they were underpaid, Grunig's salary was included in that.

Other topics of discussion were Grunig's vacation time, and the vacation hours that Grunig has lost in the last two (2) years.

The Utility Commission discussed ways in which these issues could be resolved. These items were re-writing Electric Utility Manager's job description, succession planning and lump sum vacation hour's payments to deferred compensation to reduce the vacation hours on the books.

The Utility Commission discussed their long range plan would be to have an overall manager on the water, sewer and electric with two superintendent positions under the Utility Manager.

Motion by Riordan, seconded by Francis, to recommend to the Personnel Committee the approval to reclassify the description for the Electric Utility Manager to a Grade 22, and keeping the Electric Superintendent position at a lower grade available in the City of Windom Organization schedule for succession planning. Motion carried 3-0.

Grunig and Nasby were to re-write the job description for both the Utility Manager and Electric Superintendent positions to reflect the change in organizational structure.

OLD BUSINESS

None

NEW BUSINESS

None

The meeting was adjourned by unanimous consent at 5:15 p.m.

Mike Schwalbach, Chairperson

Attest: _____
Steve Nasby, City Administrator

UTILITY COMMISSION MINUTES
City Hall, Council Chamber
April 25, 2012

Call Meeting to Order: The Utility Commission meeting was called to order at 10:00 a.m., on April 25, 2012 in the City Hall Council Chamber.

Members Present: Utility Commission Chairperson: Mike Schwalbach

Members Present: Tom Riordan and Glen Francis

Member Absent: None

City Council Liaison: Dominic Jones

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

Staff Absent: None

Others Present: Keith Eyler, ITC, Sr. Account Representative; and Kelly Yahnke, Bolton & Menk Inc.

APPROVE MINUTES

Motion by Riordan, seconded by Francis, to approve the March 2, 2012 and April 10, 2012, Utility Commission minutes as presented. Motion carried 3-0.

ELECTRIC ITEMS

Sale of Sub-Station Equipment to ITC Midwest – Grunig introduced the Senior Account Representative, Keith Eyler from ITC Midwest, and reviewed with the Utility Commission the history that has taken place, beginning with Alliant Energy building the sub-station in 2008 containing the 69 kV Breaker - 1940. Grunig said that when this substation was built the Municipal Utilities purchased the 69kV Breaker and related equipment for approximately \$172,600 for their portion of the project. Upon completion of the substation and Windom's purchase of the Breaker, Alliant sold its Transmission assets to ITC Midwest. Grunig said that since the completion of the project he and his department have not had access to the substation nor have they had the manuals or received training on the Breaker. In July 2011 the Utility Commission offered to sell the 69kV Breaker to ITC Midwest for \$148,233.33. In October 2011, ITC offered to purchase the Breaker for \$143,916.04. Eyler said that this is still the amount that ITC is willing to pay for the breaker, even though it has depreciated since that time.

Grunig said that his recommendation is to sell the asset to ITC Midwest for \$143,233.33.

Motion by Riordan, seconded by Francis, to recommend approval to the City Council the sale of the 69kV Breaker entitled Breaker #1940 to ITC Midwest. The effective date of this sale will be May 2, 2012. Motion carried 3-0.

WATER WASTEWATER ITEMS

Bid Evaluation for the Water Tower Rehabilitation & Repainting – Yahnke reviewed the Bid Tabulation with the Utility Commission. Yahnke said that the apparent low bidder for the fifteen (15) year warranty was Champion Coatings, Inc. in the amount of \$453,000, and the apparent low bidder for the thirty (30) year warranty was Classic Protective Coatings, in the amount of \$752,450. However Yahnke said that the thirty (30) year life span option has not been tested on water towers, so his recommendation was to go with the fifteen (15) year life span option.

Jones said that he felt the Life Cycle Costs for rehabbing and Re-painting the towers were not accurate. Jones thought that operation and maintenance costs should be included in the cost of maintaining and repainting the tower in 2027, and the price should be at least as high as the cost of the project today, and not \$150,000 less. Jones asked Yahnke how long the City Utilities had to decide on the Water Tower Rehabilitation for 2012. Yahnke said sixty (60) days.

Jones said that he knows of another company (Utility Service) that inspects, maintains, sand blasts and applies paint to water towers for yearly contract fees. Nasby said that Short Elliot Henderson (SEH) also has this service in their engineering firm. Yahnke said that Bolton & Menk Inc. also has a service similar to this in their portfolio.

By general consensus the Utility Commission tabled the discussion until staff could get more information from Utility Service, Bolton & Menk Inc. and SEH on contractual service for maintaining the water towers.

Award for National Pollutant Discharge Eliminations System - Haugen said that he had a copy of the award that the Wastewater department had received in their packet.

PM Windom – Haugen said that PM Windom has approached him about the possibility of increasing their effluent. Haugen said that they are looking at adding on a night shift to their operation. Haugen said the flow could increase to 1.1 million gallon flow per day.

Nasby said that at the present time their contract with the City of Windom Utilities has expired, and that it has been difficult to work with anyone at PM Windom because of the staff management turnover. Haugen noted that PM has not spoken with Aaron Backman, EDA Executive Director on a possible expansion and any State funds to cover additional infrastructure costs.

Yahnke said that it is difficult for his firm to propose any changes that may be necessary to the Windom Wastewater Treatment facility without knowing exact numbers of flow, BOD, TKN and CBOD's.

Staff was directed to get more information from PM Windom, and ask them to come to a meeting to discuss their needs.

Wastewater Treatment Facility Project - Yahnke said that the progress for the Wastewater Treatment Facility is going good. He also said that in a week or so they would be ready to begin painting, and the remainder of the interceptor work would be underway shortly.

Grunig was informed that electric work will begin in June.

Todd Bloch Property – Haugen said that Todd Bloch owns property on the hill by the Windom Area Hospital. The sewer has failed on this property, and he is planning on putting in a new septic tank and drain field. Haugen said that this drain field is only sixty (60) feet from the water main that runs to the Windom Area Hospital, and could be an issue in the future. Haugen also said that the Bloch property is approximately three hundred (300) feet from the sanitary sewer main in the Sykora Addition. The Utility Commission discussed options for the Bloch's. It was determined that Blochs could have a monetary savings if they petition to be in the City of Windom, and this would allow the City to hook them up to the City Sewer Service. The second option would be to sub divide a portion of the 6 acres and add that into the City limits, this portion would be attached to the sewer main that already exists.

The Utility Commission directed staff to speak with Bloch and present him his options.

ELECTRIC ITEMS

Western Area Power Administration; Reserve Contract – Grunig said that 50% of the power that the Windom Utilities purchases comes from Western Area Power Administration (WAPA), and this is the best contract that the City has in its portfolio. This contract expires in December 2020. Grunig said that the Power Marketing Initiative (PMI) proposes the next contract to go from 2021 – 2050, and this contract proposes a 1% decrease for year 2021, 2031 and 2041. Grunig said that these deductions in the amount of power were also added to the present contract, and that the deductions exceeded the 1%. Grunig said that the City Attorney and Nasby have reviewed this contract and he recommends the approval of this contract.

Motion by Francis, seconded by Riordan to recommend the approval to the City Council of the Reserve Contract between the City of Windom and Western Area Power Administration. Motion carried 3-0.

Electric Rate Discussion for Apartment Buildings – Grunig said that at the present time the Hillside Manor, Riverview Apartments, Perkins Creek and Tanglewood Apartments are billed a residential rate. This same rate is implemented to all other two plus unit rental apartment buildings. However the South Windom Apartments are being billed at a commercial rate as they only have one meter for the entire complex. Grunig would like to unify the billing rate for all of the residential apartments and change this to a residential rate. Grunig also said that the only variable between the above mentioned apartment complexes is that the Riverview Apartments has a demand meter attached to it. However this meter has never gone over 75KW, and therefore has not been billed for that usage.

Motion by Riordan, seconded by Francis, to change the rate on the South Windom Apartments to a residential rate.

Upon discussion, a change was made to the motion.

Motion amended by Riordan, seconded by Francis, to change the rate of the South Windom Apartment to a residential rate. However if at any time any large apartment buildings exceed the 75 KW demand monthly reading, that apartment will be moved to a demand metered industrial rate. Motion carried 3-0.

REGULAR BILLS

Motion by Riordan, seconded by Francis, to approve payment of the invoices from Bolton & Menk Inc., for \$7,844.56 and \$15,110.00 and the invoice from Wenck Associates Inc. in the amount of \$1,952.00. Motion carried 3-0.

OLD BUSINESS

None

NEW BUISNESS

The next meeting date for the Utility Commission was set for May 23, 2012 at 10:00 a.m.

Nasby passed out some information to the Utility Commission on Utility Service and SEH on maintaining the Water Towers.

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

Mike Schwalbach, Chairperson

Attest: _____
Steve Nasby, City Administrator

RESOLUTION # 2012-

INTRODUCED:
SECONDED:
VOTED: Aye:
Nay:
Absent:

**RESOLUTION RECOGNIZING THE
2011-12 WINDOM KNOWLEDGE BOWL TEAM**

WHEREAS, the 2011-12 Windom Knowledge Bowl Team participated in the Minnesota Class A State Knowledge Bowl meet and have represented their school and community admirably; and

WHEREAS, the team and coach have put forth their best efforts in conference and state tournament Knowledge Bowl competitions; they have acted in a sportsmanlike manner and upheld the honor of their school; and

WHEREAS, the five-member team competed in group competitions; and

WHEREAS, the members and coach of the 2012 Windom Knowledge Bowl Team deserve the support and the congratulations of the community.

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

1. That the 2011-12 Windom Knowledge Bowl Team, coach, and parents of the participating individuals are commended for their successful season in 2011-12.
2. The City Administrator is authorized and directed to incorporate this Resolution in the City's official records and present a copy to the Windom Area School District as evidence of the admiration and gratitude of the City of Windom.

Adopted this 1st day of May, 2012.

Kirby G. Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

Contract No. 12-UGPR-728
City of Windom, Minnesota

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program--Eastern Division

CONTRACT TO RESERVE FIRM ELECTRIC SERVICE
CONTRACT RATES OF DELIVERY WITH ASSOCIATED ENERGY
FOR THE CITY OF WINDOM, MINNESOTA

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

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FOR THE CITY OF WINDOM, MINNESOTA

1. PREAMBLE: This Contract is made this ____ day of _____, 20____, pursuant to the Acts of Congress approved June 17, 1902 (32 Stat. 388), December 22, 1944 (58 Stat. 887), August 4, 1977 (91 Stat. 565), and Acts amendatory or supplementary to the foregoing Acts between the UNITED STATES OF AMERICA, acting by and through the Administrator, Western Area Power Administration, Department of Energy, hereinafter called Western, represented by the officer executing this Contract, a duly appointed successor, or a duly authorized representative, hereinafter called the Contracting Officer, and the CITY OF WINDOM, MINNESOTA, a municipal corporation, duly organized under and by virtue of the laws of the State of Minnesota, hereinafter called Windom, its successors and assigns, each sometimes hereinafter individually called Party, and both sometimes hereinafter collectively called the Parties.

2. EXPLANATORY RECITALS:

2.1 Western published the Pick-Sloan Missouri Basin Program--Eastern Division (P-SMBP--ED), 2021 Power Marketing Initiative (2021 PMI) in the Federal Register

(76 FR 71015) on November 16, 2011, to provide the basis for marketing the long-term firm hydroelectric resources of the P-SMBP--ED beyond December 31, 2020, when Western's existing Firm Electric Service contracts expire.

2.2 The 2021 PMI supports extending the existing Contract Rates of Delivery (CROD) with associated energy to existing long-term firm power customers reduced by up to 1 percent for each new resource pool in 2021, 2031, and 2041.

2.3 Windom is an existing firm power customer recognized under the 2021 PMI. As an existing firm power customer, Windom has certain resource planning responsibilities. Western supports those resource planning activities by reserving Windom's existing CROD under this Contract.

2.4 The purpose of this Contract is to affirm the commitment Western made through the 2021 PMI. Therefore, the Parties choose to enter into this Contract to reserve Windom's existing CROD, until the Parties enter into a new long-term Firm Electric Service Contract for a term of January 1, 2021, through December 31, 2050.

2.5 The Parties understand the CROD reserved in this Contract may be adjusted in accordance with Windom's existing Firm Electric Service Contract and the 2021 PMI.

2.6 The Parties recognize this Contract only reserves the CROD with associated energy and does not include terms and conditions for delivery. Those details will be included in the new Firm Electric Service Contract.

3. AGREEMENT: The Parties agree to the terms and conditions set forth herein.

4. TERM AND TERMINATION OF CONTRACT:

4.1 This Contract shall become effective on the date specified above, and shall remain in effect through midnight on December 31, 2050, subject to the provisions of Subsections 4.2 and 4.3 below;

4.2 This Contract shall automatically terminate if the Parties fail to enter into a new Firm Electric Service Contract before January 1, 2021, unless otherwise agreed to in writing by the Parties prior to January 1, 2021.

4.3 Provided further, this Contract shall automatically terminate upon the Parties entering into a new Firm Electric Service Contract before January 1, 2021, with a contract term of January 1, 2021, through December 31, 2050.

5. CONTRACT RATES OF DELIVERY TO BE RESERVED: In accordance with the 2021 PMI, Western reserves Windom's existing CROD with associated energy as identified in Windom's existing Firm Electric Service Contract. This existing CROD with associated energy is subject to reductions, withdrawals, restrictions, limits, penalties, termination, and any other applicable adjustments under Windom's existing Firm Electric Service Contract and the 2021 PMI, and subject to any approved assignments. Such CROD with associated energy will be set forth in a new Firm Electric Service Contract offered by Western, with a contract term of January 1, 2021, through December 31, 2050.

IN WITNESS WHEREOF, the Parties have caused this Contract to be executed the day
and year first above written.

WESTERN AREA POWER ADMINISTRATION

By _____

Title Power Marketing Manager

Address P.O. Box 35800

Billings, MT 59107-5800

(SEAL)

CITY OF WINDOM, MINNESOTA

By _____

Title _____

Address P.O. Box 38444 Ninth Street

Windom, MN 56101

Attest:

By _____

Title _____

BILL OF SALE AND INSTRUMENT OF ASSIGNMENT

This Bill of Sale and Instrument of Assignment (this "**Bill of Sale**") is made as of May 2, 2012 (the "**Effective Date**") by and between ITC MIDWEST LLC, a Michigan limited liability company ("**Purchaser**"), and the City of Windom, a Minnesota municipality ("**Seller**"). Purchaser and Seller shall each be referred to as a "**Party**" and collectively as the "**Parties**."

Recitals

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

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

NOW, THEREFORE, the parties hereto agree as follows:

1. **Purchase Price.** The purchase price for the Breaker shall be One Hundred Forty-three Thousand Nine Hundred Sixteen and 04/100 Dollars (\$143,916.04), payable by Purchaser to Seller in immediately available funds within ten (10) days of the execution of this Agreement.
2. **Conveyance of the Breaker.** Seller hereby sells, assigns, transfers, conveys and delivers to Purchaser all of the assets comprising the Breaker.
3. **Assumption of Breaker.** Purchaser hereby accepts and assumes the ownership, operation, maintenance and repair of the Breaker effective as of 12:01 a.m. Eastern Time on the Effective Date.
4. **Seller Covenants, Representation and Warranties.** Seller hereby covenants, represents and warrants to Purchaser as follows:
 - a. The Breaker is herewith conveyed free and clear of all liens to secure payment, mortgages and other security interests as of 12:01 a.m. Eastern Time on the Effective Date.
 - b. Except for suits of a character incident to the normal conduct of Seller's business, there is no litigation or proceeding pending, to Seller's knowledge, against, relating to, or affecting its property or business which is the subject of this Bill of Sale.
5. **Mutual Representations and Warranties.** Each of Seller and Purchaser represents and warrants to each of the other Party as follows: (i) the Party has full power and authority to enter into this Bill of Sale and to consummate the transactions contemplated hereby; (ii) the execution, delivery and performance by the Party of its obligations in this Bill of Sale has been duly and validly approved by all necessary corporate action; (iii) the Party has duly and validly executed and delivered this Bill of Sale; and (iv) this Bill of Sale constitutes the legal, valid and binding obligation of that Party enforceable in accordance with its terms, except as such enforceability may be limited by (x) applicable bankruptcy, insolvency, moratorium, reorganization or similar

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

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

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

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

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

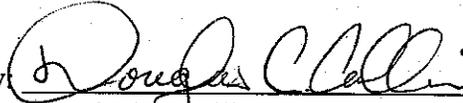
10. **Counterparts.** The Parties acknowledge and agree that this Bill of Sale may be executed in multiple counterparts, and transmitted via telecopy or .pdf e-mail file, and all such counterparts (whether transmitted via telecopy, .pdf e-mail file or otherwise), when executed and taken together, shall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

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

IN WITNESS WHEREOF, the parties have duly executed this Bill of Sale as of the Effective Date first above written.

PURCHASER:

ITC MIDWEST LLC,
a Michigan limited liability company

By: 

Douglas C. Collins, President

SELLER:

CITY OF WINDOM, a Minnesota municipality

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

[Bill of Sale Signature Page]

EXHIBIT A

The Breaker consists of the following assets:

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

CONSUMER CONFIDENCE REPORT

PWSID: 1170006

City of Windom 2011 Drinking Water Report

The City of Windom is issuing the results of monitoring done on its drinking water for the period from January 1 to December 31, 2011. The purpose of this report is to advance consumers' understanding of drinking water and heighten awareness of the need to protect precious water resources.

Source of Water

The City of Windom provides drinking water to its residents from a groundwater source: eight wells ranging from 87 to 142 feet deep, that draw water from the Quaternary Buried Artesian and Quaternary Water Table aquifers.

The water provided to customers may meet drinking water standards, but the Minnesota Department of Health has also made a determination as to how vulnerable the source of water may be to future contamination incidents. If you wish to obtain the entire source water assessment regarding your drinking water, please call 651-201-4700 or 1-800-818-9318 (and press 5) during normal business hours. Also, you can view it on line at www.health.state.mn.us/divs/eh/water/swp/swa.

Call [REDACTED] if you have questions about the City of Windom drinking water or would like information about opportunities for public participation in decisions that may affect the quality of the water.

Results of Monitoring

No contaminants were detected at levels that violated federal drinking water standards. However, some contaminants were detected in trace amounts that were below legal limits. The table that follows shows the contaminants that were detected in trace amounts last year. (Some contaminants are sampled less frequently than once a year; as a result, not all contaminants were sampled for in 2011. If any of these contaminants were detected the last time they were sampled for, they are included in the table along with the date that the detection occurred.)

Key to abbreviations:

MCLG—Maximum Contaminant Level Goal: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

MCL—Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

MRDL—Maximum Residual Disinfectant Level.

MRDLG—Maximum Residual Disinfectant Level Goal.

AL—Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirement which a water system must follow.

90th Percentile Level—This is the value obtained after disregarding 10 percent of the samples taken that had the highest levels. (For example, in a situation in which 10 samples were taken, the 90th percentile level is determined by disregarding the highest result, which represents 10 percent of the samples.) Note: In situations in which only 5 samples are taken, the average of the two with the highest levels is taken to determine the 90th percentile level.

CONSUMER CONFIDENCE REPORT

PWSID: 1170006

ppm—Parts per million, which can also be expressed as milligrams per liter (mg/l).

ppb—Parts per billion, which can also be expressed as micrograms per liter (µg/l).

nd—No Detection.

N/A—Not Applicable (does not apply).

Contaminant (units)	MCLG	MCL	Level Found		Typical Source of Contaminant
			Range (2011)	Average /Result*	
Barium (ppm) (07/14/2009)	2	2	N/A	.22	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
Fluoride (ppm)	4	4	.81-1.2	1.03	State of Minnesota requires all municipal water systems to add fluoride to the drinking water to promote strong teeth; Erosion of natural deposits; Discharge from fertilizer and aluminum factories.
Haloacetic Acids (HAA5) (ppb) (09/14/2009)	0	60	N/A	18.2	By-product of drinking water disinfection.
Nitrate (as Nitrogen) (ppm)	10.4	10.4	N/A	.81	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
TTHM (Total trihalomethanes) (ppb) (09/14/2009)	0	80	N/A	37.2	By-product of drinking water disinfection.

*This is the value used to determine compliance with federal standards. It sometimes is the highest value detected and sometimes is an average of all the detected values. If it is an average, it may contain sampling results from the previous year.

Contaminant (units)	MRDLG	MRDL	****	*****	Typical Source of Contaminant
Chlorine (ppm)	4	4	.15-2.1	1.14	Water additive used to control microbes.

****Highest and Lowest Monthly Average.

*****Highest Quarterly Average.

Contaminant (units)	MCLG	AL	90% Level	# sites over AL	Typical Source of Contaminant
Copper (ppm) (06/24/2009)	1.3	1.3	1.21	1 out of 20	Corrosion of household plumbing systems; Erosion of natural deposits.
Lead (ppb) (06/24/2009)	0	15	nd	0 out of 20	Corrosion of household plumbing systems; Erosion of natural deposits.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service

CONSUMER CONFIDENCE REPORT

PWSID: 1170006

lines and home plumbing. City of Windom is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

Some contaminants do not have Maximum Contaminant Levels established for them. These unregulated contaminants are assessed using state standards known as health risk limits to determine if they pose a threat to human health. If unacceptable levels of an unregulated contaminant are found, the response is the same as if an MCL has been exceeded; the water system must inform its customers and take other corrective actions. In the table that follows are the unregulated contaminants that were detected:

Contaminant (units)	Level Found		Typical Source of Contaminant
	Range (2011)	Average/Result	
Sodium (ppm) (05/18/2010)	N/A	34	Erosion of natural deposits.
Sulfate (ppm) (05/18/2010)	N/A	79	Erosion of natural deposits.

Compliance with National Primary Drinking Water Regulations

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be present in source water include:

Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

In order to ensure that tap water is safe to drink, the U. S. Environmental Protection Agency (EPA) prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline at 1-800-426-4791.

CONSUMER CONFIDENCE REPORT

PWSID: 1170006

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline at 1-800-426-4791.

*Copied to
City Council*



Worthington Composite Squadron
Mn-113
Worthington, MN

The Worthington Composite squadron consisting of 20 Senior Members and 20 Cadets members has been busy working on their Ham Radio licenses. We are the official Auxiliary of the Air Force and our search and Rescue missions are funded by the Air Force. We are a non-profit 501C corporation chartered by US Congress. Our other activities such as teaching cadets how to fly, SAR training, field trips and ham radio are covered by donations or the members themselves.

We are fully aware of the new narrow banding edict of the FCC making your old vhf and uhf radio equipment out of date and unusable after 2013. Ham radio is still wide band and probably always will be.

We would like for you to consider donating the equipment to our squadron for reprogramming in the ham radio bands for our members and new ham radio operators who volunteer their services for emergency communications as well to use as an ongoing learning experience for our members. In most cases this equipment will be given without cost to Ham radio operators. Most of our members are also members of the Worthington Area Ham Radio Club. If you have members who would also like to get their ham radio License we would be happy to train them at no charge. We have classes starting in March and April.

We would welcome mobile units, base radios, handhelds and chargers. We would properly dispose of unusable equipment. Please consider this request and if you have any questions please contact myself or Captain Randy Donahue.

Thank you for your consideration

Rodney Byam, Commander

1444 Fourth Avenue

Windom, MN

507 822-3882

rdbyam@windomnet.com

Randy Donahue, Captain, Communications Officer

Phone: (507) 227-1889

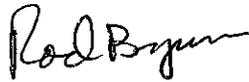
wb0zso@arri.net

More information:

Please ask your installers not to cut control cables in order to remove old equipment.

You will not find this equipment sold on E-Bay down the road, we will be donating it hams in Minnesota, Iowa and South Dakota. There will never be a chance like this again for equipment to be recycled and used for public good. The Worthington squadron is taking up this project on their own as a public service and we hope to train more new ham radio operators for an educational and public service project.

We have no use for pagers or equipment that is not already functional. Equipment that we are not able to recycle will be taken to a Military DMRO. Thank you for your participation in this project.

A handwritten signature in black ink that reads "Rod Bryan". The signature is written in a cursive style with a long, sweeping underline.

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 *Stacy*
DATE: April 26, 2012
RE: Airport Hanger Project – FAA Funding Transfer Agreement

Both the City Council and Airport Commission have approved the construction of a new hanger at the Windom Municipal Airport in 2012. The hanger will be primarily paid for with federal FAA funding, which is covering 90% of the cost. The City is obligated to match 10% of the project costs with local funds. The City's local funding has been budgeted within the 2012 Capital Plan for \$20,000 and a General Fund loan for the balance needed to match the federal funds.

The City of Windom has approximately \$350,000 in federal FAA funds in its account; however the hanger project is estimated to cost \$500,000. To bridge the funding gap the City of Windom and City of St. James have discussed a transfer of federal FAA funding. St. James has 2010 and 2011 funds available to loan the City of Windom. Attached is an FAA transfer agreement for \$150,000. If approved by both the City of St. James and City of Windom this transfer, or loaning of federal funds, would provide the necessary monies for the 2012 Windom hanger project.

The federal FAA funds would be required to be repaid to the City of St. James within the next 3 years from future "anticipated" federal FAA funds. The City of Windom has done this type of transfer before when we did the Runway Reconstruction Project. That transfer was done with the City of Pipestone and it worked well.

If you have any questions please contact me at 831-6129 or via email at snasby@windom-mn.com.



U.S. Department
of Transportation

Federal Aviation
Administration

AGREEMENT FOR TRANSFER OF ENTITLEMENTS

In accordance with section 47117©(2) of Title 49 U.S.C. (hereinafter called the "Act).

CITY OF ST. JAMES – ST. JAMES MUNICIPAL AIRPORT

Hereby waives receipt of the following amount of funds apportioned to it for each fiscal year specified under section 47114©(1) of the Act.

	<u>Amount</u>	<u>Fiscal Year</u>
\$	80,785	2010
\$	69,215	2011
\$		
TOTAL \$	150,000	

On the condition that the Federal Aviation Administration makes the waived amount available to:

CITY OF WINDOM – WINDOM MUNICIPAL AIRPORT

for eligible projects under section 47104(a) Act. This waiver shall expire on earlier of May 1, 2015 or when the availability of apportioned funds would lapse under section 47117(b) of the Act.

FOR THE UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

FOR CITY OF ST. JAMES

BY _____

BY _____

TITLE _____

TITLE _____

DATE _____

DATE _____

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____ acting as Attorney for the Sponsor do hereby certify:

That I have examined the foregoing Agreement and find that the Sponsor has been duly authorized to make such transfer and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of _____ and the Act

Dated at _____ this day of _____, 20__

(Signature of Sponsor's Attorney)

Title _____

AGREEMENT BETWEEN THE CITY OF ST. JAMES, MINNESOTA AND THE CITY OF
WINDOM, MINNESOTA

I.

This document is a memorialization of the Agreement between the City of St. James and the City of Windom. It reflects an agreement based on mutual consideration between both of those agencies in that the City of St. James does hereby authorize \$150,000 of Federal Entitlement dollars, earmarked for the St. James Municipal Airport, to be transferred to the City of Windom for their use at the Windom Municipal Airport, subject to the following reimbursement.

II.

The City of St. James agrees to sign and file Order 5100.38b, Appendix 16, "*Entitlement Transfer Agreement*" with the U.S. Department of Transportation, Federal Aviation Administration. This action will finalize the above-stated transfer of Federal Entitlement dollars. However, in full consideration of this agreement, the City of Windom agrees to pay an amount of \$150,000 in Federal Entitlement dollars back to the City of St. James within the next thirty-six months (36) upon request by the City of St. James. The City of Windom will do so within thirty days (30) of the request and will require no documentation nor place any conditions upon this request.

III.

All parties acknowledge that this agreement is in full consideration which will allow for \$150,000 of Federal Entitlement money to be transferred to the City of Windom on or about May 1, 2012 wherein thirty-six months (36) from that date the City of Windom will transfer back \$150,000 of Federal Entitlement dollars upon request by the City of St. James.

This Agreement is fully stated and cannot be canceled, modified, or in any way changed without express written permission of both parties.

Joe McCabe
City of St. James - City Manager

Steve Nasby
City of Windom - City Administrator

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	CONVENT. & VISTOR BU	LODGING TAX	1,437.16
	Total for Department 101		1,437.16*
CITY OFFICE	COTTONWOOD CO TREASU	TAXES	96.00
CITY OFFICE	SELECTACCOUNT	ADM FEE	116.50
	Total for Department 103		212.50*
CITY HALL	COTTONWOOD CO TREASU	TAXES	96.00
CITY HALL	MN ENERGY RESOURCES	HEATING	317.46
	Total for Department 115		413.46*
POLICE	Verizon Wireless	SERVICE FOR LAP TOPS	78.08
	Total for Department 120		78.08*
FIRE DEPARTMENT	Verizon Wireless	SERVICE FOR LAP TOPS	52.04
FIRE DEPARTMENT	MUNICIPAL EMERGENCY	SERVICE	90.50
	Total for Department 125		142.54*
STREET	COTTONWOOD CO TREASU	TAXES	24.00
STREET	MN ENERGY RESOURCES	HEATING	255.60
	Total for Department 140		279.60*
HEALTH & SANITATION	NEAL GRUNEWALD	COMPOST SITE MANAGER	132.00
HEALTH & SANITATION	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	22.71
	Total for Department 145		154.71*
PARKS	ALPHA RADIATOR	MAINTENANCE	1,045.34
PARKS	COTTONWOOD CO TREASU	TAXES	46.00
PARKS	HOMETOWN SANITATION	HAUL GARBAGE	314.15
	Total for Department 165		1,405.49*
	Total for Fund 01		4,123.54*
AIRPORT	COTTONWOOD CO TREASU	TAXES	1,536.00
	Total for Department 174		1,536.00*
	Total for Fund 11		1,536.00*
AMBULANCE	KATE AXFORD	EXPENSE	38.85
AMBULANCE	JIM AXFORD	EXPENSE	13.02
AMBULANCE	TIM HACKER	EXPENSE	7.59
AMBULANCE	Verizon Wireless	SERVICE FOR LAP TOPS	78.06
AMBULANCE	Verizon Wireless	TELEPHONE	105.24
AMBULANCE	ALLAN REMPEL	EXPENSE	87.39
	Total for Department 176		330.15*
	Total for Fund 13		330.15*
MULTI-PURPOSE BUILDI	HY-VEE FOOD STORE	MERCHANDISE	211.90
	Total for Department 177		211.90*

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 14			211.90*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	1,655.80
LIQUOR	WIRTZ BEVERAGE MN WI	BEVERAGE	1,802.79
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	4,017.15
LIQUOR	A H HERMEL CANDY & T	MERCHANDISE	85.98
LIQUOR	JOHNSON BROS.	MERCHANDISE	2,060.28
LIQUOR	PHILLIPS WINE & SPIR	MERCHANDISE	543.47
Total for Department 180			10,165.47*
Total for Fund 60			10,165.47*
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	36.46
WATER	SOURCE ONE SOLUTIONS	POSTAGE	153.84
WATER	SOURCE ONE SOLUTIONS	UTILITY BILL - SERVICES	797.91
Total for Department 181			988.21*
Total for Fund 61			988.21*
ELECTRIC FUND	REFUND-UT PREPAY-A.OROZC		86.38
ELECTRIC FUND	REFUND-UT PREPAY-W.SIMPS		248.71
APRIL OROZCO	REFUND-UT PREPAYMENT		213.62
WILLIAM SIMPSON	REFUND-UTILITY PREPAYMEN		51.29
MIRANDA ULVESTAD	REFUND-UTILITY PREPAYMME		300.00
Total for Department			900.00*
ELECTRIC	COTTONWOOD CO TREASU	TAXES	24.00
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	36.46
ELECTRIC	JERRY'S REPAIR	MAINTENANCE	361.49
ELECTRIC	SOURCE ONE SOLUTIONS	POSTAGE	153.84
ELECTRIC	SOURCE ONE SOLUTIONS	UTILITY BILL - SERVICES	1,645.70
ELECTRIC	HSBC BUSINESS SOLUTI	SUPPLIES	709.35
ELECTRIC	RON'S ELECTRIC INC	MAINTENANCE	8.15
ELECTRIC	BANK MIDWEST	NSF CHECK	132.59
ELECTRIC	ZIEGLER, INC.	MAINT AGREEMENT	15,840.00
Total for Department 182			18,911.58*
Total for Fund 62			19,811.58*
ROBERT L. CARR	WASTEWATER TREATMENT PRO		104,718.50
Total for Department			104,718.50*
SEWER	COTTONWOOD CO TREASU	TAXES	778.00
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	36.46
SEWER	SOURCE ONE SOLUTIONS	POSTAGE	153.83
SEWER	SOURCE ONE SOLUTIONS	UTILITY BILL - SERVICES	797.93
SEWER	MN ENERGY RESOURCES	HEATING	598.28
Total for Department 183			2,364.50*
Total for Fund 63			107,083.00*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
ECONOMIC DEVELOPMENT	COTTONWOOD CO TREASU	TAXES	25,084.00
ECONOMIC DEVELOPMENT	HY-VEE FOOD STORE	MERCHANDISE	28.97
ECONOMIC DEVELOPMENT	RON'S ELECTRIC INC	MAINTENANCE	175.95
	Total for Department 187		25,288.92*
	Total for Fund 67		25,288.92*
TELECOMMUNICATIONS	DISH NETWORK	SERVICE	3,400.00
TELECOMMUNICATIONS	E-911	MONTHLY 911 SERVICE	43.95
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	109.37
TELECOMMUNICATIONS	KDOM RADIO	ADVERTISING	648.50
TELECOMMUNICATIONS	SOURCE ONE SOLUTIONS	POSTAGE	461.49
TELECOMMUNICATIONS	SOURCE ONE SOLUTIONS	SPECIAL SERVICE	25.48
TELECOMMUNICATIONS	SOURCE ONE SOLUTIONS	UTILITY BILL - SERVICES	1,745.46
TELECOMMUNICATIONS	MLB NETWORK	SUBSCRIBER	499.67
TELECOMMUNICATIONS	NATIONAL CABLE TV CO	EQUIPMENT	1,474.08
TELECOMMUNICATIONS	ONVOY, INC	SS7 SERVICE	936.48
TELECOMMUNICATIONS	ONVOY, INC	WHOLE 800 SWITCH	1,874.10
TELECOMMUNICATIONS	MN ENERGY RESOURCES	HEATING	15.99
TELECOMMUNICATIONS	RFD TV	SUBSCRIBER	277.40
TELECOMMUNICATIONS	SDN COMMUNICATIONS	SERVICE	2,839.78
TELECOMMUNICATIONS	SHOWTIME NETWORKS IN	SUBSCRIBER	355.57
TELECOMMUNICATIONS	SOUTHWEST/WEST CENTR	SERVICE	833.33
TELECOMMUNICATIONS	TECHNOLOGY PLANNERS,	SERVICE	330.00
TELECOMMUNICATIONS	BANK MIDWEST	NSF CHECK	300.00
TELECOMMUNICATIONS	ZAYO BANDWIDTH	BANDWIDTH BILLING	5,606.41
TELECOMMUNICATIONS	MANKATO NETWORKS LLC	SERVICE	1,975.00
TELECOMMUNICATIONS	HURRICANE ELECTRIC L	INTERNET SERVICE	1,000.00
	Total for Department 199		24,752.06*
	Total for Fund 69		24,752.06*
	Grand Total		194,290.83*

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	INTOXIMETERS	EQUIP PURCH W/CONVISCATE	1,774.13
	Total for Department		1,774.13*
CITY OFFICE	BEIM CONSULTING	WEB SITE MAINTENANCE	585.00
CITY OFFICE	STEVE NASBY	EXPENSE	32.07
CITY OFFICE	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	21.21
	Total for Department 103		638.28*
CITY HALL	JOE'S LAWN CARE	BOILER INSPECTION	75.00
CITY HALL	JOE'S LAWN CARE	MOW LAWN	10.00
	Total for Department 115		85.00*
POLICE	MN COUNTY ATTORNEYS	SUPPLIES	29.93
POLICE	KEVIN L. PATTERSON	EXPENSE	22.21
POLICE	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	10.60
POLICE	FLEET SERVICES DIVIS	LEASE CAR	2,217.74
POLICE	MSANI	REGISTRATION	100.00
	Total for Department 120		2,380.48*
FIRE DEPARTMENT	AMOCO OIL COMPANY	GAS	144.19
FIRE DEPARTMENT	CREATIVE DESIGN	SERVICE	232.45
FIRE DEPARTMENT	JOHNSON HARDWARE	MAINTENANCE	3.85
FIRE DEPARTMENT	DAN ORTMAN	EXPENSE	240.13
FIRE DEPARTMENT	STEVE JOHNSON	REFUND-FIRE CALL-PD BY P	500.00
	Total for Department 125		1,120.62*
STREET	JOHNSON HARDWARE	MAINTENANCE	39.17
STREET	TIM LINDEMANN	REFUND - BOULEVARD TREE-	25.00
STREET	DALE GRAVLEY	REFUND-BOULEVARD TREE-CA	25.00
	Total for Department 140		89.17*
RECREATION	COCA-COLA BOTTLING C	MERCHANDISE	20.29
RECREATION	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	10.60
	Total for Department 150		30.89*
	Total for Fund 01		6,118.57*
LIBRARY	JOE'S LAWN CARE	BOILER INSPECTION	75.00
LIBRARY	THE NEW YORK TIMES	SUBSCRIPTION	426.40
LIBRARY	MN ENERGY RESOURCES	HEATING	184.88
LIBRARY	STAR TRIBUNE	SUBSCRIPTION	62.40
LIBRARY	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	5.30
	Total for Department 171		753.98*
	Total for Fund 03		753.98*
AIRPORT	MN DEPT OF ADMINISTR	TELEPHONE	23.83
	Total for Department 174		23.83*
	Total for Fund 11		23.83*

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
POOL	BEIM CONSULTING	WEB SITE MAINTENANCE	135.00
POOL	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	5.30
		Total for Department 175	140.30*
		Total for Fund 12	140.30*
AMBULANCE	ROBIN SHAW	EXPENSE	90.00
		Total for Department 176	90.00*
		Total for Fund 13	90.00*
MULTI-PURPOSE BUILDI	COCA-COLA BOTTLING C	MERCHANDISE	81.16
MULTI-PURPOSE BUILDI	EXTREME BEVERAGE, LL	MERCHANDISE	67.00
MULTI-PURPOSE BUILDI	MN ENERGY RESOURCES	HEATING	516.38
MULTI-PURPOSE BUILDI	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	5.30
		Total for Department 177	669.84*
		Total for Fund 14	669.84*
SCDP	SW MN HOUSING PARTNE	DEED DRAW	6,544.00
		Total for Department 163	6,544.00*
		Total for Fund 17	6,544.00*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	3,274.00
LIQUOR	WIRTZ BEVERAGE MN WI	MERCHANDISE	329.79
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	8,345.70
LIQUOR	JOHNSON BROS.	MERCHANDISE	3,131.94
LIQUOR	PHILLIPS WINE & SPIR	MERCHANDISE	1,631.80
LIQUOR	SOUTHERN WINE & SPIR	MERCHANDISE	2,251.30
LIQUOR	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	23.01
LIQUOR	VINOCOPIA, INC	MERCHANDISE	240.00
LIQUOR	WINE MERCHANTS	MERCHANDISE	271.25
		Total for Department 180	19,498.79*
		Total for Fund 60	19,498.79*
WATER	AMERICAN PAYMENT CEN	SERVICE	16.50
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	166.67
WATER	JIFFY-JR. PRODUCTS	SUPPLIES	204.46
WATER	MN DEPT OF HEALTH	MAINTENANCE PERMIT	50.00
WATER	MN DEPT OF HEALTH	REGISTRATION	90.00
WATER	MN ENERGY RESOURCES	HEATING	544.82
WATER	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	23.01
		Total for Department 181	1,095.46*
		Total for Fund 61	1,095.46*
	ELECTRIC FUND	REFUND-UT PREPAY-N SALAZ	291.14
	ELECTRIC FUND	REFUND-UT PREPAY-R MAUAR	212.83

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	TELSCHKE ETPLSONG	REFUND -UTILITY PREPAY &	300.00
	ROMOLO MAURA JR	REFUND - UTILITY PREPAYM	87.17
	LORI NYANDIEKA	REFUND-UTILITY PREPAYMEN	125.00
	NABIA SALAZAR	REFUND - UTILITY PREPAYM	8.86
	Total for Department		1,025.00*
ELECTRIC	AMERICAN PAYMENT CEN SERVICE		16.50
ELECTRIC	AMOCO OIL COMPANY	GAS	1,008.97
ELECTRIC	GDF ENTERPRISES, INC	MAINTENANCE	38.80
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	166.66
ELECTRIC	CHERYL LILLEGAARD	MILEAGE	75.48
ELECTRIC	HSBC BUSINESS SOLUTI	SUPPLIES	165.55
ELECTRIC	MN ENERGY RESOURCES	HEATING	58.03
ELECTRIC	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	23.01
ELECTRIC	BANK MIDWEST	NSF CHECK	665.11
	Total for Department 182		2,218.11*
	Total for Fund 62		3,243.11*
	ROBERT L. CARR	WASTEWATER TREATMENT PRO	420,458.60
	Total for Department		420,458.60*
SEWER	AMERICAN PAYMENT CEN SERVICE		16.50
SEWER	AMOCO OIL COMPANY	GAS	431.08
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	166.66
SEWER	JIFFY-JR. PRODUCTS	SUPPLIES	204.47
SEWER	MN ENERGY RESOURCES	HEATING	48.31
SEWER	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	33.94
	Total for Department 183		900.96*
	Total for Fund 63		421,359.56*
ARENA	COCA-COLA BOTTLING C	MERCHANDISE	101.45
ARENA	MN ENERGY RESOURCES	HEATING	459.98
ARENA	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	19.09
	Total for Department 184		580.52*
	Total for Fund 64		580.52*
	ELECTRIC FUND	LOAN PAYABLE FROM EDA SP	749.14
	FULDA AREA CREDIT UN	SPEC BLDG LOAN	1,833.16
	Total for Department		2,582.30*
ECONOMIC DEVELOPMENT	BEIM CONSULTING	WEB SITE MAINTENANCE	45.00
ECONOMIC DEVELOPMENT	ELECTRIC FUND	LOAN PAYABLE FROM EDA SP	200.36
ECONOMIC DEVELOPMENT	FULDA AREA CREDIT UN	SPEC BLDG LOAN	1,526.84
	Total for Department 187		1,772.20*
	Total for Fund 67		4,354.50*

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	MN 9-1-1 PROGRAM	911 SERVICE	1,051.56
	TELSCHE ETPLSONG	REFUND -UTILITY PREPAY &	.31
	Total for Department		1,051.87*
TELECOMMUNICATIONS	AMERICAN PAYMENT CEN	SERVICE	49.50
TELECOMMUNICATIONS	E-911	MONTHLY 911 SERVICE - OC	43.95
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	500.01
TELECOMMUNICATIONS	CENTURY LINK	TELEPHONE	105.28
TELECOMMUNICATIONS	CENTURY LINK	DIRECTORY LISTING	184.80
TELECOMMUNICATIONS	TOSHIBA FINANCIAL SE	LEASE/MAINT CONTRACT	31.80
TELECOMMUNICATIONS	REUBEN BILL	REFUND - SERVICE INSTALL	15.00
TELECOMMUNICATIONS	TELSCHE ETPLSONG	REFUND -UTILITY PREPAY &	4.60
TELECOMMUNICATIONS	BRUCE CAVINESS	REFUND-CANCELLED SERVICE	30.00
	Total for Department 199		964.94*
	Total for Fund 69		2,016.81*
	AFLAC	INSURANCE	476.06
	JOHNSON COUNTY COURT	PAYROLL DEDUCTION CDDMO1	1,202.00
	LAW ENFORCMENT LABOR	UNION DUES	252.00
	LOCAL UNION #949	UNION DUES	1,625.70
	MN BENEFIT ASSOCIATI	INSURANCE	291.16
	Total for Department		3,846.92*
	Total for Fund 70		3,846.92*
	Grand Total		470,336.19*