

Council Meeting
Tuesday, October 2, 2012
City Council Chambers
7:30 p.m.
AGENDA



Call to Order
Pledge of Allegiance

1. Approval of Minutes
 - Council Minutes–September 18, 2012
2. Consent Agenda
 - Minutes
 - Utility Commission – September 19, 2012
 - Park & Recreation Commission – September 26, 2012
3. Department Heads
4. Bid Award for Aerial Lift Device
5. Park & Recreation Commission Rate Recommendations
6. Approval of Windom Area Hospital Governing Board By-Laws
7. First Reading – Ordinance Adopting Revised Codified City Code
8. Resolution Delegating Authority to the City Administrator to Pay Claims
9. Resolution Appointing Additional Election Judges for the Forthcoming General Election
10. New Business
11. Old Business
 - Set Date for Employee Appreciation Event
12. Regular Bills
13. Council Concerns
14. Adjourn

REMINDER – SPECIAL CITY COUNCIL MEETING - OCTOBER 3, 2012 AT 6:00 P.M.



**Regular Council Meeting
Windom City Hall, Council Chamber
September 18, 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,
Bradley Powers and JoAnn Ray

Council Members Absent: None

City Staff Present: Steve Nasby, City Administrator; Bruce Caldwell,
Streets and Parks Superintendent; Aaron Backman,
EDA Executive Director; Scott Peterson, Police
Chief; Mike Haugen, Water/Wastewater
Superintendent and Terry Glidden, Telecom

3. Pledge of Allegiance

4. Approval of Minutes:

**Motion by Fossing second by Ray to approve the City Council minutes from
September 4, 2012. Motion carried 5 – 0.**

5. Consent Agenda:

Kruse noted the minutes from the following Boards and Commissions:

- Utility Commission – September 6, 2012
- Economic Development Authority – September 10, 2012
- Library Board – August 18, 2012 and September 11, 2012

A license application was noted by Kruse.

- Amplification Permit application from the United Methodist Church for an event on
October 17, 2012.

Kruse said there was also correspondence from the Worthington Composite Squadron –
Civil Air Patrol.

**Motion by Powers second by Maricle, to approve the Consent Calendar as presented.
Motion carried 5 – 0.**

Preliminary

Kruse said there was an additional amplification permit application that arrived following the Council packet; this item was handed out prior to the meeting. He asked if the Council wanted to consider this application. Consensus of Council to consider the application.

Motion by Maricle seconded by Powers to approve an Amplification Permit for BARC for an event on September 23, 2012. Motion carried 5 – 0.

6. Department Heads:

None.

7. Public Hearings:

Small Cities Development Program (SCDP) Update

Aaron Backman, EDA Director and Michelle Clark, Southwest Minnesota Housing Partnership introduced themselves.

Backman said the State requires a public hearing update on open projects as an opportunity for the public to submit input on the grant. The SCDP grant was awarded in 2011 for the rehabilitation of residential units in Windom and Mt. Lake. The grant close-out is scheduled for December 31, 2013.

Clark said that there were 10 units targeted for Windom and 5 from Mt. Lake. In Windom three units have been completed and seven are underway. In Mt. Lake all five of the units are in progress. A waiting list has been started in the event of additional monies becoming available. SCDP provides 60% of the funds for the rehabilitation and 40% come from the property owner or other sources. Windom added funds to the pool with program income they had available from previous SCDP projects.

Powers asked if the SCDP funds were a loan or a grant. Clark said it is in the form of a 10-year forgivable loan. Ten percent of the total is forgiven each year, but if a person kept the property for ten years the amount would be totally forgiven.

Backman said that \$623,000 in SCDP funds and \$143,000 in program income monies have been committed to projects in Windom and this is a significant contribution to improve the housing stock within the community.

Kruse opened the public hearing at 7:37 p.m.

Rob Anderson, Mt. Lake EDA Director, said the program is working well and the partnership between the two cities has been successful.

Kruse closed the public hearing at 7:39 p.m.

Tax Abatement for 1905 1st Avenue

Backman and Todd Hagen, Ehlers & Associates, introduced themselves.

Backman said the proposed tax abatement is for a project at 1905 1st Avenue (former Lewis Drug building) that has been purchased by Global Investments LLC and is being leased to Big Game Tree Stands. The building is undergoing a \$500,000 renovation project that will significantly raise the taxable value of the building. Big Game will be moving 35 employees into the facility and create an estimated 6-8 additional jobs. They will continue to occupy and use their warehouse facility in the business park.

Hagen said that the tax abatement is being requested from the City and the County, but not the school district. Unlike Tax Increment Financing, tax abatements are individually approved by taxing jurisdictions. The proposed tax abatement of 100% of the value added for 10 years equals about \$76,000 from the City and \$32,000 from the County if both are approved for the full value. The first tax abatement cycle would be in 2014. The prior property taxes on the existing value of the building will continue to be paid and the abatement only applies to the added or new value added through the renovations.

Kruse opened the public hearing at 7:44 pm.

No comments.

Kruse closed the public hearing at 7:45 pm.

Council member Maricle introduced the Resolution No. 2012-51, entitled “RESOLUTION APPROVING PROPERTY TAX ABATEMENTS TO ASSIST IN FINANCING IMPROVEMENTS TO BE MADE BY GLOBAL INVESTMENT PROPERTIES, LLC (BIG GAME TREESTANDS) IN THE CITY OF WINDOM, MINNESOTA” and moved its adoption. The resolution was seconded by Fossing and on roll call vote: Aye: Ray, Fossing, Jones, Maricle and Powers. Nay: None. Absent: None. Resolution passed 5 – 0.

8. EDA Entrance sign MN DOT Permit Approval:

Backman said the City is seeking Land Use Permits with MN DOT for the placement of two entrance signs in their right-of-way. The third sign location is on private property and an easement agreement has been executed for that property. The MN DOT permit is good for 10 years and will need to be renewed in 2022. He is requesting City Council approval to sign and submit the Land Use Permit documents to MN DOT. The project is under way with Gopher One locates being done and the signs are currently being manufactured.

Powers asked about the sign on private property. Backman said that the sign on East Highway 60 by PM Beef is on private property as we are planning for the pending expansion of Highway 60 to four lanes. Initially the sign will be about 150 feet into a field, but when the road is improved the sign will be in the correct spot.

Council member Powers introduced the Resolution No. 2012-52, entitled “RESOLUTION AUTHORIZING EXECUTION OF LIMITED USE PERMIT FOR MUNICIPAL IDENTIFICATION ENTRANCE SIGNS” and moved its adoption. The resolution was seconded by Ray and on roll call vote: Aye: Fossing, Jones, Maricle, Powers and Ray. Nay: None. Absent: None. Resolution passed 5 – 0.

9. Breast Health Walk – Request for Picnic Tables:

Tyann Marcy and Tammy Hall introduced themselves. Marcy said they had about 400 walkers last year and do not know if the event will be larger or smaller for 2012 though they are hoping for a larger crowd. They are raising money for breast health and donate monies raised to the hospital. As such, they are requesting that the City waive the fee for picnic table use.

Marcy said the route for the walk is shown on the map in the packet and is the same as last year with the walkers starting out at the high school and then going to the downtown square for a loop and back to the high school. She has spoken to the Police Chief and Streets & Parks Superintendent and they do not feel the streets need to be closed, but staffed barricades may be needed for the intersections, especially downtown.

Hall asked if the fee had been waived previously. Nasby said it was done for the Windom Area School District on their Community Pride Day in 2012. Jones remarked that the school is another governmental jurisdiction. Caldwell said the school had the students cleaning up trash in the parks and other public property and it was a benefit to the community. Hall said their event would benefit the community as well.

Jones asked if the tables would be picked up and returned by the volunteers. Hall said they would arrange the pick-up and return.

Powers asked if there would be a deposit in the event tables were damaged. Caldwell said it is not needed as we know who is using them.

Hall said they will have the barricades at the intersections downtown staffed. Kruse said it is safer when the intersections are staffed. Maricle noted the Fire Department would likely assist.

Motion by Powers seconded by Ray to waive the fee policy for picnic table rental for the 2012 Breast Health Walk. Motion carried 5 – 0.

Motion by Powers seconded by Maricle to approve the 2012 Breast Health Walk route with the intersections in the downtown staffed. Motion carried 5 – 0.

10. Second Reading – Disruptive Intoxication Ordinance:

Kruse said this is the second reading and pending passage of the proposed disruptive intoxication ordinance, which was approved as a first reading at the last meeting.

Maricle asked Chief Peterson for a re-cap and summary of the proposed ordinance.

Scott Peterson, Police Chief, said the proposed ordinance will assist law enforcement with handling cases where intoxicated persons are disturbing the peace and general well-being of the public. This is not a public intoxication ordinance and will be used by the Police as a way to handle someone who are disruptive, intoxicated and exhibiting disorderly behavior.

Kruse asked about disorderly conduct laws. Peterson said they can use those laws but the standards for this require complaints to be filed and witnesses to provide testimony. Whereas the proposed ordinance would allow the Police officer to issue a citation.

Maricle asked Peterson to review the locations where this new ordinance would be applied and how it applied to private property. Peterson said that it is for public properties and places where the public has been invited, such as a business. It would not apply to private properties or residences and the only time it would is if the private property had made a public invitation, such as an advertisement.

Motion by Fossing seconded by Jones to approve the 2nd Reading of the Disruptive Intoxication Ordinance as presented. Motion carried 5 – 0.

11. Telecom Bond – Refinancing Proposal:

Hagen said that the proposed refinancing would include the 2004 Revenue bond and the 2009B GO Temporary Equipment bond. He handed out a revised pre-sale report. The prior plan has been to finance these bonds with telecom revenues, a debt service reserve and the 2004 revenue bond included back up with water and wastewater revenues. Two recent municipal defaults in Minnesota have caused some concern in the market so security is a key element. The Windom system is showing good financials and the partnership with the Southwest Minnesota Broadband System is a huge positive noted by Piper Jaffray. On October 16, 2012 he will have bond pricing ready for the City Council to consider. This is a negotiated sale versus a competitive placement and the rationale is that due to the complexity, size and markets the best prices for the City will likely be through this arrangement. The debt reserve requirement is 50% of the annual debt service. The amount of the refinance is \$11,135,000 not the \$10,395,000 shown in the packet as he had double counted some funds being used by the City so the correct information is shown in the handout. The target is to get debt service down to \$800,000 annually or less.

Jones asked about the language stating an annual appropriation. Hagen said that an annual appropriation is an option for the City Council if revenues are insufficient to meet the debt service obligation as opposed to using the debt service reserve account, which is a reportable item with the SEC. By having this annual option available to the City Council it gives the bond holders and extra source of security.

Jones asked if this bond would be pledging or restricting other funds. Hagen said it does not.

Fossing asked about current annual debt service payments. Hagen said about \$900,000 to \$1,000,000. There is the payment on the revenue bond, but the GO Bond is due in December 2012 and amortizing that debt would be part of that figure.

Powers noted the GO bond is currently at 1.65%. Hagen said that is correct. It is a 3-year temporary note that was an interest-only payment and \$2.4 million is due in December 2012. Powers said the new bond will extend the term by 8 years. Hagen said that is also correct and other terms were looked at such as 15 years and the debt service was about \$915,000 and higher.

Council member Maricle introduced the Resolution No. 2012-53, entitled “RESOLUTION PROVIDING FOR THE SALE OF \$11,135,000 COMMUNICATION SYSTEM ANNUAL APPROPRIATION REFUNDING REVENUE BONDS, SERIES 2012B” and moved its adoption. The resolution was seconded by Fossing and on roll call vote: Aye: Jones, Maricle, Powers, Ray and Fossing. Nay: None. Absent: None. Resolution passed 5 – 0.

12. PM Beef Holdings – Amendment to Industrial Wastewater Treatment Agreement:

Mike Haugen, Water\Wastewater Superintendent, said that the City has a user agreement with PM Beef for its wastewater and this agreement is proposed to be amended to allow for changes in the flow and loadings. The Utility Commission and engineers have reviewed the proposed amendment and recommended approval. The purpose is to allow PM Beef an opportunity to do some expansion of their operations.

Kruse asked about the impact to the City’s treatment plant and capacity. Haugen said the plant has the capacity to accept the proposed amounts.

Jones confirmed that this amendment to the user agreement is only for a limited expansion in operations and not committing the City to anything in the future if other changes occurred. Haugen said this amendment for flow and loadings is only for the immediate changes.

Jones asked about pre-treatment at the PM Beef plant. Haugen said that PM Beef has a couple of modifications they will be doing to their facilities that will help reduce the loadings coming to Windom’s plant.

Powers asked what happens if PM Beef exceeds these numbers. Haugen said there is a surcharge. Nasby noted that the City also retains the right to shut them off if there is a threat to our plant or exceeding our MPCA permit numbers.

Fossing asked if the City needs to re-do our MPCA permit to accommodate this change for PM Beef. Haugen said the City does not need to re-do it now, and our permit is good until 2015.

Motion by Jones seconded by Powers to approve the Amendment to the Wastewater Industrial User Agreement between the City of Windom and PM Beef as presented. Motion carried 5 – 0.

13. Resolution Adopting the MN General Records Retention Schedule for Cities:

Nasby said the City had adopted the 1985 State record retention schedule and an updated State schedule from 2011 is the newest version. Staff is requesting the City Council to approve adopting the new State schedule and future revisions to the State schedule.

Council member Fossing introduced the Resolution No. 2012-54, entitled “A RESOLUTION ADOPTING THE MINNESOTA GENERAL RECORDS RETENTION SCHEDULE FOR CITIES” and moved its adoption. The resolution was seconded by Ray and on roll call vote: Aye: Maricle, Powers, Ray, Fossing and Jones. Nay: None. Absent: None. Resolution passed 5 – 0.

14. Personnel Committee Recommendations:

Powers said there were four items and he would be discussing them and recommended consideration as separate motions.

Powers said the Library has a part-time employee that is scheduled to work under 14 hours\week. Due to the several factors at the library with vacation and sick leave coverage Library Director and Library Board are requesting that this part-time person be allowed to work approximately 20 hours\week. In conjunction with the Library Board, the Personnel Committee is recommending to the City Council this part-time library employee be approved to work approximately 20 hours\week.

Motion by Powers seconded by Ray to allow the increase in hours from 14\week to 20\week for that part-time Library employee, effective immediately. Motion carried 5 – 0.

Second, Powers said that the Ambulance Director is proposing an increase in pay for the 2013 budget of \$0.50\hour for the “57”, “58” and “59” positions that rotate within the Department for on-call service. The Personnel Committee is recommending to the City Council the approval of the pay rate increase for the Ambulance Department from \$2.25\hour to \$2.75\hour for on-call pay. He will be abstaining from a vote on this item.

Motion by Jones seconded by Fossing to approve a pay rate increase for the Ambulance Department from \$2.25\hour to \$2.75\hour for on-call pay covering the 57, 58 and 59 positions effective January 1, 2013. Motion carried 4 – 0 – 1 (Powers abstaining).

Jones asked for a clarification of the 57, 58 and 59 positions. Powers said that 59 is the lead person on-call and 58 is the second person that would respond with 59 to a call. The 57 position is a third person that provides coverage with the other two from 10 pm to 6 am. These positions rotate weekly within the department.

Third, Powers said the Fire Chief is requesting a pay increase for the firefighters as the rates have remained the same since at least 1999, which is as far back as his records go. The Fire Chief is asking for an increase of \$2\hour for fire calls and \$2\drill for the firefighters. In addition, he is requesting that the pay for the four Fire Department Officers increase by \$500\year. The Personnel Committee is recommending to the City Council the approval of a pay rate increase for the Fire Department of \$2\hour for fire calls, \$2\drill and a \$500\year for each of the four Chiefs.

Maricle said he would be abstaining from the vote on this item.

Motion by Powers seconded by Fossing to approve a pay rate increase for the Fire Department of \$2\hour for fire calls, \$2\drill and a \$500\year for each of the four Chiefs effective January 1, 2013. Motion carried 4 – 0 – 1 (Maricle abstaining).

Powers asked Nasby to discuss this item. Nasby said that over the last two years there have been two unique cases of newer employees (less than a year with the City) that have experienced medical issues or deaths in their families where the employee could not yet access sick leave and/or they had exhausted what little amount of paid leave they have been able to accrue. Several employees had asked to donate vacation\sick leave, but we do not currently allow that in our policy nor does our policy allow an “advance” of sick leave or vacation. Right now the only option available is to allow them days off without pay.

The proposed policy that is used by the League of Minnesota Cities for its employees experiencing similar situations, which allows for an “advance” and repayment of sick leave and/or vacation time. The Personnel Committee is recommending approval of the proposed policy.

Motion by Powers seconded by Ray to approve a policy to allow for the advance of sick leave and/or vacation to employees as presented. Motion carried 5 – 0.

15. New Business:

None.

16. Unfinished Business:

Kruse said that the candidate forum for Senate District 22 is set for October 9, 2012 at the Windom Community Center for 7:00 pm to 8:30 pm.

17. Regular Bills:

Motion by Maricle seconded by Powers, to approve the regular bills. Motion carried 5 – 0.

Preliminary

18. Contractor Payments:

Kruse said there was a contractor payment requests from R.L. Carr Company in the amount of \$431,769.30.

Haugen said that the contractor is currently wiring in the new control panels, pumps and generator. The pre-treatment work was nearly completed and they are on schedule.

Motion by Ray seconded by Jones to approve the contractor payment to R.L. Carr Company for \$431,769.30. Motion carried 5 – 0.

Haugen said the other construction project should be ready to start the patching work this week with a plan to get 6th Street and River Road paved within the week.

19. Council Concerns:

Fossing noted the City-wide Clean-Up event for October 6th and 13th.

Powers asked about the timing for reviewing garbage pick-up quotes for city facilities. Nasby said this was done a couple years ago, and it could be done again.

20. Adjourn:

Kruse adjourned the meeting by unanimous consent. Meeting adjourned at 8:48 pm

Kirby Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

UTILITY COMMISSION MINUTES
City Hall, Council Chamber
September 19, 2012

Call Meeting to Order: The Utility Commission meeting was called to order at 10:00 a.m. on September 19, 2012 in the City Hall Council Chamber.

Members Present: Utility Commission Chairperson: Mike Schwalbach

Member Present: Glen Francis

Member Absent: Tom Riordan

City Council Liaison: Dominic Jones, Present

Staff Present: Steve Nasby, City Administrator; Chelsie Carlson, Finance Director/Controller; Marv Grunig, Electric Utility Manager; and Mike Haugen, Water / Wastewater Superintendent

Others Present: Greg Miller (PM Beef Holdings, LLC) and Steve Meyer (PM Beef Holdings, LLC), Kelly Yahnke (Bolton & Menk)

APPROVE MINUTES

Motion by Francis, seconded by Schwalbach, to approve the September 6, 2012, Utility Commission minutes as presented. Motion carried 2-0, Riordan absent.

WATER/WASTE WATER ITEMS

PM Beef Windom SIU Agreement – Greg Miller, PM Beef Windom, thanked the Commission for their support on approving the amendment to reinstate their SIU agreement and allow the additional flow requested. Miller then made a request in writing to amend the SIU amendment previously passed to increase the CBOD loadings from 400 to 500 lbs/day. The 400 lb/day limit is not an issue most of the year, but it could be exceeded during the winter months. Steve Meyer, PM Beef Windom, informed the Commission of the pre-treatment improvement plans to dredge Lagoon #1 and also upgrade the DAF. Kelly Yahnke presented an analysis showing minimal impact to the aeration system if the allowed CBOD was increased to 500 lbs/day. The Commission will consider the request at the next regularly scheduled meeting.

Main Lift Station Change Order – Haugen and Yahnke presented Change Order No. 1 for the Wastewater Treatment Facility Improvements project. City staff requested interior coating on three manholes to reduce deterioration of the concrete over time by the hydrogen sulfide gas formed by the wastewater. The change order is for a 62 day time extension to October 31st to meet substantial completion of the project. The cost of additional work is approximately \$7,206 but this change order does not increase the overall contracted cost of the project as allowance amounts are built-in to the original contract to accommodate these types of requests.

Motion by Francis, seconded by Schwalbach, to approve Change Order No. 1 on the Wastewater Treatment Facility Improvements project. Motion carried 2-0, Riordan absent.

Biosolids Annual Report – The MN Pollution Control Agency sent a letter acknowledging receipt of the Biosolids Landspreading Annual Report. Haugen informed the Commission the spreading will be on the Smith farm south of Fish Lake.

Quotes for Leak Investigation – Haugen presented four quotes received for Leak Investigation work related to possible contamination at the WWTP when the fuel tank was removed. Haugen noted 90% of the project cost is refundable by the MPCA.

Motion by Francis, seconded by Schwalbach, to approve lowest responsible bidder on the Leak Investigation project at Wastewater Treatment Facility. Motion carried 2-0, Riordan absent.

Staff Award – Haugen informed the Commission that staff member Eric Ward was awarded attendance at a conference in Duluth after winning a contest to disassemble and reassemble a water meter at a meeting he attended.

ELECTRIC ITEMS

Unit 35 Aerial Lift Device Bids– Grunig presented three bids for 45' aerial lift device showing bid price, trade allowance, and net cost. Staff had the opportunity to test each device and is recommending Truck Utilities, Inc., which also had the lowest net price.

Motion by Francis, seconded by Schwalbach, to approve purchase of aerial lift device from Truck Utilities, Inc. Motion carried 2-0, Riordan absent.

More 2012 Summer Energy Costs – Grunig updated analysis presented at a prior meeting showing 7 year historical energy consumption levels and average costs/kWh. It was noted that usage for July 10th – August 10th was record setting with cost/kWh remaining stable. Grunig explained this analysis indicates the reason customers have higher bills is due to higher consumption and not higher power costs.

2013 Budget–Grunig presented a 2013 Budget summary to the Commission noting three significant impacts to the budget. The budget for 2013 includes higher expected transmission costs, slightly higher wholesale costs due to WPPI contract, and 6 months funding for open position within the Electric department. Grunig also noted the 2013 Budget includes \$175,000 transfer from the Electric Department to the General fund.

Motion by Francis, seconded by Schwalbach, to approve transfer amount for 2013 budget of \$175,000. Motion carried 2-0, Riordan absent.

Civil Defense Sirens – Grunig reported civil defense siren project is near completion. The initial project was estimated at \$65,000 but \$15,000 was saved by doing work in house. The electric contribution to the project will be approximately \$25,000.

Safety Program – Grunig presented Safety Program Agreement between Minnesota Municipal Utilities Association and City of Windom Municipal Utility. The annual fee for 2012-2013 is \$15,300 which will be split amongst all participating departments. Bob Sewell is the new Safety Coordinator and he was here providing employee training on September 17th and 18th.

REGULAR BILLS

Motion by Francis, seconded by Schwalbach, to approve bills presented. Motion carried 2-0, Riordan absent.

OLD BUSINESS

None

NEW BUSINESS

The next regularly scheduled Utility Commission meeting will be held on October 24th at 10:00 a.m.

The meeting was adjourned by unanimous consent at 12:00 p.m.

Mike Schwalbach, Chairperson

Attest: _____
Steve Nasby, City Administrator

**PARK AND RECREATION COMMISSION MEETING
MINUTES SEPTEMBER 26, 2012**

1. Call to Order: The meeting was called to order by Chairman Terry Fredin 7:31 p.m. at City Hall.

2. Roll Call:

Commission Present:	Terry Fredin, Kay Clark & Jeff LaCanne
Commission Absent:	Angie Blanshan & Sherri Zimmerman
City Staff Present:	Recreation Director Al Baloun
City Staff Absent:	Park Superintendent Bruce Caldwell
Council Liaisons:	Corey Mariele attending & JoAnn Ray absent
Public:	

3. Approve Agenda

Motion by LaCanne, seconded by Clark to approve
Motion Carried Unanimous

4. Approve Minutes July 9, 2012 Park & Recreation Commission Meeting

Motion by LaCanne, seconded by Clark
Motion Carried Unanimous

5. Park Superintendent Report Via Written Correspondence:

a. Island Park Bathroom Remodel project update:

Staff has completed the renovation of the facility next to the large baseball field. Items that were repaired; New roof boards and shingles, aluminum soffits, added ventilation vents, new water lines in attic, repaired cracks in the concrete walls and floors, new paint in and outside of building. Estimated costs for remodel project \$2,900.00.

b. Donation of New Park Bench and Trees Island Park: the Windom Lion's Club donated a new low maintenance park bench which has been placed on the east river bank by the south riffle. They also donated 4 Elm (disease resistant) trees that were also placed on the river bank in the same location as the park bench. The total donation for the trees & park bench \$1,275.00.

Motion by LaCanne, Clark seconded to recognize and send to Council the acceptance of the bench and tree donation of \$1275 by the Windom Lions Club.

6. Recreation Director's Report- Al Baloun

a. Storage Rates – Al Baloun reviewed a memo regarding increasing storage rates for the upcoming season. The reason for the increase is due to building rent from the fairboard being increased. Current Rates are as follows:

Under 20 feet- \$100
20 – 30 feet- \$125
30 feet and over- \$150

Motion by LaCanne, seconded by Clark to increase Storage Rates for the upcoming season to the following:

Under 20 feet- \$125
20 – 30 feet- \$150
30 feet and over- \$200

Motion Carried Unanimous

- b. Ice Season Update – Al Baloun reviewed Ice rates for the upcoming season. Windom Youth Hockey Association will pay a base rate of \$42,500 for unlimited game and practice time and Windom Figure Skating will pay an hourly rate of \$105 per hour for main rink and \$45 per hour for the Studio Rink. Potential for increased revenue of \$1600 - \$2000 could be received from the Windom Youth Hockey Association due to Squirt A & B Districts, a Mite Play day, and possible High School Sectional games. Day Fee for Tournaments and Ice Show would remain at \$400 per day. Also reviewed were daily admission, skate rental, skate sharpening, group skating rates, and seasonal passes for family and individual.

Motion by Clark, seconded by LaCanne recommend increases for Seasonal skating passes for Family and Individual to as follows:

Family Season Skating Pass- increase from \$60 to \$70

Individual Season Skating Pass- increase from \$35 to \$40

Motion Carried Unanimous

- c. Discussion on the August 28, 2012 Meeting with the City Council, Parks and Recreation Commission, and Users regarding Long Range Planning of the Arena – Members present reviewed minutes and discussion from the joint meeting. More information will be brought back to the commission after the upcoming City Council work session.
- d. Concession Help for Arena and Windom Recreation Area Concessions- Al Baloun discussed with Commission regarding the possibility of hiring an additional person or persons to help with concessions at the Windom Recreation Area and Arena.

Motion by LaCanne, seconded by Clark to recommend to the personnel committee to approve the hiring next Summer of an additional person or persons to help with concessions at the Windom Recreation Area and Arena.

Motion Carried Unanimous

7. Open Mike: None

Meeting Adjourned at 8:06 p.m.

Next Park & Recreation Commission Meeting October 8, 2012 in the Council Chambers

Request for Bids - 45' Aerial Lift Device

Bidder	Model	Delivery Date	BID PRICE	TRADE ALLOWANCE	NET BID PRICE	WARRENTY	DEVIATION FROM BID
ALTEC INDUSTRIES INC.	AT40M	210 -240 days	\$ 66,710.00	\$ 5,000.00	\$ 61,710.00	1 year parts & labor	NONE
TRUCK UTILITIES INC.	DPM-40MH	Dec. 31st, 2012	\$ 72,949.00	\$ 13,949.00	\$ 59,000.00	2 year parts & labor	WILL EXPLAIN
ABM	VST-40-I	200 - 230 days	\$ 75,248.00	\$ 4,000.00	\$ 71,248.00	1 year parts & labor	WILL EXPLAIN

TRUCK UTILITIES, INC.

2370 English Street St. Paul, Minnesota 55109-2098 (651) 484-3305 Fax (651) 484-0076

Since 1963

September 20th 2012

City of Windom

Electric Utility

C/o Marv Grunig

444 9th St, PO Box 38

Windom, MN 56101

In agreement with the city of Windom, MN and Truck Utilities Inc. of St Paul MN Truck Utilities agrees to supply a Dur-a-lift Aerial device and Fiberglass Service body Mounted on City of Windom Class 5 Cab Chassis per the bid specifications supplied by the City of Windom.

Overview of specifications

Aerial Device

Dur-a-lift DPM-40MH – 45' Working Height

Side Mounted Hyd Jib and Winch

A-Frame Midmount Outriggers

A-Frame Rearmount Outriggers

Outrigger Interlocks

Outrigger Alarms

Doom Cradle Interlock

Basket Stow at Lower Controls

180-Degree Basket Rotator

Chassis Isolator in Art Arm

12v DC Backup

Hyd tool circuit at Basket

Hyd Tool Circuit at Rear

Basket Liner

Basket Cover

4 Corner Strobes

2" Pintle Ball Insert – Trailer Tow Package

Belt Step

Mud Flaps

Radio Ray Go Light

2 Amber Strobes

Fan Belt Clutch Pump

Inclinometer

Backup Alarm

10# Fire X & Reflector Kit

Grounding Lug

Service Body

Fiberglass 126" L 96" W Service Body

SS1 – 2 Adj Shelves with Dividers

SS2 – 3 Adj Shelves with Dividers

SSH – Fixed Divider Tray 2 ½" Lip with dividers at bottom of compartment

SS4 – J Hooks 2-4-2

CS1 – 3 Adj Shelves with Dividers

CS2 – Side Access with grab handles

CSH – Durham Eighteen drawer cabinet

CS4 – J Hooks 2-4-2

Aluminum Rock Guards

Aluminum Headache rack

34" Aluminum Tailshelf

LED compartment lights all around

Your truck equipment specialists

www.truckutilities.com

Wheel chock holders and rubber wheel chocks

Aluminum Outrigger Pad Holders and DICA Poly outrigger pads
132" x 8"H x 16"W Aluminum Top Box

Additional

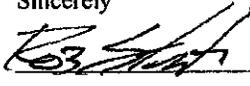
Operator Training upon Delivery of unit
Dielectric test of unit
Literature, Specs and warranty statements
Construction Drawing furnished within one week of the date of this contract.
Delivered to Windom, MN
Trade in of 1997 Ford with HR-37 Aerial

Price does not include any additional changes, modifications made. Price does not include changes to the components on the chassis such as moving batteries, exhaust, fuel tanks and or fuel filler, DEF tanks ect. No sales tax has been quoted but will be invoiced unless a sales tax exemption number is given. Payment is due 30 days upon delivery of the unit. Signed Title on the trade in unit to be sent with the used chassis.

Bid Price Including Trade in \$59,000

Sincerely

City of Windom

 Date 9-20-12

_____ Date _____

Rob Streater
Utility Sales Manager
Truck Utilities
W 651-484-3305
C 651-955-9535
robs@truckutilities.com
www.truckutilities.com

RESOLUTION #2012-

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 fees for the following items; 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:

Arena

Individual Season Skating Pass	\$40.00
Family Season Skating Pass	\$70.00

Storage

2012-2013 Storage Rates	
Units under 20 feet	\$125.00
Units between 20-30 feet	\$150.00
Units over 30 feet	\$200.00

Adopted this 2nd day of October, 2012.

Kirby G. Kruse, Mayor

ATTEST:

Steven Nasby, City Administrator



September 27, 2012

Memo: Storage Fees & Seasonal Pass Rates

To: Windom City Council

From: Al Baloun, Recreation Director

1. Storage Rates – Al Baloun reviewed and recommended increasing storage rates for the upcoming season. The reason for the increase is due to building rent from the fairboard being increased. Current Rates are as follows:

Under 20 feet- \$100
20 – 30 feet- \$125
30 feet and over- \$150

Motion by LaCanne, seconded by Clark to increase Storage Rates for the upcoming season to the following:

**Under 20 feet- \$125
20 – 30 feet- \$150
30 feet and over- \$200**

Motion Carried Unanimous

2. Ice Season Update – Al Baloun reviewed and recommended Ice rates for the upcoming season. Windom Youth Hockey Association will pay a base rate of \$42,500 for unlimited game and practice time and Windom Figure Skating will pay an hourly rate of \$105 per hour for main rink and \$45 per hour for the Studio Rink. Potential for increased revenue of \$1600 - \$2000 could be received from the Windom Youth Hockey Association due to Squirt A & B Districts, a Mite Play day, and possible High School Sectional games. Day Fee for Tournaments and Ice Show would remain at \$400 per day. Also reviewed were daily admission, skate rental, skate sharpening, group skating rates, and seasonal passes for family and individual.

Motion by Clark, seconded by LaCanne recommend increases for Seasonal skating passes for Family and Individual to as follows:

**Family Season Skating Pass- increase from \$60 to \$70
Individual Season Skating Pass- increase from \$35 to \$40**

Motion Carried Unanimous



WINDOM AREA HOSPITAL
GOVERNING BOARD BY-LAWS
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**GOVERNING BOARD BY-LAWS
OF
WINDOM AREA HOSPITAL**

PREAMBLE

WHEREAS, Windom Area Hospital is a municipal hospital, organized under the laws of the State of Minnesota.

WHEREAS, it is recognized that the Governing Board is responsible for the quality of care rendered in the hospital and must accept and discharge this responsibility to do all that is necessary to fulfill the Hospital's obligation to its patients, and

WHEREAS, its purpose is to serve as a general hospital providing patient care and education;

THEREFORE, the Windom Area Hospital Board of Directors hereby organizes themselves in conformity with these By-laws.

DEFINITIONS

1. **HOSPITAL** means Windom Area Hospital of Windom, Minnesota.
2. **BOARD OF DIRECTORS** or **BOARD** means the governing body of the hospital.
3. **BOARD COMMITTEE** means a body appointed by the board chairperson which is responsible to the board for advising the board on specific functions assigned to it.
4. **CHAIRPERSON** means the individual elected by the board to serve as the principal officer of the board of directors.
5. **CHIEF EXECUTIVE OFFICER (CEO)** means the individual appointed by the board to act on its behalf in the overall administrative management of the hospital.
6. **MEDICAL STAFF** or **STAFF** means the formal organization of all practitioners who are privileged to attend patients or to provide other diagnostic, therapeutic or teaching services in the hospital.
7. **MEDICAL STAFF MEMBERSHIP STATUS** or **MEMBERSHIP STATUS** means all matters relating to medical staff appointments and reappointments to staff category assignments.
8. **CLINICAL PRIVILEGES** or **PRIVILEGES** means the rights granted to a practitioner to render those diagnostic, therapeutic, medical, dental, pediatric or surgical services, specifically delineated to him/her.
9. **PHYSICIAN** means an individual with a M.D. or D.O. degree who is fully licensed to practice medicine in all its phases.
10. **PRACTITIONER** means, unless otherwise expressly limited, any physician, or Allied Healthcare professional applying for or exercising clinical privileges in this hospital. Allied Health Professionals include other providers, psychologist, CRNA, RN.
11. **SPECIAL NOTICE** means written notification sent by certified or registered mail, return receipt requested.
12. **EX OFFICIO** means service as a member of a body by virtue of an office or position held and, unless otherwise expressly provided, means without voting rights.
13. **THIS STATE** means the State of Minnesota unless otherwise expressly provided.

ARTICLE ONE
OFFICES, OWNERSHIP AND PURPOSES

1.1 OFFICES

The principal office of the hospital shall be located in the Administration offices of Windom Area Hospital, 2150 Hospital Drive, Windom, Minnesota 56101.

1.2 OWNERSHIP AND PURPOSES

Windom Area Hospital, its building(s), equipment and the land occupied thereby shall be owned by the City of Windom as set forth in the City charter for the purpose of providing for the health care needs of the citizens of Windom, Minnesota, and such other persons as from time to time shall have need thereof and for such other purposes as are now or shall hereafter be set forth in the duly adopted ordinances of the City of Windom. Operation of said hospital shall be under the auspices of the City Council of Windom, Minnesota, as hereinafter provided.

1.3 EVENTS AND TRANSACTIONS REQUIRING CITY COUNCIL ACTION

At the first meeting in April the City Council appoints persons to fill the then-existing vacancies on the board of directors. The following matters are authorized only upon approval of the City Council:

- a. Removal of directors.
- b. Certain provisions in and amendments to these By-laws as specified in Article Nine.
- c. The purchase, sale or encumbrance of real property.
- d. Merger or consolidation with any other corporation or legal entity.
- e. Any other matters required by law to be submitted to the City Council or which the board determines by resolution to submit.

ARTICLE TWO
BOARD OF DIRECTORS

2.1 POWERS

Except as otherwise provided by law or by these By-laws, the board shall have and exercise full power and authority to do all things deemed necessary and expedient in the governance, management and control of the business and affairs of the hospital including, without limitation, establishing policies to guide the operation of the hospital and determining the hospital's program of service. Except for such powers as are reserved to the members of the City Council, all officers, practitioners, allied health professionals, employees and agents are subject to control, direction and removal by the board; provided however, that there shall be no discrimination as to sex, race, color, age, handicap, national origin or religion denomination in the control, direction or removal of officers, practitioners, allied health professionals, employees or agents.

2.2 NUMBER AND QUALIFICATION

The board shall consist of seven directors. Directors must represent the community of Windom and shall be selected for their experience, relevant areas of interest and expertise, and ability and willingness to participate effectively in fulfilling the board's responsibilities. The CEO, the president of the medical staff and the mayor of the City of Windom serve as ex officio directors, without vote. Neither hospital employees, except the CEO, nor members of their families (parents, spouse, children, and siblings) shall be eligible to serve as voting directors. Neither a hospital employee who resigns or is terminated from employment nor a member of his/her immediate family is eligible to serve as a director for a two-year period from the date such resignation or termination is effective.

2.3 APPOINTMENT AND TENURE

2.3-1 APPOINTED DIRECTORS

At their April meeting, the members of the City Council appoint individuals to fill the then-existing vacancies on the board. Each appointed director holds office for a term of three years and until his/her successor is duly appointed and qualified, unless he/she sooner resigns or is removed pursuant to Section 2.4 or Section 2.7. Directors may hold no more than three consecutive full terms.

2.3-2 EX OFFICIO DIRECTORS

The CEO, the president of the Medical Staff, or other Medical Staff member officially designated, and the mayor of the City of Windom, or other City Council member officially designated by the mayor, serve on the board as ex officio directors by virtue of their official positions. Each remains an ex officio director until he/she no longer holds the designated position that is the basis for ex officio membership.

2.4 RESIGNATION AND REMOVAL

2.4-1 RESIGNATION

Any director may resign at any time by giving written notice to the chairperson of the board or to the mayor. Such resignation, which may or may not be made contingent on formal acceptance, takes effect on the date of receipt or at any later time specified in it.

2.4-2 REMOVAL

The members of the City Council, pursuant to Article 1.3, may remove any director who is declared of unsound mind by a court order, is convicted of a felony, fails without good cause acceptable to the board to meet the attendance requirements adopted by the board, or fails to fulfill the responsibilities for hospital board members specified in these By-laws or required by law. Pursuant to Article 1.3 the City Council may remove any director for fraudulent or dishonest acts, or for gross abuse of authority or discretion with reference to the hospital, or for any other acts or statements that may reflect adversely on the hospital's standing in the community.

2.5 VACANCIES

Vacancies in appointed directorships due to death, removal, resignation or an increase in the authorized number of directors are filled by appointment by the mayor of the City of Windom.

2.6 ADDITIONAL ADVISORS

The board or the chairperson of the board may invite additional individuals with expertise in a pertinent area to meet with and assist the board. Such advisors shall not vote or be counted in determining the existence of a quorum and may be excluded from any executive session of the board by majority vote of the directors present.

2.7 ATTENDANCE AT MEETINGS

The board shall establish expectations for attendance by directors at meetings of the board and for attendance of directors and other members of board committees at their respective meetings. Failure, without good cause, to satisfy those requirements shall be grounds for removal from the board by the City Council or the committee by the Governing Board Chair.

2.8 MEETINGS OF DIRECTORS

2.8-1 REGULAR MEETINGS

Regular meetings of the board are held at least monthly at such place and time as the board provides by resolution. Notice of each such resolution submitted in writing to the office of the City Clerk of Windom within 14 days following the adoption of such resolution shall constitute public notice of such regular meetings. One such regular meeting may be designated as the annual meeting for the purpose of organizing the Board. The May meeting will be designated as the annual meeting each year.

2.8-2 SPECIAL MEETINGS

Special meetings of the board may be called by the chairperson or shall be called upon written request by three directors. No business shall be conducted at a special meeting other than that stated in the notice of the meeting.

2.8-3 PLACE

All meetings of the board, except as specifically exempted by the Minnesota Open Meeting Law, are open to the public and are held at such time or place within the City of Windom as the board provides by resolution.

2.8-4 NOTICE

Written notice, as provided in Article 8.8, of the time and place of any meeting of the board, except scheduled regular meetings, shall be given to each director personally or by first class mail not less than three days nor more than 30 days before such meeting. In the case of a special meeting or when required by law or by these By-laws, the notice shall also state the purpose for which the meeting is called. Oral or written notice of the postponement of any scheduled regular meeting shall be given to each director not less than three days before the scheduled date of such meeting. Public notice of any special meeting and/or postponement of any scheduled regular meeting shall be provided to the office of the City Clerk of Windom according to the specifications of this section.

2.8-5 SUSPENSION/RECESS

When a meeting is suspended / recessed, it is not necessary to give any notice of the suspended meeting or the business to be transacted at any adjourned meeting other than by motion adopted at the meeting at which such suspension/recess is taken and included in the minutes.

2.8-6 QUORUM

A majority of the directors then in office constitutes a quorum for the transaction of business at any meeting of the board. If a quorum is not present at any meeting, a majority of the directors present may suspend the meeting from time to time without further notice.

2.8-7 VOTING

Each voting director is entitled to one vote on any matter before the board. Voting by proxy is not permitted.

2.8-8 MANNER OF ACTING

Unless otherwise required by law or these By-laws, the act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board.

ARTICLE THREE
OFFICERS AND CHIEF EXECUTIVE OFFICER

3.1 OFFICERS

The officers of the board shall be a chairperson, a vice-chairperson, a secretary, and a treasurer. The board shall appoint a chief executive officer (CEO) to carry out the duties and responsibilities as outlined in Section 3.6. The CEO shall have such title as designated by the board.

3.2 ELECTION AND TENURE

The board elects the officers from among its voting directors at its annual meeting, and except as otherwise provided in Section 3.3, each holds office for a one-year term and until the conclusion of the meeting at which his/her successor is elected.

3.3 RESIGNATION AND REMOVAL

3.3-1 RESIGNATION

Any officer may resign at any time by giving written notice to the chairperson or to the secretary. Such resignation, which may or may not be made contingent on formal acceptance, takes effect on the date of receipt or at any later time specified in it.

3.3-2 REMOVAL

Any elected or appointed officer or agent may be removed by the board whenever in its judgment the best interests of the hospital will be served thereby.

3.4 VACANCIES

The board may fill a vacancy in any office for the unexpired portion of the term.

3.5 DUTIES OF OFFICERS

3.5-1 CHAIRPERSON

The chairperson is the principal officer of the board and presides at all meetings of the board and the executive committee. Except as otherwise specified, he/she or his/her designee is an ex officio member without vote of all board committees and of the board and committees of organizations that are associated or affiliated with the hospital. Except as otherwise specified, he/she appoints the members and chairperson of each board committee, subject to the approval of the board. He/She may sign on behalf of the board any documents or instruments which the board has authorized to be executed, except where the signing and execution thereof is expressly delegated by the board or by these By-laws to some other officer or agent, or is required by law to be otherwise signed or executed. He/She shall also perform all duties incident to the office of chairperson and such other duties as may be prescribed by the board from time to time.

3.5-2 VICE-CHAIRPERSON

The vice-chairperson shall perform such duties as may be assigned to him/her by the board or the chairperson. In the absence of the chairperson or when, for any reason, the chairperson is unable or refuses to perform his/her duties, the vice-chairperson shall perform those duties with the full powers of, and subject to the restrictions on, the chairperson.

3.5-3 SECRETARY

The secretary shall provide for the keeping of the minutes of all meetings of the board and shall assure that such minutes are filed with the records of the hospital. He/She shall give or cause to be given appropriate notices in accordance with these By-laws or as required by law, and shall act as custodian of all board records and reports. The secretary shall also keep or cause to be kept a roster showing the names of the current members of the board and their addresses. He/She shall perform all duties incident to the office and such other duties as may be assigned from time to time by the chairperson or the board. The secretary may delegate any of his/her duties to any duly appointed recording secretary.

3.5-4 TREASURER

The treasurer shall keep or cause to be kept correct and accurate accounts of the properties and financial transactions of the hospital and in general perform all duties incident to the office and such other duties as may be assigned from time to time by the chairperson or the board. The hospital shall provide a bond on behalf of the treasurer and other officially designated signatories and key employees for the faithful discharge of their duties in such sum and with such surety as the board shall determine.

3.6 CHIEF EXECUTIVE OFFICER

3.6-1 APPOINTMENT

The board shall select and appoint a qualified hospital administrator to serve as the CEO and to be its direct executive representative in the management of the hospital. The CEO shall be given the necessary authority and held responsible for the management of the hospital in all its departments' subject only to the policies enacted by the board or any committees to which the board has delegated power for such action. The CEO shall be an ex officio member, without vote, of the board and, except as otherwise expressly provided, of all board committees and of all organizations that are associated or affiliated with the hospital. The CEO shall act as the duly authorized representative of the board in all matters except those in which the board has formally designated some other person or group to act. The CEO shall function according to a job description approved by the board, and shall have the authority and duties described therein.

ARTICLE FOUR
BOARD COMMITTEES

4.1 GOVERNING BOARD COMMITTEES

4.1-1 BOARD COMMITTEES

The board may, as from time to time deemed appropriate, establish any or all of the following board committees:

Professional Practice / Quality; Planning; Finance / Personnel & Labor Relations and Building and Grounds.

4.1-2 CREATION AND COMBINATION OF COMMITTEES AND REASSIGNMENT OF FUNCTIONS

The creation of board committees is discretionary with the board. If the board determines that any one or more of such committees should not exist, it assigns the functions of such committee to a new or existing committee of the board, to the board acting as a committee of the whole, or to an individual officer or agent of the corporation. If a new board committee is established, the resolution creating it must designate the directors who are to serve as its voting members; the chairperson of the committee; the authority of the board which the committee shall have and any limitations thereon; and the functions the committee shall discharge.

4.1-3 POWERS AND REPORTING

Each board committee shall have and exercise the powers and authority of the board granted to it in the resolution creating it or in these By-laws. Each board committee must keep minutes of its proceedings and/or report its action to the board. Actions of a board committee are effective when taken or at such later date as the committee specifies, but are subject to board ratification.

4.1-4 TENURE

Each member of a board committee holds office until the next annual appointment of directors and until his/her successor as a member of such board committee is appointed, unless he/she sooner ceases to be a director, or resigns or is removed from the committee or unless the committee is previously dissolved by specific board action. A member of a board committee may succeed himself.

4.1-5 ADDITIONAL ADVISORS

The chairperson of any board committee may invite additional individuals with expertise in a pertinent area to meet with and assist the committee. Such advisory shall not vote or be counted in determining the existence of a quorum and may be excluded from any executive session of the committee by a majority vote of the committee members present.

4.1-6 RESIGNATION AND REMOVAL

- (a) Resignation: Any member of a board committee may resign at any time by giving written notice to the chairperson of the committee. Such resignation, which may or may not be made contingent on formal acceptance, takes effect on the date of receipt or at any later time specified in it.
- (b) Removal: Any member of a board committee, except an ex officio member, may be removed at any time by a resolution adopted by a majority of the directors then in office. Any ex officio member of a board committee ceases to be such if he/she ceases to hold a designated position, which is the basis of ex officio membership.

4.1-7 VACANCIES

A vacancy on any board committee and any increase in the membership thereof may be filled for the unexpired portion of the term by appointment by the chairperson of the board.

4.1-8 MEETINGS AND NOTICE

Meetings of a board committee may be called by the board chairperson, the chairperson of the committee, the CEO or any two of the committee's voting members. Each committee shall meet as often as is necessary to perform its duties. Oral or written notice of the time and place of any meeting of a board committee shall be given, except in an emergency, at least seventy-two (72) hours prior to the meeting.

4.1-9 QUORUM

A majority of the voting members of a board committee constitutes a quorum for the transaction of business at any meeting of such committee.

4.1-10 MANNER OF ACTING

The act of a majority of the members of a board committee present at a meeting at which a quorum is present shall be the act of the committee so meeting. No act taken at a meeting at which less than a quorum was present is valid.

4.2 PROFESSIONAL PRACTICE / QUALITY COMMITTEE

4.2-1 COMPOSITION

This committee includes three board members, CEO, and a physician. The chairperson of the hospital board will appoint all members of the committee, including its chairperson.

4.2-2 DESCRIPTION AND DUTIES

The function of the committee is to:

- (a) conduct itself as a forum for the discussion of matters of administrative and medical policies and procedures requiring agreement among the board, medical staff and administration.

- (b) oversee hospital compliance with the laws and regulations of federal, state, and local governmental agencies and with the standards, rules and regulations of the various accrediting and approval agencies.
- (c) receive recommendations from the medical staff and make final recommendations to the board of directors on all appointments to the medical staff of the hospital, and on assignments of responsibilities within the medical staff, including definition of the scope of privileges, reappointments, and reductions, extensions, suspensions, or termination of privileges.
- (d) recommend to the board of directors the adoption of amendments to, or repeal of rules and regulations governing the medical staff.
- (e) receive and make recommendations to the board of directors respecting any communications, requests, or recommendations presented by the medical staff.
- (f) receive and consider all quality reports, safety reports, and reports on the work of the medical staff and make such recommendations to the board of directors in respect thereto.
- (g) under the supervision of the board, this committee conducts and directs the physician recruitment activities of the hospital.

4.3 PLANNING COMMITTEE

4.3-1 COMPOSITION

This committee includes three board members and the hospital CEO. The chairperson of the hospital board will appoint all members of the committee, including its chairperson.

4.3-2 DESCRIPTION AND DUTIES

- (a) The committee will oversee the preparation, modification, and implementation of strategic plans to be sure that the total hospital program is attuned to meeting the health needs of the community to the extent feasible within the hospital's resources.
- (b) The committee will review the feasibility and availability of clinical and personnel resources for fulfilling hospital objectives and providing the services adopted by the hospital board, and will make recommendation thereunto the hospital board.
- (c) The committee will review and evaluate trends and changes in the health care field. The committee will report on these studies to the hospital board.
- (d) This committee will perform such other duties as may be assigned to it by the chairperson of the board.

4.4 FINANCE / PERSONNEL, LABOR RELATIONS, and BUILDING & GROUNDS COMMITTEE

4.4-1 COMPOSITION

This committee includes three board members and CEO. The chairperson of the hospital board shall appoint all members of the committee, including its chairperson.

4.4-2 DESCRIPTION AND DUTIES

The committee has general responsibility for all hospital funds, and for the financial planning of the hospital. It:

- (a) directs the preparation, review, and approval of the annual operating budget and capital expenditure plan;
- (b) reviews and makes recommendations on all capital expenditures, proposed borrowings, and any deposits or withdrawals to endowment funds;
- (c) reviews the financial feasibility of board projects and makes recommendations to the board thereon;
- (d) reviews and evaluates monthly financial reports and makes recommendations to the board;
- (e) reviews and evaluates the findings and reports of the annual audit and makes recommendations to the board concerning the financial operation of the hospital.

The committee also has general responsibility for personnel and labor relations functions that includes:

- (a) Periodically reviews the compensation, benefits and other conditions of employment for employees, other salaried or employment contracts, and makes recommendations to the board;
- (b) Reviews hiring practices to assure compliance with laws and regulations pertaining to discrimination in employment;
- (c) Reviews and recommends policy to the board on issues involving labor relations and negotiations.

The committee also has general responsibility for building and grounds functions that includes:

- (a) The committee is responsible for monitoring the building and grounds for the purpose of assuring that these facilities are being maintained in good condition.
- (b) Major building repairs, renovations, and any construction project should be reviewed by this committee and its recommendations made to the board of the hospital.

ARTICLE FIVE

QUALITY IMPROVEMENT

5.1 BOARD RESPONSIBILITY

The board shall establish, maintain, support and exercise oversight of an on-going quality assurance performance improvement program that includes specific and effective review, evaluation and monitoring mechanisms to assess, preserve and improve the overall quality and efficiency of patient care in the hospital.

5.2 DELEGATION TO ADMINISTRATION AND TO THE MEDICAL STAFF

5.2-1 TO ADMINISTRATION

The board delegates to the administration and holds it accountable for providing the administrative assistance reasonably necessary to support and facilitate the implementation and on-going operation of the hospital's quality assurance / performance improvement program. In addition, administration is responsible for implementing the quality improvement program as it concerns non-medical professional personnel and technical staffs and patient care units, and for analyzing information and acting upon problems involving technical, administrative and support services, and hospital policy.

5.2-2 TO THE MEDICAL STAFF

The board delegates to the medical staff and holds it accountable for conducting specific activities that contribute to the preservation and improvement of the quality and efficiency of patient care provided in the hospital. These activities include:

- (a) Systematic evaluation of practitioner performance against explicit, predetermined criteria.
- (b) On-going monitoring of critical aspects of care, including antibiotic and drug usage, transfusion practices, tissue, infections, mortalities, etc. and monitoring of unexpected clinical occurrences.
- (c) Review of utilization of the hospital's resources to provide for their proper and timely allocation to patients in need of them.
- (d) Provision of continuing professional education, fashioned in part on the needs identified through the review, evaluation and monitoring activities and on new state-of-the-art developments.
- (e) Definition of the clinical privileges which may be appropriately granted within the hospital, delineation of clinical privileges for members of the medical staff commensurate with individual credentials and demonstrated ability and judgment, and participation in assigning patient care responsibilities to other health care professionals consistent with individual qualifications and demonstrated ability.
- (f) Management of clinical affairs, including enforcement of clinical policies and consultation requirements, initiation of disciplinary actions, surveillance over requirements for performance monitoring and for the exercise of newly acquired clinical privileges, and like clinically-oriented activities.

- (g) Such other measures as the board may, after considering the advice of the medical staff, the other professional services and the hospital management, deem necessary for the preservation and improvement of the quality and efficiency of patient care.

5.3 DOCUMENTATION AND OVERSIGHT

The board shall require, receive, consider and act upon the findings and recommendations emanating from the activities required by Section 5.2. All such findings and recommendations shall be in writing, signed by the persons responsible for conducting the activities, and supported and accompanied by appropriate documentation and rationale upon which the board or the Professional Practice / Quality Committee can take informed action, as required or necessary, and can exercise oversight of the quality improvement program.

ARTICLE SIX **MEDICAL STAFF**

6.1 ORGANIZATION

The board has created a medical staff organization, to be known as the Medical Staff of Windom Area Hospital, whose membership shall be comprised of all practitioners who are privileged to attend patients in the hospital. Membership in this medical staff organization is a prerequisite to the exercise of clinical privileges in the hospital, except as otherwise specifically provided in the medical staff By-laws.

6.2 MEDICAL STAFF MEMBERSHIP AND CLINICAL PRIVILEGES

6.2-1 DELEGATION TO THE MEDICAL STAFF

The board delegates to the medical staff the responsibility and authority to investigate and evaluate all matters relating to medical staff membership status, clinical privileges and corrective action, and shall require that the staff adopt and forward to the board or designated Professional Practice/Quality committee specific written recommendations with appropriate supporting documentation that will allow it to take informed action.

6.2-2 PROFESSIONAL PRACTICE/QUALITY ACTION BY THE BOARD

Final action on all matters relating to medical staff membership status, clinical privileges and corrective action are taken by the board after considering the staff recommendations, provided that the board must act in any event if the staff fails to adopt and submit any such recommendation with the time periods set forth in the medical staff By-laws and any of its supporting documents. Such board action without a staff recommendation must be based on the same kind of documented investigation and evaluation of current ability, judgment, and character as is required for staff recommendations.

- 6.2-3 **CRITERIA FOR PROFESSIONAL PRACTICE/QUALITY ACTION**
In acting on matters of medical staff membership status and in granting and defining the scope of clinical privileges to be exercised by each practitioner, the board considers the staff's recommendations, the supporting information on which they are based, and such criteria as are set forth in the medical staff By-laws. No aspect of membership status or specific clinical privileges shall be limited or denied to a practitioner on the basis of sex, race, age, creed, color, handicap, or national origin.
- 6.2-4 **TERMS AND CONDITIONS OF STAFF MEMBERSHIP STATUS AND CLINICAL PRIVILEGES**
The terms and conditions of membership status in the medical staff, and of the exercise of clinical privileges, shall be specified in the medical staff By-laws or as more specifically defined in the notice of individual appointment or reappointment.
- 6.2-5 **PROCEDURE**
The procedure to be followed by the medical staff and the board in acting on matters of membership status, clinical privileges, and corrective action shall be as specified in the medical staff By-laws.

6.3 FAIR HEARING PLAN

The board shall require that any adverse recommendation made by the executive committee of the medical staff or any adverse action taken by the board with respect to a practitioner's staff appointment, reappointment staff category, admitting prerogatives or clinical privileges, shall, except under circumstances for which specific provision is made in the medical staff By-laws, be accomplished in accordance with the board-approved fair hearing plan then in effect. Such plan shall provide for procedures to assure fair treatment and afford opportunity for the presentation of all pertinent information. For the purposes of this Section, an "adverse recommendation" of the medical staff executive committee and an "adverse action" of the board shall be as defined in the medical staff By-laws and in the fair hearing plan.

6.4 CONTRACTUAL, MEDICO-ADMINISTRATIVE AND SPECIAL STAFF OFFICERS

The provisions of the medical staff By-laws and of each individual practitioner's contract control matters relating to a contractual, medico-administrative officer.

ARTICLE SEVEN

MEDICAL STAFF BY-LAWS ADOPTION AND AMENDMENT PROCESS

7.1 DELEGATION TO THE MEDICAL STAFF

The board hereby delegates to the medical staff the authority and responsibility to draft, debate and recommend to the board, in a timely and good faith manner, such By-laws, rules, regulations, procedure manuals and other organizational protocols as are appropriate for the proper governance of the medical staff organization, including amendments thereof, provided that the same shall not be effective until acted upon favorably in accordance with Section 7.2 or 7.5 below.

7.2 FAVORABLE BOARD ACTION

The board, or designated Professional Practice/Quality committee, acting for and on behalf of the board, receives and acts upon drafts of By-laws and related documents, and amendments thereto recommended by the medical staff. The affirmative vote of a majority of the committee is deemed the favorable action of the committee, subject to board ratification in the ordinary course. Said By-laws, related documents and amendments are effective as of the date such affirmative action is taken or at such later date as the board may specify.

7.3 SPECIAL NOTICE OF CONCERNS

Whenever the board believes that the medical staff recommendations or existing documents are deficient in one or more respects, it shall, by special notice to the Chief of the Medical Staff, inform the Medical Staff of its concerns, of the reasons therefore, and of the date by which the Medical Staff's response is requested, provided that such date shall not be less than thirty days nor more than ninety days from the date the board's communication has been received by the Chief of the Medical Staff.

7.4 BOARD ACTION FOLLOWING MEDICAL STAFF RESPONSE

If the medical staff's response satisfies the board's concerns that prompted the Section 7.3 notice, the board shall thereupon act upon the matter in accordance with Section 7.2. If the medical staff's response fails to satisfy the board's concerns or if no medical staff response is received within the time frames specified, the board shall so notify the medical staff, through special notice to the chief of the medical staff, and that matter will be added to the agenda of the next regular or special board meeting at which time after due consideration, the board may:

- (a) By the affirmative vote of a majority of the directors present, accept the medical staff recommendation either as originally recommended or as changed pursuant to Section 7.3 or adopt a new position to be communicated to the medical staff in accordance with Section 7.3; or
- (b) By the affirmative vote of a majority of the directors present, affirm the position of the board and rescind the delegation to the medical staff contained in Section 7.1.

7.5 EFFECT OF BOARD ACTION

7.5-1 MEDICAL STAFF RECOMMENDATION ACCEPTED

If the board accepts the medical staff recommendation as originally submitted or as changed pursuant to Section 7.3, the By-laws, other documents or amendments thereto at issue are deemed to have been acted upon favorably by the board and are effective as of the date of the board's action or at such later date as it may specify.

7.5-2 NEW POSITION COMMUNICATED

If the board directs that a new position be communicated, the procedures specified in Sections 7.3 and 7.4, as applicable, are repeated.

7.5-3 DELEGATION RESCINDED

If the board's action is to rescind the delegation, the board (or designated committee thereof) shall, with the aid of such medical staff assistance, as it is able to enlist, formulate documents or changes responsive to the board's concerns and submit the same to the board and to the active medical staff by special notice. Within 60 days of such submission, the board shall schedule and hold a hearing on the matter open to any member of the active medical staff, subject to reasonable rules about time allotted for debate. Thereafter, the board, by the affirmative vote of a majority of the directors present, may adopt such document or change, with amendments if any, and direct that the same be circulated to every medical staff member for the purpose of obtaining written agreement thereon. In the absence of the necessary affirmative vote to adopt, the disposition shall be in accordance with whatever action is adopted by a majority of the directors present at the meeting at which the vote is taken.

ARTICLE EIGHT **GENERAL PROVISIONS**

8.1 ANNUAL REPORT

Within a reasonable period of time after the close of each fiscal year, the CEO shall submit to the board an annual report containing, without limitation:

- (a) the organization chart for the hospital's current fiscal year, including persons serving as directors and officers of the board of directors, members of board committees, officers of the medical staff, and members of medical staff committees.
- (b) the table of contracts, leases, association memberships, and other agreements of the hospital as required by the board.
- (c) financial statements for the hospital's immediately preceding fiscal year.
- (d) the capital budget and the operating budget for the hospital's current fiscal year.
- (e) a schedule of proposed major activities for the current fiscal year.

8.2 INDEMNIFICATION AND INSURANCE

8.2-1 THIRD PARTY ACTIONS

The hospital shall have authority, subject to approval by the City Council, to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the hospital), by reason of the fact that he/she:

- (a) is or was a director, employee or representative or agent of the hospital;
- or

- (b) is or was serving at the request of the hospital as a representative of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorney's fees, judgments, fines and amounts paid in settlement, actually and reasonably incurred by him in connection with such action, suit or proceeding if he/she acted in good faith and in a manner he/she reasonably believed to be in, or not opposed, to, the best interests of the hospital, and with respect to any criminal action or proceeding, had no reasonable cause to believe his/her conduct was unlawful.

The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he/she reasonably believed to be in, or not opposed to, the best interests of the hospital, and with respect to any criminal action or proceeding, had reasonable cause to believe that his/her conduct was unlawful.

8.2-2 DERIVATIVE ACTIONS

If the cause with respect to which indemnity is sought is one by or in the right of the hospital, no indemnification shall be made in respect of any claim, issue or matter as to which such person has been adjudged to be liable for negligence or misconduct in the performance of his/her duty to the hospital unless and only to the extent that the court in which such action or suit was brought or another court of competent jurisdiction determines upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court deems proper.

8.2-3 SCOPE

The indemnification provided by this Section 8.2 shall not be deemed exclusive of any other rights to which any representative or former representative of the hospital may be entitled under any statute agreement or vote of disinterested directors, or otherwise, and shall continue as to a person who has ceased to be a representative and shall inure to the benefit of the heirs, executors and administrators of such person.

8.2-4 ADVANCES

Expenses incurred in defending an action, suit or proceeding may be paid by the hospital in advance of the final disposition of such action, suit or proceeding upon approval by a majority vote of the directors who are not parties thereto, and receipt from the party or parties of an undertaking to repay such expenses unless it shall ultimately be determined that they are entitled to be indemnified by the hospital as authorized in this Section 8.2.

8.2-5 INSURANCE

The hospital may purchase and maintain insurance on behalf of any person who is or was a representative or agent of the hospital, or is or was serving at the request of the hospital as a representative of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity, or arising out of his/her status as such, whether or not the hospital has the power to indemnify him against such liability under the laws of this or any other state. This provision does not in any event, infer an obligation on the hospital to provide such insurance.

8.3 CONFLICT OF INTEREST

Any director, officer, key employee, medical staff member, committee member or immediate family member of any of the aforementioned individuals having an existing or potential interest in a contract or other transaction presented to the board of directors or a committee thereof for deliberation, authorization, approval, or ratification, or any such person who reasonably believes such an interest exists in another such person, shall make a prompt, full and frank disclosure of the interest to the board or committee prior to its acting on such contract or transaction. The interested party is required to disclose the nature and extent of his/her interest and any relevant and material facts, known to him, about the contract or transaction which might reasonably be construed to be adverse to the hospital's interest.

The body to which such disclosure is made shall determine, by majority vote, whether the disclosure shows that the non-voting and non-participation provisions below must be observed. If so, such person shall not vote on, nor use his/her personal influence on, nor participate (other than to present factual information or to respond to questions) in the discussions or deliberations with respect to, such contract or transaction. Such person may not be counted in determining the existence of a quorum at that part of a meeting where the contract or transaction is under discussion or is being voted upon. The minutes of the meeting shall reflect the disclosure made, the vote thereon and, where applicable, the abstention from voting and participation, and whether a quorum was present.

The board shall adopt conflict of interest policies requiring:

- (a) regular annual statements from directors, officers, key employees and key members of the Medical Staff that disclose existing and potential conflicts of interest.
- (b) corrective and disciplinary action with respect to transgressions of such policies.

For the purposes of this section, a person shall be deemed to have an "interest" in a contract or other transaction if he/she is the party (or one of the parties) contracting or dealing with the hospital or if he/she is a director, trustee or officer of, or has a significant financial or influential interest in, the entity contracting or dealing with the hospital or if he/she is otherwise reasonably likely to gain a significant financial or other personal benefit if the contract or transaction is approved. A person shall also be deemed to have an interest if any member of his/her immediate family has any of these interests.

8.4 COMPENSATION AND DISTRIBUTION ON DISSOLUTION

The members of the board of directors shall serve without compensation for their services as directors or officers. Directors and officers may be reimbursed for all expenses reasonably incurred on behalf of the hospital. No director, officer, or any other private individual shall be entitled to share in the distribution of any of the hospital assets on dissolution of the hospital.

8.5 INSPECTION OF HOSPITAL RECORDS

Procedure for inspection of these By-laws, the books of accounts, and the minutes of proceedings of the board of directors shall be according to state and/or local regulation, whichever is deemed by law to have precedence.

8.6 AUXILIARY, FOUNDATION AND ASSOCIATED ORGANIZATIONS

The board may authorize the formation of auxiliary, foundation and associated organizations to assist in the fulfillment of the purposes of the hospital. Each such organization shall establish its By-laws, rules and regulations and make amendments thereto which shall be subject to board approval and which shall not be inconsistent with these By-laws or the standing rules of the board.

8.7 FISCAL YEAR

The board shall, by resolution, establish the fiscal year of the hospital.

8.8 NOTICE OF MEETINGS

8.8-1 MANNER

Whenever written notice is required to be given to any person by the law or these By-laws, it may be given to such person, either in person, electronically, or by sending a copy thereof by first class mail, postage prepaid, to his/her address appearing on the books of the hospital or supplied by him to the hospital for the purpose of notice. If the notice is sent by mail, it is deemed to have been given to the person when deposited in the United States mail for transmission to such person. A notice of meeting shall specify the place, day and hour of the meeting and any other information required by any other provision of law or these By-laws.

8.8-2 WAIVER

- (a) In Writing: Whenever any notice is required, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, is deemed equivalent to the giving of such notice. Neither the business to be transacted at nor the purpose of a meeting need be specified in the waiver of notice of such meeting, except the waiver of notice of a special meeting of the board shall specify the general nature of the business to be transacted.
- (b) By Attendance: Attendance of a person at any meeting constitutes a waiver of notice of such meeting, except when a person attends a meeting for the express purpose of objecting, at the beginning of the meeting, of the transaction of any business because the meeting was not lawfully called or convened.

8.9 PROCEDURE

The board and board committees may adopt rules of procedure which shall not be inconsistent with these By-laws.

ARTICLE NINE **AMENDMENT TO BY-LAWS**

9.1 PROCEDURE

These By-laws may be amended or repealed and new By-laws adopted by a two-thirds majority vote of the board of directors then in office at any regular or special meeting, if at least 14 days written notice is given of the intention to take such action; provided, however, that a bylaw fixing or changing the number of directors may be adopted, amended or repealed only by a majority vote of the members of the Windom City Council present in person at a meeting called for that purpose; and provided further that changes in Federal or Minnesota law that eliminate, make void, nullify or make illegal any provision of these By-laws, shall be considered as elimination or amendment of such provision by such change in law; and provided further that any expansion of board responsibility or prerogative due to change in Minnesota law, shall be considered as an addition to these By-laws without need for specific amendment.

SECRETARY'S CERTIFICATE

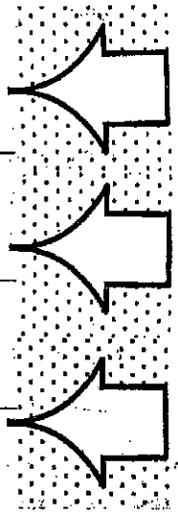
THIS IS TO CERTIFY THAT the foregoing By-laws of Windom Area Hospital have been duly adopted by the board of directors on _____
(date)

IN WITNESS WHEREOF, the undersigned, duly and acting secretary of the board of directors, has signed this certificate hereon dated _____
(date)

Governing Board Secretary

Governing Board Chairperson

Mayor, City of Windom



SIGN
HERE
SIGN
HERE
SIGN
HERE

Adopted this _____ day of _____, _____
(date) *(month)* *(year)*

ORDINANCE NO. 138, 2ND SERIES

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF WINDOM, MINNESOTA, AMENDING, RESTATING, REVISING, UPDATING, CODIFYING, AND COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES.

WHEREAS, Minnesota Statutes §§ 415.02 and 415.021 authorize the city to cause its ordinances to be codified and printed in a book.

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

Section 1. The general ordinances of the city as amended, restated, revised, updated, codified, and compiled in book form, including penalties for the violations of various provisions thereof, are adopted and shall constitute the Code of Ordinances of the City of Windom. This Code of Ordinances also adopts, by reference, certain statutes and administrative rules of the State of Minnesota as named in the Code of Ordinances.

Section 2. The Code of Ordinances as adopted in Section 1 shall consist of the following titles:

TITLE I: GENERAL PROVISIONS
TITLE III: ADMINISTRATION
TITLE V: PUBLIC WORKS
TITLE VII: TRAFFIC CODE
TITLE IX: GENERAL REGULATIONS
TITLE XI: BUSINESS REGULATIONS
TITLE XIII: GENERAL OFFENSES
TITLE XV: LAND USAGE
TABLE OF SPECIAL ORDINANCES

Section 3. All prior ordinances pertaining to subjects treated in the Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance, except as they are included and re-ordained in whole or in part in the Code of Ordinances; provided this repeal shall not affect any offense committed or penalty incurred, or any right established prior to the effective date of this ordinance, nor shall this repeal affect the provisions of ordinances levying taxes; appropriating money; annexing or detaching territory; establishing franchises; granting special rights to certain persons; authorizing public improvements; authorizing the issuance of bonds or borrowing of money; authorizing the purchase or sale of real or personal property; granting or accepting easements, plat or dedication of land to public use; or vacating or setting the boundaries of streets or other public places; nor shall this repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code of Ordinances. All fees established in prior ordinances shall remain in effect unless amended in this Code of Ordinances, or until an ordinance or resolution adopting a fee schedule is adopted or amended.

Section 4. This ordinance adopting the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the city's official newspaper. The city clerk shall cause a substantial quantity of the Code of Ordinances to be printed for general distribution to the public at actual cost, and shall furnish a copy of the Code of Ordinances to the County Law Library or its designated depository. The official copy of this Code of Ordinances shall be marked and be kept in the office of the city clerk.

Section 5. The Code of Ordinances is declared to be prima facie evidence of the law of the city and shall be received in evidence as provided by Minnesota Statutes by the courts of the State of Minnesota.

Section 6. This ordinance adopting the Code of Ordinances, and the Code of Ordinances itself, shall take effect upon publication of this ordinance in the Cottonwood County Citizen newspaper.

Adopted by the City Council of the City of Windom, Minnesota, this 16th day of October, 2012.

Kirby G. Kruse, Mayor

Attest: _____
Steve Nasby, City Administrator

1st Reading: October 2, 2012
2nd Reading: October 16, 2012
Adoption: October 16, 2012
Published: October 24, 2012

**WINDOM, MINNESOTA
CODE OF ORDINANCES
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A copy of the City of Windom Code of Ordinances is available for review at the City Office.
Once adopted an electronic copy of the Code of Ordinances will be available on the City's website.

Windom - Table of Contents**TITLE IX: GENERAL REGULATIONS**

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PARALLEL REFERENCES

- References to Minnesota Laws
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Sec. 3.09, REVISION AND CODIFICATION OF ORDINANCES: The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet or continuously revised loose leaf form, and copies shall be made available by the council at the Office of the City Administrator for general distribution to the public free or for a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the Office of the City Administrator and is published in the official newspaper for at least two (2) successive weeks.

CHAPTER IV Elections

Sec. 4.01, REGULAR MUNICIPAL ELECTION: A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year, commencing in the year 1984, at such place or places as the city council may designate. The City Administrator shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but the failure to give such notice shall not invalidate the election. The present officers of the City shall continue in their respective offices and functions and shall continue to govern the City in the usual manner until the officers provided for in this charter are elected and qualified.

Sec. 4.02, SPECIAL ELECTIONS: The council may by resolution order a special election and provide all means for holding it. The Administrator shall give at least two (2) weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections.

Sec. 4.03, FILING FOR OFFICE: No earlier than 75 days or later than 45 days before the municipal election, any voter of the City qualified under the State constitution for elective office may, by filing an affidavit and paying a filing fee of \$5.00 to the City Administrator, have his/her name placed on the municipal primary ballot; or, if there is no primary election, on the municipal election ballot.

Sec. 4.04, PROCEDURES AT ELECTIONS: Subject to this charter and applicable of State laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this charter and supplementary ordinances, general State laws on elections shall apply to municipal elections.

CHAPTER V Administration of City Affairs - Departments

Sec. 5.01, SUBORDINATE OFFICERS: There shall be a City Administrator, a Deputy City Administrator, a City Attorney, a City Engineer, a Street Superintendent and other subordinate officers as are designated in this charter or as the council may create, each of whom shall be appointed by the mayor and whose appointment shall be confirmed by the council and shall perform such duties as are required of them by the council. The duties of the various officers may be altered or combined as the council may see fit.

Sec. 5.02, DEPARTMENTS: The City of Windom shall have the following departments: Fire, Planning, Police, and Utilities; and the Council may create, in addition, such other departments, boards, commissions or bureaus for the administration of the City's affairs as may seem necessary. The Council from time to time may define, alter or combine the powers and organization of departments, boards, commissions or bureaus.

2011 Minnesota Statutes

415.021 CODIFICATION OF ORDINANCES; CITY OR TOWN.

A statutory or home rule charter city, or town, may revise and codify and print in book, pamphlet or newspaper form, any ordinances, resolutions, and rules of the city or town and may include therein for reference any applicable general or special laws. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. A copy of any ordinances adopted by the city or town must be furnished to the county law library or its designated depository. A city or town, upon request, shall be reimbursed a reasonable charge by the county law library for a copy furnished.

History: 1957 c 115 s 1; 1969 c 73 s 1; 1984 c 543 s 49; 1990 c 361 s 1; 1995 c 105 s 2

2011 Minnesota Statutes

415.02 CHARTER, ORDINANCES; CODIFICATION AS EVIDENCE.

Any city may cause its charter and all general and special laws, ordinances, resolutions, rules, and bylaws in force therein to be codified, printed, and published and may declare by ordinance such codification to be prima facie evidence of the law of such municipality. It shall thereupon be received in evidence by the courts.

History: (1837) RL s 771; 1973 c 123 art 5 s 7

RESOLUTION #2012-

INTRODUCED:

SECONDED:

VOTED: Aye:

Nay:

Absent:

CITY OF WINDOM

A RESOLUTION DELEGATING AUTHORITY TO THE CITY ADMINISTRATOR TO PAY CLAIMS

WHEREAS, Minnesota State Statute §412.271 Disbursements, Subdivision 1, provides that the City Council has full authority concerning the approval of claims and disbursement of public funds; and

WHEREAS, Minnesota State Statute §412.271 Disbursements, Subdivision 8, Delegation of authority for paying certain claims, allows the City Council, at its discretion, to delegate its authority to pay certain claims made against the City to a city administrative official; and

WHEREAS, the delegation of authority to pay claims will create a more efficient and standardized claim disbursement process; and

WHEREAS, as required in Minnesota State Statute §412.271 Disbursements, Subdivision 8, internal accounting and administrative control procedures related to the payment of claims are in place as presented in "Internal Accounting and Administrative Control Policy and Procedures Related to the Payment of Claims"; and

WHEREAS, as required in the City of Windom Charter, Section 6.15, Annual Audits, and Minnesota State Statute §412.271 Disbursements, Subdivision 8, an annual audited financial statement is prepared for the City of Windom by an independent certified public accounting firm.

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

1. The approval of claims and disbursement of public funds except for contract payments for local improvement projects is hereby delegated to the position of City Administrator.
2. In the absence of the City Administrator, the approval of claims and disbursements of public funds is hereby delegated to the Assistant City Administrator or the Finance Director/Controller.
3. A list of all claims paid will be presented to the City Council at the next regularly scheduled meeting following the payment of claims.

Adopted this 2nd day of October, 2012.

Kirby G. Kruse, Mayor

ATTEST:

Steven Nasby, City Administrator

MEMORANDUM

TO: CITY COUNCIL MEMBERS & STEVE NASBY, CITY ADMINISTRATOR
FROM: CHELSIE CARLSON, FINANCE DIRECTOR/CONTROLLER
SUBJECT: PROPOSED CHANGE TO CLAIM PAYMENT PROCESS
DATE: 9/14/2012
CC: DEPARTMENT HEADS

This memo is to explain a request to adopt a resolution delegating authority to pay claims as well as to request approval on proposed revisions to the current claim payment process.

Section 6.11 of the City Charter specifies that all claims for payment shall be authorized by Council but is unclear if authorization is required prior to disbursement. Minnesota Statute 412.271 Disbursements (see attached) requires all claims be reviewed and allowed by Council **PRIOR** to issuing payment, unless amounts are mandated by statute or have been previously approved by Council. The statutes allow the Council to adopt a resolution to delegate its authority to pay claims if internal control procedures are in place to ensure proper disbursement of funds and the City prepares annual audited financial statements which have been attested to by an independent certified public accountant, public accountant, or state auditor. When a City delegates its authority, a list of all claims paid shall be presented to the Council for review at the next regularly scheduled meeting after the payment of the claim. If Council has any questions or concerns regarding any claims paid, supporting documents will be provided at the next meeting.

This resolution, delegating pre-approval authority, is recommended to get the current claim payment procedures in compliance with statutes. The current claim payment process, which has been in place for many years, includes a weekly check run with checks mailed sometime Tuesday-Friday. Claims paid in a weekly run include liquor invoices, employee expense reimbursements, invoices requiring immediate payment, and past due invoices. The claims paid on the weekly run are NOT approved by Council prior to issuance. There is also a monthly check run done prior to the second Council meeting in each month and those claims are approved by Council prior to payment. Periodic electronic disbursements (Credit Card, BCBS, Select Account, Payroll Tax Payments) are also processed to vendors which are NOT approved by Council prior to payment. In order for the City to be in compliance with statutes, Council is required to approve all claims prior to disbursement or adopt the proposed resolution to delegate its authority to pay claims. Obtaining prior Council approval on all claims may result in late payment penalties, lost discounts, and other unfavorable situations with vendors.

Additionally, this memo is to propose a more standardized and efficient claim payment process. By delegating authority to the City Administrator or in his/her absence the Finance Director/Controller, the revised process would include mailing checks every Wednesday. Any invoices received by 5:00 p.m. Friday which require payment prior to the next scheduled check run will be included in the Wednesday check-run. Council will receive a list of all claims paid since their last meeting in each council packet. This revised process would eliminate the need for the large monthly check run and would also allow for payment of invoices based on due date to avoid delinquencies, take advantage of early pay discounts, and more effectively use the City's liquid assets.

Having a standardized process also facilitates understanding by department heads as well as vendors as to when payments will be issued.

Internal Control procedures (See Appendix A) would be continued under the revised payment process.

APPENDIX A

INTERNAL ACCOUNTING AND ADMINISTRATIVE CONTROL POLICY AND PROCEDURES RELATED TO THE PAYMENT OF CLAIMS

1. All payments will be made subject to applicable State and Federal laws, the City Code, and all appropriate City Policies.
2. Purchasing and budgetary control for each department are the responsibility of the City Administrator and individual department heads (Section 6.09 Charter). Disbursements will be made upon the documented approval for payment by a department head or by any other employee designated by the department head.
3. Disbursements will be made upon receipt of approved written itemized claims which will become a part of the file.
4. Contractor requests for payment on local improvement projects will continue to be approved by the Council prior to issuing payment.
5. All disbursements including checks, electronic transfers, credit cards and procurement cards, will be recorded in the City's accounting records and immediately become part of the financial records of the City.
6. Department managers will review and approve invoices upon receipt and payments will be issued based on due date or date necessary to take advantage of early payment discounts.
7. A detailed review matching checks and supporting documentation will be completed prior to mailing the checks and filing the supporting documentation.
8. All checks will continue to require dual signature by the Mayor and City Administrator or Finance Director/Controller (Section 6.11 Charter).
9. Disbursement registers of paid claims will be presented to the City Council for review at the next regularly scheduled meeting following the payment of claims.
10. An independent City employee will review check registers to ensure all sequential check numbers have been recorded and included for review.
11. Requests from the City Council for additional information will be responded to by the next scheduled meeting.

The board shall promulgate rules for operation of such facilities and said rules shall be approved by the council.

The board may from time to time establish, cooperate with and joint venture with other charitable nonprofit corporations to accomplish the above purposes.

The board shall submit for council approval a yearly budget and statement of operation and financial report sufficient to apprise the council of facility operations.

Sec. 5.10, CONTRACTS AND PURCHASES: In cases of work to be done by contract or in the purchase of property of any kind, except for the supplies and materials required for proper operation and maintenance by the public utilities herein referred to, where the amount involved is more than that set by State Statutes for municipalities, unless the council, by an emergency ordinance otherwise shall provide, the City Administrator shall procure bids in such a manner as may be designated by the council. Contracts of this magnitude shall be let only to the lowest responsible bidder. The council, however, may reject any and all bids.

Sec. 5.11, ELECTION OF CONTRACTS: All contracts, municipal bonds, certificates of indebtedness and all instruments of every kind to which the City shall be a party, shall be signed by the mayor and the City Administrator, or by their facsimile signature consistent with Minnesota Statute.

CHAPTER VI Taxes and Finance

Sec. 6.01, COUNCIL TO CONTROL FINANCES: The council shall have full authority over the financial affairs of the City and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts and safe keeping and disbursement of public moneys; and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

Sec. 6.02, FISCAL YEAR: The fiscal year of the City shall end each year on the last day of December.

Sec. 6.03, BOARD OF REVIEW: Three members of the council, selected by the council, shall constitute the voting members of a Board of Review for the City. The mayor shall be an ex officio member for the purpose of conducting the meeting. The administrator shall be an ex officio member for the purpose of recording the meeting. Neither the mayor nor the administrator shall have voting power. The Board of Review shall meet and perform their duties as provided by law.

Sec. 6.04, LEVY AND COLLECTION OF TAXES: The annual levy of taxes necessary to meet the requirements of the budget for the ensuing fiscal year, the collection of those taxes and the payment thereof shall be as provided by the statutes of the State of Minnesota. No tax shall be invalid by reason of an informality in the manner of levying the same, nor because the amount levied exceeds the amount required to be raised for the specific purpose for which the same is levied; but in such case, the surplus shall go into the fund to which such tax belongs.

Sec. 6.05, BONDED INDEBTEDNESS: All provisions of the Statutes of the State of Minnesota authorizing the incurring of indebtedness and the issuance of bonds or other evidences of indebtedness and prescribing the procedure therefore, by cities of like power and degree as the City of Windom, whether operating under home rule charters or, otherwise, are hereby referred to and made a part of this charter.

Sec. 6.06, CITY INDEBTEDNESS: Except as allowed by Minnesota Statute, no obligations shall be issued to pay current expenses; but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by law, no such obligation shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

Sec. 6.07, ANNUAL CITY BUDGET: The City Administrator shall prepare and submit to the City Council a budget for the City's ensuing year, according to the time table and limitations provided by the statutes of the State of Minnesota. The City budget shall be based upon the detailed estimates and shall present the following information:

(a) An itemized statement of the appropriations recommended by the City budget committee for current expenses and for permanent improvements for the ensuing fiscal year, with comparative statements of the appropriations and expenditures for the current and next preceding fiscal year.

(b) Such other information as may be required by the Council.

Sec. 6.08, PASSAGE OF THE CITY BUDGET: The City budget shall be presented and adopted as required by statutes of the State of Minnesota. All interested persons shall have reasonable opportunity to be heard at council meetings considering said budget. The total appropriations in the budget shall be equal to or less than the total estimated revenues. The Council shall adopt the annual budget by resolution, which shall be by verbal "Aye" and "No" vote.

Sec. 6.09, ENFORCEMENT OF THE BUDGET: The city administrator shall enforce strictly the provisions of the budget. This office shall not authorize any payment or the incurring of any obligation by the City unless an appropriation has been made in the budget resolution, and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the City shall place any order or make any purchase except for the purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount authorized shall be a personal obligation upon the person incurring the obligation. No check shall be issued or transfer made to any account other than the one owned by the City until the claim to which it relates has been supported by an itemized bill, payroll or time sheet or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness.

Sec. 6.10, READING OF THE CITY BUDGET: The proposed budget shall have not less than two (2) readings, which readings shall be not less than seven (7) days apart.

Sec. 6.11, DISBURSEMENTS, HOW MADE: All disbursements except those made from public utility funds shall be made only upon regular vouchers, which shall indicate the fund out of which the disbursements shall be made, issued by the city administrator, duly authorized by the council and countersigned by the mayor. Each order, when signed by the city administrator, countersigned by the mayor, shall become a check payable to the payee at the bank indicated thereon. The administrator shall issue no checks upon any fund except as above. No such check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same, together with all then outstanding orders against and encumbrances upon such fund. Any check for the payment of money violating any provision of this section shall be void, and any officer of this City violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof. No claim against the City shall be allowed unless accompanied by an itemized and verified statement, payroll or time sheet signed by the officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council by ordinances may make further regulations for the safekeeping and disbursement of the City's fund.

Sec. 6.12, FUNDS TO BE KEPT: The City shall keep a general fund, and such other funds as are required by State law, the charter or ordinances of said City, or by the council thereof.

Sec. 6.13, RECEIPTS TO GO TO THE CITY ADMINISTRATOR: All receipts of money belonging to the City, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid to the city administrator by the person authorized to receive the same at the close of each business day. All such moneys and also all moneys received upon tax settlements from the county treasurer shall be deposited as soon as received in a bank or banks approved by the city council. Any person in the employ of the City guilty of a violation of this provision shall be liable to be reduced in salary or to be dismissed from his/her office or position, as the council may determine after the hearing.

Sec. 6.14, ACCOUNTS AND REPORTS: The council may prescribe and enforce proper accounting methods, forms, blanks and other devices consistent with the law, this charter and the ordinances in accord with it. The city administrator shall submit to the council a statement each month showing the amount of money in the city treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the City as the council may require. Each March the City Administrator shall submit a report to the Council covering the entire financial operation of the City for the past fiscal year. It also shall show the outstanding bonds and debts of the City, the maturity of the same, the amount of bonds and other evidences of indebtedness issued during the past fiscal year and the amount redeemed during the same period. It also shall show the rate of interest of said bonds or other evidences of indebtedness. It shall show the condition of all the annual budget allowances and contain any inventory of all the property owned by the City and such other information as the council may require.

Sec. 6.15, ANNUAL AUDIT: The books of the City shall be audited regularly at least once each year by some reliable firm of certified public accountants employed by the city council. In addition to reports furnished the city council, such certified public accountants shall furnish a condensed report covering their audit; and such condensed report shall be published once in the official City newspaper.

CHAPTER VII Public Improvements and Special Assessments

Sec. 7.01, POWER TO MAKE IMPROVEMENTS AND ASSESSMENTS: The City of Windom shall have the power to make any and every type of public improvements not forbidden by the laws of this State and to levy special assessments for all such as are of a local character.

Sec. 7.02, ASSESSMENTS: The amount assessed to benefit property to pay for local improvements may equal the cost of the improvement with interest until paid.

Sec. 7.03, PENDING IMPROVEMENTS TO BE CONTINUED UNDER EXISTING LAWS: All improvements commenced prior to the adoption of this charter shall be continued and completed under and pursuant to the provisions of the charter or law under which such improvements were begun.

Sec. 7.04, STATE LAWS MADE APPLICABLE: Except as herein otherwise provided, the Statutes of the State of Minnesota governing, controlling and regulating the making of public improvements of every type and character, and of special assessments therefore, and all provisions for certificates of indebtedness in connection therewith, and all future amendments thereof and supplements thereto, shall apply, govern, control and regulate in the City of Windom.

CHAPTER VIII Acquisition and Deposition of Real Property and Powers of Eminent Domain

Sec. 8.01, ACQUISITION OF PROPERTY: The City may acquire, by purchase, gift, condemnation or otherwise, any property, either within or without its boundaries, that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain, the City shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law.

Sec. 8.02, SALE OF REAL PROPERTY: No real property of the City shall be disposed of except by ordinance. The net cash proceeds of any sale of the property shall be used to retire any outstanding indebtedness incurred by the City in the acquisition or improvement of the property. Any remaining net proceeds shall be used to finance other improvements in the capital improvement budget or to retire any other bonded indebtedness.

2011 Minnesota Statutes

412.271 DISBURSEMENTS.

Subdivision 1. **Method.** No disbursement of city funds, including funds of any municipal liquor dispensary operated by the city, shall be made except by an order drawn by the mayor and clerk upon the treasurer. Except when issued for the payment of judgments, salaries and wages previously fixed by the council or by statute, principal and interest on obligations, rent and other fixed charges, the exact amount of which has been previously determined by contract authorized by the council, and except as otherwise provided in subdivisions 4, 5, and 8, no order shall be issued until the claim to which it relates has been audited and allowed by the council.

Subd. 2. **Claims, payment; electronic time recording.** (a) Except for wages paid on an hourly or daily basis, where a claim for money due on goods or services furnished can be itemized in the ordinary course of business the person claiming payment, or the claimant's agent, shall prepare the claim in written items and sign a declaration that the claim is just and correct and that no part of it has been paid; but the council may in its discretion allow a claim prepared by the clerk prior to such declaration by the claimant, if the declaration is made by an endorsement on the order-check by which the claim is paid as provided below.

(b) Whenever work for which wages are to be paid on an hourly or daily basis is done by employees of the city, the clerk shall keep a payroll giving the name of each employee and the number of hours or days worked by each and the timekeeper, supervisor, or other officers or employee having knowledge of the facts shall sign a declaration that the facts recited on the payroll are correct to the best of the declarant's information and belief; and when any claim for wages listed on a payroll is paid, the employee shall sign a declaration, which may be a part of the payroll, to the effect that the employee has received the wages and done the work for which wages have been paid. The declarations relating to claims or payrolls shall be in substantially the following form: "I declare under the penalties of perjury (here insert, if claimant: that this claim is just and correct and no part of it has been paid; if timekeeper, supervisor, officer or employee having knowledge of the facts; that to the best of my information and belief the items of this payroll are correct; if employee who has been paid: that I have received the wages stated on this payroll opposite my name and have done the work for which the wages were paid.)

Date

Signed"

The effect of this declaration shall be the same as if subscribed and sworn to under oath.

(c) Notwithstanding the procedural requirements of paragraph (b), a city may use electronic time recording systems if the governing body of the city adopts policies to ensure that the timekeeping and payroll methods used are accurate and reliable.

Subd. 3. **Endorsement on claims.** The clerk shall endorse on each claim required to be audited by the council the word "disallowed" if such be the fact, or, "allowed in the sum of \$.....," if approved in whole or in part, specifying in the latter case the items rejected. Each order shall be so drawn that when signed by the treasurer in an appropriate space, it becomes a check on the city depository. Such order-check may have printed on its reverse side, above the space for

endorsement thereof by the payee, the following statement: "The undersigned payee, in endorsing this order-check, declares that the same is received in payment of a just and correct claim against the city of, and that no part of such claim has heretofore been paid." When endorsed by the payee named in the order-check, such statement shall operate and shall be deemed sufficient as the required declaration of the claim. Any order presented to the treasurer and not paid for want of funds shall be so marked and paid in the order of its presentation with interest from the date of presentation at the rate of five percent or such lower rate as is fixed by the council prior to its issuance.

Subd. 4. **Immediate payment of claims.** When payment of a claim based on contract cannot be deferred until the next council meeting without loss to the city through forfeiture of discount privileges or otherwise, it may be made immediately if the itemized claim is endorsed for payment by at least a majority of all the members of the council. The claim shall be acted upon formally at the next council meeting in the same manner as if it had not been paid, and the earlier payment shall not affect the right of the city or any taxpayer to challenge the validity of the claim.

Subd. 5. **Imprest funds.** The council may establish one or more imprest funds for the payment in cash of any proper claim against the city which it is impractical to pay in any other manner, except that no claim for salary or personal expenses of an officer or employee shall be paid from such funds. The council shall appoint a custodian of each such fund who shall be responsible for its safekeeping and disbursement according to law. Money for the operation of such fund shall be secured by a transfer from the general fund. A claim itemizing all the various demands for which disbursements have been made from the fund shall be presented to the council at the next council meeting after the disbursements have been made. The council shall act upon it as in the case of other claims and an order shall be issued to the custodian for the amount allowed. The custodian shall use the proceeds of the order to replenish the fund; and if the council fails to approve the claim in full for any sufficient reason, the custodian shall be personally responsible for the difference.

Subd. 6. **Independent boards, powers.** Subdivisions 4 and 5 shall apply to any independent board or commission of the city having authority to disburse funds without approval of the council. In such case references in these subdivisions to the council shall be considered to be to the board or commission and the money for the fund may be secured from any undedicated fund under its jurisdiction.

Subd. 7. **Definition.** For purposes of this section, a "city administrative official" means a city manager, administrator, treasurer, senior fiscal officer, clerk, or clerk-treasurer.

Subd. 8. **Delegation of authority for paying certain claims.** A city council, at its discretion, may delegate its authority to pay certain claims made against the city to a city administrative official. City councils opting to delegate their authority to review claims before payment pursuant to this subdivision shall have internal accounting and administrative control procedures to ensure the proper disbursement of public funds. The procedures shall include regular and frequent review of the city administrative officials' actions by the council. A list of all claims paid under the procedures established by the city council shall be presented to the council for informational purposes only at the next regularly scheduled meeting after payment of the claim. A city council that delegates its authority to pay certain claims made against the city must adopt a resolution authorizing a specified city administrative official to pay the claims that meet the standards and

procedures established by the council. A city council of a city that does not prepare annual audited financial statements which have been attested to by an independent certified public accountant, public accountant, or the state auditor, may not delegate its authority for paying certain claims against the city pursuant to this subdivision.

History: 1949 c 119 s 34; 1951 c 378 s 10; 1953 c 319 s 5; 1955 c 867 s 5; 1973 c 123 art 2 s 1 *subd* 2; 1986 c 444; 1993 c 315 s 11-13; 2004 c 165 s 1

RESOLUTION #2012-

INTRODUCED:

SECONDED:

VOTED: Aye:

Nay:

Absent:

A RESOLUTION APPOINTING ADDITIONAL ELECTION JUDGES FOR THE FORTHCOMING GENERAL ELECTION IN 2012

WHEREAS, pursuant to Minnesota Statutes, a General Election will be held on November 6, 2012; and

WHEREAS, it is necessary that additional election judges be appointed.

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

1. The following additional election judges are hereby appointed to serve at the above-mentioned election.

Mick Christians
Pearl Christoffer

2216 River Road, Windom, MN
437 17th Street, Windom, MN

Student Election Judge Trainees

Jacob Johnson
Skylar Krueger
Lillian Bolton
Erin Thiessen
Neil Litfin
Jacob Gotto
Danny Kneeland
James Frederickson
Amanda Muller
Travis Janssen
Landon Johnson
Nathan Luitjens
Amy Elston
Leslie Grunig

38392 County Road 13, Heron Lake, MN
1900 Rudy Lane, Windom, MN
1308 5th Ave, Windom, MN
868 Verona Ave, Windom, MN
49228 County Road 17, Windom, MN
49970 County Road 17 Windom, MN
420 12th Street, Windom, MN
49037 County Road 17, Windom, MN
700 16th Street, Windom, MN
46628 330th Street, Windom, MN
1950 Great Bend Blvd, Windom, MN
790 Des Moines Drive, Windom, MN
688 River Road, Windom, MN
648 Prospect Ave, Windom, MN

Adopted this 2nd day of October, 2012.

Kirby G. Kruse, Mayor

Attest:

Steven Nasby, City Administrator

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	PETERSON JEWELRY	PLATE & ENGRAVE	6.50
		Total for Department 101	6.50*
POLICE	Verizon Wireless	SERVICE FOR LAP TOPS	78.06
		Total for Department 120	78.06*
FIRE DEPARTMENT	Verizon Wireless	SERVICE FOR LAP TOPS	98.36
		Total for Department 125	98.36*
STREET	KDOM RADIO	ADVERTISING	100.00
		Total for Department 140	100.00*
HEALTH & SANITATION	NEAL GRUNEWALD	COMPOST SITE MANAGER	165.00
		Total for Department 145	165.00*
		Total for Fund 01	447.92*
LIBRARY	GE CAPITAL RETAIL -	BOOKS	92.71
LIBRARY	MAXIMUM PC	SUBSCRIPTION	19.95
		Total for Department 171	112.66*
		Total for Fund 03	112.66*
AMBULANCE	KATE AXFORD	EXPENSE	39.39
AMBULANCE	BUCKWHEAT JOHNSON	EXPENSE	21.40
AMBULANCE	Verizon Wireless	SERVICE FOR LAP TOPS	78.06
AMBULANCE	ROBIN SHAW	EXPENSE	21.98
AMBULANCE	ALLAN REMPEL	EXPENSE	40.27
		Total for Department 176	201.10*
		Total for Fund 13	201.10*
MULTI-PURPOSE BUILDI	BANK MIDWEST	NSF CHECK -GLIDDEN	798.00
		Total for Department 177	798.00*
		Total for Fund 14	798.00*
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	167.50
LIQUOR	WIRTZ BEVERAGE MN WI	CREDIT- MERCHANDISE	-54.00
LIQUOR	WIRTZ BEVERAGE MN WI	MERCHANDISE	2,040.14
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	4,161.50
LIQUOR	A H HERMEL CANDY & T	MERCHANDISE	692.28
LIQUOR	JOHNSON BROS.	MERCHANDISE	1,442.96
LIQUOR	PHILLIPS WINE & SPIR	MERCHANDISE	1,556.42
LIQUOR	VINOCOPIA, INC	MERCHANDISE	498.00
LIQUOR	BANK MIDWEST	NSF CHECK - BLUMBERG	24.75
LIQUOR	BANK MIDWEST	NSF CHECK - BRAUN	27.05
LIQUOR	WINE MERCHANTS	CREDIT - MERCHANDISE	-15.88
LIQUOR	WINE MERCHANTS	MERCHANDISE	319.00
		Total for Department 180	10,859.72*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 60			10,859.72*
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	162.50
WATER	SUBWAY	UTILITY COMMISSION MTG	16.03
Total for Department 181			178.53*
Total for Fund 61			178.53*
	J. H. LARSON	CREDIT - SUPPLIES/PARTS	-1,539.43
	J. H. LARSON	INVENTORY	12.73
	J. H. LARSON	PARTS / SUPPLIES	2,019.79
Total for Department			493.09*
ELECTRIC	CITY OF WINDOM	BUILDING PERMIT	271.25
ELECTRIC	MARV GRUNIG	EXPENSE	77.70
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	162.50
ELECTRIC	DEPARTMENT OF ENERGY	POWER COST	116,206.26
Total for Department 182			116,717.71*
Total for Fund 62			117,210.80*
SEWER	GENERAL REPAIR SERVI	MAINTENANCE	3,676.40
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	162.50
	SUBWAY	UTILITY COMMISSION MTG	16.03
Total for Department 183			3,854.93*
Total for Fund 63			3,854.93*
ECONOMIC DEVELOPMENT	EHLERS & ASSOC., INC	FINANCIAL ADVISORY SERVI	97.50
ECONOMIC DEVELOPMENT	EHLERS & ASSOC., INC	FINANCIAL ADVISORY SERVI	637.50
Total for Department 187			735.00*
Total for Fund 67			735.00*
	ELECTRIC FUND	REFUNDS-CUSTOMER SIMT CR	303.26
	ABDULLAHI ABUKAR HAS	REFUND-STATEMENT CREDIT	4.12
	BASF CORP	REFUND - STATEMENT CREDI	89.33
	CONNIE VOSS	REFUND - STATEMENT CREDI	16.13
	DAVID CAMPBELL REVOC	REFUND - STATEMENT CREDI	110.59
	ESTHER BRUGMAN	REFUND - STATEMENT CREDI	10.17
	GARY BENNETT	REFUND - STATEMENT CREDI	13.86
	IRENE MEWS	REFUND - STATEMENT CREDI	80.12
	MARIA AMAYA	REFUND - STATEMENT CREDI	18.81
	OPAL HAYES	REFUND - STATEMENT CREDI	30.46
	SELVIN DELEON	REFUND - STATEMENT CREDI	34.36
Total for Department			711.21*
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	487.50
Total for Department 199			487.50*

CITY OF WINDOM
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Fund 69	1,198.71*
	AFLAC	INSURANCE	476.06
	COLONIAL LIFE INSURA	INSURANCE	8.82
	JOHNSON COUNTY COURT	PAYROLL DEDUCTION CDDMO1	1,202.00
		Total for Department	1,686.88*
		Total for Fund 70	1,686.88*
		Grand Total	137,284.25*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAYOR & COUNCIL	CONVENT. & VISTOR BU AUGUST'S		2,271.88
MAYOR & COUNCIL	CONVENT. & VISTOR BU LODGING TAX-PAST DUE - S		3,704.42
	Total for Department 101		5,976.30*
CITY OFFICE	STEVE NASBY	MEETING EXPENSE	177.56
CITY OFFICE	TOSHIBA FINANCIAL SE LEASE/MAINTENANCE CONTRA		21.21
	Total for Department 103		198.77*
CITY HALL	MN ENERGY RESOURCES	SERVICE	19.88
	Total for Department 115		19.88*
POLICE	TOSHIBA FINANCIAL SE LEASE/MAINTENANCE CONTRA		10.60
	Total for Department 120		10.60*
STREET	GDF ENTERPRISES, INC	AUGER RENTAL	127.72
	Total for Department 140		127.72*
RECREATION	TOSHIBA FINANCIAL SE LEASE/MAINTENANCE CONTRA		10.60
	Total for Department 150		10.60*
PARKS	REDWOOD FALLS NURSER	TREE	138.94
	Total for Department 165		138.94*
	Total for Fund 01		6,482.81*
LIBRARY	MN ENERGY RESOURCES	SERVICE	42.38
LIBRARY	TOSHIBA FINANCIAL SE LEASE/MAINTENANCE CONTRA		5.30
	Total for Department 171		47.68*
	Total for Fund 03		47.68*
POOL	TOSHIBA FINANCIAL SE LEASE/MAINTENANCE CONTRA		5.30
	Total for Department 175		5.30*
	Total for Fund 12		5.30*
AMBULANCE	JIM AXFORD	CLOTHING EXPENSE	190.00
AMBULANCE	MEMSA CONFERENCE	RENEWAL-SERVICE MEMBERSH	250.00
	Total for Department 176		440.00*
	Total for Fund 13		440.00*
MULTI-PURPOSE BUILDI	MN ENERGY RESOURCES	SERVICE	79.39
MULTI-PURPOSE BUILDI	TOSHIBA FINANCIAL SE LEASE/MAINTENANCE CONTRA		5.30
MULTI-PURPOSE BUILDI	WINDOM FIRE DEPT.	2013 FIRE AD	300.00
	Total for Department 177		384.69*
MULTI-PURPOSE CENTER	BRUCE TONINATO	REFUND-CANCELED EVENT	175.00
	Total for Department 277		175.00*
	Total for Fund 14		559.69*

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
LIQUOR	BEVERAGE WHOLESALERS	MERCHANDISE	13,081.40
LIQUOR	COCA-COLA BOTTLING C	MERCHANDISE	247.80
LIQUOR	WIRTZ BEVERAGE MN WI	MERCHANDISE	2,326.35
LIQUOR	HAGEN DISTRIBUTING	MERCHANDISE	8,027.95
LIQUOR	INDIAN ISLAND WINERY	MERCHANDISE	619.68
LIQUOR	MN ENERGY RESOURCES	SERVICE	42.98
LIQUOR	PBC - PEPSI BEVERAGE	MERCHANDISE	222.90
LIQUOR	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	23.01
	Total for Department 180		24,592.07*
	Total for Fund 60		24,592.07*
	WENCK ASSOCIATES, IN 2012 STREET	PROFESSIONAL	7,791.78
	Total for Department		7,791.78*
WATER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	158.33
WATER	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	23.01
WATER	WENCK ASSOCIATES, IN	LANDFILL	1,629.21
	Total for Department 181		1,810.55*
	Total for Fund 61		9,602.33*
	RIVERSIDE REMODELERS	POWERHOUSE WINDOWS	8,967.85
	BENJAMIN WELLE	REFUND-UTILITY PREPAYMEN	300.00
	Total for Department		9,267.85*
ELECTRIC	AMOCO OIL COMPANY	GAS	648.04
ELECTRIC	AMUNDSON DIG	BLACK DIRT	374.06
ELECTRIC	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	158.33
ELECTRIC	MN ENERGY RESOURCES	SERVICE	19.88
ELECTRIC	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	23.01
	Total for Department 182		1,223.32*
	Total for Fund 62		10,491.17*
	BOLTON & MENK, INC.	ENGINEERING WWTP	5,331.03
	ROBERT L. CARR	WASTEWATER TREATMENT PRO	431,769.30
	WENCK ASSOCIATES, IN 2012 STREET	PROFESSIONAL	5,194.52
	Total for Department		442,294.85*
SEWER	AMOCO OIL COMPANY	GAS	235.16
SEWER	BOLTON & MENK, INC.	SIU PM WINDOM	2,732.50
SEWER	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	158.35
SEWER	MN ENERGY RESOURCES	SERVICE	785.83
SEWER	TOSHIBA FINANCIAL SE	LEASE/MAINTENANCE CONTRA	33.94
	Total for Department 183		3,945.78*
	Total for Fund 63		446,240.63*
ARENA	MN ENERGY RESOURCES	SERVICE	124.76

CITY OF WINDOM
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
ARENA	TOSHIBA FINANCIAL SE LEASE/MAINTENANCE CONTRA		19.09
	Total for Department 184		143.85*
	Total for Fund 64		143.85*
TELECOMMUNICATIONS	DISH NETWORK	SERVICE	3,451.00
TELECOMMUNICATIONS	E-911	MONTHLY 911 SERVICE	43.95
TELECOMMUNICATIONS	ELECTRIC FUND	ELEC BILLS PAID W/TELCOM	2,748.30
TELECOMMUNICATIONS	H P SUDS CLUB, LLC.	BILLING CONTRACT SERVICE	474.99
TELECOMMUNICATIONS	ONVOY, INC	SS7 SERVICE	1,178.48
TELECOMMUNICATIONS	ONVOY, INC	SWITCHING SERVICE	2,443.38
TELECOMMUNICATIONS	MN ENERGY RESOURCES	SERVICE	10.74
TELECOMMUNICATIONS	RFD TV	SUBSCRIBER	329.25
TELECOMMUNICATIONS	JEREMY ROLFES	INTERNET ON CALL	50.94
TELECOMMUNICATIONS	SDN COMMUNICATIONS	SERVICE	2,839.78
TELECOMMUNICATIONS	TOSHIBA FINANCIAL SE LEASE/MAINTENANCE CONTRA		31.80
TELECOMMUNICATIONS	ZAYO BANDWIDTH	BANDWIDTH BILLING	5,591.72
TELECOMMUNICATIONS	COGENT COMMUNICATION SUPPLIES		1,750.00
	Total for Department 199		20,944.33*
	Total for Fund 69		20,944.33*
	LAW ENFORCMENT LABOR UNION DUES		270.00
	LOCAL UNION #949 UNION DUES		1,589.24
	MN BENEFIT ASSOCIATI INSURANCE		297.67
	Total for Department		2,156.91*
	Total for Fund 70		2,156.91*
	Grand Total		521,706.77*