

**Regular Council Meeting
Mountain Lake City Hall
Tuesday, Dec. 8, 2015
6:00 p.m.**

AGENDA

1. Meeting called to order by Mayor Mike Nelson
 - * Further information on agenda item is attached

2. 6:00 – 2016 Levy/ Budget Public Meeting
 - a. Status of Budget*(1)
 - b. Why Your Property Taxes Change from Year to Year*(2-7)
 - c. Local Government Aid 101*(8-10)
 - d. Homestead Market Value Exclusion 101*(11-13)
 - e. Fund Balances*(14-16)
 - f. Budget -separate packet

- Approval of Agenda and Consent Agenda
 - a. Bills: Check #'s 9918086-9918176; 411-412E*(17-25)
 - b. Approval of Payroll Checks #'s 62127-62098
 - c. Approval of Nov. 16 Council Minutes*(26-28)
 - d. Approval of Sept. 28 and Nov. 2 Planning and Zoning Commission Minutes*(29-32)
 - e. Approval of Oct. 14 Library Board Minutes, Oct. Public Library Report, Oct. Expenditures*(33-35)
 - f. Approval of Nov. 12 Utility Commission Minutes*(36)
 - g. Oct. and Nov. Building Permits*(37)
 - h. Grant Six Month Leave Request, Ken Classen, Fire Dept.*(38)
 - i. Adopt Resolution #36-15 Accepting \$5,000 Gift on Behalf of the Tree Commission*(39)
 - j. Approve Cigarette Licenses*(40)

3. Public – A total of ten (10) minutes is allotted for individuals to briefly discuss a topic of concern with the Council.

4. Police Dept.
 - a. Oath of Office Jacob Vitzthum
 - b. Squad Car

5. Information Technology Provider Update

6. Utilities

- a. Adopt Resolution # 35-15, 2016 Water and Sewer Rates*(41-43)
 - b. Electric Dept. Update*(44)
7. 7PM – Public Hearing, Variance Petition, 409 7th St. N.
 - a. LMC Memo – Public Hearings*(45-47)
 - b. LMC Memo – Variances*(48-53)
 - c. Application*(54-55)
 - d. City Code Section 9.11*(56)
 - e. Other Information*(57)
 - f. Map*(58)
 - g. Resolution #37-15*(59-60)
8. Administrator
 - a. Campground WiFi
 - b. SW Regional Development Commission, Cottonwood County Municipalities Representative*(61-64)
 - c. Kuechle Underground, Inc. vs City of Mt. Lake Update
9. City of Mountain Lake vs. Kenneth Yoder and Rachel Yoder
(This portion of the meeting will be closed, attorney/client privilege.)
10. Adjourn

Why Your Property Taxes Change from Year to Year



Minnesota has a complicated property tax system— Understand the “what,” “when,” “why,” and “how” of your property taxes and get answers to frequently asked questions like this one:

- Q** What makes my property tax bill change from year to year?
- a. My property’s value
 - b. My neighbor’s property value
 - c. My city council, my county board, and my school board
 - d. The state Legislature
 - e. All of the above

See the next page for the answer to this question and more like it



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The League of Minnesota Cities is a membership organization dedicated to promoting excellence in local government. The League serves its more than 800 member cities through advocacy, education and training, policy development, risk management, and other services.



- Q** What makes my property tax bill change from year to year?
- My property's value
 - My neighbor's property value
 - My city council, my county board, and my school board
 - The state Legislature
 - All of the above

A Answer: All of the above.
 The decisions of your city council, county board, and school board about the amount of tax dollars they need to deliver services may be the most obvious factor in your property tax bill. But the value of your property, the total value of all the property in your community, changes in state programs, and changes in state laws that affect the tax system also play a role. Changes in any of these factors can make your tax bill go up in some years and down in others.

More answers to your property tax FAQs

Q Some of the local news coverage talks about city budgets and other coverage talks about city levies. Are they the same thing?

A The property tax levy is the amount of money that the city (or other local government) decides it needs to collect from property owners in order to deliver services. Property taxes, however, are just part of the overall city budget. The budget includes both discretionary spending (for services the city is free to choose to provide) and non-discretionary spending (to meet obligations such as paying off debt). The budget includes all the dollars that the city collects from various sources—fees, grants, revenue sharing, and property taxes.

Q What governments collect property taxes?

A Your property tax bill is a total of taxes owed to several local governments and, for some types of property, to the state. Cities, counties, school districts, and townships are separate governments. They all collect money through the property tax in order to provide services. Special districts, like watershed districts, also collect property taxes, but those taxes are usually a very small part of the total bill. The state collects property taxes from business property and seasonal/recreational property such as cabins.

Q What do I get for my property taxes?

A Local governments get the money they use to deliver services from a few different sources: property taxes, fees, revenue sharing with the state, and grants. Property tax dollars pay for the services that everyone in the community—as well as visitors, commuters, and tourists—can access. This includes things like streets, police and fire services, parks, and libraries. Other services—like economic development programs to help businesses grow and develop, snowplowing, garbage removal, and recycling are also typically paid for with property tax dollars.

Q Why does my tax bill come from the county?

A For efficiency, counties have been designated by the state Legislature to administer most aspects of the property tax system on behalf of all local governments. County staff calculate the tax bills for each property in the community and then collect tax payments from property owners. After your property taxes are paid, the county then properly distributes the money to the various local governments and to the state.

Q When do I pay my property taxes?

A Most property owners pay their taxes in two installments—the first half in May and the second half in October. This semi-annual payment occurs even if your property taxes are collected by your mortgage company with your monthly mortgage payment.

Q I get several property tax statements each year. How do I make sense of them?

A Generally, three statements are sent to property owners each year: one in November, and two statements generally in March or April. The November statement shows you the amount of taxes local governments are proposing to collect in the following year. It will include an estimate of what your tax bill will be. Local governments can decrease the amount of taxes they will collect as they finalize their budgets, but they cannot increase the amount after this notice goes out, except in very limited circumstances such as natural disasters.

The second notice that you receive generally in March or April is a notice of the estimated value of your property and the property's "use" classification (e.g., homestead, apartment, commercial, etc.), which is also known as the property assessment. All property is valued at its market value and classified according to its use on Jan. 2 of each year. Any improvements or destruction made to a property after Jan. 2 will be evaluated for the following year's assessment.

The valuation of your property provided on the annual valuation notice is not used to compute your property taxes until the next calendar year. So, the spring 2014 valuation notice will be used for taxes payable in 2015. This is because all property owners have the right to challenge the valuation of the property. Information on how to contest a property's valuation is contained on the valuation notice.

WHY YOUR PROPERTY TAXES CHANGE FROM YEAR TO YEAR

Q When does my tax bill come?

A The third notice, generally received in March of each year, is the actual tax bill. It will show what you owe in property taxes to each local government—your county, city or township, school district, any special district, and the state. Some local governments will also include information about the kinds of services that the property tax dollars will support.

Q There is something labeled “homestead exclusion” on my tax statement. What is that?

A A relatively new state program excludes some of the value of many residential homesteads from property taxes, meaning taxes are not paid on that portion. The statement will show you how much of the assessed value of your homestead is excluded from taxation.

Q If I make an improvement or addition to my house, will I pay more in property taxes?

A In some cases, yes, but not necessarily. The change in your tax bill depends on a lot of factors other than changes in the value of your home. It is also affected by things like whether all the properties in the city taken together (tax base) grow or shrink in value, whether the local governments collect more or less money in property tax, and changes to the tax system state lawmakers make. For example, let’s say you add a bedroom to your home, and its value increases by \$20,000. If local governments don’t change how much property tax they need to collect and the rest of the tax base is unchanged, then you will pay more in property tax because your property is now a bigger piece of the pie. But if the tax base as a whole increases in value—maybe a new development was built—then your piece of the pie may not be bigger and you may not pay more in tax.

Q How does the city—or any local government—decide what services to provide?

A City councils review the services they currently provide and think about what local preferences are and what population trends suggest about the kinds of services people will need. For example, one community might favor running its own pool while another does not see the need. Communities with lots of young families need to offer different kinds of services than communities seeing big increases in the number of senior residents. Sometimes cities have to provide certain services in order to comply with state or federal laws. Some common examples are requirements for testing drinking water and making public buildings accessible to people with disabilities.

Q How does the city decide how much to collect in property taxes?

A Cities look at their costs—like gasoline, road salt, salaries, and building repairs. They also determine the amount of money the city needs to provide the services residents expect and depend on. Councils then examine the dollars coming into the city from other sources—like fees people pay to use the recreation center or to license their dogs, grants from state and federal governments, and state revenue sharing. Property taxes make up the gap between money coming in from non-tax sources and the money needed to run the city. Other local governments (e.g., counties, schools) go through a similar process to set their property tax amounts.

Q Last year, the taxes I had to pay to the county and school district were lower, but the taxes I had to pay to the city stayed about the same. Why did that happen?

A One of the factors that affects whether your tax bill goes up or down is the change in value of all property within the taxing jurisdiction. In recent years, the value of farm property has grown significantly faster than that of other kinds of property such as residential homes and businesses. The property taxes collected by the county and the school districts are collected from a larger geographical area that includes many more farms than are the taxes collected by the city. That means the county and school district taxes get spread across a bigger tax base when those farm values increase, and your share of the tax pie for county and school district property tax shrinks. Your share of the city tax pie, though, may remain about the same.

Q Are property taxes the only way that the city takes in money?

A Cities have several sources of revenue, but the two largest sources are property taxes and state revenue sharing. Property taxes are collected from the owners of homes, businesses, and farms within the city. State aid dollars, such as local government aid and municipal state aid for roads, are funded by the sales taxes, income taxes, and gas taxes that we all pay to the state. Some of those dollars are redistributed to cities through revenue sharing.

Cities also get money from a few other sources. One source of revenue is fees. Some examples of common fees that people pay to cities are for: dog licenses, building permits, use of the community pool, fines for failure to remove snow from the sidewalk, and water and sewer services. Cities also get some money from grants. These come from the state or federal government and are used for very specific purposes such as a building improvement.

Q How does the state affect my property taxes?

A State law spells out all aspects of the property tax system. All properties within cities are classified as one of more than 50 types according to the system set by state policymakers. Property types include home, commercial, apartment building, farm, bed and breakfast, railroad, and duplex. Each property type is assigned a classification rate. This indicates what portion of the property's value is taxable.

The state also implements programs, such as fiscal disparities and tax increment financing, which can affect tax bills. The fiscal disparities programs operate in the metro area and on the Iron Range. Through these programs, part of the tax dollars that cities collect are from the regional tax base. This shifts some of the tax burden. With tax increment financing, cities can finance public improvements over time with the tax dollars collected on new development such as an industrial park.

The state also imposes mandates that require cities and other local governments to do certain things. These mandates can increase costs for cities and counties. Many mandates are for good reasons, like the rules to maintain clean drinking water. But they do result in pressure on city budgets.

From time to time, the state Legislature has also imposed "levy limits" on larger cities and counties. In some cases, these limits can require cities and counties to reduce the amount of property tax dollars they collect.

Q How can I get help paying my property taxes?

A The state has increased funding for direct property tax relief over the last few years. There are a few different programs through which property owners and renters can get help with their property taxes. These programs provide state-paid refunds for qualifying property owners. There is another program in which seniors can defer some of the property taxes that they owe.

Q Where can I learn more about the property tax system?

A The League of Minnesota Cities offers several resources that explain the property tax system. They are available at www.lmc.org/property-tax





Local Government Aid 101: 2014 and Beyond

Updated July 2015

The first official LGA program was created in 1971 and provided funds to counties on a per capita basis for allocation to cities in proportion to their property tax levy. Since its inception, LGA has undergone many changes—some minor and some bringing about significant reforms. LGA is distributed using a complex formula that compares a city's spending needs with its ability to raise revenue. After several years of cuts to the appropriation, the 2013 Legislature enacted the first significant reforms to the LGA program since 2003. The Legislature also increased the appropriation for city aid payments. The 2014 Legislature made some additional increases to the amount of funding for LGA. In 2015, the Legislature failed to pass a tax bill so changes to the LGA program, including a funding increase and cuts to first-class cities, did not become law.

This document provides a brief overview of LGA's recent history and highlights the changes for aid payments beginning in 2014.

Funding Level

The 2012 legislature passed an LGA freeze for 2013 payments. The LGA appropriation grew by \$80 million for 2014. The total aid distributed will increase to \$507 million. The 2015 and beyond distributions were increased by about \$8 million by the 2014 Legislature. In 2015, cities will receive \$516.9 million; in 2016 and beyond, the appropriation will be \$519.4 million. The total LGA distribution is shown below for 2003 through 2016. There was no tax bill passed during the 2015 legislative session and therefore no changes made to the LGA program, including the funding level.

Year	Total LGA (\$s)	Year	Total LGA (\$s)
2003 certified	586,848,950	2010 final	426,535,519
2003 final	464,941,977	2011 certified	527,100,646
2004	437,466,461	2011 final	425,345,348
2005	436,558,200	2012 certified	425,237,611
2006	484,558,200	2013	427,494,945
2007	484,558,200	2014	507,598,012
2008 certified	484,148,487	2015	516,898,012
2008 final	430,638,682	2016 and beyond	519,398,012
2009 certified	526,148,487		
2009 final	481,521,933		
2010 certified	536,671,457		



Formula Basics

A city's share of the LGA distribution is determined by a complex formula that compares a city's *expenditure need* and its *ability to pay*. Each city's expenditure need is measured based on several statistical variables. These variables or factors attempt to identify characteristics that cause differences in the amount cities spend to provide the same level of service. Calculated expenditure need is then compared to the city's ability to pay or revenue-raising capacity (i.e., property taxes). This difference, or gap, is the city's unmet need. A city's LGA payment is a computed as a percentage of that gap. The percentage of the gap that is funded by LGA is based on the total available appropriation for the program and is the same for all cities that receive LGA in that year.

Prior to the 2013 reforms, the factors used to calculate city need were largely based on 2000 Census data. The age of the data underlying the formula and the repeated cuts to the appropriation highlighted the need for significant reform.

Expenditure Need Variables

The 2013 reforms implemented three need formulas for cities.

For cities below 2500 population, need is defined by city population size only.

For cities between 2500 and 10,000 population, need is defined by the percent of housing built before 1940, household size, and population decline (%) since the peak population level of the last 40 years.

For cities over 10,000 population, need is defined by the average number of jobs per capita, the percent of housing built before 1940, the percent of housing built between 1940 and 1970, and a sparsity adjustment for cities with fewer than 150 residents per square mile.

Calculating Unmet Need

To calculate a city's *need* the values for each variable are multiplied by fixed coefficients. These coefficients were determined by a statistical process called multiple regression. The coefficients weigh the variables according to their relative importance in explaining differences in city spending need. The sum of these products is a per capita dollar expenditure need. Multiplying the per capita need by the population gives the total expenditure need, which is then compared to an individual city's ability to pay.

Ability to pay is defined as a city's capacity to raise revenue via property taxes. This is calculated by applying the statewide average city tax rate based on the prior year's levy to the city's tax base.

The difference between a city's total *expenditure need* and its *ability to pay* is its unmet need. The portion of unmet need filled by LGA is adjusted so that the total of all distributions equals the current appropriation.

Aid Bases

As a result of the 2013 reforms, there are no longer any aid bases used in calculating LGA amounts for cities. Some of the aid bases of the past were for regional centers, for small cities, and

for specific circumstances, such as flood recovery.

Year-to-year changes

A city's LGA payment amount can change from year to year. For 2014 only, no city can receive less in LGA than it did in 2013. Beginning with aids payable in 2015, no city's aid can decrease by more than 5% of its previous year's levy or \$10 per capita.

Timing of Payments

The Department of Revenue notifies cities of their LGA amounts for the following year by July 31st. Cities receive the aid in two equal payments—the first in mid-July and the second in late December.

Cities can request early payments of LGA when they face certain unanticipated costs, such as those for recovery efforts after a natural disaster.

Resources

League of Minnesota Cities

<http://www.lmc.org/page/1/property-tax-state-funding-fiscal-issues.jsp>

- LGA Key Terms
- LGA Timeline
- LGA Key Points

House Research: Basic Information on State Aids

<http://www.house.leg.state.mn.us/hrd/topics.aspx?topic=32>

Certified LGA amounts:

http://www.revenue.state.mn.us/local_gov/prop_tax_admin/Pages/lga.aspx

Additional information on the LGA formula and aid distributions can be obtained by contacting LMC Policy Analysis staff.



Homestead Market Value Exclusion 101

August 2015

The Homestead Market Value Exclusion (HMVE) program (hereafter referred to as “the exclusion”) replaced the Market Value Homestead Credit (MVHC) program for taxes payable in 2012 and beyond. This guide describes how the exclusion works and highlights some of the issues that cities should keep in mind when examining the effects of the program on their communities. Many of the issues relate to the ways that different aspects of the property tax system interact. A detailed description of the overall property tax system can be found in the “Property Taxation 101” guide.

History of MVHC Reimbursement

Year	Original Amount (cities)	Final Amount (cities)
2002	87,512,765	87,512,765
2003	85,539,919	65,425,091
2004	85,290,722	66,279,257
2005	82,636,505	65,087,094
2006	78,921,393	62,809,103
2007	75,935,548	75,935,548
2008	75,810,435	63,310,311
2009	76,770,261	57,204,103
2010	82,053,176	12,106,217
2011	60,246,987	12,148,508
2012 & beyond	Eliminated	Eliminated

How it works for homeowners:

Much like in the MVHC program, homeowners do not have to take any action in order to benefit from the market value exclusion. It is applied automatically. The maximum exclusion goes to homes valued at \$76,000 or less. The exclusion at that level is 40% of market value. For a \$76,000 home, that means \$30,400 of value is not taxable. In other words, all property taxes are applied only to the remaining \$45,600 of market value. As home value increases, the portion of market value eligible for exclusion phases out and is at zero percent for homes valued at more than \$413,778. Note that market values are determined in the year prior to the year in which taxes are paid. For example, values used to calculate taxes payable in 2015 were set in early 2015.

Below is a sample calculation of total taxes due (city, county, and school district taxes) before and after the exclusion from the Department of Revenue:

Sample Home Market Value	\$76,000	\$150,000	\$300,000	\$450,000
Previous Law: MVHC				
Net Tax Capacity (market value x 1% class rate)	\$760	\$1,500	\$3,000	\$4,500
Gross Tax at rate of 105.81% (rate x tax capacity)	\$804.16	\$1,587.15	\$3,174.30	\$4,761.45
Current MVHC	\$304.00	\$237.40	\$102.40	\$0
<i>Net Tax (total tax less credit)</i>	<i>\$500.16</i>	<i>\$1,349.75</i>	<i>\$3,071.90</i>	<i>\$4,761.45</i>
Current Law: Exclusion				
Market Value Exclusion	\$30,400	\$23,740	\$10,240	\$0
MV after exclusion	\$45,600	\$126,260	\$289,760	\$450,000
Home Net Tax Capacity (market value x 1% class rate)	\$456	\$1,263	\$2,898	\$4,500
MVHC Credit	\$0	\$0	\$0	\$0
<i>Net Tax at rate of 110.92% (rate x tax capacity)</i>	<i>\$505.80</i>	<i>\$1,400.48</i>	<i>\$3,214.02</i>	<i>\$4,991.40</i>

*the total tax rates used in this example are statewide averages before and after the effects of the exclusion

What it meant for cities

The immediate effect of the exclusion was a decrease in the tax base. The valuations used for calculating taxes owed in 2012 were set in early 2011. The extent of the decrease in tax base depended on the portion of homestead property each city had. The tax base decrease meant that in order to generate the same amount of city property tax dollars as in 2011, city tax rates had to go up. For example, if prior to the conversion a city's tax base was 1000 and its tax levy was 100, the tax rate would be 10%. With the exclusion, in that same city the tax base was reduced 40% to 600. The city still needed to generate 100 in property taxes. The rate climbed to almost 17%. For many cities, it was very difficult to hold levies flat given the repeated cuts to Local Government Aid (LGA) payments and to ongoing cost pressures, like the cost of healthcare, fuel and infrastructure maintenance.

The exclusion resulted in a shift in tax burden from homestead properties to other kinds of property. The extent of this shift was influenced by the portion of all homestead property made up of lower value homes. The more lower-value homes a city had as a portion of its tax base means more tax burden shifting. In many communities, lower value homes paid more in taxes even if the levy remains flat. This is because of the increase in tax rate necessary to generate the same amount of tax levy. This effect was more likely in cities where a high portion of property was lower value homes.

Property tax bills, of course, reflect the levy decisions and tax bases of not just the city, but also the county, the school district and any special districts. The tax bases of all local governments were affected by the exclusion program. A given city may not have seen a big decrease in its city tax base and therefore experienced little shifting of city tax burden. The county containing that city may have a lot of lower-value homes and therefore experienced a big tax base loss. That would have still affected property owners within the city.

Beyond 2012

Going forward, valuations provided on tax statements sent to homeowners will reflect the exclusion. City leaders will know what their tax base for the following year's property tax levy is going into budget season. Cities, however, will still see shifts of property tax burden as property values for all kinds of properties change.

Resources

League of Minnesota Cities

<http://www.lmc.org/page/1/property-tax-state-funding-fiscal-issues.jsp>

CITY OF MOUNTAIN LAKE Fund Balances Working Funds

Account Descr	Current Balance
FUND 101 GENERAL FUND	
G 101-10100 Cash	\$316,478.52
G 101-10150 Savings	\$74,262.68
G 101-10152 Savings - Special	\$612,486.50
G 101-10400 Investments at Cost	\$0.00
G 101-10403 Investments-Northland	\$469,438.40
FUND 101 GENERAL FUND	\$1,472,666.10
FUND 202 2014 SMALL CITIES DEVELOP PROG	
G 202-10100 Cash	-\$25,208.15
G 202-10150 Savings	\$0.00
FUND 202 2014 SMALL CITIES DEVELOP PR	-\$25,208.15
FUND 205 ECONOMIC DEVELOPMENT AUTHORITY	
G 205-10100 Cash	\$4,261.74
G 205-10150 Savings	\$0.00
G 205-10152 Savings - Special	\$23,700.73
G 205-10400 Investments at Cost	\$0.00
FUND 205 ECONOMIC DEVELOPMENT AUT	\$27,962.47
FUND 211 LIBRARY FUND	
G 211-10100 Cash	\$25,611.18
G 211-10150 Savings	\$737.01
G 211-10152 Savings - Special	\$60,413.53
G 211-10400 Investments at Cost	\$0.00
FUND 211 LIBRARY FUND	\$86,761.72
FUND 221 FIRE DEPT FUND	
G 221-10100 Cash	\$99,921.94
G 221-10152 Savings - Special	\$122,016.33
G 221-10400 Investments at Cost	\$17,128.61
FUND 221 FIRE DEPT FUND	\$239,066.88
FUND 231 AMBULANCE FUND	
G 231-10100 Cash	\$130,701.74
G 231-10150 Savings	\$203.86
G 231-10152 Savings - Special	\$133,182.85
G 231-10400 Investments at Cost	\$0.00
FUND 231 AMBULANCE FUND	\$264,088.45
FUND 303 TIF #1-5 POPD KERNS	
G 303-10100 Cash	\$149,894.84
G 303-10400 Investments at Cost	\$0.00
FUND 303 TIF #1-5 POPD KERNS	\$149,894.84
FUND 307 LAKEVIEW ESTATES-2007-2015A	
G 307-10100 Cash	\$3,370.08
G 307-10152 Savings - Special	\$0.00
G 307-10400 Investments at Cost	\$0.00
G 307-10403 Investments-Northland	-\$0.54
FUND 307 LAKEVIEW ESTATES-2007-2015A	\$3,369.54
FUND 308 2011 BOND REFUND-06 ST PROJ	
G 308-10100 Cash	\$62,311.75
G 308-10403 Investments-Northland	\$0.00

- st equipment
- Gen Fund - 354604.18
Police Dept - 68954.58
St Dept - 188927.74

Account Descr	Current Balance
FUND 308 2011 BOND REFUND-06 ST PROJ	\$62,311.75
FUND 312 CITY WIDE PROJ-DEBT SERV	
G 312-10100 Cash	\$107,162.56
FUND 312 CITY WIDE PROJ-DEBT SERV	\$107,162.56
FUND 315 TIF #1-7 MSG	
G 315-10100 Cash	\$0.00
FUND 315 TIF #1-7 MSG	\$0.00
FUND 320 EDA - CITY HALL FUND	
G 320-10100 Cash	-\$6,723.78
FUND 320 EDA - CITY HALL FUND	-\$6,723.78
FUND 332 2002 STREET IMPROV	
G 332-10100 Cash	-\$8,385.29
G 332-10403 Investments-Northland	\$36,867.04
FUND 332 2002 STREET IMPROV	\$28,481.75
FUND 341 T.I.F.# 1-6 MT POWER	
G 341-10100 Cash	\$222,329.17
FUND 341 T.I.F.# 1-6 MT POWER	\$222,329.17
FUND 342 T.I.F. #1-4 GOOD SAM	
G 342-10100 Cash	\$35,591.86
G 342-10152 Savings - Special	\$0.00
G 342-10400 Investments at Cost	\$0.00
FUND 342 T.I.F. #1-4 GOOD SAM	\$35,591.86
FUND 403 POPD KERNS CONST ACCT	
G 403-10100 Cash	\$0.00
FUND 403 POPD KERNS CONST ACCT	\$0.00
FUND 412 2012 CITY WIDE PROJECT	
G 412-10100 Cash	-\$460.63
G 412-10152 Savings - Special	\$361,595.82
FUND 412 2012 CITY WIDE PROJECT	\$361,135.19
FUND 415 MSG CONST ACCT	
G 415-10100 Cash	-\$11,575.00
FUND 415 MSG CONST ACCT	-\$11,575.00
FUND 441 MT POWER CONST ACCT	
G 441-10100 Cash	\$49,119.60
FUND 441 MT POWER CONST ACCT	\$49,119.60
FUND 450 DOWNTOWN-ROSS PROJECT	
G 450-10100 Cash	-\$109,874.19
FUND 450 DOWNTOWN-ROSS PROJECT	-\$109,874.19
FUND 501 CAPITAL OUTLAY REVOLVING FUND	
G 501-10100 Cash	\$102,437.20
G 501-10152 Savings - Special	\$197,462.33
G 501-10400 Investments at Cost	\$0.00
FUND 501 CAPITAL OUTLAY REVOLVING FU	\$299,899.53
FUND 507 LAKE COMMISSION FUND	
G 507-10100 Cash	\$3,542.29
G 507-10152 Savings - Special	\$0.00

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Account Descr	Current Balance
G 507-10400 Investments at Cost	<u>\$0.00</u>
FUND 507 LAKE COMMISSION FUND	<u>\$3,542.29</u>
	<u>\$3,260,002.58</u>

***Check Detail Register©**

December 8, 2015
9918086-void mtg
9918087-9918176
411E + 412E

November 2015 to December 2015

			Check Amt	Invoice	Comment
10100 United Prairie					
Paid Chk#	9918087	11/13/2015		BRENDA J. HARDER	
E 608-46330-401	Repairs/Maint Buildings		\$198.00		PAINT APT 403
	Total BRENDA J. HARDER		\$198.00		
Paid Chk#	9918088	11/13/2015		BRUNTON ARCHITECHTS LTD	
E 450-46300-434	Project Expense		\$10,855.35		DEMO SPECS FOR ROSS PROJECT
	Total BRUNTON ARCHITECHTS LTD		\$10,855.35		
Paid Chk#	9918089	11/13/2015		CARCHIOUS RODNEY	
E 608-46330-401	Repairs/Maint Buildings		\$99.00		OCTOBER MAINT AT APARTMENTS
E 607-46330-401	Repairs/Maint Buildings		\$51.00		OCTOBER MAINT AT APARTMENTS
	Total CARCHIOUS RODNEY		\$150.00		
Paid Chk#	9918090	11/13/2015		CITIZEN PUBLISHING	
E 450-46300-434	Project Expense		\$232.50		DEMO BID AD
	Total CITIZEN PUBLISHING		\$232.50		
Paid Chk#	9918091	11/13/2015		DARON J. FRIESEN	
E 608-46330-301	Auditing and Acct g Services		\$85.80		MOW HERITAGE ESTATES
E 607-46330-301	Auditing and Acct g Services		\$44.20		MOW HERITAGE ESTATES
E 609-46330-301	Auditing and Acct g Services		\$210.00		MOW MASON MANOR
	Total DARON J. FRIESEN		\$340.00		
Paid Chk#	9918092	11/13/2015		HOLT S CLEANING SERVICE INC.	
E 403-46300-434	Project Expense		\$2,679.39	2286	POP'D KERNS-EPOXY FLOOR TEST AREA
E 403-46300-434	Project Expense		\$14,142.23	2330	EPOXY FLOORS AT POPD KERNS
	Total HOLT S CLEANING SERVICE INC.		\$16,821.62		
Paid Chk#	9918093	11/13/2015		MINNESOTA ENERGY RESOURCE CORP	
E 608-46330-383	Gas Utilities		\$16.89		GAS APT 403
E 230-47001-401	Repairs/Maint Buildings		\$19.24		GAS AT ELIZABETH HOUSE
	Total MINNESOTA ENERGY RESOURCE CORP		\$36.13		
Paid Chk#	9918094	11/13/2015		MN POLLUTION CONTROL AGENCY	
E 450-46300-434	Project Expense		\$375.00	8800004349	PLAN REVIEW-ROSS BUILDING
	Total MN POLLUTION CONTROL AGENCY		\$375.00		
Paid Chk#	9918095	11/13/2015		RICK OELTJENBRUNS	
E 205-46500-430	Miscellaneous		\$1,000.00		DISC EDA LOT IN JENNY'S SUB & ELIZABETH HOUSE
	Total RICK OELTJENBRUNS		\$1,000.00		
Paid Chk#	9918096	11/13/2015		MN POLLUTION CONTROL AGENCY	
E 450-46300-434	Project Expense		\$562.50	7700009180	VOLUNTEER INVESTIGATION CLEANUP-ROSS CLEANERS BLDG
	Total MN POLLUTION CONTROL AGENCY		\$562.50		
Paid Chk#	9918097	11/13/2015		MN POLLUTION CONTROL AGENCY	
E 450-46300-434	Project Expense		\$437.50	8800004396	PETROLEUM BROWNSFIELDS PROGRAM-ROSS BUILDING
	Total MN POLLUTION CONTROL AGENCY		\$437.50		
Paid Chk#	9918098	11/16/2015		FIRE RELIEF ASSOCIATION	
E 221-42200-124	Fire Pension Contributions		\$1,678.00		2015 CITY CONTRIBUTION
	Total FIRE RELIEF ASSOCIATION		\$1,678.00		
Paid Chk#	9918099	11/16/2015		EXPERT T BILLING	

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			Check Amt	Invoice	Comment
E 231-42154-300	Professional Svcs		\$572.00	2449	OCTOBER AMB BILLING
	Total EXPERT T BILLING		\$572.00		
<hr/>					
Paid Chk# 9918100	11/16/2015	FIRE RELIEF ASSOCIATION			
E 221-42200-124	Fire Pension Contributions		\$29,692.52		2015 FIRE STATE AID
	Total FIRE RELIEF ASSOCIATION		\$29,692.52		
<hr/>					
Paid Chk# 9918101	11/16/2015	MCLAUGHLIN AND SCHULTZ			
E 101-43121-224	Street Maint Materials		(\$444.00)		VOID CHECK 9918101
E 101-43121-224	Street Maint Materials		\$444.00	10194	TAR
	Total MCLAUGHLIN AND SCHULTZ		\$0.00		
<hr/>					
Paid Chk# 9918102	11/16/2015	PETERSON DRUG & GIFTS			
E 231-42154-404	Repairs/Maint Machinery/Equip		\$9.39	10/22/15	SHIP AMB PAGER TO MMR
E 231-42154-210	Operating Supplies		\$457.58	10/24/15	GLUCAGON & NALOXONE FOR AMB
E 101-42100-200	Office Supplies		\$32.04	10/27/15	RECHARGEABLE BATTERIES
	Total PETERSON DRUG & GIFTS		\$499.01		
<hr/>					
Paid Chk# 9918103	11/16/2015	SOUTHWESTERN MENTAL HEALTH			
E 101-42100-260	Recruitment		\$375.00	37101	PSYCHOLOGICAL TESTING-J.VITZTHUM POLICE DEPT
	Total SOUTHWESTERN MENTAL HEALTH		\$375.00		
<hr/>					
Paid Chk# 9918104	11/16/2015	SALON 310 LLC			
G 230-10674	Salon 310-Loan #2		\$10,000.00		NEW LOAN
	Total SALON 310 LLC		\$10,000.00		
<hr/>					
Paid Chk# 9918105	11/30/2015	COMMISSIONER OF REVENUE			
G 101-21702	State Withholding		\$58.07		
	Total COMMISSIONER OF REVENUE		\$58.07		
<hr/>					
Paid Chk# 9918106	11/30/2015	INTERNAL REVENUE SERVICE			
G 101-21703	FICA Tax Withholding		\$2,563.54		
G 101-21701	Federal Withholding		\$47.00		
	Total INTERNAL REVENUE SERVICE		\$2,610.54		
<hr/>					
Paid Chk# 9918107	11/19/2015	POST BOARD			
E 101-42100-433	Dues and Subscriptions		\$90.00		POST LICENSE JACOB VITZTHUM
	Total POST BOARD		\$90.00		
<hr/>					
Paid Chk# 9918108	11/25/2015	AFLAC			
G 101-21713	AFLAC		\$192.74		
	Total AFLAC		\$192.74		
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Paid Chk# 9918109	11/25/2015	AFSCME COUNCIL 65			
G 101-21707	Union Dues		\$152.26		
	Total AFSCME COUNCIL 65		\$152.26		
<hr/>					
Paid Chk# 9918110	11/25/2015	BCBS/HSA			
G 101-21714	HSA		\$371.17		
	Total BCBS/HSA		\$371.17		
<hr/>					
Paid Chk# 9918111	11/25/2015	COMMISSIONER OF REVENUE			
G 101-21702	State Withholding		\$707.10		
	Total COMMISSIONER OF REVENUE		\$707.10		
<hr/>					
Paid Chk# 9918112	11/25/2015	GISLASON & HUNTER			

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			Check Amt	Invoice	Comment
G 101-21712	Garnishments		\$355.54		
	Total GISLASON & HUNTER		\$355.54		
<hr/>					
Paid Chk# 9918113	11/25/2015	INTERNAL REVENUE SERVICE			
G 101-21701	Federal Withholding		\$1,617.88		
G 101-21703	FICA Tax Withholding		\$2,285.54		
	Total INTERNAL REVENUE SERVICE		\$3,903.42		
<hr/>					
Paid Chk# 9918114	11/25/2015	PERA			
G 101-21704	PERA		\$3,728.23		
	Total PERA		\$3,728.23		
<hr/>					
Paid Chk# 9918115	11/25/2015	SW/WC SERVICE COOPERATIVES			
G 101-21708	Employee Paid Health Insurance		\$985.50		
	Total SW/WC SERVICE COOPERATIVES		\$985.50		
<hr/>					
Paid Chk# 9918116	11/25/2015	VALIC			
G 101-21705	VALIC		\$967.75		
	Total VALIC		\$967.75		
<hr/>					
Paid Chk# 9918117	11/25/2015	INTERNAL REVENUE SERVICE			
G 101-21703	FICA Tax Withholding		\$15.30		
	Total INTERNAL REVENUE SERVICE		\$15.30		
<hr/>					
Paid Chk# 9918118	11/25/2015	PERA			
G 101-21704	PERA		\$7.50		
	Total PERA		\$7.50		
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Paid Chk# 9918119	11/25/2015	PERA			
E 101-45200-121	PERA		\$3.90		vendor liability pay 24.01
E 101-46200-121	PERA		\$2.60		vendor liability pay 24.01
	Total PERA		\$6.50		
<hr/>					
Paid Chk# 9918120	12/4/2015	BRUNTON ARCHITECHTS LTD			
E 450-46300-434	Project Expense		\$709.03	08-1622	DEMO SPECS-ROSS CORNER
	Total BRUNTON ARCHITECHTS LTD		\$709.03		
<hr/>					
Paid Chk# 9918121	12/4/2015	CARCHIOUS RODNEY			
E 607-46330-401	Repairs/Maint Buildings		\$17.00		OCTOBER MAINT AT HERITAGE ESTATES
E 608-46330-401	Repairs/Maint Buildings		\$33.00		OCTOBER MAINT AT HERITAGE ESTATES
	Total CARCHIOUS RODNEY		\$50.00		
<hr/>					
Paid Chk# 9918122	12/4/2015	EDAM			
E 205-46500-433	Dues and Subscriptions		\$250.00		EDA 2016 MEMBERSHIP
	Total EDAM		\$250.00		
<hr/>					
Paid Chk# 9918123	12/4/2015	ROBERT ANDERSON			
E 205-46500-331	Travel Expenses		\$157.59		MILEAGE
	Total ROBERT ANDERSON		\$157.59		
<hr/>					
Paid Chk# 9918124	12/4/2015	WILLIS KRAHN			
E 607-46330-402	Repairs/Maint- Ground		\$122.40		SNOW REMOVAL-HERITAGE ESTATES
E 609-46330-402	Repairs/Maint- Ground		\$120.00		SNOW REMOVAL-MASON MANOR
E 608-46330-402	Repairs/Maint- Ground		\$237.60		SNOW REMOVAL-HERITAGE ESTATES
	Total WILLIS KRAHN		\$480.00		
<hr/>					
Paid Chk# 9918125	12/5/2015	MAAC			

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			Check Amt	Invoice	Comment
E 450-46300-434	Project Expense		\$3,188.00	111515	ASBESTOS REMOVAL JOY SHOPPE
	Total MAAC		\$3,188.00		
<hr/>					
Paid Chk# 9918126	12/4/2015	NEW STAR SALES & SERVICE			
E 101-41400-310	Computer Contract Services		\$98.00	44956	TRANSFERRED BACKUP LOGS
E 101-42100-310	Computer Contract Services		\$98.00	44956	PD-INSTALLED SOFTWARE
	Total NEW STAR SALES & SERVICE		\$196.00		
<hr/>					
Paid Chk# 9918127	12/4/2015	CITIZEN PUBLISHING			
E 507-46103-430	Miscellaneous		\$135.00		THIN ICE ADS
	Total CITIZEN PUBLISHING		\$135.00		
<hr/>					
Paid Chk# 9918128	12/4/2015	FRONTIER			
E 211-45500-321	Telephone		\$75.01		LIBRARY PHONE-507-427-2506
	Total FRONTIER		\$75.01		
<hr/>					
Paid Chk# 9918129	12/8/2015	CITIZEN PUBLISHING			
E 211-45500-591	Periodicals		\$76.00		LIBRARY PERIODICALS-2YR
	Total CITIZEN PUBLISHING		\$76.00		
<hr/>					
Paid Chk# 9918130	12/4/2015	THIRD AVENUE AUTO PARTS			
E 101-43100-404	Repairs/Maint Machinery/Equip		(\$32.76)		EARLY PAY CREDIT
E 101-43100-215	Shop Supplies		\$15.42	S149702	ST DEPT-WASHER FLUID,RACE GLAZE
E 101-43100-215	Shop Supplies		\$22.89	S149840	DIAMOND CUT CMPD
E 101-43100-404	Repairs/Maint Machinery/Equip		\$44.48	S149965	OIL & FUEL FILTER-#11
E 101-45200-404	Repairs/Maint Machinery/Equip		\$8.16	S149973	SHARPEN CHAIN
E 101-43100-215	Shop Supplies		\$11.79	S150061	FLOOR DRY
E 101-43100-404	Repairs/Maint Machinery/Equip		\$14.28	S150077	FLUID-#14
E 101-43100-212	Motor Fuels		\$533.96	S150099	15W40 55G DIESEL-ST DEPT
E 101-43100-215	Shop Supplies		\$203.30	S150112	FILTERS
E 101-43100-401	Repairs/Maint Buildings		\$5.94	S150145	EIKO LIGHTING
E 101-43100-404	Repairs/Maint Machinery/Equip		\$14.75	S150193	AIR FILTER-444K
E 101-42100-406	Vehicle Maint/Gen Repairs		\$6.39	S150214	WIPER BLADES-PD
E 101-45200-404	Repairs/Maint Machinery/Equip		\$20.37	S150236	FILTERS, & OIL-MOWERS
E 101-43100-404	Repairs/Maint Machinery/Equip		\$6.39	S150238	WIPER BLADES-SKID LOADER
E 101-43100-215	Shop Supplies		\$12.38	S150262	TIRE FOAM
E 101-45200-404	Repairs/Maint Machinery/Equip		\$17.52	S150287	OIL MOWERS
E 101-45200-404	Repairs/Maint Machinery/Equip		\$35.04	S150299	OIL MOWERS
	Total THIRD AVENUE AUTO PARTS		\$940.30		
<hr/>					
Paid Chk# 9918131	12/4/2015	ALPHA WIRELESS COMMUNICATIONS			
E 231-42154-404	Repairs/Maint Machinery/Equip		\$11.84	199584	REPAIR E.ADRIAN RADIO
	Total ALPHA WIRELESS COMMUNICATIONS		\$11.84		
<hr/>					
Paid Chk# 9918132	12/4/2015	AMAZON			
E 211-45500-590	Capital Outlay Books		\$99.34		LIBRARY BOOKS
E 211-45500-592	A.V. Materials		\$311.78		LIBRARY AV
	Total AMAZON		\$411.12		
<hr/>					
Paid Chk# 9918133	12/4/2015	AMBULANCE FUND			
E 231-42154-430	Miscellaneous		\$2.18	11/17/15	FOOD ON AMB RUN
	Total AMBULANCE FUND		\$2.18		
<hr/>					
Paid Chk# 9918134	12/4/2015	AMERIPRIDE			
E 101-43100-215	Shop Supplies		\$30.17	2800565776	TOWELS FOR ST DEPT
E 101-41400-401	Repairs/Maint Buildings		\$41.77	2800565776	MATS FOR CITY HALL

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			Check Amt	Invoice	Comment
Total AMERIPRIDE			\$71.94		
Paid Chk#	9918135	12/4/2015 AVENET, LLC			
E	101-41400-320	Internet	\$200.00	37596	10-31-15 TO 2-1-16 WEBSITE
Total AVENET, LLC			\$200.00		
Paid Chk#	9918136	12/4/2015 BOLTON & MENK INC.			
E	412-43100-303	Engineering Fees	\$68.15	0180797	2012-14 ST PROJECT ENGINEERING
E	412-43150-303	Engineering Fees	\$392.48	0180797	2012-14 ST PROJECT ENGINEERING
Total BOLTON & MENK INC.			\$460.63		
Paid Chk#	9918137	12/4/2015 BOUND TREE MEDICAL			
E	231-42154-210	Operating Supplies	\$48.63	81970694	AMB SUPPLIES
Total BOUND TREE MEDICAL			\$48.63		
Paid Chk#	9918138	12/4/2015 BROWN NICOLLET ENVIRON HEALTH			
E	101-45183-433	Dues and Subscriptions	\$152.88		2016 CAMPGROUND LICENSE
Total BROWN NICOLLET ENVIRON HEALTH			\$152.88		
Paid Chk#	9918139	12/4/2015 BUSINESS FORMS & ACCOUNTING			
E	101-41400-200	Office Supplies	\$216.00	050635	W-2'S,1099'S, ENVELOPES
Total BUSINESS FORMS & ACCOUNTING			\$216.00		
Paid Chk#	9918140	12/4/2015 CARDMEMBER SERVICE			
E	101-00000-430	Miscellaneous	\$9.99		MONTHLY BACKUP FEE
E	101-42100-430	Miscellaneous	\$165.00	272885	PD-BODY CAMERA
Total CARDMEMBER SERVICE			\$174.99		
Paid Chk#	9918141	12/4/2015 CITIZEN PUBLISHING			
E	101-41400-351	Legal Notices Publishing	\$30.00	11/11/15	REZONING HEARING
E	101-41400-351	Legal Notices Publishing	\$41.25	11/11/15	ORDINANCE-#5-15
E	101-41400-351	Legal Notices Publishing	\$37.50	11/11/15	BIDS-TELECOM TOWER
Total CITIZEN PUBLISHING			\$108.75		
Paid Chk#	9918142	12/4/2015 DEMCO, INC			
E	211-45500-220	Repair/Maint Supply	\$222.03		LIBRARY SUPPLIES
Total DEMCO, INC			\$222.03		
Paid Chk#	9918143	12/4/2015 DENNIS HULZEBOS			
E	211-45500-400	Janitor-Repairs/Maint	\$345.00		DEC MAINT AT LIBRARY
E	101-45186-400	Janitor-Repairs/Maint	\$250.00		DEC MAINT AT SR CTR
Total DENNIS HULZEBOS			\$595.00		
Paid Chk#	9918144	12/4/2015 DOUG BRISTOL			
E	101-42100-308	Training & Instruction	\$38.41		REIMBURSE FOR AMMO
Total DOUG BRISTOL			\$38.41		
Paid Chk#	9918145	12/4/2015 FRONTIER			
E	101-00000-430	Miscellaneous	\$99.32		UT-PHONE
E	101-45186-321	Telephone	\$57.94		SR CTR PHONE-427-2151
E	101-41400-321	Telephone	\$191.90		CITY HALL PHONE-427-2999
E	101-43100-321	Telephone	\$68.18		STREET DEPT PHONE-427-2997
E	205-46500-321	Telephone	\$37.50		EDA PORTION OF DSL & 427-2999
E	205-46500-321	Telephone	\$5.06		CHAMBER 800#
E	101-42100-321	Telephone	\$220.57		POLICE DEPT PHONE-427-3403
Total FRONTIER			\$680.47		

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			Check Amt	Invoice	Comment
Paid Chk#	9918146	12/4/2015	GOVERNMENT FORMS AND SUPPLIES		
E 101-41400-200	Office Supplies		\$197.58	0301707	2016 LARGE MINUTE BOOK
	Total GOVERNMENT FORMS AND SUPPLIES		\$197.58		
Paid Chk#	9918147	12/4/2015	GREATAMERICA FINANCIAL SVCS		
E 101-42100-200	Office Supplies		\$8.78		PD-MONTHLY COLOR COPY MACHINE LEASE
E 205-46500-200	Office Supplies		\$5.62		EDA-MONTHLY COLOR COPY MACHINE LEASE
E 101-00000-430	Miscellaneous		\$91.31		UT-MONTHLY COLOR COPY MACHINE LEASE
E 101-00000-430	Miscellaneous		\$8.43		CHAMBER-MONTHLY COLOR COPY MACHINE LEASE
E 101-41400-200	Office Supplies		\$26.35		OFFICE-MONTHLY COLOR COPY MACHINE LEASE
	Total GREATAMERICA FINANCIAL SVCS		\$140.49		
Paid Chk#	9918148	12/4/2015	HANSEN CONCRETE CO		
E 211-45500-401	Repairs/Maint Buildings		\$444.00	10194	4 YDS CEMENT-LIBRARY
	Total HANSEN CONCRETE CO		\$444.00		
Paid Chk#	9918149	12/4/2015	INDOFF INCORPORATED		
E 211-45500-200	Office Supplies		\$28.63		LIBRARY SUPPLIES
E 101-41400-200	Office Supplies		\$358.03	2704504	1500 WINDOW ENVELOPES
E 101-42100-200	Office Supplies		\$2.33	2704505	PD-BINDER CLIPS
E 101-43100-200	Office Supplies		(\$4.69)	2707351	RETURN DESK CALENDAR
E 101-43124-216	Chemicals and Chem Products		\$78.55	2713215	ICE MELT
	Total INDOFF INCORPORATED		\$462.85		
Paid Chk#	9918150	12/4/2015	INGRAM		
E 211-45500-592	A.V. Materials		\$51.13		LIBRARY AV
E 211-45500-590	Capital Outlay Books		\$1,022.51		LIBRARY BOOKS
	Total INGRAM		\$1,073.64		
Paid Chk#	9918151	12/4/2015	JR TOWING LLC		
E 101-42100-406	Vehicle Maint/Gen Repairs		\$144.00		HAUL DODGE CHARGER TO KEMNA ASA IN JACKSON
	Total JR TOWING LLC		\$144.00		
Paid Chk#	9918152	12/4/2015	LEAGUE OF MN CITIES--INSURANCE		
E 101-00000-361	General Liability Ins		\$2,865.00	51477	ADD STREET LIGHTS TO INSURANCE
	Total LEAGUE OF MN CITIES--INSURANCE		\$2,865.00		
Paid Chk#	9918153	12/4/2015	MCLAUGHLIN AND SCHULTZ		
E 101-43121-224	Street Maint Materials		\$372.65	009948	TAR
	Total MCLAUGHLIN AND SCHULTZ		\$372.65		
Paid Chk#	9918154	12/4/2015	MIDSTATES		
E 101-45200-430	Miscellaneous		\$364.34	215864	ECHO CHAIN SAW-PARKS
	Total MIDSTATES		\$364.34		
Paid Chk#	9918155	12/4/2015	MIDWAY FARM EQUIPMENT		
E 101-45200-404	Repairs/Maint Machinery/Equip		\$73.67	IM16267	HOUR METER-MOWER #8
E 101-45200-404	Repairs/Maint Machinery/Equip		\$107.25	IM16537	FILTER KIT
E 101-45200-404	Repairs/Maint Machinery/Equip		\$35.75	IM16561	FILTER KIT #2
	Total MIDWAY FARM EQUIPMENT		\$216.67		
Paid Chk#	9918156	12/4/2015	MILLER SELLNER EQUIPMENT		
E 221-42200-404	Repairs/Maint Machinery/Equip		\$451.19	14523B	FIRE DEPT-2007 KENWORTH TANKER REPAIR
E 101-43100-404	Repairs/Maint Machinery/Equip		\$252.50	14580B	#9-PARTS & LABOR
	Total MILLER SELLNER EQUIPMENT		\$703.69		

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	Check Amt	Invoice	Comment
Paid Chk# 9918157 12/4/2015 MINNESOTA ENERGY RESOURCE CORP			
E 101-43100-383 Gas Utilities	\$71.66		STREET GARAGE GAS-ACCT#4092120-7
E 211-45500-383 Gas Utilities	\$60.19		LIBRARY GAS-ACCT#4134278-3
E 101-45186-383 Gas Utilities	\$45.74		SR CTR GAS-ACCT#4010846-6
E 231-42154-383 Gas Utilities	\$41.91		AMB PORTION OF FIREHALL GAS-ACCT#4296165-6
E 221-42200-383 Gas Utilities	\$85.08		FIRE DEPT PORTION OF FIREHALL GAS-ACCT#4296165-6
E 101-41400-383 Gas Utilities	\$111.74		CITY HALL GAS-ACCT#4346780-2
Total MINNESOTA ENERGY RESOURCE CORP	\$416.32		
Paid Chk# 9918158 12/4/2015 MINNESOTA MUTUAL LIFE			
E 205-46500-134 Employer Paid Life	\$1.70		DEC LIFE INS-EDA ROB ANDERSON
E 101-46200-134 Employer Paid Life	\$1.02		DEC LIFE INS-CEMETERY
E 101-45200-134 Employer Paid Life	\$1.02		DEC LIFE INS-PARKS DEPT
E 101-43100-134 Employer Paid Life	\$3.06		DEC LIFE INS-ST DEPT
G 101-21706 Hospitalization/Medical Ins	\$25.30		DEC LIFE INS-ROBB ANDERSON
E 101-41400-134 Employer Paid Life	\$3.40		DEC LIFE INS-OFFICE
E 101-42100-134 Employer Paid Life	\$5.10		DEC LIFE INS-POLICE DEPT
E 101-42100-135 Employer Paid Other	\$1.70		DEC BRIAN LUNZ LIFE INSURANCE
E 101-41400-134 Employer Paid Life	\$1.70		DEC WENDY FAST-LAKER APTS-LIFE INS
E 211-45500-134 Employer Paid Life	\$1.70		DEC LIFE INS-LIBRARY
G 101-21706 Hospitalization/Medical Ins	\$12.00		DEC LIFE INS-STEVE PETERS
G 101-21706 Hospitalization/Medical Ins	\$10.90		DEC LIFE INS-DARON FRIESEN
Total MINNESOTA MUTUAL LIFE	\$68.60		
Paid Chk# 9918159 12/4/2015 MN VALLEY COUNCIL OF GOVERNMENT			
E 101-41910-308 Training & Instruction	\$805.12		ASSISTANCE WITH CONDITIONAL USE PERMITS & VARIANCE, PLANNING COMMISSIONER TRAINING
Total MN VALLEY COUNCIL OF GOVERNMENT	\$805.12		
Paid Chk# 9918160 12/4/2015 MOUNTAIN POWER HYDRAULICS			
E 205-46500-356 Abatements	\$15,022.00		2015 TAX ABATEMENT
Total MOUNTAIN POWER HYDRAULICS	\$15,022.00		
Paid Chk# 9918161 12/4/2015 MUNICIPAL UTILITIES			
E 101-45183-380 Elec,Water,Sewer	\$563.52		UT AT CAMPGROUND
E 608-46330-380 Elec,Water,Sewer	\$3.79		8-PLEX PORTION OF ST LITE ON HERITAGE DRIVE
E 607-46330-380 Elec,Water,Sewer	\$1.96		4-PLEX PORTION OF ST LITE ON HERITAGE DRIVE
E 231-42154-380 Elec,Water,Sewer	\$57.45		AMB PORTION OF FIREHALL UT
E 101-45200-380 Elec,Water,Sewer	\$0.14		UT AT CITY PARK SHELTERHOUSE
E 101-45186-380 Elec,Water,Sewer	\$222.65		SR CTR UT
E 211-45500-380 Elec,Water,Sewer	\$209.61		LIBRARY UT
E 101-45200-380 Elec,Water,Sewer	\$86.41		CITY PARK RESTROOMS UT
E 101-41400-380 Elec,Water,Sewer	\$337.39		CITY HALL UT
E 101-45200-380 Elec,Water,Sewer	\$93.98		LAWCON PARK LIGHTS
E 101-43100-380 Elec,Water,Sewer	\$179.24		ST DEPT UT
E 221-42200-380 Elec,Water,Sewer	\$111.51		FIRE DEPT PORTION OF FIREHALL UT
Total MUNICIPAL UTILITIES	\$1,867.65		
Paid Chk# 9918162 12/4/2015 MUSKE, MUSKE, SURHOFF			
E 101-41400-304 Legal Fees	\$275.00		ADDITIONAL LEGAL FEES
E 101-41400-304 Legal Fees	\$1,400.00		DECEMBER LEGAL RETAINER
Total MUSKE, MUSKE, SURHOFF	\$1,675.00		
Paid Chk# 9918163 12/4/2015 NEW STAR SALES & SERVICE			
E 205-46500-200 Office Supplies	\$112.76	44953	EDA-COPIES ON COLOR COPIER

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***Check Detail Register©**

November 2015 to December 2015

			Check Amt	Invoice	Comment
E 101-42100-200	Office Supplies		\$0.17	44953	PD-COPIES ON COLOR COPIER
E 101-41400-200	Office Supplies		\$193.70	44953	CITY-COPIES ON COLOR COPIER
Total NEW STAR SALES & SERVICE			\$306.63		
<hr/>					
Paid Chk# 9918164	12/4/2015	NORA RAMIERZ			
R 101-45186-36221	Rent		\$125.00		RETURN RENT PAYMENT FOR COMM CTR
Total NORA RAMIERZ			\$125.00		
<hr/>					
Paid Chk# 9918165	12/4/2015	OVERHEAD DOOR COMPANY			
E 101-43100-401	Repairs/Maint Buildings		\$906.32	44791	REPAIR DOOR AT STREET SHOP
Total OVERHEAD DOOR COMPANY			\$906.32		
<hr/>					
Paid Chk# 9918166	12/4/2015	PETERSON DRUG & GIFTS			
E 211-45500-200	Office Supplies		\$12.26		LIBRARY SUPPLIES
Total PETERSON DRUG & GIFTS			\$12.26		
<hr/>					
Paid Chk# 9918167	12/4/2015	PETTIPIECE & ASSOCIATES			
E 202-41400-434	Project Expense		\$98.00	25575	OCT PFA PREPARATION-GRANT
Total PETTIPIECE & ASSOCIATES			\$98.00		
<hr/>					
Paid Chk# 9918168	12/4/2015	PRAXAIR			
E 231-42154-210	Operating Supplies		\$127.79	54231985	OXYGEN FOR AMBULANCE
E 231-42154-210	Operating Supplies		\$76.18	54310002	OXYGEN FOR AMBULANCE
Total PRAXAIR			\$203.97		
<hr/>					
Paid Chk# 9918169	12/4/2015	SANFORD HEALTH			
E 101-42100-430	Miscellaneous		\$221.00	10/14/15	POLICE OFFICER PHYSICAL-J.VITZTHUM
E 221-42200-430	Miscellaneous		\$149.00	10/6/15	FIREMAN PHYSICAL-S.HARDY
Total SANFORD HEALTH			\$370.00		
<hr/>					
Paid Chk# 9918170	12/4/2015	STEVEN J. CARSON			
E 101-41910-111	Contract		\$2,269.80	20260	JUNE 2015 TO NOV 15 BUILDING INSPECTIONS
Total STEVEN J. CARSON			\$2,269.80		
<hr/>					
Paid Chk# 9918171	12/4/2015	STREICHERS			
E 101-42100-308	Training & Instruction		\$557.82	11179675	PD-AMMO
E 101-42100-308	Training & Instruction		\$591.84	11181148	PD-AMMO
Total STREICHERS			\$1,149.66		
<hr/>					
Paid Chk# 9918172	12/4/2015	TOWNS EDGE AUTO			
E 101-43100-404	Repairs/Maint Machinery/Equip		\$162.42	74394	WORK ON #20
Total TOWNS EDGE AUTO			\$162.42		
<hr/>					
Paid Chk# 9918173	12/4/2015	UNIQUE PAVING MATERIALS			
E 101-43121-224	Street Maint Materials		\$472.55	250127	COLD MIX
Total UNIQUE PAVING MATERIALS			\$472.55		
<hr/>					
Paid Chk# 9918174	12/4/2015	VERIZON			
E 101-42100-321	Telephone		\$35.01		PD-TABLET #2
E 101-42100-321	Telephone		\$10.49		PD CELL PHONE
E 101-42100-321	Telephone		\$35.01		PD-TABLET #1
E 231-42154-321	Telephone		\$10.74		AMB CELL PHONE
Total VERIZON			\$91.25		
<hr/>					
Paid Chk# 9918175	12/4/2015	WALL CONSTRUCTION			
E 101-42100-430	Miscellaneous		\$52.50		HANG BICYCLE RACK IN POLICE GARAGE

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***Check Detail Register©**

November 2015 to December 2015

	Check Amt	Invoice	Comment
Total WALL CONSTRUCTION	\$52.50		
Paid Chk# 9918176 12/4/2015 WESTERN COMMUNITY ACTION			
E 202-41400-434 Project Expense	\$3,686.00		GRANT ADMIN
E 202-46300-434 Project Expense	\$1,544.00		GRANT HOUSING
Total WESTERN COMMUNITY ACTION	\$5,230.00		
10100 United Prairie	\$135,918.51		

Fund Summary

10100 United Prairie	
101 GENERAL FUND	\$32,419.09
202 2014 SMALL CITIES DEVELOP PROG	\$5,328.00
205 ECONOMIC DEVELOPMENT AUTHORITY	\$16,592.23
211 LIBRARY FUND	\$2,959.19
221 FIRE DEPT FUND	\$32,167.30
230 REVOLVING LOAN FUND	\$10,019.24
231 AMBULANCE FUND	\$1,415.69
403 POPD KERNS CONST ACCT	\$16,821.62
412 2012 CITY WIDE PROJECT	\$460.63
450 DOWNTOWN-ROSS PROJECT	\$16,359.88
507 LAKE COMMISSION FUND	\$135.00
607 EDA----4 PLEX FUND	\$236.56
608 EDA----8 PLEX FUND	\$674.08
609 EDA-- MASON MANOR	\$330.00
	\$135,918.51

Paid Chk# 000411E 11/20/2015 SELECT ACCOUNT			
E 211-45500-141 Admin Fees-HSA	\$2.11		NOVEMBER HSA ADMIN FEES
E 101-46200-141 Admin Fees-HSA	\$1.26		NOVEMBER HSA ADMIN FEES
E 101-43100-141 Admin Fees-HSA	\$3.80		NOVEMBER HSA ADMIN FEES
E 205-46500-141 Admin Fees-HSA	\$2.11		NOVEMBER HSA ADMIN FEES
E 101-42100-141 Admin Fees-HSA	\$6.33		NOVEMBER HSA ADMIN FEES
E 101-41400-141 Admin Fees-HSA	\$4.22		NOVEMBER HSA ADMIN FEES
E 101-45200-141 Admin Fees-HSA	\$1.27		NOVEMBER HSA ADMIN FEES
Total SELECT ACCOUNT	\$21.10		

Paid Chk# 000412E 12/1/2015 UNITED PRAIRIE BANK			
E 101-41400-200 Office Supplies	\$20.00		SAFE DEPOSIT BOX RENT
Total UNITED PRAIRIE BANK	\$20.00		

DRAFT
Regular Council Meeting
Mountain Lake City Hall
Monday, November 16, 2015
6:30 p.m.

Members Present: Mike Nelson, Dana Kass, Darla Kruser, David Savage, Andrew Ysker

Members Absent: None

Staff Present: Wendy Meyer, Clerk/Administrator; Maryellen Suhrhoff, Muske, Muske and Suhrhoff; Chief Doug Bristol and Officer Will Pohlmann, Police Dept.

Others Present: Rick Oeltjenbruns, Street Supt.; David Bucklin, Cottonwood Soil and Water Conservation District and Mt. Lake Tree Commission Member

Call to Order

Mayor Nelson called the meeting to order at 6:30 p.m.

Agenda and Consent Agenda

Motion by Savage, seconded by Kruser, to adopt the consent agenda and agenda as presented.

Discussion was held on amending the minutes; no amendment was made. Motion carried unanimously.

Bills: Check #'s 9918045-9918085; 410E

Payroll Checks #'s 62098-62126

Nov. 2 Council Minutes

Sept. 10 Police Commission Minutes

Oct. 12 Lake Commission Minutes

Oct. 22 Utility Commission Minutes

Oct. 9 and 28 EDA Minutes

Matt Anderson resignation, Lake Commission effective Nov. 9

Resolution #33-15 Attach Well Closing Costs

Liquor Licenses

Public

No one present addressed the council during this portion of the meeting.

Mountain Lake Tree Commission - Grant Application & 2016 Budget

Cottonwood Soil and Water Conservation District, on behalf of the city, is requesting authorization to submit a grant for water storage and pollinator tree habitat to the Greater Blue Earth River Basin Alliance. The grant would be used to plant trees on the open area west of the Lawcon Park shelter house, and all trees planted by the Tree Commission in 2016. The entire 2016 Tree Commission budget could be used to remove trees increasing the number of 2016 removals. Motion by Kass, seconded by Ysker, to apply for the grant. Motion carried unanimously. David Bucklin arrived later at the meeting and reviewed the grant and other Tree Commission activities with the council.

Skating Rink

It was the understanding of the city that the individual who prepared the ice sheet in the past would no longer be doing the work. No money was budgeted for a skating rink in the 2016 draft budget. The individual is interested in preparing the ice sheet. Discussion was held on adding skating rink costs to the 2016 budget. No action taken. The matter will be discussed at the next council meeting.

Lawn Mower Purchase

Street Supt. Rick Oeltjenbruns presented two quotes from Midway Farm Equipment for a new lawn mower. Motion by Savage, seconded by Ysker, to purchase a Ferris 3200 zero turn mower at a cost of \$5,800 with discount and trade-in. . Motion carried unanimously. The Street Dept. will do the setup

Information Technology Provider

A letter from New Star Sales and Service was discussed. The company will no longer be providing Information Technology (IT) services. The administrator is locating a new service provider.

Mt. Lake Utility

Lynda Cowell, Utility Office Manager, and the administrator reviewed a sample utility bill with the council. Determination of rates, the electric power cost adjustment, base rates, average household usage, Conservation Improvement Plan (CIP), late fees, sewer infrastructure fee, late penalties, and hanger, shut-off and turn-on fees were discussed. Discussion was held on sending information on those and other topics to customers with the monthly utility bill.

Mt. Lake City Code Section 3.05 'Rules and Regulations Related to Municipal Utilities', the Utility's Shut-off Policies and a League of MN Cities (LMC) Information Memo – Securing Payment of Utility Charges were briefly reviewed.

Wind Turbine – Renewable Energy Production Incentive (REPI)

The federal REPI program was briefly discussed and the production of the city-owned turbine was reviewed.

Overview of Wastewater Treatment Facility Alternatives and Preliminary Engineering Report Supplemental Information 2010-13 Infrastructure Improvements

The report was part of a presentation made by Andy Kehren, Bolton and Menk, city engineer at the Nov. 12 Utility Commission meeting. The report and the presentation were reviewed and discussed.

Adjourn

Nelson adjourned the meeting at 7:57 p.m.

ATTEST:

Wendy Meyer, Clerk/Administrator

**City of Mountain Lake
Planning and Zoning Commission
Monday, Sept. 28, 2015
5:30 p.m.
City Hall**

Members Present: Bryan Bargen, Nathan Harder, Dean Janzen, Doug Regehr, Tim Swoboda

Members Absent: Sharron Hanson, Nik Strom

Staff Present: Wendy Meyer, Clerk/Administrator

Others Present: Dana Kass, Council Member

Call to Order

Chairman Bargen called the meeting to order at 6:30 p.m.

Approval of Aug. 31 minutes

Motion by Janzen, seconded by Harder, to approve the Aug. 31 minutes. Motion carried.
As required at the Aug. 31 meeting the Feils combined parcels and were issued a building permit for the foundation of a move-in garage.

Sept. Building and Shingling/Siding Permits

The permits were reviewed. Setbacks for the Trinity Lutheran storage shed were reviewed. The project meets setback requirements. Motion by Janzen, seconded by Harder, to approve the permits. Motion carried unanimously.

Continued Discussion of Consideration of Section 9.11, Subd. 3, #14 "Businesses in Transitional Residential Area" and Interim Use Ordinance

The relevant sections of the 2006 Comprehensive Plan; economic development, housing and land use elements were reviewed. The applications, findings of fact and resolutions for ten (10) Conditional Use Permits (CUPs) issued by the city between 2006 and 2014 were also reviewed. Of the ten CUPs four (4) were issued for a home business; one (1) for a day care, three (3) housing (3), church (1) and farm animals (1). Interim Uses and Businesses in a Transitional Residential Area were discussed. Motion by Janzen, seconded by Swoboda, to recommend to the council that Section 9.11 Residential District; Subd. 3, Conditional Uses; #14 Businesses in a Transitional Residential Area; be amended by adding Hwy. 60 to the major thoroughfares listed. Motion carried unanimously.

Miscellaneous

The use of three tab shingles, doubling the cost of a building permit if work is begun before the permit is used and garages were briefly discussed.

Adjourn

Bargen adjourned the meeting at 6:04 p.m.

Approved Nov. 23, 2015.

ATTEST:

Wendy Meyer, Clerk/Administrator

**City of Mountain Lake
Planning and Zoning Commission
Special Meeting
Monday, November 2, 2015
5:30 p.m.**

Members Present: Bryan Bargaen, Sharron Hanson Nathan Harder, Doug Regehr, Nik Strom, Tim Swoboda

Members Absent: Dean Janzen

Staff Present: Wendy Meyer, Clerk/Administrator

Others Present: Dana Kass, Council Member

Call to Order

Chairman Bargaen called the meeting to order at 5:30 p.m.

Mt. Lake Economic Development/Dollar General Property PIN 22.524.0010

The property, (Legal Description: Lot 1, Block 1, Mt. Lake Industrial Subd.) is currently zoned Industrial (I). Dollar General has signed a purchase agreement with the EDA; the company intends to build a retail store on the lot. There was discussion on the various uses in the area, the location of nearby General Commercial (C-2) and Residential (R) Districts and the appropriateness of locating a retail business on the lot. The permitted, conditional and accessory uses in the General Commercial (C-2) and Industrial (I) Districts were reviewed. Rezoning the lot to General Commercial (C-2) or adding retail as a conditional use in the Industrial (I) District was debated. Spot-zoning was discussed. The current General Commercial (C-2) zoning of Jenny's Subdivision and the proximity of residential, industrial and commercial uses in the subdivision were discussed.

Motion by Strom, seconded by Hanson, to recommend to the City Council that the EDA/Dollar General lot be re-zoned to General Commercial (C-2). Motion carried unanimously.

Findings of Fact

1. Currently the Dollar General lot is zoned Industrial (I). A General Commercial allowed use (C-2) would be less disruptive to residential properties in the area than an allowed industrial use. The Union Pacific Railroad line is to the south of the Dollar General lot. A General Commercial allowed use (C-2) would be less disruptive than the noise and light associated with rail traffic.
2. The city has limited zoning districts: Residential (R), Downtown Commercial (C-1), General Commercial (C-2) and Fringe Commercial (C-3), and Industrial (I). Additional districts with uses

that blend aspects of existing districts would allow the city to better meet the zoning needs of the city.

3. The parcels in the area of the Co. Rd. #1 and Third Ave. intersections are zoned Residential (R) Commercial (C-2) and Industrial. All properties on the east side of Co. Rd. #1 from Third Ave. north to the city's northern boundary are General Commercial (C-2). The properties on the west side of Co. Rd. #1 from Third Ave. north are Residential (R). This includes a large farm field as the city zoning code does not have an agricultural district. Anecdotally the commercial/industrial uses along Co. Rd. #1 are increasing.

4. Parcel Numbers 22.613.0060, 22.613.0050 and 22.613.0070 (see map) were zoned Industrial (I) in 2002 when the city zoning map was updated and adopted. These properties contained houses. In 2008 they were re-zoned to Residential (R). Since 2008 the house on 22.613.0060 has been removed. PIN 22.610.0341 (see map) contains a historic building originally a gas station, 'the Peter Falk station'. It was zoned residential in 2002 when the city zoning map was updated and adopted. In 2004 'businesses in a transitional residential area' was added as a conditional use in the Residential District (R). Adoption of this amendment acknowledged that a service business was located in the building and further acknowledged that the building would continue to house businesses.

5. The property on the east side of the Dollar General lot is Industrial. The property on the north side of the Dollar General lot, PIN 22.613.0060, 22.613.0050 and 22.613.0070, approximately 550', is residential to Third Ave. The Industrial (I) District is on the east side of the three properties. The property north of the three lots is General Commercial (C-2). The property to the west of the Dollar General lot, on the west side of Co. Rd. #1 is zoned residential. Approximately 500' north of the Dollar General lot is PIN 22.610.0341, which is zoned residential and has a conditional use permit – business in a transitional area. To the south of the Dollar General lot is First Ave. a gravel street. To the south of the street is the Union Pacific Railroad line. To the south of the railroad is farmland that is outside city limits. Across Co. Rd. #1 to the west is a large undeveloped, unused parcel that belongs to the city and is zoned residential. Water run-off issues make it likely the property will not be developed.

Adjourn

Bargen adjourned the meeting at 6:10 p.m.

Approved Nov. 23, 2015.

ATTEST:

Wendy Meyer, Clerk/Administrator

Mountain Lake Public Library Board Minutes
October 14, 2015

Members Present: Diane Englin, Marci Hernandez, Vickie Krueger, Dennis Cords, Barrie Wright, Carol Lehman-Director

Others Present: None

The meeting was called to order at 4:15 p.m. by chairman, Barrie Wright.

M/S/P Krueger/Englin to approve the minutes of the September 9, 2015 meeting.

Carol presented the September monthly report indicating 2,897 total circulation and expenditures in the amount of \$1,578.23. M/S/P Krueger/Cords to accept the report as given and approve the September expenditures.

Carol reported that the location of the October 21st Lorna Landvik Author Visit has changed to the Cottonwood County Historical Society in Windom.

The upcoming 2015 holiday hours/closings were reviewed and are as follows:

Veterans Day 11/11 closed

Thanksgiving 11/26 closed

Christmas Eve 12/24 - 10:00 a.m. - 1:00 p.m.

Christmas Day 12/25 & Saturday 12/26 closed

New Year's Eve 12/31 - 10:00 a.m. - 1:00 p.m.

New Year's Day 1/1/16 closed

Carol presented the September library activity report.

Meeting adjourned at 4:45 pm by chairman, Barrie Wright.

The next meeting will be Wednesday, November 18, 2015 at 4:00 p.m.

Respectfully submitted,

Marci Hernandez, secretary

CITY OF MOUNTAIN LAKE
PUBLIC LIBRARY REPORT
MONTH OF October, 2015

CIRCULATION AND USE

Adult fiction		_____
Adult nonfiction		_____
Non print (includes videos, cassettes, art prints, etc.)		_____
Juvenile		_____
Periodicals		_____
TOTAL CIRCULATION		<u>3,311</u>

Interlibrary loan sent		_____
Interlibrary loan received		<u>256</u>
TOTAL ILL		<u>303</u> <u>559</u>

ILL NON SYSTEM 58

RECEIPTS

Cash income		_____
Donations (monetary)		<u>44.43</u>
County Revenue		_____
Misc. Revenue		<u>5.00</u>
Fines		<u>14.00</u>
Meeting room rental		<u>45.00</u>
Sale of supplies		_____

TOTAL RECEIPTS _____

EXPENDITURES

12.00 Books		_____
Periodicals		<u>1,337.18</u>
Audio-visual		_____
32.43 Supplies		<u>136.79</u>
Postage		<u>352.57</u>
Miscellaneous		_____
Telephone		<u>138.05</u>
Repairs & maintenance		<u>345.00</u>
Repairs & maint. of equipment		_____
Project expense		_____
Capital outlay		_____
Automation		_____
Gas Utilities		<u>48.09</u>
TOTAL EXPENDITURES		<u>\$2,357.68</u>

LIBRARY DIRECTOR Carol Lehman 34

LIBRARY EXPENDITURES - OCTOBER 2015

Frontier	Telephone Expense	\$63.04
Frontier	Telephone Expense	\$75.01
Demco	Supplies	\$222.03
Dennis Hulzebos	Repairs & Maint - Janitorial	\$345.00
Indoff	Supplies	\$41.34
Indoff	Supplies	\$28.63
Ingram	Books 1,022.51 / AV 51.13	\$1,073.64
MN Energy Resources Corp.	Gas Utilities	\$48.09
Peterson Drug	Supplies	\$12.26
PCLS	Supplies	\$15.88
Sychrony Bank/Amazon	Books 302.67 / AV 85.66	\$388.33
		<hr/>
		\$2,313.25
	Cash Expenditures	\$44.43
		<hr/>
	Total	\$2,357.68

REGULAR UTILITIES COMMISSION MEETING
THURSDAY, NOVEMBER 12, 2015
7:00 A.M.

PRESENT: Mark Langland
Todd Johnson
Mike Johnson
John Carrison
David Savage-City Council Liaison
Brett Lohrenz

ABSENT: None

Staff: Lynda Cowell – Utilities Office Manager
Wendy Meyer - City Administrator
Dave Watkins - Water/Wastewater
Kevin Krahn - Water/Wastewater Supt.

Others: Andy Kehren - Bolton & Menk

Mark Langland - Chairman called the regular meeting of the Utilities commission for November 12, 2015 to order at 7:00 a.m.

1. Minutes and Bills: Motion by John Carrison seconded by Brett Lohrenz to accept the bills and minutes as presented. Motion Carried. Checks #15705-15761.

2. Water/Wastewater Department:

Andy Kehren (Bolton & Menk): Andy presented an overview of Wastewater treatment facility alternatives, mechanical plant versus adding a new pond system. With the mechanical plant comes higher price because of electricity, chemicals and labor to run the plant. The pond system we need to check the phosphorus limits to see if we need to make it bigger now or just reserve a spot for expansion later. We are very close to being grant eligible. If our flows go down the pond size goes down, etc. so that could reduce construction costs and land needs. Since the 2012-13 Construction the monthly average had brought down the peaks. To get land acquisition done we need to decide which way we want to go in January. Pam Meyer will come to our meeting in January.

Pop Kerns: They are putting grease in our lift station. Kevin will talk to them to see if they can change what and how they are doing things so we do not have to do an SIU agreement with them.

3. Electric Department:

Digger Derek: Ron and Pat are in Birmingham, AL looking at a used Digger Derek truck. If they decided it is a good fit for us they will purchase it for \$84,900.

4. Office:

Adjustments: FYI

2016 rates: The sewer and water rates will go up 2% in 2016, which is approximately \$1.00 for water and \$1.00 for sewer increase monthly.

REPI: We have one more year that we can receive the REPI. We will do the application for 2015 and then one in 2016.

Meeting adjourned.

**Oct. Nov. 2015
City of Mt. Lake
Building Permits**

Shingle/Side								
Southichak	Thongbai	807 4th Ave.	22.520.1560	S	Self			shingle house
Phomsopha	Siriamone	701 1st Ave.	22.520.0010	S	Self			re-roof, steel
Pankratz	Scott & Jessica	811 4th Ave	22.520.1640	S	self			re-side garage
Regehr	Doug	1626 5th Ave.	22.416.0100	S	Self			side shed
Mt. Lake Public	School	Munson Field	22.034.0800	S	Bargen 20125765			steel roof on concession stand
Freitag	Brad	315 8th st.	22.520.0841	S	self			side house
Building								
Regehr	Doug	1626 5th Ave.	22.416.0100	B	Self			6' high fence
Heide	Wilmar	800 11th St.	22.290.0130	B	Bargen 20125765			remodel kitchen and bathroom
Jensen	Bruce & Ashley	1405 5th Ave.	22.611.0120	B	Carter 665543			egress window
Morin	April	1015 6th Ave.	22.671.0020	B	Fast BC521587			build deck with porch
Green	Floyd/Corrine	409 7th St. N.	22.413.0590	B	Peterson BC452522			steps and deck
Freitag	Brad	315 8th St.	22.520.0841	B	self			egress window
Mohlenbrock	Michelle	1007 5th Ave.	22.520.1950	B	Wall Const. BC 636606			8' by 7'2" platform with steps

Leave of Absence Request

Mountain Lake Fire Department

Mountain Lake, MN

Mountain Lake Fire Department,

I would like to request a leave of absence for 6 months. I plan on leaving December 1st, 2015 and returning June 1st, 2016. I would like this leave of absence to be reviewable on June 1st, 2016 and be extended if needed. I would also request, if needed, that I could be reinstated prior to the scheduled June 1st return.

I feel like I have done my very best on the department for the last 8 years, but I am needing some time away to deal with personal issues.

Thank you,



11-30-2015

Ken Classen

RESOLUTION # 36-15

**RESOLUTION TO ACCEPT A GIFT OF \$5,000
ON BEHALF OF THE
MOUNTAIN LAKE TREE COMMISSION**

CITY OF MOUNTAIN LAKE, MINNESOTA

Whereas, the Tree Commission of the City of Mountain Lake has by ordinance the duty to 'coordinate a community inventory of all trees and planting spaces on public property; recommend the manner in which the City prunes or remove dead and weakened trees and branches; develop and implement a program of plant health management; develop and implement a plan for the selection of trees to be planted on public property; and to educate and inform residents on matters concerning the betterment of trees'; and

Whereas, the Tree Commission of the City of Mountain Lake continually carries out these duties and each year undertakes new and on-going projects to improve the Mountain Lake urban forest; and

Whereas, the Tree Commission of the City of Mountain Lake has a limited budget with which to undertake these duties and projects; and

Whereas, Dr. Steven and Judy Harder, residents of the City of Mountain Lake, have chosen to support the work of the Tree Commission with a contribution of \$5,000.

Therefore, be it resolved that the Mountain Lake City Council does hereby thank Steven and Judy Harder for their generous contribution and accepts their gift of \$5,000 to support the ongoing work of the Tree Commission.

Adopted this 8th day of December, 2015.

Mike Nelson, Mayor

ATTEST:

Wendy Meyer, Administrator/Clerk

RE: Approval of 2016 Cigarette Licenses

DATE: 12-8-15

The following businesses have applied for cigarette licenses, completed the necessary documentation and paid the fee.

Cenex \$25

C-Store \$25

Maynard's \$25

Mt. Lake Municipal Utility Water and Sewer Rate Increases Effective January 1, 2016.

For usage after January 1, 2016. New rates will be first noticed on bills due March 5, 2016.

WATER	Old Residential Rate	New Residential Rate	Old Rural Rate	New Rural Rate	Old Commercial & Industrial Rate	New Commercial & Industrial Rate
Base	\$28.65	\$29.23	\$29.74	\$30.31	\$28.64	\$29.23
1000-6999 gallons	\$6.63/1000	\$6.77/1000	\$7.42/1000	\$7.58/1000	\$7.16/1000	\$7.31/1000
7000-12999 gallons	\$7.43/1000	\$7.58/1000	\$8.49/1000	\$8.66/1000	\$7.42/1000	\$7.58/1000
13000-25999 gallons	\$8.48/1000	\$8.66/1000	\$9.54/1000	\$9.74/1000		
26000+ gallons	\$9.55/1000	\$9.74/1000	\$10.61/1000	\$10.82/1000		

SEWER	Old Residential Rate	New Residential Rate	Old Rural Rate	New Rural Rate	Old Commercial & Industrial Rate	New Commercial & Industrial Rate
Base	\$39.02	\$39.80	\$41.62	\$42.45	\$0	\$0
0-3000 gallons water used	\$0	\$0	\$0	\$0	\$41.62	\$42.45
3001+ gallons water used	\$0	\$0	\$0	\$0	\$7.79/1000	\$7.95/1000

☞ A residential household using 4000 gallons of water per month will see a water bill increase of \$1.14 per month.

☞ The sewer increase for a residential household is 78 cents per month. Mt. Lake bills sewer at a flat rate; only commercial and industrial bills are based on usage.

Resolution #35-15
City of Mt. Lake Minnesota
Resolution Adopting 2016 Water and Sanitary Sewer Rates

WHEREAS, Mt. Lake City Code, Section 3.02 gives authority to the Mt. Lake City Council to set utility rates, including water and sanitary sewer; and

WHEREAS, water and sanitary sewer charges are intended to and are used to fund capital expenditures, the cost of operation and maintenance of the city's water and sanitary sewer systems; and

WHEREAS, the City Council determined that existing water and sanitary sewer infrastructure in some parts of the City was in poor condition and needed to be replaced; and

WHEREAS, the 2012 – 2014 Utility and Street Project was undertaken to replace infrastructure in the city; and

WHEREAS, the City retained Northland Strategies in the spring of 2012 to conduct an analysis and a supplemental analysis for both the sanitary sewer and water fund to further analyze project expenditures and costs for the 2012-2014 Project improvements; and

WHEREAS, the City reviewed the analysis and supplemental analysis, and agreed that a two (2) percent per year rate increase would be necessary to repay debt incurred to construct the 2012 – 2014 Project, to maintain and operate the improvements, and to maintain sufficient reserves; and

WHEREAS, the city's current sanitary sewer and water rates are as follows:

WATER

	Residential	Rural		Commercial /Industrial
Base	\$28.65	\$29.74		\$28.64
1,000 – 6,999 gallons	\$6.63/1000	\$7.42/1000	1,000 – 50,000 gallons	\$7.16/1000
7,000 – 12,999 gallons	\$7.43/1000	\$8.49/1000	51,000+gallons	\$7.42/1000
13,000 – 25,999 gallons	\$8.48/1000	\$9.54/1000		
26,000+ gallons	\$9.55/1000	\$10.61/1000		

SANITARY SEWER

	Residential	Rural	Commercial /Industrial
Base	\$39.02	\$41.62	\$0
0 – 3,000 gallons of water used	\$0	\$0	\$41.62
3,001 + gallons on water used	\$0	\$0	\$7.79/1000

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN LAKE, MINNESOTA, that the following water and sanitary sewer rates are hereby adopted effective January 1, 2016 for usage after January 1, 2016:

WATER

	Residential	Rural		Commercial /Industrial
Base	\$29.23	\$30.31		\$29.23
1,000 – 6,999 gallons	\$6.77/1000	\$7.58/1000	1,000 – 50,000 gallons	\$7.31/1000
7,000 – 12,999 gallons	\$7.58/1000	\$8.66/1000	51,000+gallons	\$7.58/1000
13,000 – 25,999 gallons	\$8.66/1000	\$9.74/1000		
26,000+ gallons	\$9.74/1000	\$10.82/1000		

SANITARY SEWER

	Residential	Rural	Commercial /Industrial
Base	\$39.80	\$42.45	\$0
0 – 3,000 gallons of water used	\$0	\$0	\$42.45
3,001 + gallons on water used	\$0	\$0	\$7.95/1000

Approved by the City Council on this 8th day of December, 2015.

Mike Nelson, Mayor

ATTEST: _____
Wendy Meyer, City Administrator

TO: City Council

RE: A Brief Electric Dept. Issues Update

1. Solar Project

CMPAS is looking at ways interested Mt. Lake residents/utility customers can participate in a solar energy project. The most likely method would be that Mt. Lake Municipal Utility (MLMU) builds the solar project with interested residents/customers buying a share of the project. These owners would then receive payment for electricity the project produces and is sold to MLMU.

2. NESHAP (National Emission Standards for Hazardous Air Pollutants)/ RICE (Reciprocal Internal Combustion Engines) Issues

In Jan. 2013 the Us Environmental Protection Agency (EPA) established NESHAP for RICE. MLMU's electricity generating engines do not meet NESHAP/RICE standards. If MLMU wanted to run the engines to provide electricity to residents/customers upgrades were needed. The standard was later revised and MLMU did not need to update if the engines ran less than 100 hours/year.

As the result of a federal court decision the 100 hour runtime rule was thrown out in May of 2015. MLMU now has until May 1, 2016 to upgrade the engines. After this date MLMU will not be able to use the engines to produce electricity. In addition MLMU will need to replace this ability to generate electricity by purchasing back-up capacity from another utility. This could be costly.

If MLMU upgrades all the engines in the power plant to meet RICE standards, there will be more capacity than Mt. Lake needs. MLMU can sell this excess capacity to utilities that are short capacity. It appears that the funds from excess capacity sales would over time pay for the engine upgrades and at some point make money.

At the Nov. 25th meeting Utilities Commission meeting Chad Hanson and Andy Ristau of CMPAS reviewed NESHAP/RICE and capacity purchase/sale of excess capacity options. As a first step to sell the MLMU's excess capacity a generation interconnection study must be done. The study should take around 18 months; there is an application fee. As part of this process a system impact study and a planning study, both with fees, will also eventually be needed. The Commission authorized the study and directed staff to get engine upgrade quotes.

As you may recall portions in the memo have been discussed at previous council meetings. The O/A wrote an article on the generator upgrades earlier this year.



INFORMATION MEMO

Public Hearings

Understand the purposes, requirements and procedures for holding public hearings when making city land use decisions.

RELEVANT LINKS:

Minn. Stat. § 462.357, subd.
3.
Minn. Stat. § 462.3595, subd.
2.

Minn. Stat. § 462.357, subd.
3.

I. Land use public hearings

Most city actions do not require a prior public hearing. A public hearing is only required if a specific law or charter provision mandates that a hearing be held. Public hearings are required before the adoption of any zoning ordinance or amendment, and before the granting of variances, conditional use permits, or rezonings.

II. Purpose

The fundamental purpose for holding a public hearing is to ensure due process – the protection of individual rights prior to governmental action. Due process encourages objective decision making by providing all persons who have an interest in the city's decision with the opportunity to be heard.

A. Notice

Notice must be given at least 10 days prior to the hearing, and notice must be mailed to property owners within a 350-foot radius of the land in question. Public hearings should include a complete disclosure of what is being proposed, and a fair and open assessment of the issues raised. A public hearing must include an opportunity for the general public and interested parties to hear and see all information and to ask questions, provide additional information, express support or opposition, or suggest modifications to the proposal.

B. Role of chairperson

The chairperson has the responsibility of conducting the public hearing. The chairperson should explain the procedure to be followed before the meeting begins. People should know when they will be allowed to participate and the rules of conduct. Order must also be established at the beginning of the hearing. The chairperson should explain that the hearing is a formal procedure, that everyone will be given an opportunity to participate, and that comments should be germane and concise. If many people share the same viewpoint, the chairperson should encourage the appointment of a spokesperson to avoid repetitive testimony.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

III. Hearing procedures

While most of the following discussion is applicable to all public hearings, it is necessary to check state law or your city's charter for specific procedural requirements for other types of decisions.

Many cities believe that a formal meeting procedure is inappropriate. Land use decisions, however, may be subject to judicial review; therefore, a formal hearing procedure should be followed. The following procedure is suggested to allow opportunities for everyone to participate.

A. Staff presentation

City staff should identify the subject property, describe the nature of the application, present the zoning and planning issues, and explain the action to be taken by the planning commission, board of appeals, or city council. The commission, board, or councilmembers should ask the staff questions to ensure that they fully understand the information presented. Applicants should also be given the opportunity to ask questions of staff, to provide additional information, or to clarify information presented by staff or included in the planning report. City staff should also entertain questions from the general public or other interested parties about the information presented.

B. Applicant's presentation

In this portion of the hearing, the applicant has the opportunity to present his or her case. This is the applicant's opportunity to present factual information to demonstrate the proposal's compliance with the city's comprehensive plan and zoning ordinance standards. The planning commission, board of appeals, or city council should ask the applicant whatever questions they have about the proposal. The public should also be allowed to ask questions of the applicant. No statement, however, either for or against the proposal should be accepted at this point.

C. Statements from the public

The chairperson should ask for statements from the public in support of the application. Even though large crowds against a proposal may be intimidating, the chairperson must ensure an opportunity for those who wish to speak in favor of the proposal. The chairperson should then seek statements from the public in opposition to the application. The chairperson should encourage people to present factual evidence for public consideration.

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RELEVANT LINKS:

LMC information memo,
*Taking the Mystery out of
Findings of Fact.*

Minn. Stat. § 15.99.

LMC information memo, *The
60-Day Rule: Minnesota's
Automatic Approval Statute.*

D. Conclude the hearing

After all evidence has been received and everyone has been given an opportunity to be heard, the public hearing should be concluded. The planning commission, board of appeals, or city council should then discuss the proposal. It should be remembered that for purposes of the open meeting law, a meeting is still being held and the discussions must be open to the public.

E. Action

The planning commission or board of appeals should make a recommendation to the city council on the application. If the hearing is before the council, the council should either deny or approve the application. The matter may also be continued for further consideration.

IV. Public record and findings of fact

The public record is being increasingly reviewed by the courts to determine whether the city's action involved a reasonable means to a legal end. The law provides that cities have considerable discretion in developing plans, setting standards, and deciding applications. The public record, as a whole, must demonstrate that the city acted reasonably in enforcing its plans, standards, and regulations. It does not matter that the city acted reasonably if it is unable to prove its actions through the public record.

In reviewing the public record, courts look primarily to a city council's findings of fact. A city council must apply the facts to the law and find reasons upon which to base its decision. The reasons or rationale are referred to as findings of fact and need to be an adequate factual basis in the public record to support the council's decision. Inadequate findings may result in a reversal of the council's decision.

V. 60-Day rule

Cities must remember that they have only 60 days to make most land use decisions including rezoning request, conditional use permits, and variances. The 60-day period begins to run when a written request is received by the city. Failure to act within 60 days results in automatic approval of the application. A city may extend the 60-day limit for an additional 60 days by giving the applicant written notice before the initial 60-day period is over. The written notice must indicate the reason for the extension and the length of the extension. Additionally, applicants may agree to waive the time limits. Any such waiver should be in writing.

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INFORMATION MEMO

Land Use Variances

Learn about variances as a way cities may allow an exception to part of their zoning ordinance. Review who may grant a variance and how to follow and document the required legal standard of "practical difficulties" (before 2011 called "undue hardship"). Links to a sample ordinance and forms for use with this law.

RELEVANT LINKS:

Minn. Stat. § 462.357, subd. 6.

Minn. Stat. § 462.357, subd. 6.

Minn. Stat. § 462.357, subd. 6.

I. What is a variance

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed "use variances" as opposed to "area variances" from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located.

II. Granting a variance

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council.

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan.

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This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

III. Legal standards

When considering a variance application a city exercises so-called “quasi-judicial” authority. This means that the city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising “legislative” authority and has much broader discretion.

A. Practical difficulties

“Practical difficulties” is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

1. Reasonableness

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

2. Uniqueness

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

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RELEVANT LINKS:

2011 Minn. Laws, ch. 19,
amending Minn. Stat. §
462.357, subd. 6.

*Krummenacher v. City of
Minnetonka*, 783 N.W.2d 721
(Minn. June 24, 2010).

Minn. Stat. § 462.357 subd.
6.
Minn. Stat. § 394.27, subd. 7.

See Section I, *What is a
variance*.

See IV-A, *Harmony with
other land use controls*.

3. Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

B. Undue hardship

“Undue hardship” was the name of the three-factor test prior to a May 2011 change of law. After a long and contentious session working to restore city variance authority, the final version of HF 52 supported by the League and allies was passed unanimously by the Legislature. On May 5, Gov. Dayton signed the new law. It was effective on May 6, the day following the governor’s approval. Presumably it applies to pending applications, as the general rule is that cities are to apply the law at the time of the decision, rather than at the time of application.

The 2011 law restores municipal variance authority in response to a Minnesota Supreme Court case, *Krummenacher v. City of Minnetonka*. It also provides consistent statutory language between city land use planning statutes and county variance authority, and clarifies that conditions may be imposed on granting of variances if those conditions are directly related to, and bear a rough proportionality to, the impact created by the variance.

In *Krummenacher*, the Minnesota Supreme Court narrowly interpreted the statutory definition of “undue hardship” and held that the “reasonable use” prong of the “undue hardship” test is not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance. The new law changes that factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling.

The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance authority that was already in the county statutes.

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RELEVANT LINKS:

LMC model ordinance.
LMC model variance application form.
LMC model resolution adopting findings of fact.

Minn. Stat. § 462.357, subd. 6.

See LMC information memo, *Taking the Mystery out of Findings of Fact.*

Minn. Stat. § 462.357, subd. 6.

C. City ordinances

Some cities may have ordinance provisions that codified the old statutory language, or that have their own set of standards. For those cities, the question may be whether you have to first amend your zoning code before processing variances under the new standard. A credible argument can be made that the statutory language pre-empts inconsistent local ordinance provisions. Under a pre-emption theory, cities could apply the new law immediately without necessarily amending their ordinance first. In any regard, it would be best practice for cities to revisit their ordinance provisions and consider adopting language that mirrors the new statute.

The samples linked at the left reflect the 2011 variance legislation. While they may contain provisions that could serve as models in drafting your own documents, your city attorney would need to review prior to council action to tailor to your city's needs. Your city may have different ordinance requirements that need to be accommodated.

IV. Other considerations

A. Harmony with other land use controls

The 2011 law also provides that: "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan." This is in addition to the three-factor practical difficulties test. So a city evaluating a variance application should make findings as to:

- Is the variance in *harmony with* the purposes and intent of the ordinance?
- Is the variance *consistent with the comprehensive plan*?
- Does the proposal put property to use in a *reasonable manner*?
- Are there *unique circumstances* to the property not created by the landowner?
- Will the variance, if granted, alter the *essential character* of the locality?

B. Economic factors

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exist only when the three statutory factors are met.

RELEVANT LINKS:

Minn. Stat. § 462.357, subd. 6.

C. Neighborhood opinion

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

D. Conditions

A city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the effect of excess height.

V. Variance procedural issues

A. Public hearings

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

B. Past practices

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

RELEVANT LINKS:

Minn. Stat. § 15.99.

Minn. Stat. § 15.99, subd. 2.

See LMC information memo,
*Taking the Mystery out of
Findings of Fact.*

Minn. Stat. § 15.99, subd. 2.

Jed Burkett
LMCIT Land Use Attorney
jburkett@lmc.org
651.281.1247

Tom Grundhoefer,
LMC General Counsel
tgrundho@lmc.org
651.281.1266

C. Time limit

A written request for a variance is subject to Minnesota’s 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval.

D. Documentation

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

VI. Variances once granted

A variance once issued is a property right that “runs with the land” so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

VII. Further assistance

If you have questions about how your city should approach variances under this statute, you should discuss it with your city attorney. You may also contact League staff.

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CITY OF MOUNTAIN LAKE
VARIANCE APPLICATION

pd 100

A. Applicant's Name:

Floyd Green

Telephone

Home: 427-2270

Work/Cell: 227-0522

B. Address (Street, City State, ZIP):

31713 Co Rd. #1

C. Property Owner's Name (If different from above): Telephone:

Home: _____

Work/Cell: _____

D. Location of Project:

409 7th St. No.

E. Legal Description: PIN-22.413.0590

Lot 7, Block 3, Janzen's Subd. #2

F. Description of Proposed Project:

add 8' x 7.5' deck/steps

G. Specify the section of the ordinance from which a variance is sought:

Section 9.11 Subd. D #5

H. Explain how you wish to vary from the applicable provision of the ordinance:

extend deck/steps into the setback

I. Please attach a site plan or accurate survey.

I. Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes No () Why or why not?

allows owner to improve update house without creating significant change to neighborhood

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes No () Why or why not?

yes - see Housing element goal they

3. In your opinion, does the proposal put property to use in a reasonable manner?

Yes No () Why or why not?

deck is common in Residential District

4. In your opinion, are there circumstances unique to the property?

Yes No () Why or why not?

different setbacks when house was built

5. In your opinion, will the variance maintain the essential character of the locality?

Yes No () Why or why not?

decks are common on houses - front steps & small deck will not substantially alter the appearance of house or neighborhood

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The application for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with the application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant's Signature:

Date:

Floyd M Green

11-5-15

Fee Owner's Signature:

Date:

Mt. Lake City Code, Section 9.11 Residential (R) District

Subdivision 5. Single-Family Residence; Lot Area, Lot Width, and Yard Requirements.

- Lot Area: 7,500 square feet.
- Lot Width: 75 feet.
- Front Yard: 25 feet from the public right of way or lot line; except, where twenty-five percent (25%) or more of the lots in a block are built upon, in which no building shall be erected that is set back from the front lot line, less than a distance which shall be the average of the setbacks observed by the adjoining houses to either side.
- Side Yard: Ten percent (10%) of the lot width not to exceed ten (10) feet.
- Rear Yard: Ten (10) feet from the public right-of-way or lot line.

Subdivision 6. Two-Family and Multiple-Family Residences; Lot Area, Lot Width, and Yard Requirements.

- Lot Area: 12,500 square feet for a two-family dwelling plus 1,500 square feet for each additional dwelling unit.
- Lot Width: 125 feet.
- Front Yard: 25 feet; except where twenty-five percent (25%) or more of the lots in a block are built upon, in which no building shall be erected that is set back from the front lot line, less than a distance which shall be the average of the setbacks observed by adjoining houses to either side.
- Side Yard: Ten percent (10%) of the lot width not to exceed ten (10) feet.
- Rear Yard: Ten (10) feet from the public right-of-way or lot line.

Subdivision 7. Maximum Ground Coverage.

The total area of all impervious surfaces shall not exceed thirty-five percent (35%) of the lot area.

Subdivision 8. Height Requirements.

Two and one-half (2-1/2) stories or thirty (30) feet, maximum height.

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RE: Green Variance

The 7th St. N. right-of-way in front of the property is 70 ft.
It is 35 ft. from the center of the street to the edge of the right-of-way.

Mt. Lake Code Section 9.11 Subd. 5 requires a 25 ft. setback from the right-of-way.
25 ft. + 35 ft. = 60 ft. from the center of the street.
The house is 57 ft. from the center of the street and thus does not meet code requirements.

The deck/steps do not meet setback requirements.

Section 9.11 Subd. 5 also allows the setback to be reduced if "*except where twenty-five percent 25% or more of the lots in a block are built upon, in which no building shall be erected that is setback from the front lot line, less than a distance which shall be the average of the setbacks observed by the adjoining houses to either side*".

The platform of deck/steps will less than 4' above the ground. There will be railings but no solid enclosures.

The house is the one of six houses on the west side of the block. There is also an empty lot and field driveway on the west side of the block.

The houses across the street to the east have setbacks ranging from approximately 52' to 55'.

The mid-block location of the house and the open construction of the deck/step will not block drivers's views. There is no safety concern.

The requested variance is consistent with the comprehensive plan because #5 Housing Element, #4 of the city's Comprehensive Plan, calls for the creation of a high quality environment in all residential neighborhoods. The construction of a deck will improve the property, and have an effect on the value and appearance of the home and the homes in the surrounding neighborhood.

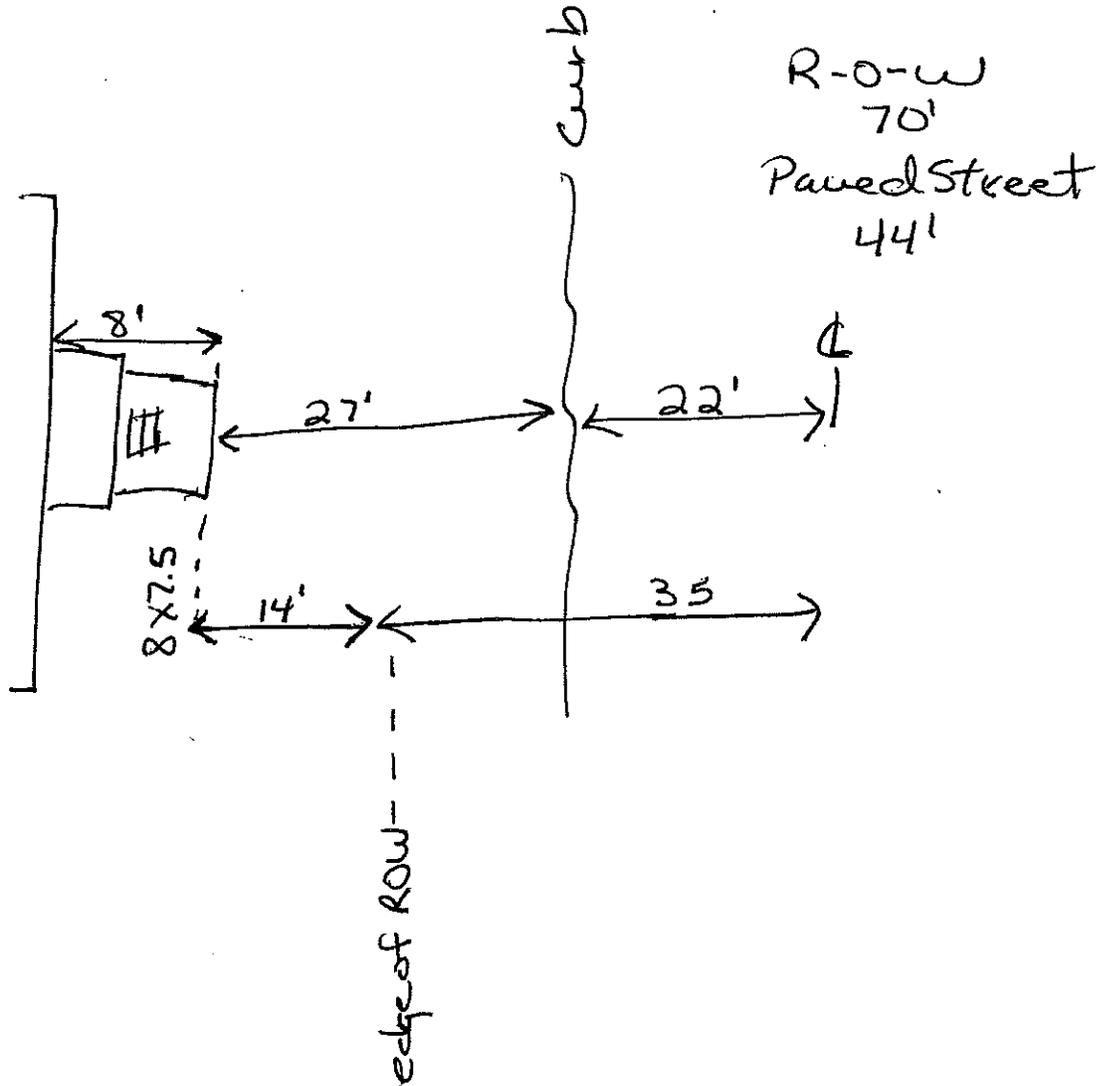
Decks are a reasonable and common use in the residential area.

At the time the house was constructed front yard setback requirements were smaller.
The property owner has not created the problem that the variance is intended to address.

The side yard setbacks for this property are 7 ft., The distance from the property line on the north side of the building is 10 ft; on the south it is approximately 5 ft.

409 7th St.

Street ROW
70'



not to scale

**CITY OF MOUNTAIN LAKE
COTTONWOOD COUNTY, MINNESOTA
RESOLUTION NO. 37-15**

**RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR APPROVAL
OF THE VARIANCE APPLICATION OF FLOYD AND CORINNE GREEN AT
409 7th STREET NORTH**

FACTS

1. Floyd and Corinne Green are the owners of a parcel of land located at 409 7th Street North, Mountain Lake, Minnesota; and,
2. The subject property is legally described as Lot 7, Block 3, Janzen's Subdivision #2, PIN 22.413.0590 and,
3. Floyd and Corrine Green have applied to the City for a variance to build a deck with railings and steps not to exceed 8' by 8'; and
4. The proposal would vary from front yard setbacks as found in Mt. Lake City Code Section 9.11 Subd. 5 in that the deck and steps would extend into the front yard setback.
5. Following a review of the application, the Mountain Lake Planning and Zoning Commission has recommended approval of the variance on November 23, 2015.
6. The City Council of the City of Mountain Lake held a public hearing for the requested variance at its meeting of December 8, 2015.

APPLICABLE LAW

7. Minnesota Statute Section 462.357, Subd. 6 provides:
 - a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
 - b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

CONCLUSIONS OF LAW

- 8. The requested variance is in harmony with the purposes and intent of the ordinance for the following reasons. There is an adequate distance from the right-of-way to the deck to insure visibility and safety for vehicles and pedestrians using public roadways. The use, a deck and steps, is a permitted use in the residential district. The house when constructed met setback requirements in place at that time. None of the houses on this section of 7th St. N. meet current setback requirements. Houses did not include decks at the time this house was built. Granting the variance allows the owner to update the house to current expectations.

- 9. The requested variance is consistent with the comprehensive plan for the following reasons. #5 Housing Element, #4 of the city's Comprehensive Plan, calls for the creation of a high quality environment in all residential neighborhoods. The construction of a deck will improve the property, and have a positive effect on the value and appearance of the home and the homes in the surrounding neighborhood.

- 10. The property owner does propose to use the property in a reasonable manner because decks are commonly constructed in the residential area. The deck floor will not be higher than the entrance floor of the house.

- 11. There are unique circumstances to the property not created by the landowner as the city code at time of the construction of the house required a lesser setback.

- 12. The variance will maintain the essential character of the locality for the following reasons. Decks are a reasonable and common structure to have attached to a house. While back yard decks are more common there are other properties in the city with small front yard decks with steps.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain Lake, Minnesota, that the application to issue a variance to allow Floyd and Corinne Green to build a deck and steps not to exceed 8' by 8' causing a deviation from front yard setbacks as found in Section 9.11 Subd. 5 is hereby approved.

Adopted by the City Council of Mountain Lake on this 8th day of December 2015.

Approved:

Mayor

Attested:

City Clerk

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Southwest Regional Development Commission

Cottonwood • Jackson • Lincoln • Lyon • Murray • Nobles • Pipestone • Redwood • Rock

November 13, 2015

MEMO TO: Cottonwood County Mayors

MEMO FM: Jayme Trusty, SRDC Executive Director

MEMO RE: Nominee to Represent Cottonwood County
Municipalities on SRDC

Please be advised that the Southwest Regional Development Commission is seeking nominations to fill the Cottonwood County Municipalities representative vacancy on our Commission. The one requirement is the nominee(s) must be an elected municipal official from within Cottonwood County, Minnesota.

One of the goals of the SRDC and its staff is to be responsive to our members needs and concerns. To accomplish this goal we need representation from and participation by the cities in Cottonwood County. Some general background information on being an SRDC member is enclosed.

Please discuss this with your City Council at your next City Council meeting and then submit your nominee's name on the enclosed form **(return to SRDC Office by December 10, 2015)**. After we have received all of the nominees, we will send out ballots so that you can vote on your representative. The nominee with the highest number of votes becomes the new Cottonwood County Municipalities representative on the Commission.

Thank you and, if you have any questions, please contact Rhonda Wynia at the SRDC Office (507/836-1644).

JT/rw

Attachment

cc: City Clerks

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SOUTHWEST REGIONAL DEVELOPMENT COMMISSION

The Southwest Regional Development Commission (SRDC) is a nine county development agency providing services to local units of government. Its membership is comprised of representatives of townships, cities, counties, school boards, and public interest groups. Geographically, we represent the counties of Cottonwood, Jackson, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, and Rock.

A Joint Meeting of the SRDC Board of Directors and the Full Commission (35 members) meets on the second Thursday of every other month at 3:30 p.m. During the winter months (January-March-November) the meetings are held at the SRDC Office in Slayton. During the months of May-July-September, the meetings are rotated throughout the nine county region. All Commissioners are paid a \$50.00 per diem, mileage (IRS mileage reimbursement rate), and meal cost (if applicable) for this attendance.

The Board of Directors (13 members) meets on the second Thursday of the months when there is not a Joint Meeting of the SRDC Board of Directors / Full Commission (February, April, June, August, October, and December). These Board of Directors meetings are held at 3:30 p.m. at the SRDC Office in Slayton. Per Diem (\$50) and mileage is provided for these meetings also.

Also, Commissioners are appointed to serve on one of our Standing Committees. Our Committees reflect the diverse nature of our Commission's Work Program. They include: Aging, Budget & Personnel, Community Economic Development Strategy (CEDS), Legislative, Revolving Loan Fund, and Transportation. These Committees generally meet on a quarterly basis and a mileage reimbursement and \$50.00 per diem is provided for this activity as well.

(continued)

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All of these areas to one degree or another effect elementary, secondary, and post secondary educational activities within the Region. The voice of an interested active district representative is considered a valuable asset to the Commission. In addition to the service duties of the Commission, the individual qualified and elected is expected to communicate issues of concern or interest to the area's districts.

If you have any questions in relation to this correspondence please contact the Southwest Regional Development Commission at 507/836-1644.

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Mission Statement

“Providing professional expertise and leadership to enhance regional opportunities”

Statutory Purpose

To “work with and on behalf of local units of government to develop plans or implement programs to address economic, social, physical and governmental concerns”

SOUTHWEST REGIONAL DEVELOPMENT COMMISSION
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