

**Mountain Lake City Council Meeting**  
**Mountain Lake City Hall**  
**WEDNESDAY, June 22, 2016**  
**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 9918851 – 9918906, 437E & 438E\*(1-6)
  - b. Approval of Payroll Checks # 62499 - 62535
  - c. Approval of June 6 and June 15 Council Minutes\*(7-11)
  - d. Approval of June 2 and June 9 Utility Commission Minutes\*(12-14)
  - e. Approval of May 10 Police Commission Minutes\*(15)
  - f. Approval of May 13 EDA Minutes\*(16-18)
  - g. Approval of May 9 Lake Commission Minutes\*(19-20)
3. Public – A total of ten (10) minutes is allotted for individuals to briefly discuss a topic of concern with the Council.
4. Guaranteed Energy Savings Program (GESp) Discussion, Paul Bredeson, Sr. Program Manager, McKinstry, Inc. – more information at meeting
5. Adoption of Resolution #17-16, Hazardous Building Resolution 1406 3<sup>rd</sup> Ave., PIN 22.610.0550 – more information at meeting
6. Approval Well #7 Project Final Payment\*(21-24)
7. Consider Adding Trail and Parks Part-time Employee\*(25)
8. Adoption of Resolution #16-16, Tax-Forfeited Property\*(26-30)
9. Consider Letter supporting Special Session\*(31)
10. Consider Temporary Dwelling Law and Possible Opt-Out\*(32-38)
11. Review/Discussion of Draft Capital Improvement Plan – separate attachment
12. Yoder v City of Mt. Lake, Meeting will be Closed, Attorney/Client Privilege
13. Adjourn

**DATES TO REMEMBER**

**TUESDAY JUNE 28** - Kuechle v City of Mt. Lake Mediation

**TUESDAY OCTOBER 4** - CMPAS Annual Meeting, 3-7 PM, Mankato

**\*Check Detail Register©**

*June 22, 2016  
mly  
ck# 9918851-9918906  
437E + 438E*

June 2016

Check Amt Invoice Comment

**10100 United Prairie**

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
<b>ALPHA WIRELESS COMMUNICATIONS</b>					
E 221-42200-323	6/3/2016	Radio-monthly service contract	\$36.00	683622	JUNE FIRE PAGER MAINT CONTRACT
E 231-42154-323	6/3/2016	Radio-monthly service contract	\$44.00	683622	JUNE AMB PAGER MAINT CONTRACT
<b>otal ALPHA WIRELESS COMMUNICATIONS</b>			<b>\$80.00</b>		
<b>AMERIPRIDE</b>					
E 101-43100-215	6/3/2016	Shop Supplies	\$30.17	2800627265	TOWELS FOR ST DEPT
E 101-41400-401	6/3/2016	Repairs/Maint Buildings	\$41.77	2800627265	MATS FOR CITY HALL
<b>Total AMERIPRIDE</b>			<b>\$71.94</b>		
<b>HOMETOWN SANITATION SERVICE</b>					
E 101-45183-384	6/3/2016	Refuse/Garbage Disposal	\$120.00	187078	CAMPGROUND GARBAGE
<b>Total HOMETOWN SANITATION SERVICE</b>			<b>\$120.00</b>		
<b>KDOM RADIO</b>					
E 101-00000-430	6/3/2016	Miscellaneous	\$28.00		MONTHLY ADV
<b>Total KDOM RADIO</b>			<b>\$28.00</b>		
<b>RED FEATHER PAPER</b>					
E 101-45200-210	6/3/2016	Operating Supplies	\$249.15		87352
<b>Total RED FEATHER PAPER</b>			<b>\$249.15</b>		
<b>COMMISSIONER OF REVENUE</b>					
G 101-21702	6/13/2016	State Withholding	\$34.67		
<b>Total COMMISSIONER OF REVENUE</b>			<b>\$34.67</b>		
<b>INTERNAL REVENUE SERVICE</b>					
G 101-21703	6/13/2016	FICA Tax Withholding	\$720.80		
G 101-21701	6/13/2016	Federal Withholding	\$64.80		
<b>Total INTERNAL REVENUE SERVICE</b>			<b>\$785.60</b>		
<b>AFLAC</b>					
G 101-21713	6/9/2016	AFLAC	\$192.74		
<b>Total AFLAC</b>			<b>\$192.74</b>		
<b>BCBS/HSA</b>					
G 101-21714	6/9/2016	HSA	\$393.85		
<b>Total BCBS/HSA</b>			<b>\$393.85</b>		
<b>COMMISSIONER OF REVENUE</b>					
G 101-21702	6/9/2016	State Withholding	\$823.87		
<b>Total COMMISSIONER OF REVENUE</b>			<b>\$823.87</b>		
<b>GISLASON &amp; HUNTER</b>					
G 101-21712	6/9/2016	Garnishments	\$362.72		
<b>Total GISLASON &amp; HUNTER</b>			<b>\$362.72</b>		
<b>INTERNAL REVENUE SERVICE</b>					
G 101-21703	6/9/2016	FICA Tax Withholding	\$2,618.36		
G 101-21701	6/9/2016	Federal Withholding	\$1,905.37		
<b>Total INTERNAL REVENUE SERVICE</b>			<b>\$4,523.73</b>		
<b>LAW ENFORCEMENT LABOR SERV</b>					
G 101-21711	6/9/2016	PD UNION DUES	\$147.00		
<b>Total LAW ENFORCEMENT LABOR SERV</b>			<b>\$147.00</b>		

(1)

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June 2016

			Check Amt	Invoice	Comment
Paid Chk#	9918864	6/9/2016			PERA
	G 101-21704	PERA	\$4,268.73		
		<b>Total PERA</b>	<b>\$4,268.73</b>		
Paid Chk#	9918865	6/9/2016			VALIC
	G 101-21705	VALIC	\$388.00		
		<b>Total VALIC</b>	<b>\$388.00</b>		
Paid Chk#	9918866	6/10/2016			CARCHIOUS RODNEY
	E 607-46330-401	Repairs/Maint Buildings	\$17.00		MAY MAINTENANCE
	E 608-46330-401	Repairs/Maint Buildings	\$33.00		MAY MAINTENANCE
		<b>Total CARCHIOUS RODNEY</b>	<b>\$50.00</b>		
Paid Chk#	9918867	6/10/2016			CITIZEN PUBLISHING
	E 205-46500-343	Busnes Recrut/Comm Dev	\$125.50	243463,24349	HERITAGE FAIR & VISITOR GUIDE
		<b>Total CITIZEN PUBLISHING</b>	<b>\$125.50</b>		
Paid Chk#	9918868	6/10/2016			DARON J. FRIESEN
	E 609-46330-402	Repairs/Maint- Ground	\$406.67		MOW,FERTILIZE MASON MANOR
	E 607-46330-402	Repairs/Maint- Ground	\$120.13		MOW,FERTILIZE HERITAGE ESTATES
	E 608-46330-402	Repairs/Maint- Ground	\$233.20		MOW, FERTILIZE HERITAGE ESTATES
		<b>Total DARON J. FRIESEN</b>	<b>\$760.00</b>		
Paid Chk#	9918869	6/10/2016			ESSEX CAPITAL LLC
	E 205-46500-433	Dues and Subscriptions	\$2,500.00		CVN MEMBERSHIP-6/1/16 TO 5/31/17
		<b>Total ESSEX CAPITAL LLC</b>	<b>\$2,500.00</b>		
Paid Chk#	9918870	6/10/2016			LITTLE CARE BEARS DAYCARE
	G 230-10639	Little Care Bears Daycare	\$769.14		LOAN ADVANCE-SUPPLIES
		<b>Total LITTLE CARE BEARS DAYCARE</b>	<b>\$769.14</b>		
Paid Chk#	9918871	6/10/2016			MNDOT-COMMISSONER OF TRANSPORT
	E 205-46500-430	Miscellaneous	\$60.00		HWY 60 SIGN PERMIT
	il	MNDOT-COMMISSONER OF TRANSPORT	\$60.00		
Paid Chk#	9918872	6/10/2016			MUNICIPAL UTILITIES
	E 240-46500-430	Miscellaneous	\$1,931.24		FINAL BILL CUSTOM MOTORS BLDG
		<b>Total MUNICIPAL UTILITIES</b>	<b>\$1,931.24</b>		
Paid Chk#	9918873	6/10/2016			ROBERT ANDERSON
	E 205-46500-331	Travel Expenses	\$101.74		MILEAGE TO DEED WORKSHOP
		<b>Total ROBERT ANDERSON</b>	<b>\$101.74</b>		
Paid Chk#	9918874	6/15/2016			COTTONWOOD COUNTY AUD/TREAS
	E 101-00000-430	Miscellaneous	\$95.00		2 SCREENS, 3 KEYBOARDS,5 PC'S
	E 221-42200-430	Miscellaneous	\$10.00		RECYCLE FD FRIDGE
		<b>Total COTTONWOOD COUNTY AUD/TREAS</b>	<b>\$105.00</b>		
Paid Chk#	9918875	6/16/2016			COUNTRY PRIDE SERVICES
	E 507-45150-212	Motor Fuels	\$126.27		WEED HARVESTOR GAS
	E 101-42100-212	Motor Fuels	\$151.66		PD-EXPEDITION GAS
	E 101-42100-212	Motor Fuels	\$304.85		PD-EXPLORER GAS
	E 101-43100-212	Motor Fuels	\$463.96		STREET DEPT GAS
	E 101-45200-212	Motor Fuels	\$173.86		PARKS GAS
	E 231-42154-212	Motor Fuels	\$156.48		AMB DIESEL
	E 221-42200-212	Motor Fuels	\$250.49		FIRE DEPT GAS
	E 101-43100-404	Repairs/Maint Machinery/Equip	\$125.04	092437	ST DEPT TIRES

2

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June 2016

		Check Amt	Invoice	Comment
E 101-45186-401	Repairs/Maint Buildings	\$104.99	159989,16130	COMM CTR-MOEN CARTRIDGE,CLEANERS
E 101-42100-430	Miscellaneous	\$40.57	160016,16042	PD-DUCT TAPE,CLOTH & CARWASH SOAP
E 211-45500-220	Repair/Maint Supply	\$164.00	160026,16053	LIBRARY-EXT CORD,FURNACE FILTER,CHANGE FILTERS
E 101-45200-404	Repairs/Maint Machinery/Equip	\$43.35	160167,16092	RUBBER STRAP,TRIMMER LINE,GARBAGE BAGS
E 101-43100-430	Miscellaneous	\$33.10	160206,16156	ST DEPT-POTTING SOIL,1 GAL SPRAYER
E 101-45183-401	Repairs/Maint Buildings	\$77.75	160259,16152	CAMPGROUND-SHOWER CURTAIN,TOLIET GASKET,DRUM AUGER
E 101-43100-404	Repairs/Maint Machinery/Equip	\$20.89	160628,16146	ST DEPT-QUICK LINK,OIL
E 231-42154-401	Repairs/Maint Buildings	\$8.54	160753	DOOR LUBE-AMB HALL
E 607-46330-401	Repairs/Maint Buildings	\$873.36	160773,16156	FAUCET-LOHRENZ,HANDICAP TOILET
E 101-43150-220	Repair/Maint Supply	\$6.94	160947	MARKING PAINT-STORM SEWER
E 101-46200-430	Miscellaneous	\$8.10	160971	SNAP HOOK-CEMETERY
E 221-42200-404	Repairs/Maint Machinery/Equip	\$14.95	161041	PLIER FOR FIREHALL
E 507-45150-404	Repairs/Maint Machinery/Equip	\$45.31	161110,09252	GREASE & OIL FOR WEED HARVETOR
E 608-46330-401	Repairs/Maint Buildings	\$601.59	161121,16011	RO REPAIR-WASSMAN,TOLIET REPAIR-STOESZ
E 101-42100-430	Miscellaneous	\$465.70	161123	SINK REPAIR IN POLICE GARAGE
E 231-42154-401	Repairs/Maint Buildings	\$13.42	161262	EYE BOLT,CHAIN,SCREWS-AMB HALL
E 231-42154-401	Repairs/Maint Buildings	\$42.71	161266	FLUORESCENT BULBS-AMB HALL
E 240-46500-401	Repairs/Maint Buildings	\$281.07	161314	BLOWER FAN WHEEL & LABOR-CUSTOM MOTORS BLDG
E 507-46103-220	Repair/Maint Supply	(\$152.03)	161432	RETURN ITEMS FROM DOCK
E 221-42200-430	Miscellaneous	\$11.98	5/18/16	FD-WATER
<b>Total COUNTRY PRIDE SERVICES</b>		<b>\$4,458.90</b>		
<b>Paid Chk# 9918876 6/16/2016 MUNICIPAL UTILITIES</b>				
R 101-00000-31000	General Property Taxes	\$2,619.62		SEWER ASSESSMENT 22112-ATTACHMENT "A"
<b>Total MUNICIPAL UTILITIES</b>		<b>\$2,619.62</b>		
<b>Paid Chk# 9918877 6/16/2016 MUNICIPAL UTILITIES</b>				
R 101-00000-31000	General Property Taxes	\$190.12		SEWER ASSESSMENT#22102 ATTACHMENT "B"
<b>Total MUNICIPAL UTILITIES</b>		<b>\$190.12</b>		
<b>Paid Chk# 9918878 6/16/2016 BOUND TREE MEDICAL</b>				
E 231-42154-210	Operating Supplies	\$84.40	82170076	AMBULANCE SUPPLIES
E 231-42154-210	Operating Supplies	\$138.32	82176294	AMBULANCE SUPPLIES
<b>Total BOUND TREE MEDICAL</b>		<b>\$222.72</b>		
<b>Paid Chk# 9918879 6/16/2016 CASEYS-CREDIT CARD DEPARTMENT</b>				
E 101-43100-212	Motor Fuels	\$101.84		ST DEPT GAS
E 101-45200-212	Motor Fuels	\$170.46		PARKS MOWER GAS
E 101-00000-430	Miscellaneous	\$58.42		UT GAS
<b>Total CASEYS-CREDIT CARD DEPARTMENT</b>		<b>\$330.72</b>		
<b>Paid Chk# 9918880 6/16/2016 COTTONWOOD COUNTY AUD/TREAS</b>				
E 101-43200-344	Property Cleanup	\$1,645.98		2016 CITY WIDE CLEANUP LANDFILL FEES
<b>Total COTTONWOOD COUNTY AUD/TREAS</b>		<b>\$1,645.98</b>		
<b>Paid Chk# 9918881 6/16/2016 COTTONWOOD COUNTY VET CLINIC</b>				
E 101-42100-430	Miscellaneous	\$82.29	2016054026	DOGS TO VET CLINIC
<b>Total COTTONWOOD COUNTY VET CLINIC</b>		<b>\$82.29</b>		
<b>Paid Chk# 9918882 6/16/2016 DENNIS E. OBERLOH LTD</b>				
E 101-41400-301	Auditing and Acct g Services	\$6,000.00		2015 AUDIT
<b>Total DENNIS E. OBERLOH LTD</b>		<b>\$6,000.00</b>		
<b>Paid Chk# 9918883 6/16/2016 DENNIS HULZEBOS</b>				

3

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June 2016

			Check Amt	Invoice	Comment
E 101-45186-220	Repair/Maint Supply		\$41.84	6/11/16	VACUUM CLEANER PARTS
E 211-45500-200	Office Supplies		\$24.99	6/11/19	VACUUM CLEANER PARTS
<b>Total DENNIS HULZEBOS</b>			<b>\$66.83</b>		
<b>Paid Chk# 9918884 6/16/2016 DUERKSEN ELECTRIC INC.</b>					
E 101-45183-402	Repairs/Maint- Ground		\$73.86	2292	BREAKER REPAIR AT CAMPGROUND
<b>Total DUERKSEN ELECTRIC INC.</b>			<b>\$73.86</b>		
<b>Paid Chk# 9918885 6/16/2016 EXPERT T BILLING</b>					
E 231-42154-300	Professional Svcs		\$324.00	2870	MAY AMB BILLING
<b>Total EXPERT T BILLING</b>			<b>\$324.00</b>		
<b>Paid Chk# 9918886 6/16/2016 FAST MANUFACTURING</b>					
E 101-43100-404	Repairs/Maint Machinery/Equip		\$4.63	47905	SPRAYER PARTS-ST DEPT
E 101-43100-404	Repairs/Maint Machinery/Equip		\$6.19	48581	SPRAYER PARTS-ST DEPT
<b>Total FAST MANUFACTURING</b>			<b>\$10.82</b>		
<b>Paid Chk# 9918887 6/16/2016 HEIMAN FIRE EQUIPMENT--USE THI</b>					
E 221-42200-404	Repairs/Maint Machinery/Equip		\$689.00	0847095	FD-HOSE
E 221-42200-404	Repairs/Maint Machinery/Equip		\$114.05	0847164	FD-HANDLE & VALVE KIT
E 221-42200-404	Repairs/Maint Machinery/Equip		\$187.59	0847265	FD-BATTERY PACK
<b>Total HEIMAN FIRE EQUIPMENT--USE THI</b>			<b>\$990.64</b>		
<b>Paid Chk# 9918888 6/16/2016 JAND DEVELOPMENT</b>					
E 470-49000-300	Professional Svcs		\$5,195.08		1ST HALF 2016 TIF
<b>Total JAND DEVELOPMENT</b>			<b>\$5,195.08</b>		
<b>Paid Chk# 9918889 6/16/2016 KEN DREXLER</b>					
E 101-46200-402	Repairs/Maint- Ground		\$350.00		RESET 2 MARKERS AT CEMETERY
<b>Total KEN DREXLER</b>			<b>\$350.00</b>		
<b>Paid Chk# 9918890 6/16/2016 KENNEDY &amp; GRAVEN, CHARTERED</b>					
E 101-45210-304	Legal Fees		\$4,260.80		TRAIL LEGAL FEES
<b>Total KENNEDY &amp; GRAVEN, CHARTERED</b>			<b>\$4,260.80</b>		
<b>Paid Chk# 9918891 6/16/2016 KOLANDER TREE SERVICE</b>					
E 101-45204-407	Tree Maintenance		\$225.00	1779	STUMP REMOVAL
<b>Total KOLANDER TREE SERVICE</b>			<b>\$225.00</b>		
<b>Paid Chk# 9918892 6/16/2016 L &amp; S CONSTRUCTION</b>					
E 101-43121-224	Street Maint Materials		\$2,859.50		266 YDS GRAVEL @\$10.75
<b>Total L &amp; S CONSTRUCTION</b>			<b>\$2,859.50</b>		
<b>Paid Chk# 9918893 6/16/2016 MAYNARDS FOOD CENTER</b>					
E 205-46500-430	Miscellaneous		\$31.23	5/13/16	EDA-POP & WATER
E 205-46500-430	Miscellaneous		\$39.90	5/13/16	EDA-LUNCH
E 101-41400-200	Office Supplies		\$30.44	5/20/16	CITY HALL CLEANING SUPPLIES
<b>Total MAYNARDS FOOD CENTER</b>			<b>\$101.57</b>		
<b>Paid Chk# 9918894 6/16/2016 MIDSTATES</b>					
E 101-43100-404	Repairs/Maint Machinery/Equip		\$54.72	216509	GRACO TUBE-ST DEPT
<b>Total MIDSTATES</b>			<b>\$54.72</b>		
<b>Paid Chk# 9918895 6/16/2016 MILLENNIUM CREDIT CONSULTANTS</b>					
E 231-42154-430	Miscellaneous		\$290.22		AMBULANCE COLLECTION FEES
<b>Total MILLENNIUM CREDIT CONSULTANTS</b>			<b>\$290.22</b>		

4

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June 2016

			Check Amt	Invoice	Comment
Paid Chk#	9918896	6/16/2016	<b>MOUNTAIN POWER HYDRAULICS</b>		
	E 341-47000-300	Professional Svcs	\$24,446.95		1ST HALF 2016 TIF
	<b>Total</b>	<b>MOUNTAIN POWER HYDRAULICS</b>	<b>\$24,446.95</b>		
Paid Chk#	9918897	6/16/2016	<b>MUNICIPAL UTILITIES</b>		
	R 101-00000-31000	General Property Taxes	\$192.95		UTILITIES ASSESSED-22013 ATTACHMENT "D"
	<b>Total</b>	<b>MUNICIPAL UTILITIES</b>	<b>\$192.95</b>		
Paid Chk#	9918898	6/16/2016	<b>NORTHLAND CHEMICAL CORP</b>		
	E 101-45200-210	Operating Supplies	\$117.58	5061321	CLEANER FOR PARKS
	<b>Total</b>	<b>NORTHLAND CHEMICAL CORP</b>	<b>\$117.58</b>		
Paid Chk#	9918899	6/16/2016	<b>PETERSON DRUG &amp; GIFTS</b>		
	E 231-42154-210	Operating Supplies	\$1,130.59	5/14/16	SUPPLIES FOR AMB
	E 101-41110-430	Miscellaneous	\$5.87	5/2/16	BATTERIES FOR COUNCIL RECORDER
	E 221-42200-404	Repairs/Maint Machinery/Equip	\$9.37	5/20/16	FIRE DEPT-SHIP RADIO TO MANKATO
	E 101-43100-430	Miscellaneous	\$14.45	5/31/16	FLOWERS-ST DEPT
	<b>Total</b>	<b>PETERSON DRUG &amp; GIFTS</b>	<b>\$1,160.28</b>		
Paid Chk#	9918900	6/16/2016	<b>PETTIPIECE &amp; ASSOCIATES</b>		
	E 202-41400-434	Project Expense	\$703.00	25739	GRANT ADMIN
	<b>Total</b>	<b>PETTIPIECE &amp; ASSOCIATES</b>	<b>\$703.00</b>		
Paid Chk#	9918901	6/16/2016	<b>PINEBROOK</b>		
	E 360-47000-300	Professional Svcs	\$3,349.37		1ST HALF 2016-TIF
	<b>Total</b>	<b>PINEBROOK</b>	<b>\$3,349.37</b>		
Paid Chk#	9918902	6/16/2016	<b>POPD KERNS-KRIENKE FOODS</b>		
	E 303-47000-300	Professional Svcs	\$11,131.52		1ST HALF 2016 TIF
	<b>Total</b>	<b>POPD KERNS-KRIENKE FOODS</b>	<b>\$11,131.52</b>		
Paid Chk#	9918903	6/16/2016	<b>RADTKE WELDING</b>		
	E 231-42154-404	Repairs/Maint Machinery/Equip	\$384.75	7674	REPAIR BUMPER ON AMBULANCE
	<b>Total</b>	<b>RADTKE WELDING</b>	<b>\$384.75</b>		
Paid Chk#	9918904	6/16/2016	<b>RED FEATHER PAPER</b>		
	E 101-41400-200	Office Supplies	\$33.35	87767	PAPER TOWELS-CITY HALL
	<b>Total</b>	<b>RED FEATHER PAPER</b>	<b>\$33.35</b>		
Paid Chk#	9918905	6/16/2016	<b>TAYLOR NESMOE</b>		
	E 221-42200-404	Repairs/Maint Machinery/Equip	\$150.59	418152	CHANGE OIL & FILTERS-NEW GRASS RIG
	E 221-42200-404	Repairs/Maint Machinery/Equip	\$143.42	418153	CHANGE OIL & FILTERS-OLD GRASS RIG
	<b>Total</b>	<b>TAYLOR NESMOE</b>	<b>\$294.01</b>		
Paid Chk#	9918906	6/16/2016	<b>WESTERN COMMUNITY ACTION</b>		
	E 202-41400-434	Project Expense	\$4,711.00		GRANT ADMIN
	E 202-46300-434	Project Expense	\$10,379.00		GRANT-SMALL CITIES
	<b>Total</b>	<b>WESTERN COMMUNITY ACTION</b>	<b>\$15,090.00</b>		
	<b>10100</b>	<b>United Prairie</b>	<b>\$106,129.77</b>		

5

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June 2016

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**Fund Summary**

<b>10100 United Prairie</b>	
101 GENERAL FUND	\$33,645.67
202 2014 SMALL CITIES DEVELOP PROG	\$15,793.00
205 ECONOMIC DEVELOPMENT AUTHORITY	\$2,858.37
211 LIBRARY FUND	\$188.99
221 FIRE DEPT FUND	\$1,617.44
230 REVOLVING LOAN FUND	\$769.14
231 AMBULANCE FUND	\$2,617.43
240 PROTIENT--DTED LOAN	\$2,212.31
303 TIF #1-5 POPD KERNS	\$11,131.52
341 T.I.F.# 1-6 MT POWER	\$24,446.95
360 T.I.F.#1-3 PINEBROOK	\$3,349.37
470 T.I.F.#1 HOSPITAL PROJECT FND	\$5,195.08
507 LAKE COMMISSION FUND	\$19.55
607 EDA----4 PLEX FUND	\$1,010.49
608 EDA----8 PLEX FUND	\$867.79
609 EDA-- MASON MANOR	\$406.67
	<u>\$106,129.77</u>

**Paid Chk# 000437E 6/6/2016 UNITED PRAIRIE BANK**

G 609-22800 Notes Payable - Current	\$431.00	MASON MANOR-PRINC PAYMENT
E 609-46330-610 Interest	\$859.53	MASON MANOR-INTEREST PAYMENT
<b>Total UNITED PRAIRIE BANK</b>	<b>\$1,290.53</b>	

**Paid Chk# 000438E 6/20/2016 SELECT ACCOUNT**

E 101-45200-141 Admin Fees-HSA	\$1.27	JUNE HSA ADMIN FEES
E 101-43100-141 Admin Fees-HSA	\$3.80	JUNE HSA ADMIN FEES
E 211-45500-141 Admin Fees-HSA	\$2.11	JUNE HSA ADMIN FEES
E 205-46500-141 Admin Fees-HSA	\$2.11	JUNE HSA ADMIN FEES
E 101-42100-141 Admin Fees-HSA	\$8.44	JUNE HSA ADMIN FEES
E 101-41400-141 Admin Fees-HSA	\$4.22	JUNE HSA ADMIN FEES
E 101-46200-141 Admin Fees-HSA	\$1.26	JUNE HSA ADMIN FEES
<b>Total SELECT ACCOUNT</b>	<b>\$23.21</b>	

6



**DRAFT**  
**Mountain Lake City Council Meeting**  
**Mountain Lake City Hall**  
**Monday, June 6, 2016**  
**6:30 p.m.**

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

Members Absent: David Savage

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

Others Present: Doug Regehr; Tom Appel, Cottonwood County Commissioner

**Call to Order**

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

**Agenda and Consent Agenda**

Motion by Kass, seconded by Kruser, to approve the consent agenda and the agenda as presented. Motion carried unanimously.

Bills: Check #'s 9918805 – 9918850

Payroll Checks # 62479 - 62498

May 16 Council Minutes

May 12 Utility Commission Minutes

Resolution #14-16 Appointing Election Judges

**Public**

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

**Final Reading - Ordinance #2-16 Encroachments – Amending Section 9.11 Subdivision 9 Residential District Regarding Front Yard Encroachments**

The ordinance was briefly reviewed. Motion by Kass, seconded by Kruser, to adopt Ordinance #2-16 as presented. Motion carried unanimously.

**Final Reading – Ordinance #6-16 Amending Section 9.34. Subdivision 1, Definition #5 Regarding Telecommunication Towers**

The ordinance was briefly reviewed. Motion by Ysker, seconded by Kass, to adopt Ordinance #6-16 as presented. Motion carried unanimously.

### **Award Electric Sub-Station Component Bids**

Bid summary documents prepared by Mike Thielen, Utilities Plus Energy Services, were reviewed and various aspects discussed. The Utility Commission reviewed the bids at a June 2 meeting and recommended the contractors and bids recommended by Thielen. Motion by Kruser, seconded by Ysker, to award the 10/14 MVA Transformer to OTC Services at cost of \$439,088.46 (includes MN sales tax); to award the 5KV switchgear to States Electric at a cost of \$333,984.50 (includes MN sales tax, and Alternates A and B); to award circuit switcher to Ahlstrom Grid, LLC at a cost of \$31,902.19 (includes sales tax) and to award the 600 amp switch to Royal Switchgear at a cost of \$7641.56 (including sales tax). Motion carried unanimously.

### **Call for Bids to bring Three (3) Remaining Power Plant Engines into Compliance with National Emission Standards Hazardous Air Pollutants (NESHAP) Reciprocating Internal Combustion Engines (RICE) Requirements**

The work consists of removing the existing exhaust silencer for each engines and replacing it with a new exhaust silencer that reduces emission to meet standards. The bids will be opened at 2PM on Tuesday, July 12. Motion by Kruser, seconded by Kass, to call for bids. Motion carried unanimously.

### **Wastewater Treatment Project Update and Adoption of Resolution #15-16**

Because the 2016 legislature did not pass a bonding bill during regular session the Public Facilities Authority was not funded. The project timeline has been adjusted. MN Pollution Control Agency (MPCA) is requesting formal adoption of preferred alternative for the project. Motion by Kass, seconded by Kruser, to adopt Resolution #15-16 Adopting the Supplemental Information to the Preliminary Engineering Report and Facility Plan and Selecting Alternative #4 as the City's Preferred Alternative. Motion carried unanimously.

### **Review Data Practices Policies**

The policies *Data Practices Policy for Data Subjects*, *Data Practices Policy for Members of the Public*, and *Policy for Ensuring the Security of Not-Public-Data* were reviewed. No action taken.

### **Transfer of Funds to Police and Street Reserves**

The 2015 Street and Related Departments and Police Department expenses and revenues were reviewed. Motion by Kruser, seconded by Kass, to transfer \$57,187.54 to Street and Related Department reserves and \$21,815.33 to Police Department reserves. Motion carried unanimously.

### **Mayor and Council Member Salaries**

By state statute mayor/council salaries must be set prior to November 8, General Election Day but cannot take effect until January 1, 2017. The salaries of other cities' mayors and councils were reviewed and discussed. No action taken.

**Request to Remove Sidewalk - 647 4<sup>th</sup> Ave.**

The owners, Timothy and Johanna Ruby, want to remove the sidewalk on their property. This is the only sidewalk on their block of 4<sup>th</sup> Ave. Motion by Kruser, seconded by Ysker, to allow the removal. Motion carried unanimously.

**2017 Local Government Aid (LGA)**

LGA under current law for 2017 and LGA if Governor Dayton signs the tax bill were reviewed.

**Contract Negotiation Preparation Meetings**

By consensus it was agreed that these meetings should be part of the regularly scheduled council meetings.

**Closed Meeting, Attorney/Client Privilege**

Motion by Kass, seconded by Ysker, to closing the open meeting to discuss pending litigation as per MN Statutes 13D.05 Sub.3b, Yoder v City of Mt. Lake at 7:12 PM. Motion carried unanimously. Motion by Kass, seconded by Kruser, to close the closed meeting and open the open meeting at 7:53 PM. Motion carried unanimously.

**Yoder Settlement Agreement**

Motion by Nelson, seconded by Kruser, to approve the following settlement agreement between the City of Mountain Lake and Kenneth and Rachel Yoder:

1. The City of Mountain Lake will redefine the legal description of its easement on the Yoders' property on the northerly side of the trail to seven and one-half feet from the centerline of the existing paved trail, provided however, that the northern boundary of the original easement shall remain intact in a defined area for maintenance of the existing drainage ways. The balance of the existing easement to the north of the trail shall be released from the easement. The southern easement boundary shall remain as the 105 contour. The trail will remain in its present location. The City will retain a surveyor to prepare a new legal description for the northerly boundary. The city will prepare an amended easement and release for recording.
2. The city will design and install signage demarking "Private Property" at reasonable locations on the north side of the trail.
3. The city will prohibit motorized vehicles on the trail consistent with the MNDOT grant. This provision shall not apply to those vehicles operated on official business

for maintenance, law enforcement or safety and rescue purposes by or for the City of Mountain Lake or by any other governmental entity.

4. The city will compensate the Yoders a total sum of ninety-eight thousand dollars (\$98,000.00) inclusive of the one thousand six hundred dollars (\$1,600.00) filed with the court. A draft in the amount of ninety-six thousand four hundred dollars (\$96,400.00) payable to Yoders and Kutak Rock, LLP shall be paid within twenty (20) days of the execution of the settlement agreement.

Motion carried unanimously.

**Dates to Remember**

A list of upcoming meetings was reviewed by the council.

**Adjourn**

Nelson adjourned the meeting at 8:22 PM.

ATTEST:

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Wendy Meyer, Clerk/Administrator

DRAFT  
Mountain Lake City Council  
Capital Improvement Plan  
Mountain Lake City Hall  
Wednesday, June 15, 2016  
3:00 p.m.

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

Members Absent: None

Staff Present: Wendy Meyer, Clerk/Administrator; Rob Anderson, EDA Director; Doug Bristol, Chief of Police; Carol Lehman, Library Director; Ron Melson, Electric Supt.; David Watkin, Ambulance Captain; Tim Coners, Fire Chief; Kevin Krahn, Water and Sewer Supt.; Rick Oeltjenbruns, Public Works Supt. ; Jim Peterson, Lake Commission Chair

Others Present: Vicki Bettendorf, Mountain Lake Observer/Butterfield Advocate

**Call to Order**

Mayor Nelson called the meeting to order at 3:00.

**Department Needs and Priorities**

Each department head was given 15 minutes to discuss future capital purchases or projects and the approximate year in which they ideally will occur. City and Utility finances were also reviewed.

**Adjourn**

Nelson adjourned the meeting at 6 p.m.

ATTEST:

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Wendy Meyer, Clerk/Administrator

**Special Meeting**  
**Mt. Lake Utilities Commission**  
**Thursday, June 2, 2016**  
**7AM**

Members Present: John Carrison, Mike Johnson, Todd Johnson, Mark Langland, Brett Lohrenz

Members Absent: David Savage, Council Liaison

Staff Present: Wendy Meyer, Clerk/Administrator; Lynda Cowell, Utilities Office Manager; Ron Melson, Electric Supt.; Patrick Oja, Lineman

Others Present: Mike Thielen, Utilities Plus Energy Services (UPES) via phone

**Call to Order**

The meeting was called to order at 7 AM.

**Sub-Station Component Bids**

Bid summary documents prepared by Mike Thielen, UPES, were reviewed. Engineer's estimates, operating costs ('no load loss' and 'load loss'), Western Area Power Administration (WAPA) metering requirements, warranties, delivery time, and payment schedules were discussed.

Motion by M. Johnson, seconded by Lohrenz, to recommend the following to the council: award the 10/14 MVA Transformer to OTC Services at cost of \$439,088.46 (includes MN sales tax); award the 5KV switchgear to States Electric at a cost of \$333,984.50 (includes MN sales tax, and Alternates A and B); award circuit switcher to Ahlstrom Grid, LLC at a cost of \$31,902.19 (includes sales tax) and award the 600 amp switch to Royal Switchgear at a cost of \$7641.56 (including sales tax). Motion carried unanimously.

**National Emission Standards Hazardous Air Pollutants (NESHAP) Reciprocating Internal Combustion Engines (RICE)**

Bob Palmquist, UPES, has completed the specifications to make the three remaining Fairbanks Morse generators NESHAP RICE compliant. Motion by M. Johnson, seconded by Lohrenz to recommend calling for bids to the council. Motion carried unanimously.

**Power Plant Tuck Pointing**

Melson contacted Karr Tuck-Pointing. Water repellent sealant will add \$1,229 to Karr's estimate. Motion by M. Johnson, seconded by T. Johnson, to not add the sealant to the project

and to hire Karr's at a cost of \$13,960 to tuck point the east side of the building and a portion of the west side at the north west corner of the shop. Motion carried unanimously.

**Adjourn**

The meeting was adjourned at 7:34 AM.

**Approved June 9, 2016.**

ATTEST:

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Wendy Meyer, Clerk/Administrator

**Special Meeting**  
**Mt. Lake Utilities Commission**  
**Thursday, June 9, 2016**  
**7AM**

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

Members Absent: Commissioner Brett Lohrenz; David Savage, Council Liaison

Staff Present: Wendy Meyer, Clerk/Administrator; Lynda Cowell, Utilities Office Manager; Ron Melson, Electric Supt.; Kevin Krahn, Water and Wastewater Supt.; David Watkins, Water and Wastewater Worker

Others Present: None

**Call to Order**

The meeting was called to order at 7 AM.

**Approval of Minutes and Bills**

There were no additions to the agenda. Motion by M. Johnson, seconded by T. Johnson, to approve the May 26 and June 2 Minutes and Check Numbers 16264 -16303. Motion carried.

**Department Updates**

Melson briefly updates the commission on the Milk Specialties project, the project to bring the two Cat engines into compliance with emission standards and the cleaning of the fuel oil tank. There were no updates from the Water/Wastewater Department.

**Capital Improvement Plan**

Department heads will be meeting with the council on Wednesday, June 15 to discuss their equipment and project list. The commission reviewed and discussed the utilities' current list and changes for 2017 that will be presented to the council. Water and electric meter purchase and installation were discussed.

Adjourn

The meeting was adjourned at 7:34 AM.

ATTEST:

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Wendy Meyer, Clerk/Administrator



**Doug Bristol**

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**From:**  
**Sent:** Sunday, June 05, 2016 9:14 PM  
**To:**  
**Subject:** May Minutes

Police Commission Meeting Minutes  
May 10, 2016

Present: Chuck W., Doug B., Norm K., Garrett W., Wendy M.

Called to Order: Norm K.

April minutes read and approved. Motion: Garrett, Second: Chuck

Chief's Report:  
71 calls

Old Business:  
Charger sold \$ 8, 300.

New Business:  
Looking for a part time officer. Checking with other departments to split the training costs.  
Meeting moved to Tuesdays

Motion to adjourn: Chuck/Garrett

Respectfully submitted,  
Norm Kunkel

REGULAR MEETING  
ECONOMIC DEVELOPMENT AUTHORITY  
May 13, 2016  
12:00 Noon

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PRESENT: Brian Harder, Jerry Haberman, Vern Peterson, Mark Hanson, Darla Kruser, Steve Syverson, Mike Nelson-by telephone, and Clara Johnson and Brad Hanson, Advisors

ABSENT: None

STAFF PRESENT: Rob Anderson and Marva Ott; and Wendy Meyer, City Administrator

GUESTS: Corey Brunton, Josh Sammons, Terry Mahar, Shelley Medina, Cheryl Hiebert and Dana Kass

1. Call to Order: Mark called the meeting to order.
2. Consent Agenda. Motion made and seconded by Brian and Vern to approve the minutes, bills and financials as presented. Carried.
3. Lakeview Estates Lot 4, Blk 2-Ratify vote taken by email. Shelby would like to buy the lot and had offered \$9,500.00 for it. Assessments on this lot is \$29,000.00. After negotiations a price of \$10,000.00 was settled on. A vote was taken by email. Those voting yes were Brian, Jerry, Darla and Mike. Vern was okay with the \$10,000.00. Steve wasn't in favor of \$10,000.00 and wanted it to be discussed further. Motion made and seconded by Vern and Jerry to approve the sale of the lot at \$10,000.00. Motion carried with Mark abstaining from the vote. Shelby explained her plans for the new house and her loan process. She would like to begin construction in the next 4 weeks and thanked the EDA board for allowing her to move the process along.
4. Watkin's Property-Dana Kass is the agent for this property. Balzer is requesting that the EDA purchase the property and hold it for them until they are ready to buy it for their expansion. The price is at \$75,000.00. The Watkins family also entered into a new Purchase Agreement with the Overland Group. Dana thinks that if the EDA is interested we should also enter into a Purchase Agreement in case the Overland Group backs out. Discussion ensued on how to handle this and whether we need to get involved. Jerry then made a motion to allow Rob to have more discussions with Balzer. Brian seconded the motion and motion carried with Mark abstaining.
5. TIF District 1-8-Downtown Rehab project: Rob told the board that the construction committee had met with Sanford Clinic and Corey Brunton earlier and discussed new construction in the downtown rehab area. Sanford is very interested in putting a new clinic and they indicated they would need the whole lower level. Construction would not begin yet this year due to the late start. Apartments on the 2<sup>nd</sup> level were also discussed. This would not be an issue for Sanford. Discussions with Sanford will continue to move forward. Corey Brunton told the board that the cost for 6 basic bare bones garages would cost approximately \$85,000.00. There was also discussion about parking and possibly acquiring more property across the street to the north for additional parking. Discussions will continue with Sanford.
6. Custom Motors Status:
  - a. Status of eviction-they are not out yet but locked are being changed on Monday morning.

16

1

- b. Loan status-Rob has a call into Bill but no response yet. We haven't received a loan payment since March. Balance on loan is \$23,413.46. There is also a delinquent utility bill of at least \$2,000.00.
  - c. 2016 Property taxes first half have not been paid yet so we will have to pay that. The board discussed what recourse we have on the collateral and to ask the attorney to find out where he moved his property
  - d. Rob stated that Fulda Credit Union will look at the building sometime next week. If Bill's property is not cleared out we will have to store it for 30 days. Rob was directed to contact the attorney to find out what our next steps should be.
7. Proposal from Makayla Price Lil' Pumpkins Play School Daycare: Rob stated that he met with MaKayla and she would like to open a daycare in her home after she has her baby. Rob is asking for feedback from the board on giving her \$8,500.00 to help get the daycare up and running. She is proposing higher prices for kids. Karen is struggling to get kids as prices were too high to begin with. After discussion, the board stated that they are not willing to help out another daycare at this time. Several more comments were made and the board indicated that they would like to see MaKayla get the funds she needs from another source.
  8. Karen's Little Care Bears Daycare-additional insurance requested by the city's agent-Karen cannot afford the additional \$500.00 needed to get more insurance. Rob asked the board if they are willing to pay that for Karen. Discussion ensued about who is liable if something happens to a child. City attorney will be contacted about this. Rob was directed to contact the agent for Karen's insurance company to see if the city (EDA) is named as loss payee and also to see what it would cost to do a separate umbrella policy.  
Rob also stated that additional work is needed on the exterior of the building including downspouts, paint, weather stripping, etc. The construction committee will take a look at it to see what is needed to be done.
  9. SCDP Criteria-draft enclosed for approval: Discussion ensued about housing rehab issues and how we can better reach minorities. After some more discussion, a motion was made and seconded by Vern and Brian to approve the draft as the new criteria. Carried. Rob was directed to contact the Rodney's to see what they are looking at for a timeframe on getting their business going. After more discussion, Jerry made a motion to amend the criteria to include that any project must be started within 6 months after money received and finished within 12 months. Steve seconded the motion and motion carried.
  10. Lease renewal with Mt. Lake Fitness: The board discussed raising the lease payment and also only doing a 1 year lease instead of 2 like Holmberg's wanted. There was discussion about how much the taxes are on the property so Marva went and pulled the tax statements. The taxes are \$1,532.00 for this year. Rob was also directed to contact James Holmberg to see if he would be open to doing a Contract for Deed for \$45,000.00. After more discussion a motion was made and seconded by Vern and Brian to extend the current lease for 1 month for discussions to take place about a possible Contract for Deed. Carried.
  11. Subway: Representatives from Subway came and sat down with Rob to discuss possibly putting up a subway restaurant in Jenny's Subdivision. They are interested in partnering with investors and/or a gas station. This is just in beginning stages of discussion. Rob was directed to contact Brent Staples to see if he might be interested in doing a gas station. No other action.

12. CVN Membership-Fairmont and Waseca are interested in partnering with us to join. The cost to join alone is \$7,500.00 but would be only \$2,500.00 if we wanted to do a joint membership with them. After brief discussion, a motion was made and seconded by Jerry and Mark to approve the joint membership. Carried.
  13. County Road #1 EDA land for new substation: The utilities are requesting to put their new substation on the EDA property. The board agreed to work with the utilities on this.
  14. Consider shingling on Heritage Estates building along 5<sup>th</sup> Avenue. Marva and Rob suggested that we use Dilly as he does our maintenance. The board felt we needed to get a couple of quotes on this. Marva stated that we may need to do the west building also if it needs it. Rob was directed to quote steel and asphalt shingles.
  15. General Discussion:
    - a. Water leak at Pop'd Kerns: Rob stated that there is still an issue. Window seals have been replaced and they need to replace the flashing yet. Hopefully this will solve the issue.
    - b. Free lot Program rules/Letters sent to Dicks and Puente's. Some discussion on this, Puente's never responded to the letter but Dick's did. Steve felt we need to discuss how we are going to handle the lot assessments moving forward to be more consistent. Discussion will continue.
    - c. Next meeting will be June 10<sup>th</sup>.
    - d. Vern thinks we should be discussing new housing needs at our next meeting.
    - e. Other-nothing.
10. Meeting adjourned at 1:15 p.m.

18

3

**Regular Lake Commission Meeting  
Monday, May 9, 2016**

Members Present: Jim Peterson, Jay Schied, John Oeltjenbruns, Dave Bucklin, Jason Kruser, Jean Haberman

Guests Present: Wendy Meyer, Mike Nelson

Chair Peterson called the meeting to order at 6:30 p.m. M/S/P Oeltjenbruns/Bucklin to approve the minutes of the April 11, 2016 meeting with two corrections. Dave Bucklin talked to the City Council rather than the Golf Course Board about the sediment pond. Jay only suggested that harvesting could possibly begin around May 1<sup>st</sup>.

**Treasurer's Report:**

Bills:

Clearwater Recreation – Pedestal grill for beach area	\$267.00
Country Pride – Drill bits and screws for floating pier	71.67
Casey's – Gas to take cans to Mankato on 3/15/16	51.45

M/S/P Kruser/Oeltjenbruns to approve Treasurer's Report

**Lake:**

- The repairs on the fishing pier were completed on May 4<sup>th</sup>. Jim thanked everyone for their help.
- The plan is to launch the harvester this Wed., May 11<sup>th</sup>. Jim, Jay, and Larry Brandt will create a harvesting work schedule. Mike Nelson reported that the City will take care of winterizing the harvester.
- Dave Bucklin stated that the engineer has it on his radar to develop a plan for the sediment pond at the Golf Course and the repair of the plunge pool. At that time we will get bids from contractors. Hopefully, the work will be completed this fall.

**Trail:**

- Dave reported that at least 250' of weed barrier is needed. It was decided to purchase 300' of 2' wide Groundbreaker (5 rolls). Jim will schedule a workday with the City crew sometime in June.
- Dave talked to the DNR about mowing up to the bench. They said that they will be doing an extensive survey and would recommend waiting until the survey was completed.

**Other Business:**

- It was decided not to have a Pow Wow parade entry this year.
- There was discussion about where the new grill should be placed – Beach area or Lawcon Park. The sand volleyball court is not feasible. Jason Kruser threw out the idea of having a fire pit, picnic table, and grill by the beach area. There are benefits to having a grill at Lawcon Park. So, the decision was tabled until the next meeting.
- Wendy said the trailhead kiosk is on the schedule to be completed soon.
- Jay compared the Secchi disk readings to last year at this time. Last year the lake clarity was 3' 2". On May 2 and 8, the readings were 2' and 1.5' respectively.
- The 4 thin ice signs are still missing.
- The lake clean-up scheduled for May 9 was cancelled due to rain. It was decided not to reschedule.

Respectfully submitted,

Jean Haberman,  
Secretary



# BOLTON & MENK, INC.

## Consulting Engineers & Surveyors

140 1st Avenue North, P.O. Box 434 • Sleepy Eye, MN 56085-0434

Phone (507) 794-5541 • Fax (507) 794-5542

www.bolton-menk.com

June 8, 2016

Mike Urban  
GM Contracting  
19810-515 Ave  
P.O. Box 736  
Lake Crystal, MN 56055

RE: Final Pay Estimate No. 5  
2014 Construction of Well No. 7 and Raw Watermain  
City of Mountain Lake, MN  
BMI Project No.: S14.107249

Dear Mike:

Enclosed for your review are five copies of the proposed final estimate for the referenced project. Please review the quantities of work and values of work listed to assure conformance to your records.

If the proposed final estimate is acceptable, please sign four copies and return them to our office for processing. Please retain the fifth copy for your records.

In addition to returning the four signed copies of the estimate, please furnish Form IC-134 as certified by the Minnesota Department of Revenue. Certified forms from any subcontractors employed on the project are also required.

The estimate includes a signature block for your surety company. In lieu of securing the surety company's signature, an executed Consent of Surety for Final Payment (AIA Form G707) form will be accepted.

Whereas all of the above listed items are required in order to process the final pay estimate, we request that they be submitted to our office as one packet.

Please contact our office with any questions or comments you may have regarding this estimate.

Sincerely,

BOLTON & MENK, INC.

Andrew R. Kehren, P.E.

ARK/jj

Enclosures

Cc: Wendy Meyer, City Administrator

PARTIAL PAY ESTIMATE NO. **5 & Final**  
 2014 CONSTRUCTION OF WELL NO. 7 & RAW WATERMAIN  
 CITY OF MOUNTAIN LAKE, MINNESOTA  
 BMI PROJECT NO.: S14.107249  
 WORK COMPLETED THROUGH MAY 31, 2016  
 H:\MTLK\14107249\3\_Preliminary Design\Spreadsheets\[107249 QUANT.xls]Partial Pay Est. #5A

DISTRIBUTION:  
 CONTRACTOR (1)  
 OWNER (1)  
 ENGINEER (1)  
 SURETY (1)

TOTAL, COMPLETED WORK TO DATE.....	\$643,637.77
TOTAL, STORED MATERIALS.....	\$0.00
TOTAL, COMPLETED WORK & STORED MATERIALS.....	\$643,637.77
RETAINED PERCENTAGE ( 0% ).....	\$0.00
TOTAL AMOUNT OF OTHER PAYMENTS OR (DEDUCTIONS).....	\$0.00
NET AMOUNT DUE TO CONTRACTOR TO DATE.....	\$643,637.77
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES.....	\$587,985.73
PAY CONTRACTOR AS ESTIMATE NO. 5 .....	\$55,652.04

Certificate for Final Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the amount for the Final Estimate, that the provisions of M. S. 290.92 have been complied with and that all claims against me by reason of the Contract have been paid or satisfactorily secured.

Contractor: GM Contracting  
 19810-515 Ave, P.O. Box 736  
 Lake Crystal, MN 56055

By: \_\_\_\_\_  
 Name Title Date

APPROVED FOR FINAL PAYMENT BY CONTRACTOR'S SURETY

By \_\_\_\_\_  
 Surety Company Title Date

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:  
 BOLTON & MENK, INC., ENGINEERS, 140 FIRST AVENUE NORTH, P.O. BOX 434 SLEEPY EYE, MN.

By \_\_\_\_\_, Project Engineer  
 Andrew R. Kehren Title Date

APPROVED FOR PAYMENT:  
 Owner: CITY OF MOUNTAIN LAKE, MINNESOTA

By \_\_\_\_\_  
 Name Title Date

And \_\_\_\_\_  
 Name Title Date

22



**5 & Final**

**PARTIAL PAY ESTIMATE NO.**  
 2014 CONSTRUCTION OF WELL NO. 7 & RAW WATERMAIN  
 CITY OF MOUNTAIN LAKE, MINNESOTA  
 BMI PROJECT NO.: S14.107249  
 FILENAME: H:\MTK\S14107249\3\_Preliminary Design\Spreadsheets\107249 QUANT.xls\Partial Pay Est. #5A  
 WORK COMPLETED THROUGH MAY 31, 2016

BID ITEM NO.	ITEM DESCRIPTION	CONTRACT PRICES			WORK COMPLETED PREVIOUS ESTIMATE			WORK COMPLETED JOB-TO-DATE			
		UNIT PRICE	QNTY	UNIT	AMOUNT	QNTY	UNIT	AMOUNT	QNTY	UNIT	AMOUNT
1	Mobilization	\$65,000.00	1	Lump Sum	\$65,000.00	0.90	Lump Sum	\$58,500.00	1	Lump Sum	\$65,000.00
2	Traffic Control	\$5,000.00	1	Lump Sum	\$5,000.00	0.90	Lump Sum	\$4,500.00	1	Lump Sum	\$5,000.00
3	Clearing Tree	\$250.00	0	Each	\$0.00	0	Each	\$0.00	0	Each	\$0.00
4	Grubbing Tree	\$100.00	16	Each	\$1,600.00	16	Each	\$1,600.00	16	Each	\$1,600.00
5	Common Excavation (EV) (P)	\$18.25	160	C.Y.	\$2,920.00	160	C.Y.	\$2,920.00	160	C.Y.	\$2,920.00
6	Subgrade Excavation (EV)	\$18.25	20	C.Y.	\$365.00	35	C.Y.	\$638.75	35	C.Y.	\$638.75
7	Subgrade Correction Aggregate (CV)	\$34.50	20	C.Y.	\$690.00	0	C.Y.	\$0.00	0	C.Y.	\$0.00
8	Remove Bituminous Pavement	\$6.00	100	S.Y.	\$600.00	100	S.Y.	\$600.00	100	S.Y.	\$600.00
9	Topsoil Borrow (LV)	\$18.30	500	C.Y.	\$9,150.00	30	C.Y.	\$549.00	30	C.Y.	\$549.00
10	Geotextile Fabric, Type V	\$1.55	750	S.Y.	\$1,162.50	580	S.Y.	\$899.00	580	S.Y.	\$899.00
11	Common Laborer	\$76.78	10	Hour	\$767.80	10	Hour	\$767.80	10	Hour	\$767.80
12	2 C.Y. Shovel	\$174.04	5	Hour	\$870.20	11	Hour	\$1,914.44	11	Hour	\$1,914.44
13	10 C.Y. Truck	\$98.09	5	Hour	\$490.45	0	Hour	\$0.00	0	Hour	\$0.00
14	2 C.Y. Front End Loader	\$142.48	5	Hour	\$712.40	1	Hour	\$142.48	1	Hour	\$142.48
15	1/2 C.Y. Skid Loader	\$109.27	5	Hour	\$546.35	0	Hour	\$0.00	0	Hour	\$0.00
16	Aggregate Base, Class 5	\$24.79	540	Ton	\$13,386.60	540	Ton	\$13,386.60	965	Ton	\$23,922.35
17	Salvaged Aggregate from Stockpile	\$8.97	200	Ton	\$1,794.00	50	Ton	\$448.50	50	Ton	\$448.50
18	Type SP Non-Wearing Course Mixture (B)	\$34.37	90	S.Y.	\$3,093.30	102	S.Y.	\$3,505.74	102	S.Y.	\$3,505.74
19	Type SP Wearing Course Mixture (B)	\$28.75	90	S.Y.	\$2,587.50	102	S.Y.	\$2,932.50	102	S.Y.	\$2,932.50
20	Silt Fence, Machine Sliced and/or 9" Bitroll	\$3.51	200	L.F.	\$702.00	335	L.F.	\$1,175.85	335	L.F.	\$1,175.85
21	Inlet Protection	\$250.00	6	Each	\$1,500.00	0	Each	\$0.00	0	Each	\$0.00
22	Erosion Control Blanket, Category 2	\$2.58	400	S.Y.	\$1,032.00	581	S.Y.	\$1,498.98	581	S.Y.	\$1,498.98
23	Turf Establishment - Temporary	\$2,891.17	0.7	Acres	\$2,023.82	0.6	Acres	\$1,734.70	0.6	Acres	\$1,734.70
24	Turf Establishment - Permanent	\$3,923.73	0.7	Acres	\$2,746.61	0.8	Acres	\$3,138.98	0.8	Acres	\$3,138.98
25	Remove Culvert & Aprons	\$16.00	64	L.F.	\$1,024.00	64	L.F.	\$1,024.00	64	L.F.	\$1,024.00
26	21"x15" CMP-Arch Pipe Safety Apron w/ Grate	\$786.89	2	Each	\$1,573.78	2	Each	\$1,573.78	2	Each	\$1,573.78
27	4" - 12" PVC Pipe Tile Repair	\$25.00	100	L.F.	\$2,500.00	0	L.F.	\$0.00	0	L.F.	\$0.00
28	21"x15" CMP-Arch Pipe Culvert	\$58.60	60	L.F.	\$3,516.00	60	L.F.	\$3,516.00	60	L.F.	\$3,516.00
29	Random Riprap, Class II	\$85.00	1	C.Y.	\$85.00	1	C.Y.	\$85.00	1	C.Y.	\$85.00
30	6" PVC Watermain - C900	\$47.57	61	L.F.	\$2,901.77	57	L.F.	\$2,711.49	57	L.F.	\$2,711.49
31	8" PVC Watermain - C900	\$69.44	1,711	L.F.	\$118,811.84	205	L.F.	\$14,235.20	209	L.F.	\$14,512.96
32	8" PVC Restrained Joint Watermain - Trenchless Installation	\$69.44	270	L.F.	\$18,748.80	1,775	L.F.	\$123,256.00	1,787	L.F.	\$124,089.28

23

**5 & Final**

**PARTIAL PAY ESTIMATE NO.**

2014 CONSTRUCTION OF WELL NO. 7 & RAW WATERMAIN

CITY OF MOUNTAIN LAKE, MINNESOTA

BMI PROJECT NO.: S14.107249

FILENAME: HAMTLKSI41072493 Preliminary Design\Spreadsheets\107249 QUANT.xls\Partial Pay Est. #5A

WORK COMPLETED THROUGH MAY 31, 2016

BID ITEM NO.	ITEM DESCRIPTION	CONTRACT PRICES			WORK COMPLETED PREVIOUS ESTIMATE			WORK COMPLETED JOB-TO-DATE			
		UNIT PRICE	QNTY	UNIT	AMOUNT	QNTY	UNIT	AMOUNT	QNTY	UNIT	AMOUNT
33	Watermain Fittings	\$12.62	962	Pound	\$12,140.44	824	Pound	\$10,398.88	824	Pound	\$10,398.88
34	Hydrant	\$4,689.23	2	Each	\$9,378.46	2	Each	\$9,378.46	2	Each	\$9,378.46
35	6" Gate Valve and Box	\$2,830.69	5	Each	\$14,153.45	5	Each	\$14,153.45	5	Each	\$14,153.45
36	8" Gate Valve and Box	\$3,299.20	1	Each	\$3,299.20	1	Each	\$3,299.20	1	Each	\$3,299.20
37	Drill 6" Pilot Test Hole	\$32.52	185	L.F.	\$6,016.20	210	L.F.	\$6,829.20	210	L.F.	\$6,829.20
38	Drill 18" Diameter (Nominal) Open Hole	\$72.28	185	L.F.	\$13,371.80	207	L.F.	\$14,961.96	207	L.F.	\$14,961.96
39	F & I 12" Diameter Casing	\$51.63	155	L.F.	\$8,002.65	148	L.F.	\$7,641.24	148	L.F.	\$7,641.24
40	12" Pipe Size SS Screen and Fittings - 100 Slot Screen	\$206.51	35	L.F.	\$7,227.85	54	L.F.	\$11,151.54	54	L.F.	\$11,151.54
41	Furnish and Install Pitless Unit	\$16,354.80	1	L.S.	\$16,354.80	1	L.S.	\$16,354.80	1	L.S.	\$16,354.80
42	Furnish and Install Gravel Pack - #120 Well Slot Red Flint	\$30.98	45	L.F.	\$1,394.10	64	L.F.	\$1,982.72	64	L.F.	\$1,982.72
43	Grout Well No. 7	\$413.02	20	Cubic Yard	\$8,260.40	4	Cubic Yard	\$1,652.08	4	Cubic Yard	\$1,652.08
44	Furnish and Install & Remove Well Development Equipment	\$2,048.84	1	Lump Sum	\$2,048.84	1	Lump Sum	\$2,048.84	1	Lump Sum	\$2,048.84
45	Well Development	\$206.51	60	Hour	\$12,390.60	49	Hour	\$10,118.99	49	Hour	\$10,118.99
46	Furnish, Install & Remove Test Pump with Discharge Piping	\$2,048.84	1	Lump Sum	\$2,048.84	1.0	Lump Sum	\$2,048.84	1.0	Lump Sum	\$2,048.84
47	Test Pumping	\$103.26	60	Hour	\$6,195.60	45	Hour	\$4,646.70	45	Hour	\$4,646.70
48	Water Analysis	\$2,065.12	1	Lump Sum	\$2,065.12	1	Lump Sum	\$2,065.12	1	Lump Sum	\$2,065.12
49	Video Taping	\$1,032.56	1	Lump Sum	\$1,032.56	1	Lump Sum	\$1,032.56	1	Lump Sum	\$1,032.56
50	Well No. 7 Pump, Pipe, Controls and Appertenances, Concrete Slab	\$189,007.28	1	Lump Sum	\$189,007.28	1	Lump Sum	\$189,007.28	1	Lump Sum	\$189,007.28
51	Well No. 5 Dedicated Draw Down Monitor	\$6,132.52	1	Lump Sum	\$6,132.52	1	Lump Sum	\$6,132.52	1	Lump Sum	\$6,132.52
52	Well No. 6 Dedicated Draw Down Monitor	\$5,099.39	1	Lump Sum	\$5,099.39	1	Lump Sum	\$5,099.39	1	Lump Sum	\$5,099.39
53	Modifications in Well Meter Building including Pipe, Fittings, Valves, Meter, Painting and Appertenances	\$40,907.27	1	Lump Sum	\$40,907.27	0.90	Lump Sum	\$36,816.54	1	Lump Sum	\$40,907.27
54	Remove Existing Structure No. 1	\$2,500.00	1	Lump Sum	\$2,500.00	1	Lump Sum	\$2,500.00	1	Lump Sum	\$2,500.00
55	Remove Existing Structure No. 2	\$2,500.00	1	Lump Sum	\$2,500.00	1	Lump Sum	\$2,500.00	1	Lump Sum	\$2,500.00
56	Remove Existing Structure No. 3	\$2,500.00	1	Lump Sum	\$2,500.00	1	Lump Sum	\$2,500.00	1	Lump Sum	\$2,500.00
57	Remove Existing Structure No. 4	\$2,500.00	1	Lump Sum	\$2,500.00	1	Lump Sum	\$2,500.00	1	Lump Sum	\$2,500.00
58	Remove Column Pipe & Pump; Remove Concrete Collar at Well No.2	\$3,548.45	1	Lump Sum	\$3,548.45	0.5	Lump Sum	\$1,774.23	1	Lump Sum	\$3,548.45
59	Remove Inner Casing at Well No. 2	\$2,048.84	1	Lump Sum	\$2,048.84	0.9	Lump Sum	\$1,843.96	1	Lump Sum	\$2,048.84
60	Grout for Sealing Well No. 2 and Structures 1, 2, 3 and 4	\$413.02	35	Cubic Yard	\$14,455.70	3	Cubic Yard	\$1,239.06	17.5	Cubic Yard	\$7,227.85
	Credit for Balance of Allowance										
	<b>TOTAL PAY ESTIMATE AMOUNT</b>				<b>\$664,482.08</b>			<b>\$618,932.35</b>			<b>\$643,637.77</b>

RE: Consider Adding Trail and Parks Part-time Employee

Depending on length of seasonal position (over 185 consecutive days between first and last day of work) and salary (over \$5,100) the city may be required to pay Public Employee Retirement Association (PERA) of 6.5%.

Federal Insurance Contributions Act (FICA) of 7.65% is required.

OFFICE OF  
*JAN JOHNSON*

COTTONWOOD COUNTY AUDITOR/TREASURER

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JUNE 7, 2016

900 THIRD AVENUE  
WINDOM MN 56101  
AUDITOR (507) 831-1905  
PROPERTY TAX (507) 831-1342  
FAX (507) 831-4553

TO: Town & City Clerks  
FROM: Jan Johnson  
RE: **Tax Forfeited Property**

Enclosed is a classification list of non-conservation land located in your municipality. The described parcels have been forfeited to the State of Minnesota for non-payment of property taxes.

As provided in MN. Statute 282.01, I request that you approve the following parcel(s) for public auction. This statute gives you 60 days to make this approval, but due to the minimum number of parcels involved, I am requesting you to waive this 60 day period and make your approval as soon as possible. If this is acceptable, please indicate that in your resolution, along with your intention to reassess special assessments, if applicable.

Sincerely,

Jan Johnson

26

LIST OF TAX-FORFEITED LAND #17 FOR PUBLIC SALE

MUNICIPALITY ADDRESS	PID #	VALUE	ASSESSMENTS BEFORE FORFEITURE
39905 CO RD 11 Lamberton MN 56152	09-021-0300		0.00
1520 - 6 <sup>TH</sup> AVE MT. LAKE MN 56159	22-611-0110		SEWER - 720.96 Infrastructure - 286.20

Complete legal descriptions are available at the Cottonwood County Auditor/Treasurer Office located in Cottonwood County Court House 900 3<sup>rd</sup> Ave, Windom, MN. 56101 or call (507) 831-1905.

**TERMS & CONDITIONS FOR THE SALE OF TAX FORFEITED LAND**

**PUBLIC SALES:**

All tax forfeited lands are appraised and offered at public sale and sold to the highest bidder. The minimum bid acceptable is the appraised value.

**TERMS**

All sales shall be for "**Cash Only, Day of Sale**". All sales are final and no provision is made for refund or exchange. Make checks payable to Cottonwood County.

**OTHER CHARGES:**

1. State Assurance Fund- 3% of the purchase price. Payment made at time of sale.
2. State Deed charge of \$25.00 per deed. Payment made at time of sale M.S.282.014
3. Deed Tax. Deed Tax must be paid at the time of sale. The amount of the tax is based on the amount of the sale at the rate of \$3.30 for each \$1000.00, with a minimum of \$1.65.
4. Recording. M.S. 282.301 requires full payment for recording in the County Recorder's office before the State Deed can be given to the purchaser. Charge is \$46.00 per deed.
5. Well Certificates: Properties having wells will have a \$40.00 additional charge added for a well disclosure.

**CONDITIONS**

Sales are subject to existing leases, if any, to building restrictions appearing on record at the time of forfeiture; to easement obtained by any governmental subdivisions or agency thereof for any public purpose; to all applicable laws and ordinances, and to the condition that the appraised value does not represent a basis for future taxes. Buyer is purchasing property "**as is**".

Local improvement constructed, but not yet assessed, must be assumed by the purchaser.

Reassessment of cancelled improvement assessments may be made in accordance with M.S. reading, in part, as follows:

M.S. 429.071- Sub. #4: Reassessment, Tax Forfeited Land. When a parcel of tax forfeited land is returned to private ownership and the parcel is benefited by an improvement for which special assessments were cancelled because of the forfeiture, the municipality that made the improvement may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to the parcel in an amount equal to the amount unpaid on the original assessment.

M.S. 435.23 Assessment or Reassessment of Tax Forfeited Lands Returned to Private Ownership. Any Municipality, political subdivision, or other public authority may make a reassessment or new assessment pursuant to section 1, M.S. 429.071, notwithstanding the original assessment may have been made pursuant to other general law or a special law.

M.S. 444.076 Fees and Charges for Tax Forfeited Lands Returned to Private Ownership. When tax forfeited land is returned to private ownership and the land is benefited by a public improvement for which special assessment were cancelled because of the forfeiture, the municipality or other public authority that made the improvement may impose fees or charges for the use or availability of the improvement or for connections therewith in an amount not to exceed the amount remaining unpaid on the cancelled assessment. The municipality may make the fee or charges against the owner, lessee, occupant, or all of them and may certify unpaid fees or charges to the County auditor with taxes against the property for collection as other taxes are collected.

**TITLE:**

The purchaser will receive a "receipt" at the time of purchase and will receive a deed from the State of Minnesota through the Commissioner of Revenue at a later date. The law provides that this conveyance shall have the force and effect of a patent from the State. Any further legal work is the responsibility of the purchaser.

**BOUNDARIES**

Cottonwood County is not responsible for locating boundaries on Tax Forfeited Lands.

Information regarding Tax Forfeited Lands may be obtained in the office of the Cottonwood County Auditor/Treasurer, 900 3<sup>rd</sup> Ave, Windom, MN 56101. Telephone (507) 831-1905 or (507) 831-1342.

**CITY OF MOUNTAIN LAKE, MINNESOTA**

**RESOLUTION #16-16**

**TAX FORFEITED PROPERTY**

WHEREAS, there is non-conservation land within the city limits of Mountain Lake, Minnesota as follows:

Parcel #22.611.0110; n150' of E73' of W213', Lot 4, Block 1, Prince's Second Addition;  
1520 Sixth Avenue

WHEREAS, the parcel described above has been forfeited to the State of Minnesota for non-payment of property taxes.

NOW THEREFORE, BE IT RESOLVED, that the City of Mountain Lake approves for public auction the parcel listed above; and

BE IT FURTHER RESOLVED that the City of Mountain Lake intends to reassess special assessments on said parcel, and

BE IT FURTHER RESOLVED that the City of Mountain Lake waives the 60 day period as provided in MN Statute 282.01.

Adopted this 22nd day of June, 2016.

\_\_\_\_\_  
Mike Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Meyer, City Administrator/Clerk



**DRAFT Letter Supporting 2016 Special Session to Complete Unfinished Work**

June 23, 2016

Dear Representative Rod Hamilton,

I am contacting you as your constituent and as a city official in the City of Mountain Lake to request your support for a 2016 special session to complete work left unfinished when the Legislature adjourned *sine die* in May.

It is extremely important to the City of Mountain Lake that the Legislature reconvene to pass the omnibus tax, bonding, and transportation bills. These bills were identified as high priorities for both bodies of the Legislature and the governor, and action on them should not wait until 2017.

The failure to pass the omnibus tax, and bonding bills impacts the City of Mountain Lake. Under current law the City of Mountain Lake will receive a \$1,216 increase in Local Government Aid (LGA) in 2017. The House Research Department calculated that had HF848 been signed into law the City would have received LGA of \$17,689 in 2017. Increasing LGA reduces levy increases.

Due to the City's the wastewater treatment facility needs the council and I have been monitoring the bonding bill, specifically the funding for the Public Facilities Authority, closely during this legislative session. Because the bonding bill did not pass the project is being delayed. The calling for project bids has been moved from late 2016 to 2017.

Our common constituents deserve a transportation system that works. I respectfully ask you to keep the interests of all Minnesotans in mind by working to pass a comprehensive, sustainable transportation funding bill as part of a special session.

I urge you to work with the leaders of your caucus to reach an agreement with Gov. Mark Dayton so that a special session can be called to deal with these important issues.

Please do not hesitate to contact me if you have questions or would like to discuss any of the local issues I have identified.

Sincerely,

Mike Nelson  
Mayor, City of Mountain Lake

# Temporary Dwelling Legislation Becomes Law

**Cities may opt out of permitting temporary family dwellings, but they must pass an ordinance to do so.**

*(Published May 16, 2016)*

A bill creating a new process for local governments to permit certain types of recreational vehicles as temporary family dwellings was signed into law by Gov. Dayton on May 12. Chapter 111 ([Link to: https://www.revisor.mn.gov/laws/?year=2016&type=0&doctype=Chapter&id=111](https://www.revisor.mn.gov/laws/?year=2016&type=0&doctype=Chapter&id=111)) (SF 2555, Sen. John Hoffman ([Link to: http://www.senate.mn/members/member\\_bio.php?mem\\_id=1205](http://www.senate.mn/members/member_bio.php?mem_id=1205)), DFL-Champlain, and Rep. Roz Peterson ([Link to: http://www.house.leg.state.mn.us/members/members.asp?id=15442](http://www.house.leg.state.mn.us/members/members.asp?id=15442)), R-Burnsville) previously passed the House floor on a vote of 113-17.

## **Purpose of the law**

The main stated motivation behind the new law is to provide transitional housing for seniors. For example, if a family wanted to keep a close eye on grandma while she recuperates from surgery, they could have grandma stay in a temporary family health care dwelling in the yard or driveway.

The law has a broader effect than that, however, with anyone who needs assistance with two or more “instrumental activities of daily life” for mental or physical reasons eligible to be housed in this manner.

## **Summary of changes**

The League worked extensively with the authors and proponents and with other local government organizations throughout the legislative process to craft a law that is manageable for cities and counties.

Local governments may opt out of this program if they determine that this type of expedited land use permitting for temporary dwellings is not well-suited to their community. Many communities have communicated that property owners in their jurisdiction have adequate access to a permit for this type of use through existing local land use controls and permitting authority.

## **Cities must pass ordinance to opt out**

To be clear, unless a city chooses not to participate in this program by passing an ordinance specifically opting out, the law will require the city to issue permits to qualified applicants starting on Sept. 1, 2016. A permit can be denied for appropriate cause. The law lists the information required and the requirements that may be considered in that decision.

The final act has the following key components:

Creates a new type of permit referred to as a temporary dwelling permit that has a six-month duration, with an option to extend the permit for six months.

Requires that the permit be for a property where the caregiver or relative resides.

Allows modular and manufactured housing (instead of just recreational vehicles) to use this permit process as long as the unit meets all of the listed criteria.

Lists the criteria for the structure and the information required in the permit application.

Addresses sewer safety issues with required backflow valves and advance verification of septic service contracts.

Requires the inclusion of site maps showing where the unit will be placed and notification of adjacent neighbors prior to application.

Requires applications to specify the individual authorized to live in the unit.

Applies the permit approval process found in Minnesota Statutes, section 15.99 ([Link to: https://www.revisor.mn.gov/statutes/?id=15.99](https://www.revisor.mn.gov/statutes/?id=15.99)), but allows the local government unit only 15 days to make a decision on granting the permit (no extension). It waives the public hearing requirement and allows the clock to be restarted if an application is deemed incomplete, as long as the applicant is notified of how the application is incomplete within five days. A 30-day decision is allowed if the regular council meeting occurs only once a month.

32

## Temporary Dwelling Legislation Becomes Law

Requires unit placement to meet existing stormwater, shoreland, setback, and easement requirements. A permit exempts the units only from accessory unit ordinances and recreational vehicle parking and storage ordinances.

Sets a default permit fee level that may be replaced by a local ordinance.

Allows cities to pass an ordinance opting out of using this new permitting system.

A complete review of the provisions of the new law will be included in the League's *2016 Law Summaries* in June.

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

Sec. 3.

**[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

**Subdivision 1.**

**Definitions.**

- (a) For purposes of this section, the following terms have the meanings given.
- (b) "Caregiver" means an individual 18 years of age or older who:
  - (1) provides care for a mentally or physically impaired person; and
  - (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.
- (c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).
- (d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.
- (e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.
- (f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

**Subd. 2.**

**Temporary family health care dwelling.**

- A temporary family health care dwelling must:
- (1) be primarily assembled at a location other than its site of installation;
  - (2) be no more than 300 gross square feet;
  - (3) not be attached to a permanent foundation;
  - (4) be universally designed and meet state-recognized accessibility standards;
  - (5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;
  - (6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;
  - (7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

### **Subd. 3.**

#### **Temporary dwelling permit; application.**

(a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care

dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

#### **Subd. 4.**

##### **Initial permit term; renewal.**

The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

#### **Subd. 5.**

##### **Inspection.**

The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

#### **Subd. 6.**

##### **Revocation of permit.**

The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

#### **Subd. 7.**

##### **Fee.**

Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

#### **Subd. 8.**

##### **No public hearing required; application of section 15.99.**

(a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

**Subd. 9.**

**Opt-out.**

A municipality may by ordinance opt-out of the requirements of this section.

**Sec. 4.**

**EFFECTIVE DATE.**

This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

i) "Instrumental activities of daily living" means activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.