

**Regular Council Meeting
Mountain Lake City Hall
Monday, April 3, 2017
6:30 p.m.**

AGENDA

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

2. Approval of Agenda and Consent Agenda
 - a. Bills: Check #'s 9919803 - 9919848; 481E*(1-5)
 - b. Approval of Payroll Checks #'s 63089 - 63102
 - c. Approval of March 20 Council Minutes*(6-8)
 - d. Approval of June 27, 2016 Planning and Zoning Commission Minutes*(910)
 - e. Approval of Feb. 23 Utility Commission Minutes*(11-12)
 - f. Approval of Jan. 23 and Feb. 22 Active Living Committee Minutes*(13-17)

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

4. 2017 Sanitary Sewer and Water Main Replacement, Co. Rd. #1 Project Award, Andy Kehren, Bolton and Menk*(18-22)

5. Tree and Lake Commission Projects, David Bucklin
 - a. Lake Commission Projects*(23-33)
 - b. Tree Removals*(34-35)
 - c. U. S. Fish and Wildlife Service Habitat Restoration Grant*(36-41)

6. General Obligation Bonds, Series 2017B
 - a. McKinstry Contract *(42)– separate packet
 - b. Resolution #8-17*(43-44)

7. Ordinance Revision
 - a. Sunday Off-Sale – available at meeting
 - b. Fire*(45-48)
 - c. Utility*(49-54)

8. Administrator
 - a. Section 9.56*(55-56)

9. Adjourn

Upcoming Meetings:

Mediation with American Federation of State, County and Municipal Employees (AFSCME 65) – Mon. April 17, 10AM, City Hall

Local Board of Appeal and Equalization - Thurs. May 4, 5:30 – 6PM, City Hall

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9919803 - void
 9919804 - 9919848
 481 E

March 2017 to April 2017

	Check Amt	Invoice	Comment
10100 United Prairie			
Paid Chk# 9919804 3/16/2017 CASEYS-CREDIT CARD DEPARTMENT			
E 101-45200-212 Motor Fuels	\$91.85	2/23	#4 GAS-PARKS
E 101-43100-212 Motor Fuels	\$12.20	2/24	ST DEPT GAS
total CASEYS-CREDIT CARD DEPARTMENT	\$104.05		
Paid Chk# 9919805 3/17/2017 COTTONWOOD COUNTY AUD/TREAS			
E 460-46300-434 Project Expense	\$1.65		DEED TAX FOR PARCEL DEEDED FROM MIDWAY TOWNSHIP-PANKRATZ SUBDIVISION
Total COTTONWOOD COUNTY AUD/TREAS	\$1.65		
Paid Chk# 9919806 3/17/2017 COTTONWOOD COUNTY RECORDER			
E 460-46300-434 Project Expense	\$46.00		RECORD DEED FOR PROPERTY FROM MIDWAY TOWNSHIP IN PANKRATZ SUBDIVISION
Total COTTONWOOD COUNTY RECORDER	\$46.00		
Paid Chk# 9919807 3/17/2017 ST JAMES ELECTRIC			
E 101-45186-401 Repairs/Maint Buildings	\$264.04	260842	REPLACE BALLASTS AT COMMUNITY BLDG
Total ST JAMES ELECTRIC	\$264.04		
Paid Chk# 9919808 3/17/2017 MIDWAY AUTO BODY & GLASS			
E 101-42100-406 Vehicle Maint/Gen Repairs	\$14,308.79	2798	REPAIR 2016 FORD EXPLORER-PD
Total MIDWAY AUTO BODY & GLASS	\$14,308.79		
Paid Chk# 9919809 3/17/2017 VERIZON			
E 101-42100-321 Telephone	\$9.04		POLICE CELL PHONE
E 231-42154-321 Telephone	\$9.31		AMB CELL PHONE
E 101-42100-321 Telephone	\$35.01		PD TABLET #1
E 101-42100-321 Telephone	\$35.01		PD TABLET #2
E 231-42154-321 Telephone	\$35.01		AMB JET PACK
Total VERIZON	\$123.38		
Paid Chk# 9919810 3/16/2017 MIDWAY AUTO BODY & GLASS			
E 101-42100-406 Vehicle Maint/Gen Repairs	\$431.00	2807	SEAT REPAIR IN EXPLORER
Total MIDWAY AUTO BODY & GLASS	\$431.00		
Paid Chk# 9919811 3/30/2017 AFLAC			
G 101-21713 AFLAC	\$186.96		
Total AFLAC	\$186.96		
Paid Chk# 9919812 3/30/2017 BCBS/HSA			
G 101-21714 HSA	\$843.85		
Total BCBS/HSA	\$843.85		
Paid Chk# 9919813 3/30/2017 COMMISSIONER OF REVENUE			
G 101-21702 State Withholding	\$757.16		
Total COMMISSIONER OF REVENUE	\$757.16		
Paid Chk# 9919814 3/30/2017 GISLASON & HUNTER			
G 101-21712 Garnishments	\$362.72		
Total GISLASON & HUNTER	\$362.72		
Paid Chk# 9919815 3/30/2017 INTERNAL REVENUE SERVICE			
G 101-21701 Federal Withholding	\$1,741.28		
G 101-21703 FICA Tax Withholding	\$2,289.52		
Total INTERNAL REVENUE SERVICE	\$4,030.80		

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March 2017 to April 2017

			Check Amt	Invoice	Comment
Paid Chk#	9919816	3/30/2017	PERA		
	G 101-21704	PERA	\$4,122.25		
		Total PERA	\$4,122.25		
Paid Chk#	9919817	3/30/2017	VALIC		
	G 101-21705	VALIC	\$388.00		
		Total VALIC	\$388.00		
Paid Chk#	9919818	3/28/2017	OFFICE OF ADMIN HEARINGS		
	E 460-46300-434	Project Expense	\$350.44		ANNEXATION PANKRATZ PROPERTY
		Total OFFICE OF ADMIN HEARINGS	\$350.44		
Paid Chk#	9919819	4/1/2017	SOUTH CENTRAL COLLEGE		
	E 221-42200-308	Training & Instruction	\$240.00	88420	FIRE SCHOOL-J.KRUSER,S.HARDY
		Total SOUTH CENTRAL COLLEGE	\$240.00		
Paid Chk#	9919820	4/1/2017	MUNICIPAL UTILITIES		
	E 101-43160-381	Electric Utilities	\$3,240.33		FEBRUARY STREET LIGHTING
		Total MUNICIPAL UTILITIES	\$3,240.33		
Paid Chk#	9919821	4/1/2017	FRONTIER		
	E 101-41400-321	Telephone	\$230.77		CITY-5YR ASSURANCE PROGRAM-KEEPS SOFTWARE UP TO DATE ON PHONE SYSTEM
	E 205-46500-321	Telephone	\$230.77		EDA-5YR ASSURANCE PROGRAM-KEEPS SOFTWARE UP TO DATE ON PHONE SYSTEM
	E 101-42100-321	Telephone	\$230.77		PD-5YR ASSURANCE PROGRAM-KEEPS SOFTWARE UP TO DATE ON PHONE SYSTEM
	E 101-00000-430	Miscellaneous	\$230.77		UT-5YR ASSURANCE PROGRAM-KEEPS SOFTWARE UP TO DATE ON PHONE SYSTEM
		Total FRONTIER	\$923.08		
Paid Chk#	9919822	4/1/2017	FRONTIER		
	E 211-45500-321	Telephone	\$63.89		LIBRARY PHONE
		Total FRONTIER	\$63.89		
Paid Chk#	9919823	4/1/2017	ADVANCED GRAPHIX INC.		
	E 101-42100-406	Vehicle Maint/Gen Repairs	\$283.00	196146	GRAPHIX FOR EXPLORER
		Total ADVANCED GRAPHIX INC.	\$283.00		
Paid Chk#	9919824	4/1/2017	ALPHA WIRELESS COMMUNICATIONS		
	E 231-42154-404	Repairs/Maint Machinery/Equip	\$192.00	202559	AMB-PAGER#213 REPAIR
	E 221-42200-404	Repairs/Maint Machinery/Equip	\$172.00	202619	FD-PAGER#192 REPAIR
		otal ALPHA WIRELESS COMMUNICATIONS	\$364.00		
Paid Chk#	9919825	4/1/2017	AMAZON		
	E 211-45500-590	Capital Outlay Books	\$179.76		LIBRARY BOOKS
	E 211-45500-592	A.V. Materials	\$152.23		LIBRARY AV
		Total AMAZON	\$331.99		
Paid Chk#	9919826	4/1/2017	BANYON DATA SYSTEMS		
	E 101-41400-414	Banyon Computer Contract	\$795.00	00155593	PAYROLL & FUND ACCOUNTING SUPPORT
		Total BANYON DATA SYSTEMS	\$795.00		
Paid Chk#	9919827	4/1/2017	BCA		
	E 101-42100-308	Training & Instruction	\$25.00	REF#38319	TRAINING-WILL POHLMAN
		Total BCA	\$25.00		

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March 2017 to April 2017

			Check Amt	Invoice	Comment
Paid Chk# 9919828	4/1/2017	CARDMEMBER SERVICE			
E 101-00000-430	Miscellaneous		\$19.98		COMPUTER CRASH PLAN
	Total	CARDMEMBER SERVICE	\$19.98		
Paid Chk# 9919829	4/1/2017	DENNIS HULZEBOS			
E 101-45186-400	Janitor-Repairs/Maint		\$250.00		APRIL MAINT AT SR CTR
E 211-45500-400	Janitor-Repairs/Maint		\$345.00		APRIL MAINT AT LIBRARY
	Total	DENNIS HULZEBOS	\$595.00		
Paid Chk# 9919830	4/1/2017	FRONTIER			
E 101-41400-321	Telephone		\$164.70		CITY HALL PHONE-427-2999
E 101-42100-321	Telephone		\$207.96		POLICE DEPT PHONE-427-3403
E 101-43100-321	Telephone		\$70.67		STREET DEPT PHONE-427-2997
E 101-45186-321	Telephone		\$67.87		SR CTR PHONE-427-2151
E 205-46500-321	Telephone		\$37.50		EDA PORTION OF DSL & 427-2999
E 101-00000-430	Miscellaneous		\$86.71		UT-PHONE
	Total	FRONTIER	\$635.41		
Paid Chk# 9919831	4/1/2017	GREATAMERICA FINANCIAL SVCS			
E 101-00000-430	Miscellaneous		\$8.43	20349998	CHAMBER-MONTHLY COLOR COPY MACHINE LEASE
E 101-41400-200	Office Supplies		\$26.35	20349998	OFFICE-MONTHLY COLOR COPY MACHINE LEASE
E 101-42100-200	Office Supplies		\$8.78	20349998	PD-MONTHLY COLOR COPY MACHINE LEASE
E 101-00000-430	Miscellaneous		\$91.31	20349998	UT-MONTHLY COLOR COPY MACHINE LEASE
E 205-46500-200	Office Supplies		\$5.62	20349998	EDA-MONTHLY COLOR COPY MACHINE LEASE
	Total	GREATAMERICA FINANCIAL SVCS	\$140.49		
Paid Chk# 9919832	4/1/2017	INDOFF INCORPORATED			
E 221-42200-430	Miscellaneous		\$1.49	2920234	FD-BOX OF PAPER CLIPS
E 101-41400-200	Office Supplies		\$368.72	2923305	1500 WINDOW ENVELOPES
E 101-41400-200	Office Supplies		\$18.46	2923306	LEDGER SHEETS-AMB,CALCULATOR PAPER
E 101-42100-200	Office Supplies		\$9.39	2926094	SHARPIE MARKERS
E 101-41400-200	Office Supplies		\$22.96	2929317	RED PENS
	Total	INDOFF INCORPORATED	\$421.02		
Paid Chk# 9919833	4/1/2017	JACOB VITZTHUM			
E 101-42100-205	Uniforms		\$42.45	3/2/17	UNIFORM ALLOWANCE REIMBURSEMENT
	Total	JACOB VITZTHUM	\$42.45		
Paid Chk# 9919834	4/1/2017	JOHN YSKER			
E 101-43240-111	Contract		\$250.00		APRIL DUMP SALARY
	Total	JOHN YSKER	\$250.00		
Paid Chk# 9919835	4/1/2017	LAND TITLE AND ABSTRACT CO			
E 460-46300-434	Project Expense		\$201.00	16164	LAND RECORD RESEARCH-PANKRATZ PROP
	Total	LAND TITLE AND ABSTRACT CO	\$201.00		
Paid Chk# 9919836	4/1/2017	LEAGUE OF MN CITIES-FINANCE			
E 101-41400-308	Training & Instruction		\$20.00	254303	WORKSHOP-WENDY
	Total	LEAGUE OF MN CITIES-FINANCE	\$20.00		
Paid Chk# 9919837	4/1/2017	MACQUEEN EQUIPMENT			
E 101-43100-404	Repairs/Maint Machinery/Equip		\$1,169.54	P04853	BROOMS
	Total	MACQUEEN EQUIPMENT	\$1,169.54		
Paid Chk# 9919838	4/1/2017	MATHIOWETZ CONSTRUCTION CO.			
E 101-43121-225	Seal Coat/Crack Filling		\$8,500.00	10428	WASTE DISPOSAL-SEAL COAT

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March 2017 to April 2017

		Check Amt	Invoice	Comment
Total MATHIOWETZ CONSTRUCTION CO.		\$8,500.00		
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Paid Chk#	9919839	4/1/2017	MINNESOTA ENERGY RESOURCE CORP	
E 101-41400-383	Gas Utilities	\$213.97		CITY HALL GAS-ACCT#4346780-2
E 221-42200-383	Gas Utilities	\$211.74		FIRE DEPT PORTION OF FIREHALL GAS-ACCT#4296165-6
E 231-42154-383	Gas Utilities	\$104.29		AMB PORTION OF FIREHALL GAS-ACCT#4296165-6
E 101-43100-383	Gas Utilities	\$399.58		STREET GARAGE GAS-ACCT#4092120-7
E 211-45500-383	Gas Utilities	\$163.61		LIBRARY GAS-ACCT#4134278-3
E 101-45186-383	Gas Utilities	\$130.42		SR CTR GAS-ACCT#4010846-6
al MINNESOTA ENERGY RESOURCE CORP		\$1,223.61		
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Paid Chk#	9919840	4/1/2017	MINNESOTA MUTUAL LIFE	
E 101-42100-135	Employer Paid Other	\$1.70		APRIL BRIAN LUNZ LIFE INSURANCE
E 101-42100-134	Employer Paid Life	\$6.80		APRIL LIFE INS-POLICE DEPT
E 101-41400-134	Employer Paid Life	\$1.70		APRIL WENDY FAST-LAKER APTS-LIFE INS
E 211-45500-134	Employer Paid Life	\$1.70		APRIL LIFE INS-LIBRARY
E 101-43100-134	Employer Paid Life	\$3.06		APRIL LIFE INS-ST DEPT
E 101-41400-134	Employer Paid Life	\$3.40		APRIL LIFE INS-OFFICE
E 101-45200-134	Employer Paid Life	\$1.02		APRIL LIFE INS-PARKS DEPT
E 101-46200-134	Employer Paid Life	\$1.02		APRIL LIFE INS-CEMETERY
E 205-46500-134	Employer Paid Life	\$1.70		APRIL LIFE INS-EDA ROB ANDERSON
G 101-21706	Hospitalization/Medical Ins	\$25.30		APRIL LIFE INS-ROBB ANDERSON
G 101-21706	Hospitalization/Medical Ins	\$10.90		APRIL LIFE INS-DARON FRIESEN
G 101-21706	Hospitalization/Medical Ins	\$12.00		APRIL LIFE INS-STEVE PETERS
Total MINNESOTA MUTUAL LIFE		\$70.30		
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Paid Chk#	9919841	4/1/2017	MUNICIPAL UTILITIES	
E 101-45200-380	Elec,Water,Sewer	\$16.89		LAWCON PARK
E 101-41400-380	Elec,Water,Sewer	\$289.66		CITY HALL UT
E 101-45200-380	Elec,Water,Sewer	\$123.05		CITY PARK RESTROOMS UT
E 101-45186-380	Elec,Water,Sewer	\$254.23		SR CTR UT
E 101-43100-380	Elec,Water,Sewer	\$211.38		ST DEPT UT
E 221-42200-380	Elec,Water,Sewer	\$122.85		FIRE DEPT PORTION OF FIREHALL UT
E 231-42154-380	Elec,Water,Sewer	\$60.51		AMB PORTION OF FIREHALL UT
E 211-45500-380	Elec,Water,Sewer	\$344.26		LIBRARY UT
E 607-46330-380	Elec,Water,Sewer	\$6.38		4-PLEX PORTION OF ST LITE ON HERITAGE DRIVE
E 608-46330-380	Elec,Water,Sewer	\$12.39		8-PLEX PORTION OF ST LITE ON HERITAGE DRIVE
E 101-45200-380	Elec,Water,Sewer	\$36.46		UT AT CITY PARK SHELTERHOUSE
E 101-45171-380	Elec,Water,Sewer	\$29.81		WATER AT SKATING RINK
Total MUNICIPAL UTILITIES		\$1,507.87		
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Paid Chk#	9919842	4/1/2017	MUSKE, MUSKE, SURHOFF	
E 101-41400-304	Legal Fees	\$1,400.00		APRIL LEGAL RETAINER
Total MUSKE, MUSKE, SURHOFF		\$1,400.00		
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Paid Chk#	9919843	4/1/2017	PRAXAIR	
E 231-42154-210	Operating Supplies	\$77.38	76647491	OXYGEN FOR AMBULANCE
E 231-42154-210	Operating Supplies	\$122.98	76706513	OXYGEN FOR AMBULANCE
Total PRAXAIR		\$200.36		
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Paid Chk#	9919844	4/1/2017	SARAH MOREY	
E 211-45500-590	Capital Outlay Books	\$38.97		LIBRARY BOOKS
Total SARAH MOREY		\$38.97		
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Paid Chk#	9919845	4/1/2017	SOUTH CENTRAL COLLEGE	

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March 2017 to April 2017

			Check Amt	Invoice	Comment
E 231-42154-308	Training & Instruction		\$786.56	00152811	J.SUMNER,C.WITT-EMT REFRESHER
E 101-42100-308	Training & Instruction		\$178.94	00152811	E.MATHIOWETZ-1ST RESPONDER REFRESHER
Total SOUTH CENTRAL COLLEGE			\$965.50		
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Paid Chk# 9919846	4/1/2017	TASER			
E 101-42100-308	Training & Instruction		\$274.32	S1474323	PD-TASER CARTRIDGES
Total TASER			\$274.32		
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Paid Chk# 9919847	4/1/2017	THE MAGNOLIA JOURNAL			
E 211-45500-591	Periodicals		\$20.00		LIBRARY-2 YR PERIODICALS
Total THE MAGNOLIA JOURNAL			\$20.00		
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Paid Chk# 9919848	4/1/2017	USDA-RURAL DEVELOPMENT			
E 211-45500-430	Miscellaneous		\$40.00		UCC FILING-LIBRARY LOAN # 97-06
Total USDA-RURAL DEVELOPMENT			\$40.00		
10100 United Prairie			\$50,323.20		

Fund Summary

10100 United Prairie	
101 GENERAL FUND	\$45,944.21
205 ECONOMIC DEVELOPMENT AUTHORITY	\$275.59
211 LIBRARY FUND	\$1,349.42
221 FIRE DEPT FUND	\$748.08
231 AMBULANCE FUND	\$1,388.04
460 PANKRATZ INDUSTRIAL PARK	\$599.09
607 EDA----4 PLEX FUND	\$6.38
608 EDA----8 PLEX FUND	\$12.39
	\$50,323.20

Paid Chk# 000481E	3/23/2017	SELECT ACCOUNT			
G 101-21710	Employee Flex Plan		\$110.10		EMPLOYEE FLEX PLAN
Total SELECT ACCOUNT			\$110.10		

DRAFT
Regular Council Meeting
Mountain Lake City Hall
Monday, March 20, 2017
6:30 p.m.

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

Members Absent: None

Staff Present: Wendy Meyer, Clerk/Administrator; Maryellen Suhrhoff, City Attorney, Muske, Muske, and Suhrhoff

Others Present: Tammy Omdal, Northland Securities; Tim Coners, Mt. Lake Fire Chief

Call to Order

The meeting was called to order by Mayor Mike Nelson at 6:30 P.M. Motion by Kass, seconded by Kruser, to adopt the agenda as presented and approve the consent agenda as presented.

Motion carried unanimously.

Bills: Check #'s 9919748 - 9919802; 479-480E

Payroll Checks #'s 63060 - 63088

March 6 Council Minutes

Jan. 24 Police Commission Minutes

Feb. 13 Lake Commission Minutes

Feb. 10 and Feb. 14 EDA Minutes

Feb. 8 Library Board Minutes, Feb. Library Report and Expenditures

FYI – Legal Fees

Public

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

Fire Department Service Call

Additional information on the matter brought forward by a resident at the March 6 council meeting was discussed. Tim Coners shared information on fire department billing policy and his and the department's experience with carbon monoxide calls. By consensus it was agreed that the bill will not be withdrawn and the city should undertake an education campaign notifying residents that there is a \$1000 fee for all fire department calls and coverage for this expense can be included on insurance policies for a small fee. The collection of unpaid fire call bills was discussed. The current fire call ordinance will be reviewed at the April 3 council meeting.

DRAFT

2017B, General Obligation Bonds, Sub-division Infrastructure

Tammy Omdal, Northland Securities Inc. discussed the financial plan for the project bonds with the council. Bond proceeds will be used to pay the costs to make the subdivision 'shovel ready' - water, sewer, electricity, curb, gutter, and streets. As a part of the project a MN Energy Resources Co. gas line and a Mt. Lake Municipal Utilities high voltage line that cross the property will need to be moved. The effect on property taxes in a worst case scenario (no lots are sold for the 25 year life of the bonds) was reviewed. The need for the city to have 'shovel ready' property for commercial/industrial development, and the efforts the Economic Development Authority is making to attract businesses to the subdivision were discussed. The bonds will also fund the upgrading of street lighting to LED's. Resolution #7-17 gives the mayor and clerk/administrator the power to approve the sale of bonds and sign a bond purchase agreement not to exceed \$3M and 4.25 percent interest. The expected size is \$2,625,000 with interest rate of 3.5%. Motion by Savage, seconded by Ysker, to adopt Resolution #7-17. Voting Aye: Kruser, Nelson, Savage, and Ysker. Voting Nay: Kass. Motion carried.

1112, Fourth Avenue, West Alley of Block 15, Original Townsite, Mt. Lake Public School/Palmer Bus Garage

A complaint about the 525 gallon diesel fuel barrel near the west alley of Block 15 at 1112 Fourth Avenue was referred to the State Fire Marshal and has resulted in a compliance order. The pros and cons of options to comply were discussed with the council. By consensus the city recommended that the school district and bus company seek a variance from the State Fire Marshal and that the city not take any action until the outcome of the request is known.

Revision of State Off-Sale Law

Beginning July 1 off-sale liquor can be sold on Sundays. The city's liquor ordinance needs to be updated. The sale hours set by the new state law are 11AM to 6PM; by ordinance cities can set more restrictive hours. Setting different hours locally was discussed; no action taken.

Lake Commission Projects

Quotes for four Lake Commission projects (Lawcon Park wet area tile; culvert on trail, north side of the lake; plunge pool outlet wall; and plunge pool channel stabilization) were presented. The determination of the low bid was discussed. The city attorney will review the matter. The projects will be awarded at a future meeting.

Tree Removals

The quotes from three companies were reviewed. A question was raised on the inclusion of one tree to be paid for the city funds. The administrator will contact David Bucklin, Cottonwood Soil and Water District for an explanation. No action taken.

DRAFT

Mediation with American Federation of State, County and Municipal Employees (AFSCME 65)

Mediation has been set for Monday, April 17 at 10AM Mt. Lake City Hall.

Adjourn

The meeting was adjourned at 7:54 PM.

ATTEST:

Wendy Meyer, Clerk/Administrator

**City of Mountain Lake
Planning and Zoning Commission
Monday, June 27, 2016
5:30 PM
City Hall**

Members Present: Nathan Harder, Dean Janzen, Nik Strom, Sharron Hanson

Members Absent: Bryan Bargen, Doug Regehr, Tim Swoboda

Staff Present: Wendy Meyer, Clerk/Administrator

Others Present: None

Call to Order

The meeting was called to order at 5:30 p.m. by Strom.

Additions to the Agenda

Number 6. Watkins property zoning was removed from the agenda.

Approval of January 25 Minutes

Motion by Janzen, seconded by Hanson, to approve the April 25 minutes. Motion carried unanimously.

Building/Shingling/Siding/Fencing Permits

The permits issued in May and June and the setbacks for projects at 1515 2nd Ave., 1209 2nd Ave., 1020 Prince St., 401 10th St., 817 2nd Ave., 811 4th Ave., and 1004 Prince St. Motion by Janzen, seconded by Harder, to approve the permits. Motion carried unanimously.

Conditional Use Public Hearing, PIN 22.520.0640, 817 Second Avenue

The public hearing was called to order at 5:35 PM by Strom. The application, plot maps of the property and surrounding area, and the draft findings of fact were reviewed and discussed. The property owner, the business owner, or any neighbors were not present. The public hearing was closed at 5:48 PM. Motion by Strom, seconded by Janzen, to recommend approval of the conditional use with two conditions to the council: 1. The number of children is limited to that of the current license (12 children); the conditional use permit must be amended if the business wishes to care for additional children; and 2. The hours of operation are limited to 5AM to 6PM; the conditional use permit must be amended if the business wishes to operate additional hours. Motion carried unanimously.

Adjourn

Strom adjourned the meeting at 6:06 PM.

Approved March 27, 2017.

ATTEST:

Wendy Meyer, Clerk/Administrator

Mountain Lake Utilities Commission Meeting
Mountain Lake City Hall
Thursday, February 23, 2017

Members Present: Commissioners John Carrison, Mike Johnson, Todd Johnson, Mark Langland

Members Absent: Brett Lohrenz, Council Liaison David Savage

Staff Present: Wendy Meyer, Clerk/Administrator; Lynda Cowell, Utilities Office Manager; Ron Melson, Electric Supt.; Kevin Krahn, Water and Wastewater Supt.; Dave Watkins, Water and Wastewater Dept.; Pat Oja, Lineman

Others Present: None

Call to Order and Election of Officers

Meyer called for nominations for Utility Commission Chair. Motion by M. Johnson, seconded by T. Johnson, to nominate Mark Langland. There were no further nominations.

Motion by Carrison, seconded by T. Johnson, that nomination cease and a unanimous ballot be cast for Langland. Motion carried.

Langland called for nomination for Vice Chair. Motion by M. Johnson, seconded by T. Johnson, to nominate Carrison. There were no further nominations. Nominations ceased and a unanimous ballot was cast in favor of Carrison.

Approval of February 9 minutes and Bills

Motion by M. Johnson, seconded by T. Johnson, to approve the February 9 minutes and Check Numbers 16929-16955. Motion carried.

Caterpillar Engines – National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements

Fairbanks-Morse completed the work on Feb. 22. Preliminary tests indicate the engines now meet standards. Third party testing will be scheduled.

Sub-Station Update

Utilities Plus Energy Services is preparing specifications for the feeder tie portion of the project.

End of Year Budget Review

The 2016 water, sewer and electric budgets were reviewed and discussed. Current project, future needs, capital purchases and bonds were discussed.

Adjourn

The meeting was adjourned at 7:27A.M.

Approved March 23, 2017.

ATTEST:

Wendy Meyer, Clerk/Administrator

**Active Living Plan Committee
Committee Meeting
Monday, January 23, 2017
7 PM
Mountain Lake City Hall**

AGENDA

1. Election of Chair and Acting Chair
 - Amber Hughes elected as chair.

2. Review and Updating of Active Living Plan
 - Updates
 - A Complete Streets policy was adopted.
 - Walk to School Day: This was organized in the past, but has not been held annually. Community Wellness Partners hopes to do it in May.
 - Bike Rodeo: A bike rodeo was held in the spring of 2016. Only one has been held so far. One potential idea for encouragement is to host a bike rodeo plus a bike ride throughout the neighborhood afterward.
 - Bike Loop: Not many people realize there is even a bike loop. In order to encourage ridership, a regular bike ride could be held.
 - Bike Share Program
 - The bikes keep disappearing. They are marked with an orange stripe and people have seen them in residents' yards.
 - Many bike shares across MN have had the same problem. One solution that has been done by other cities is to pass along the responsibility for locking/checking out the bikes to a local business. A collateral system is needed to ensure their return.
 - Windom and Springfield have collected some bikes via the police department.
 - Golf Course Road Trail/Shoulder
 - A petition stopped the building of an off-road trail. Given the resistance, the committee members did not feel it is very feasible.
 - MnDOT also said the road is not wide enough to fit an on-street walking/bike lane.

- Trail Adoption Program: Only about 6 people signed up for the program all summer. All but one were commission members. Most residents are very good about calling in when there is a problem on the trail. It is kept very clean.
- Suggestions
 - Friends of the Pool
 - Friends of the Pool has about \$10,000 they are looking to use for some sort of recreation project. These might include:
 - Splash pad (expensive)
 - Ice rink warming house (on school property, but city staffed)
 - Sand volleyball court
 - Horseshoes
 - It might be good to get in contact with the Mountain Lake Foundation and Lions Club since they are always looking to be involved in this sort of work.
 - Tennis courts: need maintenance
 - Indoor Options
 - Many people have expressed the need for an indoor option in the winter.
 - Some people cannot afford a fitness center membership.
 - Walking around at least one church has been promoted to its members. Is it possible to promote it elsewhere and/or open it to public use?
 - Open gym is nice, but the hours can be prohibitive for some people.
 - The Mayor had once talked about a large recreation center (along the lines of Lake Crystal). This center had immense private donors, however.

3. Next Meeting(s) Date(s)

- The committee decided to meet monthly for the time being, until projects begin to take off.
- We will meet the 4th Wednesday of each month.
- Next Meeting: February 22, 7:00 PM

4. Adjourn

**Active Living Plan Committee
Committee Meeting
Wednesday, February 22
7 PM
Mountain Lake City Hall**

MEETING MINUTES

Members Present: Wendy Meyer, Luke Winger, Jean Haberman, Courtney Nelson, Amber Hughes (Community Wellness Partners), Christine Bullerman (Community Wellness Partners), Max Kaufman (Southwest Regional Development Commission)

Members Absent: Dana Kass, Jill Pankratz, Jim Oeltjenbruns, Cheryl Hiebert, Mike Nelson

1. Review and Updating of Active Living Plan
 - Golf Course Road Trail/Shoulder
 - A petition stopped the building of an off-road trail. Given the resistance, the committee members did not feel it is very feasible to pursue at this time.
 - MnDOT also said the road is not wide enough to fit an on-street walking/bike lane.
 - Will be kept on work plan for future re-approach option
 - Bike Share Program
 - Suggestion was made to re-stock current bike fleet and consider/approach Casey's (as trailhead) to offer a check-out program for a small fee (\$1-\$2)
 - Walk/Bike to School Day- **Wednesday, May 10th**
 - Work with community organizations/businesses to promote and encourage walking/biking to school while directing attention to future Safe Route to School projects.
 - Community Input/Suggestions for Active Living Plan Updates
 - Max will create short (3-4 question) surveys to distribute to community members at various events/destinations to provide input on what remaining ALP projects they would like to see progressing
 - Survey will be available in Spanish

- Committee members will be responsible for promoting these surveys throughout community to ensure equal representation of all populations
 - Suggested Survey Sites: Bone Builders, Senior Dining, Parkwood Apartments, Laker Apartments, The Lodge of Mountain Lake, Care & Share, church bulletins, school folders
 - Suggestions
 - Friends of the Pool
 - Friends of the Pool have approximately \$10,000 for a community projects; they have met with Pro-Shed and are planning to move forward with warming house for ice skating rink
 - Community Events
 - Several suggestions were presented by Luke Winger for possible community events to make biking more fun rather than “just getting from Point A to Point B”. Ideas included:
 - Monthly Grand Prix event held at City Park in the evening (spring/summer) combined with bike rodeo during the day and free bike maintenance checks
 - An Open Streets event with live music, dancing as a community gathering; streets around park would be blocked off during the event
 - A monthly “Movie in the Park” event where families are encouraged to walk/bike (also an event to gather survey feedback/opinions)
 - Incorporating the school and P.E. classes for safe biking unit
 - Possible kayak/canoe rental program for the lake
2. Member Recruitment- we want to have a representative from as many community organizations/populations as possible. Possible representatives suggested:
- a. Mountain Lake Public/Christian School
 - b. Mountain Lake Police Department
 - c. Frequent walkers from community
3. Next Meeting Date: **Wednesday, March 22nd, 7:00-8:00 at Mountain Lake City Hall**

4. Adjourn

Action Steps/Next Meeting Expectations

- Prioritize ALP projects
- Organize sub-committees for projects
- Review community survey prepared by SWRDC
- Identify possible community events for active living surveys/promotion
- Brainstorm more possible committee members

2017 Lake Commission Projects Quotes

Project	Lohrenz	Nickel	Mathiowetz
#1 Lawcon Park	\$4,000.00	\$4,500.00	\$4,700.00
#2 North Side Culvert	\$2,500.00	\$5,000.00	\$5,500.00
#3 Plunge Pool	Did Not Bid		
Plunge Pool Outlet Wall	Did Not Bid	\$1,500.00	Did Not Bid
Plunge Pool Stormwater Channel	Did Not Bid	\$4,000.00	\$6,150.00
Less Donation		\$10,300.00	
#1 - 3 Total	\$6,500.00	\$4,700.00	\$16,350.00
Golf Course Sediment Basin	\$11,727.50	\$14,850.00	\$19,146.00

Nickel Construction, Inc.

36821 575th Ave.
 Mountain Lake, MN 56159
 (507) 427-2352

Estimate

Date	Estimate #
1/4/2017	290

Name / Address
Mt. Lake Lake Commission Attn: Jim Peterson Mt. Lake, MN 56159

			Project
Description	Qty	Cost	Total
#1 Lawcon Park wet area tile - tile 200' with pearock on south side of trail, bore under trail, pvc to lake, & seeding		4,500.00	4,500.00
#2 Culvert on Trail north side of lake - funnel 100', 24" bore under trail, waterway to lake seed and mat		5,000.00	5,000.00
#3 Storm water plunge pool outlet wall stabilization - anchor to floor and support iron		1,500.00	1,500.00
#4 Storm water plunge pool pad and channel stabilization - 4 loads rip rap and red rock, geotextile		4,000.00	4,000.00
Donation toward the Project		-10,300.00	-10,300.00
Thank you.		Total	\$4,700.00

Customer Signature _____

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Nickel

BID SHEET
 Project ID: 171503
 Mt Lake Golf Course Sediment Basin
 Sec 32 Midway Township
 Cottonwood County, Minnesota

9/22/2016

ITEM NO.	WORK OR MATERIAL	SPECS	QUANTITY	UNIT	UNIT PRICE	AMOUNT
	EARTHWORK					
1	COMMON EXCAVATION (TO BE HAULED AWAY) <i>spread @ site</i>	MN-21	1750	CU. YDS.	<i>\$7/yd.</i>	\$12,250.00
	WEIR STRUCTURE					
2	F&I MNDOT TYPE IV GEOTEXTILE	MN-95	49	SQ.YDS.		\$100
3	F&I MNDOT CLASS II ROCK RIPRAP	MN-61	14	CU. YDS.		\$1000
	SEEDING					
4	SEEDING & FERTILIZING DISTURBED AREA		<i>1/2 acre 2420</i>	SQ.YDS.		\$1500
ALL SALES TAX PAID BY THE CONTRACTOR IN SECURING PRODUCT FOR THIS BID SHALL BE INCLUDED AS PART OF THE TOTAL BID PRICE.						
BIDDERS SIGNATURE: <i>Jim [Signature]</i> DATE: <i>1-6-17</i>					TOTAL	\$14,850.00

LOHRENZ EXCAVATING, INC.
P. O. BOX 622
MT. LAKE, MN 56159
(507) 427-2726

LOHRENZ EXCAVATING, INC.

MARCH 5, 2017

CITY OF MT. LAKE
DRAWER C
MT. LAKE, MN 56159

I appreciate your asking us to quote this project. Our projected costs are:

CULVERT ON NORTH SIDE OF LAKE TRAIL:

INSTALL 20 FT. OF 24 INCH CULVERT

***DOES NOT INCLUDE PATCHING OF ASPHALT ON TRAIL.**

TOTAL \$2,500.00

TWENTY FIVE HUNDRED and 00/100 -----

Payment to be made as follows:

ON COMPLETION OF PROJECT

Authorized Signature *Brett King*

This proposal may be withdrawn if not accepted within 30 days.

Acceptance of Proposal: Signature _____

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LOHRENZ EXCAVATING, INC.
P. O. BOX 622
MT. LAKE, MN 56159
(507) 427-2726

LOHRENZ EXCAVATING, INC.

MARCH 5, 2017

CITY OF MT. LAKE
DRAWER C
MT. LAKE, MN 56159

I appreciate your asking us to quote this project. Our projected costs are:

LAWCON PARK WET AREA:

DRAIN WET AREA ON NORTH SIDE OF TRAIL BY LIFT STATION

***DOES NOT INCLUDE PATCHING OF ASPHALT ON TRAIL.**

TOTAL \$4,000.00
FOUR THOUSAND and 00/100 -----

Payment to be made as follows:

ON COMPLETION OF PROJECT

Authorized Signature *Brett Gray*

This proposal may be withdrawn if not accepted within 30 days.

Acceptance of Proposal: Signature _____

BID SHEET
 Project ID: 171503
 Mt Lake Golf Course Sediment Basin
 Sec 32 Midway Township
 Cottonwood County, Minnesota

9/22/2016

ITEM NO.	WORK OR MATERIAL	SPECS	QUANTITY	UNIT	UNIT PRICE	AMOUNT
	EARTHWORK					
1	COMMON EXCAVATION (TO-BE HAULED-AWAY) <i>spread @ site</i>	MN-21	1750	CU. YDS.	\$5.00	\$ 8,750.00
	WEIR STRUCTURE					
2	F&I MNDOT TYPE IV GEOTEXTILE	MN-95	49	SQ.YDS.	\$7.50	\$ 367.50
3	F&I MNDOT CLASS II ROCK RIPRAP	MN-61	14	CU. YDS.	\$100.00	\$ 1,400.00
	SEEDING					
4	SEEDING & FERTILIZING DISTURBED AREA		2420	SQ.YDS.	\$.50	\$ 1,210.00
	ALL SALES TAX PAID BY THE CONTRACTOR IN SECURING PRODUCT FOR THIS BID SHALL BE INCLUDED AS PART OF THE TOTAL BID PRICE.					
	BIDDERS SIGNATURE: <i>Burt Schmy</i> DATE: <i>3-5-17</i>				TOTAL	\$ 11,727.50

Work to be started in July or August 2017.

LOHRENZ EXCAVATING, INC.
P.O. BOX 622
MT. LAKE, MN 56159

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Construction Company

In All We Do, We Build It Right!!

30676 County Road 24
Sleepy Eye, MN 56085

(507) 794-6953 / (507) 794 3514 Fax
Visit us at: www.mathiowetzconst.com

Monday, March 6, 2017

To: Wendy Meyer
City Administrator
930 3rd Ave
Mountain Lake, MN 56159

From: Keith Olson
Project Manager

RE: Project #1 Lawcon Park wet area tile

Ms. Meyer;

Mathiowetz Construction can tile the area south of the trail east of the shelter with a French drain. The proposed fix would include exposing the 30" storm sewer just west of the shelter and coring a hole in that pipe. We would install a 5" perforated tile surrounded by clean 1/2" rock in a 12" wide trench. The rock would fill the trench within 6" of final grade and we would replace the topsoil and seed the disturbed area.

The total price for this 225' of French drain is \$4,700.00

Price includes:

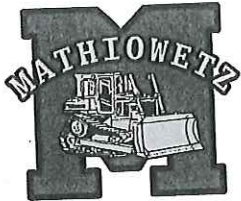
Complete placement of the pipe and rock
Regrading and seeding the disturbed area
Disposal of excess dirt
Mobilization of equipment and personnel
Gopher State One Call for utility location – assumes we can go over (or under) existing sanitary line
Insurance information available upon request

Does not include:

Sod or maintenance on seeding

Please contact me for any clarifications or questions on this quote.
Sincerely,

Keith M. Olson
Mathiowetz Construction
keitholson@mathiowetzconst.com
Ph 507 360 9701



Construction Company

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30676 County Road 24
Sleepy Eye, MN 56085

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Monday, March 6, 2017

To: Wendy Meyer
City Administrator
930 3rd Ave
Mountain Lake, MN 56159

From: Keith Olson
Project Manager

RE: Project #2 Replace culvert under bike trail on North side of lake

Ms. Meyer;

Mathiowetz Construction proposes to replace the 30" steel pipe with a new 30" Corrugated Steel Pipe (CSP) that is 34' long. The repair would include placing the new pipe in the same location. We would propose pouring a 6" thick concrete slab to repair the trail surface. We would replace the topsoil and existing rip rap and seed the disturbed area.
The total price for this new pipe is \$5,500.00

Price includes:

Placing new CSP with class 5 gravel bedding to minimize settling.
Removing and replacing the rock on the north end
Pouring a 6" concrete slab as the new trail surface
Saw cutting the existing bituminous trail
Regrading and seeding the disturbed area
Mobilization of equipment and personnel
Gopher State One Call for utility location
Insurance information available upon request

Does not include:

Sod or maintenance on seeding

Please contact me for any clarifications or questions on this quote.

Sincerely,

Keith M. Olson
Mathiowetz Construction
keitholson@mathiowetzconst.com
Ph 507 360 9701



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Sleepy Eye, MN 56085

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Monday, March 6, 2017

To: Wendy Meyer
City Administrator
930 3rd Ave
Mountain Lake, MN 56159

From: Keith Olson
Project Manager

RE: Project #3 Plunge pool outlet wall

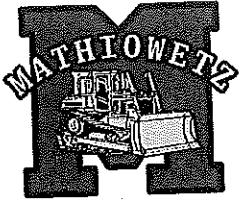
Ms. Meyer;

Mathiowetz Construction appreciates the opportunity to quote the repair of this wall but we feel we do not have the expertise to guarantee a lasting product. This project should have some real Engineering to ensure long term results. We do not have that expertise in our office.

I apologize for not being able to quote this work.

Sincerely,

Keith M. Olson
Mathiowetz Construction
keitholson@mathiowetzconst.com
Ph 507 360 9701



Construction Company

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Sleepy Eye, MN 56085

(507) 794-6953 / (507) 794 3514 Fax
Visit us at: www.mathiowetzconst.com

Monday, March 6, 2017

To: Wendy Meyer
City Administrator
930 3rd Ave
Mountain Lake, MN 56159

From: Keith Olson
Project Manager

RE: Project #4 repairing the Stormwater plunge pool channel

Ms. Meyer;

Mathiowetz Construction proposes reshape and replace the rip rap in the area west of the concrete spillway. We would remove the existing rock in the areas that need shaping. We would place geotextile fabric in the areas after some minor shaping and replace the existing rock plus add about 60 ton of additional Class 3 or Class 4 rip rap.

We would replace the topsoil and seed the disturbed area.

The total price for this work is \$6,150.00

Price includes:

Adding additional rip rap to the north side of the channel and other "thin" spots
Regrading and seeding the disturbed area
Mobilization of equipment and personnel
Gopher State One Call for utility location
Insurance information available upon request

Does not include:

Sod or maintenance on seeding
Any concrete work or work associated with the concrete spillway or wall

Please contact me for any clarifications or questions on this quote.

Sincerely,

Keith M. Olson
Mathiowetz Construction
keitholson@mathiowetzconst.com
Ph 507 360 9701

BID SHEET
 Project ID: 171503
 Mt Lake Golf Course Sediment Basin
 Sec 32 Midway Township
 Cottonwood County, Minnesota

9/22/2016

ITEM NO.	WORK OR MATERIAL	SPECS	QUANTITY	UNIT	UNIT PRICE	AMOUNT	
	EARTHWORK						
1	COMMON EXCAVATION (TO BE HAULED AWAY) <i>Spread @ site</i>	MN-21	1750	CU. YDS.	<i>8.50</i>	<i>14,875.00</i>	
	WEIR STRUCTURE						
2	F&I MNDOT TYPE IV GEOTEXTILE	MN-95	49	SQ.YDS.	<i>4-</i>	<i>196.00</i>	
3	F&I MNDOT CLASS II ROCK RIPRAP	MN-61	14	CU. YDS.	<i>75.00</i>	<i>1050.00</i>	
	SEEDING						
4	SEEDING & FERTILIZING DISTURBED AREA		2420	SQ.YDS.	<i>1.25</i>	<i>3025.00</i>	
	ALL SALES TAX PAID BY THE CONTRACTOR IN SECURING PRODUCT FOR THIS BID SHALL BE INCLUDED AS PART OF THE TOTAL BID PRICE.						
	BIDDERS SIGNATURE: <i>[Signature]</i> DATE:					TOTAL	<i>19,146.00</i>
	<i>Mathewetz Construction</i>						

2017 Tree Removal Quotes

City-Funded Trees		Kolander	Zinniel	Carr
Location	Information			
710 10th Street N	Remove stump			
307 8th Street N	dead			
301 8th St North (3rd Ave)	remove one on Third Ave. side of lot			
609 10th Street	Large dangerous branches hung in tree; over street			
717 5th Ave	Very Large Elm			
510 6th Ave	remove one ash on west side	\$4,000	\$3,775	\$5,050
Utility Funded				
Location	Information			
713 5th Ave.	two maples in backyard in powerline			
613 13th St. N.	one tree in power line in front of house			
520 Klein St.	two trees growing into front yard power line			
310 6th St,	tree close to power line on 4th Ave. side of property			
202 12th St. S.	Two tree in front yard, in power lines			
1425 5th Ave.	northeast corner of lot, maple tree in power line	\$6,900	\$7,400	\$13,450
		buy wood for \$200		
		\$10,700	\$11,175	\$18,500
	Total			

CITY OF MOUNTAIN LAKE

Expenditure Guideline w/next years budget

Act Code	Last Dim Descr	2016 YTD Budget	2016 YTD Amt	Balance	2017 Budget
Dept 45186 Community Center					
101-45186-220	Repair/Maint Supply	\$1,250.00	\$468.19	\$781.81	\$1,250.00
101-45186-321	Telephone	\$600.00	\$671.84	-\$71.84	\$600.00
101-45186-354	Real Estate Taxes	\$25.00	\$24.00	\$1.00	\$25.00
101-45186-362	Property Ins	\$1,300.00	\$943.97	\$356.03	\$1,300.00
101-45186-380	Elec,Water,Sewer	\$3,000.00	\$3,748.67	-\$748.67	\$3,500.00
101-45186-383	Gas Utilities	\$2,000.00	\$995.55	\$1,004.45	\$2,000.00
101-45186-384	Refuse/Garbage Disposal	\$0.00	\$0.00	\$0.00	\$0.00
101-45186-400	Janitor-Repairs/Maint	\$3,000.00	\$3,083.03	-\$83.03	\$3,000.00
101-45186-401	Repairs/Maint Buildings	\$1,000.00	\$649.40	\$350.60	\$1,000.00
101-45186-520	Buildings and Structures	\$0.00	\$0.00	\$0.00	\$0.00
101-45186-560	Furniture and Fixtures	\$0.00	\$0.00	\$0.00	\$0.00
Dept 45186 Community Center		\$12,175.00	\$10,584.65	\$1,590.35	\$12,675.00
Dept 45200 Parks (GENERAL)					
101-45200-100	Wages and Salaries	\$24,685.44	\$25,143.84	-\$458.40	\$25,509.12
101-45200-102	Full-Time Employees Overti	\$2,000.00	\$1,139.34	\$860.66	\$2,000.00
101-45200-104	Temporary Employees Reg	\$0.00	\$0.00	\$0.00	\$0.00
101-45200-121	PERA	\$1,851.44	\$1,971.22	-\$119.78	\$1,913.18
101-45200-122	FICA	\$1,888.44	\$1,710.30	\$178.14	\$1,951.45
101-45200-130	Employer Paid HSA	\$1,980.00	\$1,980.00	\$0.00	\$1,980.00
101-45200-131	Employer Paid Health	\$8,851.80	\$8,114.26	\$737.54	\$8,754.60
101-45200-134	Employer Paid Life	\$14.00	\$12.24	\$1.76	\$14.00
101-45200-141	Admin Fees-HSA	\$15.19	\$15.24	-\$0.05	\$16.00
101-45200-151	Worker s Comp Ins Prem	\$1,500.00	\$2,479.86	-\$979.86	\$2,000.00
101-45200-210	Operating Supplies	\$500.00	\$796.01	-\$296.01	\$500.00
101-45200-212	Motor Fuels	\$3,500.00	\$2,589.07	\$910.93	\$3,500.00
101-45200-308	Training & Instruction	\$1,030.00	\$955.28	\$74.72	\$1,030.00
101-45200-361	General Liability Ins	\$500.00	\$0.00	\$500.00	\$500.00
101-45200-362	Property Ins	\$3,200.00	\$2,461.50	\$738.50	\$3,200.00
101-45200-363	Automotive Ins	\$400.00	\$267.50	\$132.50	\$400.00
101-45200-380	Elec,Water,Sewer	\$2,000.00	\$2,459.41	-\$459.41	\$2,300.00
101-45200-384	Refuse/Garbage Disposal	\$0.00	\$0.00	\$0.00	\$0.00
101-45200-401	Repairs/Maint Buildings	\$500.00	\$0.00	\$500.00	\$500.00
101-45200-402	Repairs/Maint- Ground	\$700.00	\$384.22	\$315.78	\$700.00
101-45200-404	Repairs/Maint Machinery/E	\$1,500.00	\$2,386.44	-\$886.44	\$1,500.00
101-45200-430	Miscellaneous	\$1,000.00	\$669.63	\$330.37	\$1,000.00
101-45200-433	Dues and Subscriptions	\$25.00	\$10.00	\$15.00	\$25.00
101-45200-500	Capital Outlay	\$5,000.00	\$5,800.00	-\$800.00	\$5,000.00
101-45200-550	Motor Vehicles	\$0.00	\$0.00	\$0.00	\$0.00
Dept 45200 Parks (GENERAL)		\$62,641.31	\$61,345.36	\$1,295.95	\$64,293.35
Dept 45204 Parks & Forestry (TREES)					
101-45204-110	Board/Commission Meeting	\$0.00	\$0.00	\$0.00	\$200.00
101-45204-407	Tree Removals	\$2,000.00	\$5,575.00	-\$3,575.00	\$2,000.00
101-45204-435	Tree Purchase	\$1,000.00	\$7,846.25	-\$6,846.25	\$1,000.00
Dept 45204 Parks & Forestry (TREES)		\$3,000.00	\$13,421.25	-\$10,421.25	\$3,200.00
Dept 45210 Walking\Bike Trail					
101-45210-100	Wages and Salaries	\$0.00	\$760.00	-\$760.00	\$2,500.00
101-45210-122	FICA	\$0.00	\$58.14	-\$58.14	\$200.00
101-45210-212	Motor Fuels	\$0.00	\$0.00	\$0.00	\$0.00
101-45210-304	Legal Fees	\$1,500.00	\$104,879.24	-\$103,379.24	\$1,500.00
101-45210-351	Legal Notices Publishing	\$0.00	\$0.00	\$0.00	\$0.00
101-45210-402	Repairs/Maint- Ground	\$6,000.00	\$6,099.13	-\$99.13	\$5,000.00

2016 Rev.
 #6,148 - grant
 \$1,525 - owners
 250 - misc
 \$7,923

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Landowner Agreement No: WDM-Pollinator2017-MtLake

Cost Structure: FF03RWDM00/ FXHC11210303TA0

**PARTNERS FOR FISH AND WILDLIFE PROGRAM
LANDOWNER AGREEMENT**

This Landowner Agreement (Agreement), dated **04/3/2017**, between **City of Mountain Lake** and the U.S. Fish and Wildlife Service (USFWS) is entered into pursuant to authority contained in the Partners for Fish and Wildlife Act (P.L. 109-294), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-j), as amended. This project was selected for funding because the Landowner(s) share(s) a common objective with the USFWS to restore habitat for the benefit of Federal trust species on private lands, and the project supports priority actions identified in the Regional Partners for Fish and Wildlife (Partners) Program Strategic Plan.

City of Mountain Lake, 1050 2nd Ave., Mountain Lake, MN 56159, hereby agrees to participate with the USFWS in conducting certain wildlife management practices on lands owned or managed in **Cottonwood County, State of Minnesota**, described as follows: all of, or within, **T106N R34W Sec 33**, (see attached map in Exhibit A. for details).

In signing this Agreement, the Landowner(s) join(s) as a participant in a wildlife habitat improvement program and grants to the USFWS and any other cooperators signing this Agreement] authority to complete the habitat improvement project or the Landowner(s) may personally carry out management activities with financial or material support as described in attached **Exhibit A**. Any donation of supplies or equipment to the Landowner for carrying out the habitat improvements is included in **Exhibit A**. The activities conducted pursuant to this Agreement are not to replace, supplement or otherwise contribute to any mitigation or compensation that may be required of the Landowner(s) or other parties as a result of any mandated requirements.

The term of this Agreement (also referred to as the habitat retention period) will be completed on **04/3/2032**. This Agreement may be modified at any time by mutual written consent of the parties. It may be terminated by either party upon 30 days advance written notice to the other party. However, if the Landowner(s) terminate(s) the Agreement before its expiration, or if the Landowner(s) should materially default on these commitments, then the Landowner(s) agree(s) to reimburse the USFWS prior to final termination for the prorated costs of all habitat improvements placed on the land through this Agreement. For these purposes, the total cost of the habitat improvements to the United States is agreed to be **\$3,000**

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Landowner:

The Landowner(s) or his/her land manager, with legal authority over land management decisions, guarantee(s) ownership of the above-described land and warrants that there are no outstanding rights that interfere with this Landowner Agreement.

The Landowner(s) will notify the USFWS of planned or pending changes in ownership. A change of ownership shall not change the terms of this Agreement. The Agreement and terms shall be in effect on the described land for the term of the Agreement.

The Landowner(s) agree(s) to allow access (with advance notice) to the USFWS to implement the project described in Exhibit A, and to monitor project success.

The Landowner(s) retain(s) all rights to control trespass and retains all responsibility for taxes, assessments, and damage claims.

During the habitat retention period, the landowner must maintain the habitat restored under this award.

At the end of the habitat retention period, the habitat improvement project will become the sole property and complete responsibility of the Landowner(s). There shall be no obligation to the USFWS after the term of the Agreement has expired.

The Landowner(s) will be responsible for securing any necessary permits. Technical advice and support will be provided by participating agencies in the application for the permit(s). The Landowner(s) agree(s) to identify USFWS contribution to the project during public presentations, reports, or other information published about the project, as appropriate.

USFWS:

The USFWS will work with the Landowner(s) throughout the entire Agreement term to support actions needed to ensure that the project is designed and constructed per the Agreement and functions as intended.

The USFWS, its agents, or assignees will provide advanced notice prior to accessing the Landowner(s) property to implement the project described in the work plan, and to monitor project success.

The USFWS assumes no liability for damage or injury other than that caused by its own negligence, on the above acreage. The USFWS does not assume jurisdiction over the premises by this Agreement.

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Spatial Information Sharing: In accordance with the Privacy Act of 1974, permission must be obtained from the Landowner before any personal information can be released. The only information that can be shared is payment information that is authorized by law. Therefore, Landowner consent is requested to allow for sharing of spatial information about this project solely with conservation cooperators providing technical or financial assistance with the restoration, enhancement or management of fish and wildlife habitat.

I, the Landowner, consent to having spatial information about this project shared with other conservation cooperators

Signatures:

City of Mountain Lake Representative , Landowner Date

Scott Ralston, USFWS Partners for Fish and Wildlife Program Biologist Date

Todd Luke, USFWS Windom District Project Leader Date

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EXHIBIT A

The habitat improvements described below are agreed to by City of Mountain Lake, the USFWS, in a Landowner Agreement dated 04/3/2017.

Landowner Contact Information:

Name: City of Mountain Lake
Mailing Address: 1050 2nd Ave., Mountain Lake, MN 56159
Telephone Numbers: 507-427-2997

Email:

Description of Habitat Improvement Project and Objectives:

We are proposing a pollinator habitat project partnership between the City of Mountain Lake, the Cottonwood SWCD, and the US Fish and Wildlife Service. This project will utilize a variety of tree species identified as critical pollinator food sources as well as plant milkweed in some city parks and recreational areas.

The tree species used will be a mixture of early to later flowering trees to provide more season long support for pollinators. The species will be Willows for early flowering, apples and crab apple species, and the Basswood tree, sometimes also called the "Bee Tree". Basswoods flower at a critical time, June and July when many other sources of pollinator food are not available, and produce the largest volume of nectar per plant in the upper Midwest. A half acre planting of basswood trees can support the production of over 500 pounds of very high quality honey in a year! Butterflies like monarchs will also use the trees to some degree but will also benefit directly from the milkweed plants.

In addition this project will help support the local urban forest as well as carbon sequestration. Many local tree species in the city such as cottonwoods are reaching the end of their lifespan and ash trees are threatened by the emerald ash bore thus need replacement.

All trees and milkweed will be planted on city owned property for permanent protection. The trees will be planted in the spring of 2017 and will have a tree tube, stake, mulch and water. Later watering and care will be provided by the Tree Commission of Mountain Lake and the Cottonwood SWCD. If any replacements are needed the Cottonwood SWCD will replant them. The milkweed will be planted in appropriate un-mowed areas of the city parks and raked in.

USFWS will:

The USFWS will review the project plans and biological needs. They will pay for up to \$2,360 to purchase trees and up to \$640 worth of milkweed seed. USFWS will provide staff to assist with planting of trees or milkweed if needed.

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The Landowner(s) will:

The city of parks department will work with their partners including the SWCD and the Tree Commission to prepare, plant and maintain the trees. They will assist partners where needed to plant the milkweed and will ensure proper maintenance guidelines are followed in planted areas such as no mowing or chemical use.

Other Partners:

The County SWCD office will coordinate with city and the Tree Commission on purchasing the trees and planting and maintaining them. They will also work with CCM crews to implement the planting projects and may seek assistance from USFWS staff if needed.

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Budget Table:

Object Class Categories ^a	Contributing Partners				
	Landowner	USFWS Partners Program	USFWS Other Programs	Other Non-USFWS	Totals
Supplies	\$	\$3,000	\$	\$	\$3,000
Services		\$	\$	\$	\$0
Inkind Labor/Staff	\$1,000	\$	\$	\$450	\$1,450
Totals	\$1,000	\$3,000	\$	\$450	\$4,450

^aThe total cost-share by the Cooperator, Service and Landowner must remain the same, however allocations by category may be redistributed upon prior approval by the Service

Any work to be completed may be modified with the mutual agreement of the aforementioned parties.

**Notice this is a preliminary budget at the time the agreement was signed but may be updated as actual budget items are finalized.*

Budget Narrative:

Trees, 20 Basswood and 20 assorted Willows and Apples. All trees will be four to eight foot BR/Potted trees. This includes a tube, stake, and mulch for each tree = \$2,360.00 by USFWS

Milkweed seed \$640 by USFWS

Labor for planting, tubing, staking, mulching, and watering 40 hrs x \$25.00 = \$1,000.00 by City

Project coordination by the Cottonwood SWCD staff 10 hrs x \$45.00 = \$450.00

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Wendy Meyer

From: Ed Zepeda <EdZe@McKinstry.com>
Sent: Monday, March 13, 2017 1:27 PM
To: Wendy Meyer
Subject: McKinstry Follow Up - Contract Exhibits - For your Review...
Attachments: City of Mountain Lake Contract Exhibits 471 Lighting Mar2017.pdf

Hello Wendy.

Attached are the contract exhibits for the Guaranteed Energy Savings contract for the street lighting project for the City of Mountain Lake. Please take time to review them and pass along to the City Attorney for their review and approval as well. Please note, our strong recommendation would be to leverage MN Statute 471.345, subd. 13, as the method of procurement for this project. We have referenced that statute in the exhibits.

The only other item to note is that cost of the project. As discussed, the City of Mountain Lake can either pay McKinstry for the agreed cost of \$5,428 under the State of MN GESP WOC for the completed IGA or we can simply add that amount to the cost of the lighting project. We have included the IGA cost in the exhibits, but can modify that accordingly once we understand how you would like to move forward.

As you begin your review, please contact me at any time if you have questions or need more information.

Thank you,

Ed Zepeda
Business Development Manager
p 763.898.5380 | m 612.900.8459 | f 763.392.6462

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Consulting | Construction | Energy | Facility Services

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EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE
CITY OF MOUNTAIN LAKE, MINNESOTA

HELD: April 3, 2017

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Mountain Lake, Cottonwood County, Minnesota, was duly held at the City Hall on April 3, 2017, at 6:30 o'clock P.M.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION #8-17

A RESOLUTION DETERMINING THE NECESSITY TO ISSUE
\$210,000 GENERAL OBLIGATION BONDS FOR THE ACQUISITION OF EQUIPMENT

WHEREAS, Minnesota Statutes, Section 412.301, authorizes the council to issue equipment certificates (the "Bonds") within existing debt limits for the purpose of purchasing capital equipment; and

WHEREAS, said statute also provides that if the amount of the Bonds to be issued to finance such equipment exceeds 0.25% of the market value of taxable property in the City, excluding money and credits, the Bonds shall not be issued for at least ten days after publication in the official newspaper of a council resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular municipal election is filed with the clerk, the Bonds shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election; and

WHEREAS, the council proposes to issue the Bonds for said purposes in an amount which exceeds 0.25% of the market value of taxable property in the City, excluding money and credits; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Mountain Lake, Minnesota (the "City"), as follows:

1. That it is necessary and expedient for the City Council to issue general obligation bonds, pursuant to Minnesota Statutes, Section 412.301, in the approximate amount of \$210,000 for the purpose of financing the acquisition of equipment for street lighting improvements in the City.

2. The amount of the Bonds is hereby determined and declared to be in excess of 0.25% of the market value of taxable property in the City, excluding money and credits.

3. The Clerk/Administrator is authorized and directed to publish forthwith this resolution in the official newspaper.

4. At least ten days shall elapse after publication in the official newspaper of this resolution before the Bonds shall be issued.

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon the resolution was declared duly passed and adopted.

League of Minnesota Cities
City Fire Department Management
mm/dd/yyyy

Model Ordinance

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY FIRE PROTECTION FIRE SERVICES UNDER FIRE SERVICE CONTRACTS

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

SECTION ONE: PURPOSES AND INTENT

This ordinance is adopted for the purpose of authorizing the City of _____ to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

SECTION TWO: DEFINITIONS

- (A) "Fire service" means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- (B) "Fire service charge" means the charge imposed by the City for receiving fire service.
- (C) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.
- (D) "Fire protection contract" means a contract between the City and a town or other city for the City to provide fire service.
- (E) "Mutual aid agreement" means an agreement between the City and a town or other city for the City's fire department to provide assistance to the fire department of a town or other city.

SECTION THREE: PARTIES AFFECTED

- (A) Owners of property within the City who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- (C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

SECTION FOUR: RATES

[insert rate schedule]

League Model Ordinance

SECTION FIVE: BILLING AND COLLECTION

(A) Parties requesting and receiving fire services will be billed directly by the City of _____ within _____ days of the fire service. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(B) Parties billed for fire service will have _____ days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.

(C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.

(D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the services owns real property for collection with taxes. The county auditor is responsible for remitting to the city all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.

(E) False alarms will [or won't] be billed as a fire call.

SECTION SIX: MUTUAL AID AGREEMENT

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

SECTION SEVEN: BILLING PROCEDURE FOR FIRE PROTECTION CONTRACTS WITH TOWNS OR OTHER CITIES

When the City fire department provides fire service to another fire department pursuant to a Fire Protection Contract, the billing will be determined by the Contract.

SECTION EIGHT: APPLICATION OF COLLECTIONS TO BUDGET

All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

SECTION NINE: EFFECTIVE DATE

The ordinance shall become effective _____.

Passed by the Council this _____ day of _____, _____.

Mayor

Attested: _____

Clerk

not
in
current
city
ord.

ORDINANCE NO. 2-07
AN ORDINANCE ESTABLISHING FEES
FOR EMERGENCY PROTECTION FIRE SERVICES

THE CITY COUNCIL OF THE CITY OF MOUNTAIN LAKE, MINNESOTA
DOES ORDAIN:

SECTION ONE: PURPOSES AND INTENT

This ordinance is adopted for the purpose of authorizing the City of Mt. Lake to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

SECTION TWO: DEFINITIONS

(A) "Fire service" means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

(B) "Fire service charge" means the charge imposed by the City for receiving fire service.

(C) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles, or park trailers.

(D) "Fire protection contract" means a contract between the City and a township or other city for the City to provide fire service.

(E) "Mutual aid agreement" means an agreement between the City and a township or other city for the City's fire department to provide assistance to the fire department of a township or other city.

SECTION THREE: PARTIES AFFECTED

(A) Owners of property within the City who receive fire service.

(B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.

(C) Owners of property in townships or cities to which the City provides fire service pursuant to a fire protection contract.

SECTION FOUR: BILLING AND COLLECTION

Parties requesting and receiving fire services will be directly billed \$500 by the City of Mountain Lake within 14 days of the fire service. Additionally, if the party receiving fire services did not request services but a fire or other situation exists, which at the discretion of the fire department personnel in charge requires fire service; the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service. Parties billed for fire service will

have 45 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency. If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection cost incurred by the City including, but not limited to, reasonable attorney fees and court costs.

False alarms will be billed the same as a fire call--\$500.

SECTION FIVE: MUTUAL AID AGREEMENT

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

SECTION SIX: APPLICATION OF COLLECTIONS TO BUDGET

All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

SECTION EIGHT: EFFECTIVE DATE

The ordinance shall become effective upon publication in the Mt. Lake/Butterfield Observer/Advocate.

Passed by the Council this 16th day of April, 2007.

Dean J. Jones
Mayor

Published
5-16-07

Attested: Wendy Meyer
Clerk

DRAFT

CITY OF MOUNTAIN LAKE, MN

ORDINANCE #2-17

AN ORDINANCE AMENDING MOUNTAIN LAKE CITY CODE

**CHAPTER 3
MUNICIPAL UTILITIES - RULES AND REGULATIONS,
RATES, CHARGES AND COLLECTIONS**

**SECTION 3.05
RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.**

**SUBDIVISION 8
MUNICIPAL UTILITY SERVICES AND CHARGES A LIEN**

Be it ordained by the City Council of the City of Mountain Lake that existing Subdivision 8 of Section 3.05 of Mountain Lake City code is amended by adding a new Paragraph D. and re-lettering existing paragraph D to E and existing paragraph E. to F.

Subdivision 8 Municipal Utility Services and Charges a Lien

D. Contractors for Deed: Both vendors (sellers) and vendees (buyers) are responsible for payment of utilities. Vendors are responsible to pay in the event a contract is cancelled for default. In any case, unpaid utilities may be made a lien upon the premises as provided in Paragraph E of this section.

Adopted by the Mountain Lake City Council this First day of May, 2017.

Mike Nelson, Mayor

ATTEST:

Wendy Meyer, Clerk/Administrator

Published in the Mt. Lake Observer/Butterfield Advocate on _____, 2017.

SECTION 3.05. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

Subdivision 1. Billing, Payment and Delinquency.

All municipal utilities shall be billed and become delinquent on the date fixed by the Council. The date of delinquency shall be included on each bill as well as the date after which delinquent utilities shall be disconnected. A penalty shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

Subdivision 2. Application, Connection and Sale of Service.

Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Subdivision 3. Discontinuance of Service.

All municipal utilities may be shut off or discontinued whenever it is found that:

- A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or,
- B. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof, or,
- C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

Subdivision 4. Ownership of Municipal Utilities.

Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

Subdivision 5. Right of Entry.

By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of their employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of maintaining, protecting, inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service. The city or its agent may enter the property to trim or remove trees or other objects that may interfere with or endanger utility infrastructure or service.

Subdivision 6. Meter Test.

Whenever a consumer shall request the City to test any utility meter in use by the consumer, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to vary more than two (2%) percent the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate within two (2%) percent in its recordings or calculations it shall be reinstalled and the deposit shall be retained by the City to defray the cost of such test. Cash deposits amounts for meter tests shall be set by policy by the Utility Commission.

Subdivision 7. Unlawful Acts.

- A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.
- B. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.
- C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.
- D. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

Subdivision 8. Municipal Utility Services and Charges a Lien.

- A. Payment for all municipal utility (as that term is defined in City Code, Section 3.01) service and charges shall be carried in the name of the owner

or tenant who personally, or by his or her authorized agent, applied for such service. Such applicant shall complete and return utility application forms and pay deposit and other fees required by the utility before utility service is provided to the customer. The City Council by resolution shall adopt a fee schedule from time to time. The City of Mountain Lake may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

- B. Deposits: The Council shall establish a schedule of deposits for each category of customer to protect the city from delinquent utility accounts.
- C. Rental Units: Landlords shall be responsible for utility accounts unless a current limiter can lawfully be installed for each rental unit. Landlords shall also be responsible for utility accounts for time periods during which tenants vacate a given unit or before the tenant pays a deposit, or at the landlord's option, service shall be terminated and will not be reconnected until a customer applies for service and pays the deposit.
- D. As provided by law, each account is hereby made a lien upon the premises served. All such accounts which are more than forty-five days past due may, when authorized by resolution of the Council, be certified by the City Clerk-Treasurer of the City of Mountain Lake, Minnesota, to the County Auditor, and the City Clerk-Treasurer in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes. Unpaid charges shall not be certified to the County Auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the owner may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.
- E. Municipal Utilities shall not be shut-off or a current limiter shall not be installed until notice and an opportunity for a hearing before the Mountain Lake Utilities Commission or an employee designated by the City have been provided to the occupant and the owner of the premises involved.

Subdivision 9

RESERVED.

Subdivision 10. Combined Connections.

A. Definitions.

1. For the purposes of this subdivision the term "combined connection" means a single connection to either the municipal water or municipal sanitary sewer system that services:
 - a. Two more residential units or;
 - b. Two or more commercial or industrial lots of separate parcels of record.
2. For the purposes of this subdivision the term residential unit means single-family homes, divided and undivided; duplexes, townhouses, apartments; and other multi-family housing.

B. New Combined Connections Not Allowed.

Unless permitted in accordance with Section 4 or Section 5 no combined connection may be made after the effective date of this ordinance.

C. Conditions Under Which Existing Combined Connections Must Be Corrected.

Unless permitted to continue in accordance with Section 4 or 5 combined connections shall be eliminated when the combined connection deteriorates to such condition that it must be replaced or when the city undertakes a project in which the sewer/water mains and laterals in the street abutting the property are replaced.

D. Exceptions.

The requirements of B and C do not apply to:

1. Multi-family residential rental properties where all units served by combined connection are under the same ownership and receive (1) one bill
2. Multiple industrial or commercial lots or parcels of land that are adjacent under the same ownership and used for a single, unified business enterprise
3. Combined connections where there is not an individual service from the main to the edge of the right of way available for each property using the combined connection.

E. Variances.

1. The Utility Commission may grant variances from the requirements of C upon a finding that there are unique or unusual physical constraints on construction an individual connection that make such connection impractical from an engineering perspective.
2. Appeals to the City Council shall be filed with the City Administrator within thirty (30) days of the date of the Utility Commission action. The Administrator shall,

within one week of such appeal being filed, establish a date for a public hearing. The notice of such hearing shall be published in the legal newspaper not more than 30 days or less than 10 days prior to the public hearing. The City Council shall decide the matter appealed within thirty (30) days after the date of the hearing.

F. Penalties.

Any persons found in violation of this ordinance shall be guilty of a misdemeanor. Violation of this ordinance is also grounds for termination of sewer and water service or imposition of penalties or charges as may be imposed by council resolution.

RE: Palmer Bus Diesel Tank

During the discussion on the public school/Palmer Bus matter at the last council meeting a question was raised in regards to Subd. 8 of Section 9.56. Is diesel fuel a 'hazardous product' ? Chapter 9 of Mt. Lake Code does not define 'hazardous product'.

Tim Coners, Mt. Lake Fire Chief, said that diesel fuel is no more dangerous than heating oil. There numerous heating oil tanks in the city.

Ryan Mihalak, Mt. Lake's Safety Coordinator was asked if diesel fuel is a 'hazardous product'. His answer follows.

Mt. Lake Code

SECTION 9.56. PERFORMANCE STANDARDS.

Subdivision 1. Intent.

It is the intent of this Section to provide that industrial and commercial related activities shall be established and maintained with the proper front streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

Subdivision 8. Hazardous Materials.

Any use requiring the storage, utilization, or manufacturing of hazardous products shall not be located less than 500 feet from any residence or public meeting place.



MEMORANDUM

To: Wendy Meyer, City Administrator

From: Ryan Mihalak, MMUA Safety Coordinator

Date: 3/24/17

Re: Hazardous Materials Definition

Wendy:

Regarding your question concerning the definition of "hazardous materials", the International Code Council (which Minnesota derives its state fire code from) defines hazmat as "Those chemicals or substances which are physical hazards or health hazards as defined and classified in this chapter, whether the materials are in usable or waste condition" (2015 ICC Section 202).

The US Department of Transportation (US DOT), Occupational Safety and Health Administration (OSHA) and the National Fire Protection Association (NFPA) jointly agreed to NFPA 30 (Flammable and Combustible Liquids Code), which brings a common definition to "flammable" vs "combustible" material, in line with the United Nations and internationally recognized standards. Diesel fuel is covered under the NFPA 30 section due to its flammability potential and therefore meets the definition of hazardous materials as stated by the ICC code.

Diesel fuel, by itself, has a high flash point ranging from 125° F to 140° F, and thus is categorized as a "Class II" hazardous material (Class II is defined as any liquid with a flash point over 100° F, but below 140° F). The aforementioned range is based on sulfur content and biodiesel blend; for purposes of this memo, I used data from CHS/Cenex safety data sheets, as I presume the client is using your local co-op as their supplier. I also checked Marathon Oil and Citgo Oil safety data sheets, and their flash points were similar.

Because of the high flash point, it must be pre-heated through environmental or intentional means prior to a spark or flame being applied to ignite. Under normal circumstances, it is a very stable product and cannot self-ignite.