

**WORK SESSION, 5:00 PM: SOUTHWEST HOUSING PARTNERSHIP
GAITER LAKE/LEWER PROPERTY DEVELOPMENT**

REGULAR WASECA CITY COUNCIL MEETING

TUESDAY, AUGUST 16, 2022, 7:00 PM

AGENDA

1. CALL TO ORDER/ROLL CALL
2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENT

Those wishing to speak must state their name and address for the record. Each person will have three (3) minutes to make his/her remarks. Speakers will address all comments to the City Council as a whole and not one individual councilmember. The Council **may not take action** on an item presented during the Public Comment period. When appropriate, the Council may refer inquiries and items brought up during the Public Comment period to the City Manager for follow up.

5. REQUESTS AND PRESENTATIONS
 - A. CGMC Update
6. CONSENT AGENDA
 - A. Minutes: Council Meeting & Work Session –August 2, 2022
 - B. Payroll & Expenditures
 - C. Approval of contract payment for Pearson Brothers, Inc.
 - D. RCCA: Historic Preservation Commission Member Approval
 - a. Dan Forrest
 - E. RCCA: Final Payment to Flagship Recreation for the Clear Lake Park playground project (CITY PROJECT NO. 2210)
7. ACTION AGENDA
 - A. Ordinance 1101 Fox Meadows – Vacation of Easement – Public Hearing
 - B. Resolution 22-31 709 4th Ave NE – Rita Vogler - Public Nuisance – Public Hearing
 - C. RCCA: Gaiter Lake/Lewer Property Development
 - D. RCCA: Vacant Ward 1 Council Seat Applicants
 - E. RCCA: Ordinance No. 1102 Moratorium on THC Products
8. REPORTS
 - A. City Manager's Report
 - B. Commission Reports
9. ANNOUNCEMENTS
10. ADJOURNMENT

MINUTES
WASECA CITY COUNCIL WORK SESSION
WEDNESDAY, AUGUST 3, 2022

CALL TO ORDER

The Waseca City Council Work Session began at 6:00 p.m.

Councilmembers Present:	Mayor Roy Srp	Daren Arndt
	Mark Christiansen	Jeremy Conrath
	John Mansfield	Allan Rose

Staff Present:	Lee Mattson, City Manager
	Julia Hall, City Clerk

1. The City Manager presented on the roles of the City Council. The League of Minnesota Cities is a useful resource and reference tool for Council Members (www.lmc.org). Being an ongoing process communication between City Manager and Council remain open for any future conversations on the topic.

There being no further discussion and no action taken, the work session adjourned at 6:53 p.m.

R. D. SRP
MAYOR

JULIA HALL
CITY CLERK

MINUTES
REGULAR WASECA CITY COUNCIL MEETING
WEDNESDAY, AUGUST 3, 2022

CALL TO ORDER/ROLL CALL

- 1 The regular Waseca City Council meeting was called to order by Mayor Srp at 7:00 p.m.

Councilmembers Present:	Mayor Roy Srp	Daren Arndt
	Mark Christiansen	Jeremy Conrath
	John Mansfield	Allan Rose

Staff Present:	Lee Mattson, City Manager
	Penny Vought, Chief of Police
	Julia Hall, City Clerk

MOMENT OF SILENT PRAYER/PLEDGE OF ALLEGIANCE

- 2 A moment of silence was observed. The Pledge of Allegiance to the Flag was recited.

APPROVAL OF AGENDA

3. City Manager added items 7C: Revision to County Ditch 15 Addition and 7D: A storm water project. Motion to approve agenda as amended was made by Arndt, seconded by Conrath. Motion carried 6-0.

PUBLIC COMMENT

- 4.
- A. Deb Doberstein, 908 11th Avenue SE; wanted to confirm that the planning for the Gaiter Lake/Lewer property development project is still in the planning phase. The City Manager confirmed that the project is still in the planning phase and that Southwest Housing Partnership is available to come in for a work session. Councilmember Conrath recommended a work session for 5:30 pm on August 16, 2022, seconded by Mansfield. Motion carried 6-0.
 - B. Joe Nicklay, 1004 11th Avenue SE; would like the information on the Gaiter Lake/Lewer property development project to be available for the entire city of Waseca and not just the area of the proposed project.
 - C. Rachel Kluver, 1100 10th Street SE; would like to know if the Gaiter Lake/Lewer property development project must still go and if so, is there a possibility for the accessway to be moved?
 - D. Gary Doberstein, 908 11th Avenue SE; he has done review and revisions of the Gaiter Lake/Lewer property development and believes there are better ways the project can be designed than it is now and would like conversations on those possibilities.

- E. Lynn Nicklay, 1004 11th Avenue SE; would like to see more information on what is designed and proposed for the Gaiter Lake/Lewer property development to ensure clarity and understanding for the process. City Manager confirmed information will be on the City website. (<https://www.ci.waseca.mn.us/community-development/pages/gaiter-lake-residential-development>)
- F. Michelle Oswald, 916 3rd Avenue SE, would like to see that the Gaiter Lake/Lewer property development project is “done right” even if that means to pause the project. She would like more transparency and communication on the project. She would have liked to have seen more options from the beginning.

REQUESTS AND PRESENTATIONS

- 5. None

CONSENT AGENDA

- 6. Motion was made by Mansfield to approve consent agenda, seconded by Rose. Motion carried 6-0.

ACTION AGENDA

- 7.
 - A. RCCA: Edibles & Beverages Infused with THC. Motion was made by Rose to direct staff to look into a moratorium, seconded by Mansfield. Motion carried 5-1. (Nay Christiansen).
 - B. RCCA: Tax Abatement Assignment. Motion was made by Rose to approve the RCCA as recommended, seconded by Christiansen. Motion carried 6-0.
 - C. RCCA: Revision to the County Ditch 15. Motion was made by Conrath to approve the amended petition, seconded by Srp.
 - 1. David Schlaak, 804 11th Avenue SE, lives just on the other side of one of the tiles that does cross his property. Staff recommended that he talk with the City Engineer to confirm details of the tiles.
- Motion carried 6-0.
- D. RCCA: Storm water project: Localized flooding behind Christ the King in north east Waseca was determined to be a nonworking pipe. City Engineer has received quotes on repairing the storm water drainage pipe. Conrath made a motion to proceed with project, seconded by Arndt. Motion carried 6-0.

REPORTS

8.

A. City Manager's Report

1. Looking for Council recommendation on Crossing Guards in 2022-23. Motion was made by Conrath to maintain the Crossing Guards and review where some reductions may be necessary, seconded by Rose, Motion carried 6-0.
2. Because the work session for the Gaiter Lake/Lewer property development project has been scheduled for August 16th it was requested that an additional work session be scheduled for Budget conversations on August 15th at 6:30 p.m.
3. Introduced Office Greta Luiken as the new School Resource Officer.
4. Need Council Interview Questions from those who have not yet submitted. We have received three applications.
5. Clear Lake Park Grand Opening of Playground, Monday, August 8 at 3:00 p.m.
6. Reminder to get LBAE Training taken care of if you are interested. Talk with Julia
7. City Manager did initiate a request for a text amendment to the City Code to allow daycare centers in the R-2 zone on lots of a certain size.
8. We need an HPC Council rep and also more board members. Mayor Srp volunteered to be the Council representative. Motion was made by Conrath to accept Mayor Srp appointment to HPC, seconded by Arndt. Motion carried 6-0.
9. Night to Unite was a success and had approximately 400 people in attendance.

B. Commission Reports

1. Park Board presented by Christiansen
 - a. Monday August 8, 2022 at 3:00 p.m. is the ribbon cutting for the new playground, the only thing that is asked is to stay off the dirt.
 - b. They talked about different ideas for Gaiter Lake,
 - c. University Park restrooms are only open when there is a reservation made with the City due to the vandalization.
 - d. Electric bikes and scooters may be allowed if they do not go over 20 mph on the trails, but still not ATVs, mopeds, no high-speed motor items.
 - e. The Downtown Walkway will be discussed at the 7:30 am September 13th meeting, which will be held at the walkway.
 - f. Dog Park amenities are starting to be installed. They will be holding a Tie-Dye shirt fundraiser on August 13th.
 - g. Would like to see about requesting funds to remove the lines at the Dog Park.
 - h. The Clear Lake Park Pavilion renovations are expected to be finished in November.
 - i. The fishing piers at Clear Lake Park will be going in possibly in the fall.
 - j. They have received compliments on the equipment upgrades to Clear Lake Park.
2. Fire Relief Board presented by Conrath
 - a. They discussed the success of their onion ring sales at the fair.

ANNOUNCEMENTS

9.
 - A. Council member Christiansen announced:
 1. On East Elm Avenue there is a bunch of dirt and would like to know if it is okay being that close to the lake.
 2. He was having problems with his email, staff will connect him with Pantheon.
 3. Do Airbnb's in town collect lodging tax. He asked Staff to follow-up.
 4. Filing for open seats is open as of Tuesday August 2, to Tuesday August 16. There are 5 seats open.
 5. Is there an ordinance regulating people putting "junk" "free" items on the curbs?
 - B. Council member Rose announced:
 1. He has a free three-wheel bike if anyone is interested,

ADJOURNMENT

10. There being no further business to be brought before the Council, it was moved by Arndt seconded by Conrath to adjourn the meeting at 8:53 p.m. Motion carried 6-0.

R. D. SRP
MAYOR

JULIA HALL
CITY CLERK

Micael Fischer

6B

LIST OF EXPENDITURES

August 11, 2022

Lee A. Miller

City Council	0.00
Streets	27,971.99
Parks	16,903.22
Wastewater	9,354.99
Utility Administration	4,972.19
Utility Offices	7,579.93
Electric	11,958.41
Water	9,661.19
Building and Code Compliance	2,920.10
Police	62,554.34
Administration	8,198.09
Community Aides	0.00
Fire	9,102.68
Paid On Call Fire Department	3,627.60
PEG	256.70
Election Judges	0.00
Finance	9,283.57
Connections	3,110.00
Community Development	2,256.60
Engineering	16,079.46
Recreation	16,443.61
Econ Development	<u>3,558.82</u>
Total Gross Payroll	225,793.49
*Less- Payroll Deductions	<u>(72,356.12)</u>

Net Payroll Cost \$ 153,437.37

*These costs are included in Accounts Payable totals below

Accounts Payable

Expenditures dated:

July 29th, 2022-August 11, 2022

Includes check #'s 158314-158358

Bank ACH Withdrawals..... 2,196,784.56

GRAND TOTAL EXPENDITURES \$ 2,350,221.93

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
General Fund						
08/10/2022	82212	ACH Internal Revenue Service	FEDERAL WITHHOLDING TAX Pay Period: 8/7/2022	101-21701-0000	19,639.31	M
Total 101217010000:					19,639.31	
08/10/2022	82208	MN Department of Revenue	STATE WITHHOLDING TAX Pay Period: 8/7/2022	101-21702-0000	9,169.06	M
Total 101217020000:					9,169.06	
08/10/2022	82212	ACH Internal Revenue Service	SOCIAL SECURITY Pay Period: 8/7/2022	101-21703-0000	9,105.69	M
08/10/2022	82212	ACH Internal Revenue Service	SOCIAL SECURITY Pay Period: 8/7/2022	101-21703-0000	9,452.55	M
Total 101217030000:					18,558.24	
08/10/2022	82209	Public Employees Retirement Assn (ACH	PERA COORD Emplr 1% Pay Period: 8/7/2022	101-21704-0000	1,337.13	M
08/10/2022	82209	Public Employees Retirement Assn (ACH	PERA PR Adj	101-21704-0000	.01	M
08/10/2022	82209	Public Employees Retirement Assn (ACH	PERA COORDINATED Employee Pay Period: 8/7/2022	101-21704-0000	8,691.43	M
08/10/2022	82209	Public Employees Retirement Assn (ACH	PERA POLICE Employee Pay Period: 8/7/2022	101-21704-0000	7,742.63	M
08/10/2022	82209	Public Employees Retirement Assn (ACH	PERA COORDINATED Employer Pay Period: 8/7/2022	101-21704-0000	8,691.43	M
08/10/2022	82209	Public Employees Retirement Assn (ACH	PERA POLICE Employer Pay Period: 8/7/2022	101-21704-0000	11,613.95	M
Total 101217040000:					38,076.58	
08/10/2022	158315	IBEW	IBEW UNION DUES Pay Period: 8/7/2022	101-21707-0000	267.88	
08/10/2022	158316	IUOE Local #70	FIRE UNION DUES Pay Period: 8/7/2022	101-21707-0000	161.00	
08/10/2022	158316	IUOE Local #70	IUOE UNION DUES Pay Period: 8/7/2022	101-21707-0000	464.00	
08/10/2022	158317	Law Enforcement Labor Services	POLICE SGT/LT DUES Pay Period: 8/7/2022	101-21707-0000	195.00	
08/10/2022	158317	Law Enforcement Labor Services	POLICE UNION DUES Pay Period: 8/7/2022	101-21707-0000	715.00	
Total 101217070000:					1,802.88	
08/10/2022	158319	MN Life	LIFE INSURANCE MN Pay Period: 8/7/2022	101-21710-0000	748.45	
08/10/2022	158319	MN Life	LIFE INSURANCE MN Pay Period: 8/7/2022	101-21710-0000	1,122.00	
08/10/2022	158319	MN Life	Bruder Aug COBRA	101-21710-0000	24.75	
08/10/2022	158319	MN Life	Dodson Aug COBRA	101-21710-0000	44.10	
08/10/2022	158319	MN Life	Gedicke Aug COBRA	101-21710-0000	23.30	
08/10/2022	158319	MN Life	Schult Aug COBRA	101-21710-0000	50.20	
Total 101217100000:					2,012.80	
08/10/2022	82212	ACH Internal Revenue Service	MEDICARE Pay Period: 8/7/2022	101-21712-0000	2,987.60	M
08/10/2022	82212	ACH Internal Revenue Service	MEDICARE Pay Period: 8/7/2022	101-21712-0000	3,068.72	M
Total 101217120000:					6,056.32	
08/10/2022	82216	MSRS- (DEF COMP)	MSRS - ROTH (AFTER TAX) Pay Period: 8/7/2022	101-21713-0000	1,315.00	M
08/10/2022	82216	MSRS- (DEF COMP)	MSRS - DEF COMP Pay Period: 8/7/2022	101-21713-0000	844.00	M
Total 101217130000:					2,159.00	
08/10/2022	82211	Vantagepoint Transfer Agents 457	ICMA - ROTH (AFTER TAX) Pay Period: 8/7/2022	101-21714-0000	350.00	M
08/10/2022	82211	Vantagepoint Transfer Agents 457	ICMA DEF COMPENSATION Pay Period: 8/7/2022	101-21714-0000	582.69	M
Total 101217140000:					932.69	
08/11/2022	82205	Further	Flex Reimbursements	101-21716-0000	2,882.00	M

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
08/11/2022	82217	Further	Flex Reimbursements	101-21716-0000	1,226.78	M
08/10/2022	82206	Medsurety	VEBA Contributions Pay Period: 8/7/2022	101-21716-0000	19,727.88	M
08/10/2022	82215	Medsurety	HSA Contribution Pay Period: 8/7/2022	101-21716-0000	555.90	M
08/10/2022	82207	Medsurety	HSA Contribution Pay Period: 8/7/2022	101-21716-0000	5,992.68	M
Total 101217160000:					30,385.24	
08/10/2022	82210	MN Child Support Payment Center	CHILD SUPPORT FLAT AMT Pay Period: 8/7/2022	101-21717-0000	972.76	M
Total 101217170000:					972.76	
08/10/2022	82213	Delta Dental	Bruder Aug COBRA	101-21719-0000	29.58	M
08/10/2022	82213	Delta Dental	DENTAL EE + CHLDRN Pay Period: 8/7/2022	101-21719-0000	240.81	M
08/10/2022	82213	Delta Dental	Gedicke Aug COBRA	101-21719-0000	29.58	M
08/10/2022	82213	Delta Dental	DENTAL SINGLE Employee Pay Period: 8/7/2022	101-21719-0000	502.86	M
08/10/2022	82213	Delta Dental	DENTAL FAMILY Employee Pay Period: 8/7/2022	101-21719-0000	1,162.80	M
08/10/2022	82213	Delta Dental	Armendariz Aug COBRA	101-21719-0000	116.28	M
08/10/2022	82213	Delta Dental	M. Anderson July Adj	101-21719-0000	116.28	M
08/10/2022	82213	Delta Dental	DENTAL EE + SPOUSE Pay Period: 8/7/2022	101-21719-0000	424.48	M
08/10/2022	82213	Delta Dental	Rugger Aug COBRA	101-21719-0000	116.28	M
08/10/2022	82213	Delta Dental	Schult Aug COBRA	101-21719-0000	60.64	M
Total 101217190000:					2,567.03	
08/10/2022	82214	VSP	VISION FAMILY Employee Pay Period: 8/7/2022	101-21722-0000	169.52	M
08/10/2022	82214	VSP	VISION SINGLE Employee Pay Period: 8/7/2022	101-21722-0000	40.62	M
08/10/2022	82214	VSP	VISION + ONE Employee Pay Period: 8/7/2022	101-21722-0000	97.84	M
08/10/2022	82214	VSP	Bruder Aug COBRA	101-21722-0000	6.77	M
08/10/2022	82214	VSP	Rugger Aug COBRA	101-21722-0000	12.23	M
08/10/2022	82214	VSP	Schult Aug COBRA	101-21722-0000	12.23	M
08/10/2022	82214	VSP	J. Ferguson switched plans in July-Diff of plans	101-21722-0000	8.96	M
Total 101217220000:					348.17	
08/11/2022	158338	Kalbow, Anne	Park reservation cancellation	101-34785-0000	37.50	
Total 101347850000:					37.50	
08/11/2022	20220636	Discover Waseca Tourism	June Lodging Tax	101-41110-4440	3,193.80	
Total 101411104440:					3,193.80	
08/11/2022	158343	MPeters Enterprises Inc.	Downtown Flags and poles	101-41110-4450	241.44	
Total 101411104450:					241.44	
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-41320-1340	50.79	
Total 101413201340:					50.79	
08/11/2022	20220670	U.S. Bank - CC	Lunch with EDM Candidate	101-41320-2170	70.68	
08/11/2022	20220670	U.S. Bank - CC	Lunch with EDM Candidate	101-41320-2170	60.81	
Total 101413202170:					131.49	
08/11/2022	20220658	Martin-McAllister	Applicant Testing (2)	101-41320-3000	2,600.00	

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
08/11/2022	20220658	Martin-McAllister	Conference - Mattson	101-41320-3000	350.00
Total 101413203000:					2,950.00
08/11/2022	158346	Shred-it USA LLC	Monthly Service	101-41320-3100	22.00
Total 101413203100:					22.00
08/11/2022	20220670	U.S. Bank - CC	Clerks Academy	101-41320-3300	249.00
Total 101413203300:					249.00
08/11/2022	20220624	A. H. Hermel Company	Pop for Vending Machine	101-41320-4945	72.76
Total 101413204945:					72.76
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-41500-1340	73.98
Total 101415001340:					73.98
08/11/2022	82218	Medsurety	Admin Fees	101-41500-1600	585.00 M
08/11/2022	82219	Medsurety	Admin Fees	101-41500-1600	585.00- M
08/11/2022	82220	Medsurety	Admin Fees	101-41500-1600	189.00 M
Total 101415001600:					189.00
08/11/2022	20220670	U.S. Bank - CC	Cert of Achievement Review Fee	101-41500-3100	460.00
Total 101415003100:					460.00
08/11/2022	20220640	Flaherty & Hood PA	July Legal Fees	101-41600-3000	1,920.00
08/11/2022	20220654	Kennedy & Kennedy Law Office	July Legal Fees	101-41600-3000	336.00
Total 101416003000:					2,256.00
08/11/2022	20220662	Pantheon Computer Systems Inc.	Docking Station - Olsem	101-41920-2050	414.99
08/11/2022	20220662	Pantheon Computer Systems Inc.	Switch & Cables for HR	101-41920-2050	116.74
08/11/2022	20220662	Pantheon Computer Systems Inc.	Replacement-Miller	101-41920-2050	823.95
Total 101419202050:					1,355.68
08/11/2022	20220660	Metro Sales Inc.	Maintenance Agreement	101-41920-3100	1,850.83
08/11/2022	20220662	Pantheon Computer Systems Inc.	MFA - Increased IT Security Labor	101-41920-3100	1,629.60
Total 101419203100:					3,480.43
08/11/2022	20220624	A. H. Hermel Company	Janitorial Supplies	101-41940-2170	336.49
08/11/2022	20220647	Innovative Office Supply	Office Supplies	101-41940-2170	157.86
Total 101419402170:					494.35
08/11/2022	20220631	Cady Business Technologies Inc	Monthly Phone Support Plan	101-41940-3100	262.62
08/11/2022	158328	Cintas Corporation	Floor Mat	101-41940-3100	54.58
08/11/2022	20220635	Culligan	RO Lease	101-41940-3100	28.95
08/11/2022	158344	Orkin Pest Control	City Hall Pest Control	101-41940-3100	102.00
08/11/2022	20220667	Stoltz Cleaning Services LLC	City Hall Cleaning	101-41940-3100	367.50

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
08/11/2022	20220667	Stoltz Cleaning Services LLC	City Hall Cleaning	101-41940-3100	367.50
08/11/2022	158355	Walker Window Cleaning	Window Cleaning	101-41940-3100	56.00
08/11/2022	20220676	Waste Management of Southern MN	July Service	101-41940-3100	222.92
Total 101419403100:					1,462.07
08/11/2022	82222	City of Waseca	July Utilities	101-41940-3800	1,434.55 M
Total 101419403800:					1,434.55
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-41950-1340	24.04
Total 101419501340:					24.04
08/11/2022	20220647	Innovative Office Supply	Stamps for P & Z Document Processing	101-41950-2170	389.52
Total 101419502170:					389.52
08/11/2022	20220677	WSB & Associates Inc	General Planning	101-41950-3000	29.00
Total 101419503000:					29.00
08/11/2022	20220626	APG Media of So MN LLC	Vacation of Easement	101-41950-3400	68.08
Total 101419503400:					68.08
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-42100-1340	474.48
Total 101421001340:					474.48
08/11/2022	20220647	Innovative Office Supply	Office Supplies - Police	101-42100-2000	56.55
Total 101421002000:					56.55
08/11/2022	20220670	U.S. Bank - CC	Shipping for DWI Kit	101-42100-2170	12.35
Total 101421002170:					12.35
08/11/2022	158321	Amazon	Uniforms - Brent Brass	101-42100-2180	88.20
08/11/2022	20220668	Streicher's	uniform - Horn	101-42100-2180	137.97
08/11/2022	20220668	Streicher's	Uniform expense -Schroeder	101-42100-2180	64.98
Total 101421002180:					291.15
08/11/2022	158329	Cintas Corporation	First Aid - Police	101-42100-2190	40.23
Total 101421002190:					40.23
08/11/2022	158328	Cintas Corporation	Floor Mats	101-42100-3100	8.99
08/11/2022	158328	Cintas Corporation	Floor Mats	101-42100-3100	8.99
08/11/2022	20220635	Culligan	Culligan Police	101-42100-3100	59.90
08/11/2022	158346	Shred-it USA LLC	Monthly Service	101-42100-3100	22.00
08/11/2022	20220667	Stoltz Cleaning Services LLC	Public Safety Restroom Cleaning	101-42100-3100	78.75
08/11/2022	20220667	Stoltz Cleaning Services LLC	Public Safety Restroom Cleaning	101-42100-3100	78.75
08/11/2022	158351	Thomson Reuters - West	Clear expense	101-42100-3100	280.78
08/11/2022	20220676	Waste Management of Southern MN	July Service	101-42100-3100	104.26

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101421003100:					642.42
08/11/2022	82223	Verizon Wireless	Monthly Billing	101-42100-3200	939.43 M
08/11/2022	82223	Verizon Wireless	Monthly Billing	101-42100-3200	41.29 M
Total 101421003200:					980.72
08/11/2022	20220670	U.S. Bank - CC	BCA Users Conference	101-42100-3300	275.00
08/11/2022	20220670	U.S. Bank - CC	BCA Users Conference	101-42100-3300	275.00
08/11/2022	20220670	U.S. Bank - CC	BCA User's Conference	101-42100-3300	275.00
Total 101421003300:					825.00
08/11/2022	20220670	U.S. Bank - CC	Police Job Advertisement	101-42100-3400	130.00
Total 101421003400:					130.00
08/11/2022	82222	City of Waseca	July Utilities	101-42100-3800	748.66 M
Total 101421003800:					748.66
08/11/2022	20220670	U.S. Bank - CC	Supplies for Night to Unite	101-42100-4640	285.70
Total 101421004640:					285.70
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-42200-1340	53.89
Total 101422001340:					53.89
08/11/2022	20220632	Central Fire Protection Inc.	Extinguisher	101-42200-2160	36.25
Total 101422002160:					36.25
08/11/2022	158340	MacQueen Equipment Inc.	Supplies	101-42200-2170	196.48
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	101-42200-2170	111.92
Total 101422002170:					308.40
08/11/2022	20220641	FORSHEE, JASON	Uniform Allowance	101-42200-2180	139.97
08/11/2022	20220653	Kahnke, Jon	Uniform Allowance	101-42200-2180	45.00
08/11/2022	20220670	U.S. Bank - CC	Safety Shoes-Youngberg	101-42200-2180	115.00
Total 101422002180:					299.97
08/11/2022	158329	Cintas Corporation	First Aid - Fire	101-42200-2190	23.52
Total 101422002190:					23.52
08/11/2022	158328	Cintas Corporation	Floor Mats	101-42200-3100	8.98
08/11/2022	158328	Cintas Corporation	Floor Mats	101-42200-3100	8.98
08/11/2022	20220667	Stoltz Cleaning Services LLC	Public Safety Restroom Cleaning	101-42200-3100	78.75
08/11/2022	20220667	Stoltz Cleaning Services LLC	Public Safety Restroom Cleaning	101-42200-3100	78.75
08/11/2022	20220676	Waste Management of Southern MN	July Service	101-42200-3100	104.26

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101422003100:					279.72
08/11/2022	158322	Ancom Communications Inc	Radio Clips	101-42200-3200	207.00
08/11/2022	82223	Verizon Wireless	Monthly Billing	101-42200-3200	46.29 M
Total 101422003200:					253.29
08/11/2022	158327	Centerpoint Energy	July Service	101-42200-3800	18.82
08/11/2022	82222	City of Waseca	July Utilities	101-42200-3800	748.67 M
08/11/2022	82222	City of Waseca	July Utilities	101-42200-3800	40.34 M
Total 101422003800:					807.83
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-42400-1340	23.35
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-42400-1340	6.65
Total 101424001340:					30.00
08/11/2022	20220633	City Building Inspection Services LLC	building inpections	101-42400-3000	10,711.99
Total 101424003000:					10,711.99
08/11/2022	20220655	Lenz Lawn Care & Landscaping Inc.	Mow/weed/trim 600 5th St SE	101-42400-3100	182.50
08/11/2022	20220655	Lenz Lawn Care & Landscaping Inc.	Clean-up 709 4th Ave NE	101-42400-3100	642.50
Total 101424003100:					825.00
08/11/2022	82223	Verizon Wireless	Monthly Billing	101-42400-3200	24.18 M
Total 101424003200:					24.18
08/11/2022	20220626	APG Media of So MN LLC	Plan Commission Notice	101-42400-3400	75.10
08/11/2022	20220626	APG Media of So MN LLC	Nuisance Notice	101-42400-3400	57.36
Total 101424003400:					132.46
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-43000-1340	6.85
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-43000-1340	93.26
Total 101430001340:					100.11
08/11/2022	158353	Vault Health	Drug Screen-Engineering	101-43000-3100	59.38
Total 101430003100:					59.38
08/11/2022	82223	Verizon Wireless	Monthly Billing	101-43000-3200	41.29 M
Total 101430003200:					41.29
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-43100-1340	93.14
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-43100-1340	2.13
Total 101431001340:					95.27
08/11/2022	20220644	H & J Fuel Inc	fuel	101-43100-2120	4,139.10

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101431002120:					4,139.10
08/11/2022	158320	Albert Lea Seed	Lewer Farm Seed	101-43100-2170	526.50
08/11/2022	158321	Amazon	spray tank	101-43100-2170	383.65
08/11/2022	158348	State Chemical Manufacturing Co.	bathroom deoderizer	101-43100-2170	315.80
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	101-43100-2170	16.99
08/11/2022	158358	Zacks Inc.	asphalt remover, rags in a box, small funnel	101-43100-2170	2,234.99
08/11/2022	158358	Zacks Inc.	supplies	101-43100-2170	613.82
Total 101431002170:					4,091.75
08/11/2022	158354	W W Blacktopping Inc.	Hot Mix	101-43100-2171	1,045.80
Total 101431002171:					1,045.80
08/11/2022	158323	Aramark Uniform Services	uniform service	101-43100-2180	192.08
08/11/2022	158323	Aramark Uniform Services	uniform service	101-43100-2180	192.82
Total 101431002180:					384.90
08/11/2022	158332	First Source Solutions	Drug Screen-Streets	101-43100-3100	105.79
08/11/2022	158332	First Source Solutions	Drug Screens-Streets	101-43100-3100	49.41
08/11/2022	158353	Vault Health	Drug Screen-Streets	101-43100-3100	59.38
08/11/2022	20220676	Waste Management of Southern MN	July Service	101-43100-3100	203.33
Total 101431003100:					417.91
08/11/2022	20220634	Clarke Environmental Mosquito Mgmt Inc	mosquito contract	101-43100-3101	8,547.90
Total 101431003101:					8,547.90
08/11/2022	158327	Centerpoint Energy	July Service	101-43100-3800	18.83
08/11/2022	82222	City of Waseca	July Utilities	101-43100-3800	40.33 M
08/11/2022	82222	City of Waseca	July Utilities	101-43100-3800	673.69 M
Total 101431003800:					732.85
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-43125-1340	24.15
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-43125-1340	2.13
Total 101431251340:					26.28
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-43170-1340	5.17
Total 101431701340:					5.17
08/11/2022	82222	City of Waseca	July Utilities	101-43170-3800	148.36 M
Total 101431703800:					148.36
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-43220-1340	8.62
Total 101432201340:					8.62
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-45130-1340	12.19

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101451301340:					12.19
08/11/2022	158321	Amazon	Deposit Bags	101-45130-2000	24.89
08/11/2022	20220670	U.S. Bank - CC	Scissors for Concession	101-45130-2000	8.36
Total 101451302000:					33.25
08/11/2022	20220635	Culligan	Culligan-water	101-45130-2170	70.50
08/11/2022	20220670	U.S. Bank - CC	Sunscreen for Lifeguards and waterballoons for the 4th	101-45130-2170	65.72
08/11/2022	20220670	U.S. Bank - CC	Bleach for Cleaning	101-45130-2170	5.34
08/11/2022	20220670	U.S. Bank - CC	Band-aids for WP first aid cabinet	101-45130-2170	6.48
08/11/2022	20220670	U.S. Bank - CC	Clip boards and sheet protectors	101-45130-2170	18.02
Total 101451302170:					166.06
08/11/2022	20220624	A. H. Hermel Company	Janitorial Supplies	101-45130-2175	36.15
08/11/2022	20220624	A. H. Hermel Company	Janitorial Supplies	101-45130-2175	73.70
Total 101451302175:					109.85
08/11/2022	20220624	A. H. Hermel Company	WP Concession	101-45130-2500	505.94
08/11/2022	20220624	A. H. Hermel Company	WP Concession	101-45130-2500	414.12
08/11/2022	20220624	A. H. Hermel Company	WP Concession	101-45130-2500	292.35
08/11/2022	158336	Hy-Vee Accounts Receivable	Birthday Cake	101-45130-2500	21.99
08/11/2022	158342	Morgan's Meat Market	Hotdogs for WP	101-45130-2500	45.00
08/11/2022	20220670	U.S. Bank - CC	Buns for waterpark	101-45130-2500	11.13
08/11/2022	20220670	U.S. Bank - CC	Buns for waterpark	101-45130-2500	4.77
Total 101451302500:					1,295.30
08/11/2022	20220676	Waste Management of Southern MN	WP Trash and Recycling'	101-45130-3100	304.68
Total 101451303100:					304.68
08/11/2022	82222	City of Waseca	July Utilities	101-45130-3800	5,126.39 M
Total 101451303800:					5,126.39
08/11/2022	20220670	U.S. Bank - CC	Backflow valve for acid system at Water Park	101-45130-4000	43.52
Total 101451304000:					43.52
08/11/2022	158335	Hillyard Inc/ Hutchinson	Janitorial supplies	101-45180-2175	257.28
Total 101451802175:					257.28
08/11/2022	20220676	Waste Management of Southern MN	TLCF Waste Management - July	101-45180-3100	46.36
Total 101451803100:					46.36
08/11/2022	82224	Mediacom	TLCF Communications	101-45180-3200	265.21 M
Total 101451803200:					265.21
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	101-45200-1340	88.81

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101452001340:					88.81
08/11/2022	158325	Bock's Service Inc.	Motor Fuel	101-45200-2120	117.00
Total 101452002120:					117.00
08/11/2022	20220635	Culligan	Park Dept Water	101-45200-2170	62.75
08/11/2022	158335	Hillyard Inc/ Hutchinson	Restroom Supplies Parks	101-45200-2170	86.40
08/11/2022	158335	Hillyard Inc/ Hutchinson	Restroom Supplies Parks	101-45200-2170	87.60
08/11/2022	20220656	Locators & Supplies Inc.	orange nitrile gloves	101-45200-2170	319.27
08/11/2022	20220670	U.S. Bank - CC	Picnic Table Lumber	101-45200-2170	1,557.97
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	101-45200-2170	31.98
Total 101452002170:					2,145.97
08/11/2022	20220673	Vanderhorst, Brett	Uniform Allowance	101-45200-2180	219.95
Total 101452002180:					219.95
08/11/2022	158329	Cintas Corporation	First Aid cabinet supplies	101-45200-2190	183.16
Total 101452002190:					183.16
08/11/2022	20220661	MTI Distributing Inc.	Toro M12 Front Tire Replacement	101-45200-2210	518.07
Total 101452002210:					518.07
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	101-45200-2230	128.95
Total 101452002230:					128.95
08/11/2022	158332	First Source Solutions	Drug Screens-Parks	101-45200-3100	56.38
08/11/2022	20220650	Jobs Plus Inc.	City Parks - July Jobs Plus	101-45200-3100	1,302.38
08/11/2022	158341	McClune's Tree Service	Tree & Stump Removal	101-45200-3100	2,475.00
08/11/2022	158353	Vault Health	Drug Screen-Parks	101-45200-3100	233.40
08/11/2022	158353	Vault Health	Drug Screens-Parks	101-45200-3100	229.52
08/11/2022	20220676	Waste Management of Southern MN	July Service	101-45200-3100	31.74
08/11/2022	20220676	Waste Management of Southern MN	Waste Mgmt Parks - July	101-45200-3100	1,484.45
Total 101452003100:					5,812.87
08/11/2022	20220670	U.S. Bank - CC	Loy Spies pesticide recert class	101-45200-3300	145.00
Total 101452003300:					145.00
08/11/2022	82222	City of Waseca	July Utilities	101-45200-3800	495.42 M
Total 101452003800:					495.42
08/11/2022	158344	Orkin Pest Control	Library-Pest control	101-45500-3100	80.00
08/11/2022	20220666	ServiceMaster by Ayotte	Cleaning	101-45500-3100	185.00
08/11/2022	20220666	ServiceMaster by Ayotte	library service	101-45500-3100	790.00
08/11/2022	20220676	Waste Management of Southern MN	Library service	101-45500-3100	74.16

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101455003100:					1,129.16
08/11/2022	82222	City of Waseca	July Utilities	101-45500-3800	1,164.85 M
Total 101455003800:					1,164.85
Total General Fund:					209,273.31
Airport					
08/11/2022	158321	Amazon	LED Bulbs for T-Hangars	230-49810-2170	84.75
Total 230498102170:					84.75
08/11/2022	20220676	Waste Management of Southern MN	Airport Waste Management	230-49810-3100	91.68
Total 230498103100:					91.68
08/11/2022	82222	City of Waseca	July Utilities	230-49810-3800	81.00 M
Total 230498103800:					81.00
08/11/2022	20220630	Britton Plumbing & Heating LLC	Airport Terminal HVAC Equipment	230-49810-5200	13,016.00
Total 230498105200:					13,016.00
Total Airport:					13,273.43
Hisorical Preservation					
08/11/2022	158349	State Historic Preservation Office	HPC Conference	255-46500-3300	100.00
Total 255465003300:					100.00
Total Hisorical Preservation:					100.00
Recovery Coordinator Grant					
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	256-46500-1340	28.45
Total 256465001340:					28.45
Total Recovery Coordinator Grant:					28.45
Economic Development-General f					
08/11/2022	20220642	Good Gaming Center	Loan Disbursement	261-11590-0000	35,937.70
Total 261115900000:					35,937.70
Total Economic Development-General f:					35,937.70
Police Reserve					
08/11/2022	20220668	Streicher's	Vests - Reservists	275-49212-2180	3,269.94
Total 275492122180:					3,269.94
Total Police Reserve:					3,269.94

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
Safe Haven Grant						
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	279-46350-1340	17.22	
Total 279463501340:					17.22	
08/11/2022	20220624	A. H. Hermel Company	Janitorial Supplies	279-46350-2170	205.12	
08/11/2022	158329	Cintas Corporation	Connections - first aid	279-46350-2170	32.97	
Total 279463502170:					238.09	
08/11/2022	82223	Verizon Wireless	Monthly Billing	279-46350-3200	41.29	M
Total 279463503200:					41.29	
Total Safe Haven Grant:					296.60	
2014A GO Bonds						
08/11/2022	82203	U.S. Bank	2014A Bond Series	390-47000-6100	35,300.01	M
Total 390470006100:					35,300.01	
Total 2014A GO Bonds:					35,300.01	
2014B Refunding Bond						
08/11/2022	82202	U.S. Bank	2014B Bond Series	395-47000-6100	15,450.00	M
Total 395470006100:					15,450.00	
Total 2014B Refunding Bond:					15,450.00	
Capital Improvement						
08/11/2022	20220663	Pearson Brothers Inc.	2022 Crack Seal/Seal Coat - Streets	430-43010-3102	68,863.97	
Total 430430103102:					68,863.97	
08/11/2022	158326	Cemstone Concrete Materials LLC	curb repair	430-43010-3103	907.50	
08/11/2022	158354	W W Blacktopping Inc.	Hot Mix	430-43010-3103	194.57	
08/11/2022	158354	W W Blacktopping Inc.	Hot Mix	430-43010-3103	23,925.55	
08/11/2022	158354	W W Blacktopping Inc.	Tack oil	430-43010-3103	675.00	
08/11/2022	158354	W W Blacktopping Inc.	Tack oil	430-43010-3103	450.00	
08/11/2022	158354	W W Blacktopping Inc.	Hot Mix	430-43010-3103	13,172.11	
08/11/2022	158354	W W Blacktopping Inc.	Hot Mix	430-43010-3103	22,220.10	
Total 430430103103:					61,544.83	
08/11/2022	158333	Flagship Recreation LLC	CLP Playground Installation & Surfacing	430-43010-5435	103,932.11	
08/11/2022	20220665	Sanco Equipment LLC	CLP Playground Rental Equipment	430-43010-5435	690.00	
08/11/2022	20220670	U.S. Bank - CC	Retaining wall material for CLP	430-43010-5435	1,189.50	
08/11/2022	158356	Waseca County Landfill	CLP Playground Demo Materials	430-43010-5435	12.59	
08/11/2022	158356	Waseca County Landfill	CLP Playground Demo Materials	430-43010-5435	12.59	
08/11/2022	158356	Waseca County Landfill	CLP Playground Demo Materials	430-43010-5435	16.53	
08/11/2022	158356	Waseca County Landfill	CLP Playground Demo Materials	430-43010-5435	18.10	
08/11/2022	158356	Waseca County Landfill	CLP Playground Demo Materials	430-43010-5435	18.88	
08/11/2022	158356	Waseca County Landfill	CLP Playground Demo Materials	430-43010-5435	19.68	
08/11/2022	158356	Waseca County Landfill	CLP Playground Demo Materials	430-43010-5435	12.59	
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	265.50	

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	342.25
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	248.50
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	276.50
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	271.25
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	269.00
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	304.50
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	296.50
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	295.50
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	290.75
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	276.75
08/11/2022	158356	Waseca County Landfill	CLP Playground Top Soil	430-43010-5435	299.00
08/11/2022	20220675	Waseca Sand & Gravel Inc.	CLP Playground Concrete	430-43010-5435	1,292.00
Total 430430105435:					110,650.57
08/11/2022	20220663	Pearson Brothers Inc.	2022 Crack/Fog Seal - Parks	430-43010-5440	1,111.50
Total 430430105440:					1,111.50
08/11/2022	158339	Lakeside Concrete & Construction	Sidewalk repairs at 623 2nd St NW	430-43010-5460	1,700.00
Total 430430105460:					1,700.00
08/11/2022	20220625	American Engineering Testing Inc	8th St SE Project Testing Services	430-43010-5560	6,035.00
Total 430430105560:					6,035.00
Total Capital Improvement:					249,905.87
Water					
08/11/2022	158334	Hawkins Inc	Water Utility Chemicals	601-49401-2170	3,021.00
08/11/2022	158334	Hawkins Inc	Water Utility Chemicals	601-49401-2170	6,358.72
Total 601494012170:					9,379.72
08/11/2022	20220670	U.S. Bank - CC	Shipping for samples	601-49401-3100	15.65
Total 601494013100:					15.65
08/11/2022	82222	City of Waseca	July Utilities	601-49401-3800	10,351.72 M
08/11/2022	158357	Xcel Energy	July Service	601-49401-3800	190.85
Total 601494013800:					10,542.57
08/10/2022	82212	ACH Internal Revenue Service	SOCIAL SECURITY Pay Period: 8/7/2022	601-49430-0000	346.86 M
08/10/2022	82212	ACH Internal Revenue Service	MEDICARE Pay Period: 8/7/2022	601-49430-0000	81.12 M
Total 601494300000:					427.98
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	601-49430-1340	25.04
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	601-49430-1340	25.19
Total 601494301340:					50.23
08/11/2022	20220670	U.S. Bank - CC	Bags for lead and copper samples	601-49430-2170	2.54
08/11/2022	20220670	U.S. Bank - CC	Wasp Killer	601-49430-2170	5.78

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
08/11/2022	20220671	USA Blue Book	Safety Supplies	601-49430-2170	46.73
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	601-49430-2170	9.98
Total 601494302170:					65.03
08/11/2022	158323	Aramark Uniform Services	uniforms	601-49430-2180	14.05
08/11/2022	158323	Aramark Uniform Services	uniforms	601-49430-2180	13.55
Total 601494302180:					27.60
08/11/2022	20220671	USA Blue Book	Meter Materials	601-49430-2215	115.00
Total 601494302215:					115.00
08/11/2022	20220643	Gopher State One-Call Inc	Location calls - July	601-49430-3100	45.45
08/11/2022	158337	J.R. Bruender Construction Inc	port-o-johns for jobs plus	601-49430-3100	435.00
08/11/2022	20220672	Utility Consultants Inc	Total Coliform sampling	601-49430-3100	189.00
Total 601494303100:					669.45
08/11/2022	82223	Verizon Wireless	Monthly Billing	601-49430-3200	40.01 M
Total 601494303200:					40.01
08/11/2022	20220648	James Brothers Construction Inc.	main break Jamesbrothers fix	601-49430-4000	3,426.50
Total 601494304000:					3,426.50
08/11/2022	20220660	Metro Sales Inc.	Maintenance Agreement	601-49585-3000	205.65
Total 601495853000:					205.65
08/11/2022	20220659	MAS Communications Inc.	Answering service - August	601-49585-3200	52.99
08/11/2022	158352	U.S. Postal Service	Postage Address Correction Requested	601-49585-3200	40.00
Total 601495853200:					92.99
08/11/2022	20220664	Personalized Printing Inc.	Envelopes	601-49585-3500	816.03
08/11/2022	20220664	Personalized Printing Inc.	Receipts - Utilities Office	601-49585-3500	58.24
Total 601495853500:					874.27
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	601-49586-1340	4.76
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	601-49586-1340	2.80
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	601-49586-1340	13.12
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	601-49586-1340	6.56
Total 601495861340:					27.24
08/11/2022	158332	First Source Solutions	Drug Screen-water	601-49586-3000	56.38
08/11/2022	158332	First Source Solutions	Drug Screens-Water	601-49586-3000	56.38
Total 601495863000:					112.76
08/11/2022	20220662	Pantheon Computer Systems Inc.	Docking Station - Olsem	601-49586-4950	414.99
08/11/2022	20220662	Pantheon Computer Systems Inc.	MFA - Increased IT Security Labor	601-49586-4950	232.80

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
Total 601495864950:					647.79	
08/11/2022	20220627	Automatic Systems Company	Well 4 SCADA PLC Replacement	601-49593-5300	7,792.00	
08/11/2022	20220627	Automatic Systems Company	SCADA PLC Replacements	601-49593-5300	39,320.00	
Total 601495935300:					47,112.00	
08/11/2022	82204	First National Bank	2020A Bond Interest - Overpayment	601-49980-6000	2,127.50	M
08/11/2022	82201	MN Public Facilities Authority	2019 DW Principal	601-49980-6000	153,000.00	M
Total 601499806000:					155,127.50	
08/11/2022	82204	First National Bank	2020A Bond Interest	601-49980-6100	2,127.50	M
08/11/2022	82201	MN Public Facilities Authority	2019 DW Interest	601-49980-6100	9,690.00	M
08/11/2022	82202	U.S. Bank	2014B Bond Series	601-49980-6100	4,673.46	M
Total 601499806100:					16,490.96	
Total Water:					245,450.90	
Sanitary Sewer						
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	602-49470-1340	31.05	
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	602-49470-1340	2.13	
Total 602494701340:					33.18	
08/11/2022	158331	Environmental Products & Access LLC	Jetter truck parts	602-49470-2240	534.23	
Total 602494702240:					534.23	
08/11/2022	20220643	Gopher State One-Call Inc	Location calls - July	602-49470-3100	45.45	
08/11/2022	20220670	U.S. Bank - CC	Postage	602-49470-3100	19.60	
Total 602494703100:					65.05	
08/11/2022	82223	Verizon Wireless	Monthly Billing	602-49470-3200	40.09	M
08/11/2022	82223	Verizon Wireless	Monthly Billing	602-49470-3200	40.01	M
08/11/2022	82223	Verizon Wireless	Monthly Billing	602-49470-3200	40.01	M
08/11/2022	82223	Verizon Wireless	Monthly Billing	602-49470-3200	40.01	M
Total 602494703200:					160.12	
08/11/2022	82222	City of Waseca	July Utilities	602-49470-3800	1,150.08	M
Total 602494703800:					1,150.08	
08/11/2022	20220669	Temple Electric Motor Service Inc	Parkridge lift station pump rebuild	602-49470-4020	637.25	
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	602-49470-4020	264.40	
Total 602494704020:					901.65	
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	602-49480-1340	75.11	
Total 602494801340:					75.11	

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
08/11/2022	158334	Hawkins Inc	Chlorine & Sulfur	602-49480-2170	3,224.60
08/11/2022	158334	Hawkins Inc	Alum	602-49480-2170	6,072.29
08/11/2022	20220670	U.S. Bank - CC	Lab Supplies	602-49480-2170	127.42
08/11/2022	20220670	U.S. Bank - CC	Breakroom supplies	602-49480-2170	29.22
08/11/2022	20220670	U.S. Bank - CC	Lab Supplies	602-49480-2170	37.21
08/11/2022	20220671	USA Blue Book	Lab Supplies	602-49480-2170	332.05
08/11/2022	20220671	USA Blue Book	Lab Supplies	602-49480-2170	480.25
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	602-49480-2170	56.63
Total 602494802170:					10,359.67
08/11/2022	20220651	John Henry Foster Minnesota Inc.	Compressor Filters	602-49480-2210	408.25
08/11/2022	20220657	M & R Electric Inc.	chlorine bldg.	602-49480-2210	377.60
Total 602494802210:					785.85
08/11/2022	20220627	Automatic Systems Company	wwtp raw pump repair	602-49480-3100	887.50
08/11/2022	20220628	BME Labstore	Lab equipment calibration	602-49480-3100	1,040.00
08/11/2022	158328	Cintas Corporation	Floor mat service	602-49480-3100	9.60
08/11/2022	158329	Cintas Corporation	First Aid cabinet supplies	602-49480-3100	63.21
08/11/2022	20220638	Environmental Resource Associates	Permit testing	602-49480-3100	242.29
08/11/2022	20220649	Javens Mechanical Contracting Co.	Alum Bldg. fire suppression	602-49480-3100	655.00
08/11/2022	20220657	M & R Electric Inc.	Lift station	602-49480-3100	139.50
08/11/2022	20220672	Utility Consultants Inc	Permit Testing	602-49480-3100	2,094.14
08/11/2022	20220676	Waste Management of Southern MN	wwtp garbage	602-49480-3100	426.03
Total 602494803100:					5,557.27
08/11/2022	82223	Verizon Wireless	Monthly Billing	602-49480-3200	41.29 M
Total 602494803200:					41.29
08/11/2022	20220645	Hellevik, Brian	Conference Mileage	602-49480-3300	311.25
Total 602494803300:					311.25
08/11/2022	82222	City of Waseca	July Utilities	602-49480-3800	733.48 M
Total 602494803800:					733.48
08/11/2022	158347	Stantec Consulting Services Inc	WWTP Blower Analysis	602-49480-4000	4,089.25
Total 602494804000:					4,089.25
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	602-49585-1340	19.44
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	602-49585-1340	19.44
Total 602495851340:					38.88
08/11/2022	20220660	Metro Sales Inc.	Maintenance Agreement	602-49585-3000	205.65
Total 602495853000:					205.65
08/11/2022	20220659	MAS Communications Inc.	Answering service - August	602-49585-3200	52.99
08/11/2022	158352	U.S. Postal Service	Postage Address Correction Requested	602-49585-3200	40.00

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
Total 602495853200:					92.99	
08/11/2022	20220664	Personalized Printing Inc.	Envelopes	602-49585-3500	816.04	
08/11/2022	20220664	Personalized Printing Inc.	Receipts - Utilities Office	602-49585-3500	58.23	
Total 602495853500:					874.27	
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	602-49586-1340	4.76	
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	602-49586-1340	2.80	
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	602-49586-1340	13.12	
Total 602495861340:					20.68	
08/11/2022	20220662	Pantheon Computer Systems Inc.	MFA - Increased IT Security Labor	602-49586-4950	232.80	
Total 602495864950:					232.80	
08/11/2022	158347	Stantec Consulting Services Inc	Barscreen Project	602-49593-5300	699.50	
Total 602495935300:					699.50	
08/11/2022	82204	First National Bank	2020A Bond Interest - Overpayment	602-49980-6000	3,191.25	M
08/11/2022	82201	MN Public Facilities Authority	2009 CW Principal	602-49980-6000	491,000.00	M
08/11/2022	82201	MN Public Facilities Authority	2019 CW Principal	602-49980-6000	226,000.00	M
Total 602499806000:					720,191.25	
08/11/2022	82204	First National Bank	2020A Bond Interest	602-49980-6100	3,191.25	M
08/11/2022	82201	MN Public Facilities Authority	2009 CW Interest	602-49980-6100	56,611.85	M
08/11/2022	82201	MN Public Facilities Authority	2019 CW Interest	602-49980-6100	14,305.00	M
08/11/2022	82202	U.S. Bank	2014B Bond Series	602-49980-6100	276.54	M
Total 602499806100:					74,384.64	
Total Sanitary Sewer:					821,538.14	
Electric Utility						
08/11/2022	82221	SMMPA	SMMPA Power	604-49550-3810	521,220.31	M
Total 604495503810:					521,220.31	
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49570-1340	2.54	
Total 604495701340:					2.54	
08/11/2022	82222	City of Waseca	July Utilities	604-49570-3800	70.18	M
Total 604495703800:					70.18	
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49571-1340	55.94	
Total 604495711340:					55.94	
08/11/2022	158358	Zacks Inc.	shop supplies	604-49571-2170	119.98	

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 604495712170:					119.98
08/11/2022	20220629	Border States Electric Supply	tools	604-49571-2400	62.10
Total 604495712400:					62.10
08/11/2022	20220643	Gopher State One-Call Inc	Location calls - July	604-49571-3100	45.45
08/11/2022	20220670	U.S. Bank - CC	Temp service behind bardens bar state fees	604-49571-3100	36.00
Total 604495713100:					81.45
08/11/2022	82223	Verizon Wireless	Monthly Billing	604-49571-3200	40.05 M
08/11/2022	82223	Verizon Wireless	Monthly Billing	604-49571-3200	40.01 M
Total 604495713200:					80.06
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49572-1340	5.63
Total 604495721340:					5.63
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49573-1340	10.14
Total 604495731340:					10.14
08/11/2022	20220629	Border States Electric Supply	secondary splices	604-49573-2170	970.00
08/11/2022	20220629	Border States Electric Supply	Electrical Materials	604-49573-2170	249.10
Total 604495732170:					1,219.10
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49574-1340	2.85
Total 604495741340:					2.85
08/11/2022	20220652	JT Services of MN	Street light bulbs	604-49574-2170	372.44
Total 604495742170:					372.44
08/11/2022	82222	City of Waseca	July Utilities	604-49574-3800	125.82 M
08/11/2022	158357	Xcel Energy	July Service	604-49574-3800	575.29
Total 604495743800:					701.11
08/11/2022	82222	City of Waseca	July Utilities	604-49575-3800	667.68 M
Total 604495753800:					667.68
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49584-1340	2.14
Total 604495841340:					2.14
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49585-1340	19.55
Total 604495851340:					19.55
08/11/2022	20220660	Metro Sales Inc.	Maintenance Agreement	604-49585-3000	205.65

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 604495853000:					205.65
08/11/2022	20220659	MAS Communications Inc.	Answering service - August	604-49585-3200	52.98
08/11/2022	158352	U.S. Postal Service	Postage Address Correction Requested	604-49585-3200	40.00
Total 604495853200:					92.98
08/11/2022	20220664	Personalized Printing Inc.	Envelopes	604-49585-3500	816.03
08/11/2022	20220664	Personalized Printing Inc.	Receipts - Utilities Office	604-49585-3500	58.23
Total 604495853500:					874.26
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49586-1340	3.85
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49586-1340	5.37
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	604-49586-1340	13.51
Total 604495861340:					22.73
08/11/2022	158332	First Source Solutions	Drug Screens-Electric	604-49586-3000	211.58
08/11/2022	20220640	Flaherty & Hood PA	July Legal Fees	604-49586-3000	600.00
Total 604495863000:					811.58
08/11/2022	158346	Shred-it USA LLC	Monthly Service	604-49586-3100	22.00
Total 604495863100:					22.00
08/11/2022	20220670	U.S. Bank - CC	Electric/Apprentice Lineworker Job Advertisement	604-49586-3400	130.00
Total 604495863400:					130.00
08/11/2022	20220662	Pantheon Computer Systems Inc.	MFA - Increased IT Security Labor	604-49586-4950	232.80
Total 604495864950:					232.80
08/11/2022	20220629	Border States Electric Supply	Conversion Supplies	604-49593-5300	392.74
08/11/2022	20220629	Border States Electric Supply	Conversion Supplies	604-49593-5300	71.36
08/11/2022	20220629	Border States Electric Supply	Conversion Supplies	604-49593-5300	25.16
Total 604495935300:					489.26
Total Electric Utility:					527,574.46
Storm Water Utility					
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	651-43140-1340	10.35
Total 651431401340:					10.35
08/11/2022	82222	City of Waseca	July Utilities	651-43140-3800	80.31 M
Total 651431403800:					80.31
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	651-49585-1340	3.08

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 651495851340:					3.08
Total Storm Water Utility:					93.74
Central Garage Services					
08/10/2022	158318	Madison National Life Insurance Co Inc	August 2022 LTD	701-43180-1340	36.16
Total 701431801340:					36.16
08/11/2022	20220646	IFACS	genral shop supplies	701-43180-2170	90.27
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	701-43180-2170	4.98
Total 701431802170:					95.25
08/11/2022	158324	Auto Value Waseca	Parts and Supplies	701-43180-2210	145.46
08/11/2022	158330	Deml Ford Lincoln Mercury Inc	wastegate solenoid replacement police unit # 1649	701-43180-2210	387.85
08/11/2022	158330	Deml Ford Lincoln Mercury Inc	Tire Adjustment # 1779	701-43180-2210	55.00
08/11/2022	158330	Deml Ford Lincoln Mercury Inc	New Airfilters for Squad Car	701-43180-2210	49.90
08/11/2022	158340	MacQueen Equipment Inc.	conveyor belt & slpice kit & hardware	701-43180-2210	2,239.40
08/11/2022	158340	MacQueen Equipment Inc.	dirt shoe RH, roller bearings, bearing felt, rubber scraper	701-43180-2210	1,099.89
08/11/2022	158340	MacQueen Equipment Inc.	Side shield, LH brakets & hardware	701-43180-2210	375.31
08/11/2022	158345	Shade Tree Oil & Repair LLC	park truck #42 new tires	701-43180-2210	738.64
08/11/2022	158350	The Shop	replace hidden coolant line bhind air comp. (#21)	701-43180-2210	439.44
08/11/2022	20220670	U.S. Bank - CC	Hydro couplers for henderson plow trucks	701-43180-2210	501.54
08/11/2022	20220674	Waseca Hardware LLC	Parts & Supplies	701-43180-2210	68.27
08/11/2022	20220678	Zarnoth Brush Works Inc.	Elgin sweeper broom	701-43180-2210	602.00
Total 701431802210:					6,702.70
08/11/2022	20220670	U.S. Bank - CC	Monthly Scan Fee	701-43180-3100	149.00
Total 701431803100:					149.00
Total Central Garage Services:					6,983.11
Property and Liability Insuran					
08/11/2022	20220639	First National Insurance	Agency Fee	702-49955-3000	800.00
Total 702499553000:					800.00
08/04/2022	158314	League of MN Cities Insurance Trust	3rd Qtr Liability	702-49955-3610	10,444.40
Total 702499553610:					10,444.40
08/04/2022	158314	League of MN Cities Insurance Trust	3rd Qtr Property	702-49955-3620	19,396.60
Total 702499553620:					19,396.60
Total Property and Liability Insuran:					30,641.00
Equipment Replacement Fund					
08/11/2022	20220637	Emergency Automotive Technologies Inc.	new squad expense	705-49920-5400	770.70
08/11/2022	20220637	Emergency Automotive Technologies Inc.	new squad expense	705-49920-5400	762.70
08/11/2022	20220637	Emergency Automotive Technologies Inc.	New squad expense	705-49920-5400	134.50

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 705499205400:					1,667.90
Total Equipment Replacement Fund:					1,667.90
Grand Totals:					2,196,784.56

Report Criteria:

Report type: GL detail

[Report].Amount = {<>} 0

CONSTRUCTION CONTRACT PAYMENT REQUEST

DATE: AUGUST 16, 2022

TO: Mayor & City Council
Lee Mattson - City Manager

PROJECT NAME: 2022 CITY SEAL COAT PROJECT

CITY PROJECT NO. 2022-03

PAYMENT REQUEST: NO. 1

PAYMENT PERIOD: JULY 6, 2022 - JULY 29, 2022

CONTRACTOR: PEARSON BROTHERS, INC.

<u>CONTRACT</u>		<u>PAYMENT</u>	
Original Contract sum:	<u>\$ 84,319.09</u>	Contract Sum to date:	<u>\$ 84,319.09</u>
Change Orders		Total earned to date (Includes Change Orders)	<u>\$ 73,658.39</u>
N/A	<u> </u>	Retainage: 5%	<u>\$ 3,682.92</u>
		Total earned less retainage:	<u>\$ 69,975.47</u>
		Less previous payment requests:	<u>\$ -</u>
		Payment due this request:	<u>\$ 69,975.47</u>
		% Contract completed to date:	<u>87%</u>
		Amount remaining on contract:	<u>\$ 10,660.70</u>
Net change by change orders:	<u>\$ -</u>	Total Amount Due:	<u>\$ 69,975.47</u>
Contract Sum to date:	<u>\$ 84,319.09</u>		

Approved By:

Eric E. Pearson 8/1/2022
Contractor Date

Michael Fischer 8/2/2022
Director of Finance Date

Nathan Willey 8-2-22
City Engineer Date

Lee A. Mattson 8-2-2022
City Manager Date

CERTIFICATE OF PAYMENT

2022 CITY SEAL COAT PROJECT, CITY OF WASECA

CITY PROJECT NO. 2022-03

PAYMENT REQUEST NO. 1

PAYMENT DATE: AUGUST 16, 2022

CONTRACTOR:
PEARSON BROTHERS, INC.
11079 LAMONT AVE NE
HANOVER, MN 55341

PAYMENT PERIOD: JULY 6-29, 2022

ORIGINAL CONTRACT AMOUNT: \$84,319.09

FINAL CONTRACT AMOUNT: N/A

CONTRACT APPROVAL DATE: APRIL 20, 2022

CONTRACT COMPLETION DATE: N/A

To the City Council of the City of Waseca, The following payment is requested in accordance with the plans, specifications, and conditions of the contract.

CITY ROADWAYS

NO.	DESCRIPTION	UNIT	PLAN QTY.	UNIT PRICE	CONTRACT AMOUNT	THIS PERIOD QUANTITY	THIS PERIOD PAYMENT	TO DATE QUANTITY	TO DATE PAYMENT
1	BITUMINOUS PAVEMENT CRACK TREATMENT-ROADWAYS	LB	8,606	\$ 2.25	\$ 19,363.50	8,806	\$ 19,813.50	8,806	\$ 19,813.50
2	BITUMINOUS MATERIAL FOR SEAL COAT (CRS-2)	GAL	8,940	\$ 3.31	\$ 29,591.40	8,459	\$ 27,999.29	8,459	\$ 27,999.29
3	BITUMINOUS SEAL COAT	SY	29,799	\$ 0.75	\$ 22,349.25	29,799	\$ 22,349.25	29,799	\$ 22,349.25
SUBTOTAL:							\$ 70,162.04		\$ 70,162.04

CITY TRAILS

NO.	DESCRIPTION	UNIT	PLAN QTY.	UNIT PRICE	CONTRACT AMOUNT	THIS PERIOD QUANTITY	THIS PERIOD PAYMENT	TO DATE QUANTITY	TO DATE PAYMENT
1	BITUMINOUS PAVEMENT CRACK TREATMENT-TRAILS	LB	1,040	\$ 2.25	\$ 2,340.00	520	\$ 1,170.00	520	\$ 1,170.00
2	BITUMINOUS MATERIAL FOR FOG SEAL (CRS-2Pd)	GAL	1,300	\$ 6.45	\$ 8,385.00	0	\$ -	0	\$ -
SUBTOTAL:							\$ 1,170.00		\$ 1,170.00

FIRE DEPARTMENT PARKING LOT

NO.	DESCRIPTION	UNIT	PLAN QTY.	UNIT PRICE	CONTRACT AMOUNT	THIS PERIOD QUANTITY	THIS PERIOD PAYMENT	TO DATE QUANTITY	TO DATE PAYMENT
1	BITUMINOUS PAVEMENT CRACK TREATMENT-PARKING LOT	LB	116	\$ 2.25	\$ 261.00	116	\$ 261.00	116	\$ 261.00
2	BITUMINOUS MATERIAL FOR SEAL COAT (CRS-2)	GAL	349	\$ 3.31	\$ 1,155.19	360	\$ 1,191.60	360	\$ 1,191.60
3	BITUMINOUS SEAL COAT	SY	1,165	\$ 0.75	\$ 873.75	1,165	\$ 873.75	1,165	\$ 873.75
SUBTOTAL:							\$ 2,326.35		\$ 2,326.35
PROJECT TOTAL:							\$ 73,658.39		\$ 73,658.39

Title:	APPOINTMENT APPLICATION ON THE HISTORIC PRESERVATION COMMISSION.		
Meeting Date:	August 16, 2022	Agenda Item Number:	6D
Action:	<input checked="" type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	Supporting Documents:	Dan Forrest Application
Originating Department:	Engineering	Presented By:	City Manager
Approved By City Manager: <input checked="" type="checkbox"/>	Proposed Action: Motion to appoint a member to the Heritage Preservation Commission.		
How does this item pertain to Vision 2030 goals?	Creating high quality community assets		

BACKGROUND: The Heritage Preservation Commission is composed of five (5) members. The Commission will engage in a comprehensive program of historic preservation, promote the historical resources of the City, and designation of heritage preservation sites. In July City staff received an application from Dan Forrest who has conveyed his interest in being on the Heritage Preservation Commission.

BUDGET IMPACT: No impact to the City budget.

RECOMMENDATION: Staff recommends the Waseca City Council review the application and appoint Dan Forrest to the Heritage Preservation Commission for a 3-year term to expire August 31, 2025.

CITY OF WASECA

Board/Commission/Authority Application Form

Date 7/25/22

Name DAN FORREST

Occupation: RETIRED : PUBLIC EDUCATION

Please check the Board/Commission/Authority for which you are applying:

☐ Airport Board

☐ Human Rights Commission

☐ Charter Commission

☐ Community Ed Advisory Board

☐ Park Board

☐ Planning Commission

☐ Economic Development Authority

☒ Heritage Preservation Commission

☐ Housing & Redevelopment Authority

Please tell us why you are interested in serving on this Board/Commission/Authority.

SEE ATTACHED

Have you previously served on this Board/Commission/Authority? (if yes provide dates)

NO

Have you held, or do you currently hold, an office on this Board/Commission/Authority?

NO

Please list what qualifications you possess that will be helpful to this Board /Commission /Authority.
(List your experience, education, certification, etc.)

SEE ATTACHED

Please return completed application to Waseca City Hall, ATTN: City Clerk, 508 South State Street, Waseca, MN 56093.

Dan Forrest
Commission Application Form

Interest:

I grew up in Waseca before leaving for college and a career in teaching. My wife and I have deep family roots in Waseca County. While most were farmers, some of my ancestors were State Street businessmen. An example is my great, great grandfather, Thomas Barden, whose name is on a front of one of our buildings in downtown Waseca (El Molino). My maternal grandfather also owned several buildings (Waverly Hotel corner).

I have always had a strong interest in history. I majored in it while in college and taught several history classes during my career in public education.

Qualifications:

My college major was history. I spent 35 years in public education in a suburban school district as a teacher, coach and administrator. As stated above, during that time I taught classes in American history at the standard and Advanced Placement levels.

One of my hobbies is genealogy. This can be helpful as my family helped settle St. Mary's Township and my wife's family helped settled Blooming Grove Township. Both families arrived in the mid-1800s so our roots run deep. I have also done some historical research on the cemeteries at St. Mary's and North Waseca Lutheran Church which is now at the local historical society

Title:	FINAL PAYMENT TO FLAGSHIP RECREATION FOR THE CLEAR LAKE PARK PLAYGROUND PROJECT (CITY PROJECT NO. 2210)		
Meeting Date:	8-16-2022	Agenda Item Number:	6E
Action:	<input checked="" type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	Supporting Documents:	- Invoice #: F9688 Final Invoice to Flagship Rec. - Flagship Signed Agreement
Originating Department:	Parks	Presented By:	Consent Agenda
Approved By City Manager: <input checked="" type="checkbox"/>	Proposed Action: Motion to Approve Pay Request No. 1 – Final Payment for the 2022 Clear Lake Park Playground Project (City Project No. 2210)		
How does this item pertain to Vision 2030 goals?	Maintaining High Quality Community Assets		

BACKGROUND: In March 2021, the City of Waseca applied for the MN DNR Outdoor Recreation Grant that included the playground replacement and the addition of a new fishing pier at Clear Lake Park. The estimated total project costs with the grant submittal were \$392,650. Per the grant application, the City of Waseca was to provide a non-cash match of at least 50% of the total project costs. The City of Waseca was awarded \$196,000 for these projects with the other 50% of the total project costs to be supported by City of Waseca capital improvement funds (430-43010-5435 Project No. 2210 - Clear Lake Park). Based on inflationary cost increases between March 2021 and fall 2021, staff budget planning for 2022 resulted in an overall budget increase from \$392,650.

For perspective, the total 2022 budget for the playground project and fishing pier work is \$456,092. To date, total unaudited expenses for contracted work and City work/materials is about \$421,036, which includes materials invoices in the current Council packet. Moving forward, staff anticipates not to exceed \$10,000 in additional material supplies to finish both projects, the playground and fishing pier. Due to inflationary price increases, staff reduced the playground budget by over \$37,000 in deciding to do all the concrete work internally. This means that staff has been able to reduce overall anticipated projects costs from \$456,092 to the anticipated final total costs of about \$431,036. This also means that the projected final costs for just the playground work will be about \$385,000.

City staff completed the following tasks for the playground project: demo, grading plan design, excavation & site grading, concrete prep and installation, pea rock and tile installation, wood fiber play surface installation, final topsoil grading, and seeding. City staff will also be completing the necessary work and installation of the fishing pier at Clear Lake Park. This includes necessary excavation, installation of the accessible walkway, rip rap, and assembly of the fishing pier structure.

The 2022 Clear Lake Park Playground Project contract with Flagship Recreation has been completed and all work has been approved and accepted by City staff. Therefore, the playground project is ready for final acceptance and final payment to Flagship Recreation. Please note: The Clear Lake Park Fishing Pier Project is not complete. The fishing pier structure was purchased in May 2022 for \$39,375.00; however, the City will have minor construction material expenses in 2022 for this project prior to completion this fall.

BUDGET IMPACT FOR THE FLAGSHIP CONTRACT: The total cost of Flagship's final contract payment is \$103,932.11. The original contract amount was \$101,062.11. Final quantity of the wood fiber play surface included an additional 110 yds of materials which accounts for the \$2,870.00 increase in the final contract payment.

RECOMMENDATION: Staff recommends the Waseca City Council accept the work and approve the Pay Request No. 1 – Final, to Flagship Recreation for the 2022 Clear Lake Park Playground Project in the amount of \$103,932.11.



Flagship Recreation
11123 Upper 33rd Street North
Lake Elmo, MN 55042

Phone # 763-550-7860

Bill To

CITY OF WASECA
508 SOUTH ST STREET
WASECA, MN 56093

Invoice

Date 7/29/2022

Invoice # F9688

P.O. Number

Ship To

CLEAR LAKE PARK
100-8TH AVE NE
WASECA MN 56093

Quantity	Item	Description	Price Each	Total Amount
1	Mobilization	Moving equipment or materials to site	500.00	500.00T
1	INSTALLA	Installation	53,593.13	53,593.13T
1	SITEWORK	INSTALLING CUSTOMER SUPPLIED CLASS 5 AGG	2,525.00	2,525.00T
366	Woodfiber	WOOD FIBER, DELIVERED TO SITE	16.72811	6,122.49T
1,287	POURINPLA...	POUR IN PLACE RUBBER SAFETY SURFACING SYSTEM	25.5025	32,821.72T
1	BOND	BOND	5,499.77	5,499.77
1	Woodfiber	Additional Wood Fiber ordered 7.19.22	2,870.00	2,870.00T

Thank you for your order!

Subtotal \$103,932.11

Sales Tax (0.0%) \$0.00

Total \$103,932.11

Deposit \$0.00

Balance Due \$103,932.11

Terms - Net 30 days 1.5% finance charge on
remaining balance

Date 2/17/2022
 Expires 3/11/2022
 Quote: City of Waseca
 Contact: Carl Sonnenberg
 Phone: (507) 835-9713
 Email: bradd@ci.waseca.mn.us



Ship To:	Please Make PO's & Contracts Out To:
Clear Lake Park 100 8th Ave NE Waseca, Mn 56093-3033	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042
Bill To:	Please Remit Payment To:
City of Waseca 508 South State Street Waseca, MN 56093-3033	Flagship Recreation 11123 Upper 33rd St. N Lake Elmo, MN 55042

We are pleased to submit this proposal to supply the following products/services:

QTY	ITEM #	Description	UNIT PRICE	EXT. PRICE
1		Mobilization		\$500.00
1		Installation by Landacape Structures Certified Installers		\$53,593.13
		-Prevailing Wage Per MnDNR Grant Requirement		
0		Dumpster - *Owner to haul away and dispose of		BY OWNER
0		Site Work - Excavation, Demo & Site Grading		BY OWNER
0		Concrete Border - 6"W x 12"D (LF)		BY OWNER
1992		Concrete Flatwork - (Sq. Ft.)		BY OWNER
128		Pea Rock (drainage agg. for EWF) & Installation		BY OWNER
0		Class 5 or Recycled Concrete (PIP base), Installation & Compaction		\$2,525.00
		*Owner supplying material - Flagship Install		
0		Drain Tile - 4" Corrugated Pipe w/ Sock		BY OWNER
0		Geo Textile Fabric (Sq. Ft.)		BY OWNER
366		Engineered Wood Fiber (CY) - IPEMA Certified Playground Surfacing		\$6,122.49
		*Bulk Delivery with owner installing EWF		
1287		Poured In Place or Turf (Sq. Ft.)		\$32,821.72
0		Chain Link/Construction Fence- Site security required for PIP install 24/7		BY OWNER
		Damage Not Warrantied		
0		Site Restoration (Sq.Ft.)		BY OWNER
1		Payment & Performance Bonds		\$5,499.77
			Subtotal	\$101,062.11
			Sales Tax	Tax Exempt Cert
			Total	\$101,062.11

Quotes from Flagship Recreation. are subject to current Landscape Structures, Inc. policies as well as Terms & Conditions, Inclusions & Exclusions outlined below unless noted otherwise on this quote. Changes are subject to price adjustment. Sales tax, if applicable, will be applied unless a tax-exempt certificate is provided at the time of order entry. Customer deposits, if required, must be received before orders will be entered & installation scheduled. Purchases in excess of \$1,000.00 must be supported by a formal Purchase Order made out to Flagship Recreation

Minnesota State Contract #119795

***Terms: Net 30 days; 1.5% finance charge on balances over 30 days**

Page 1 of 2

Terms & Conditions

Contract: Seller's Copy of signed quote represents the contract between Seller and Buyer. This form supersedes all previous communications and negotiations and constitutes the entire agreement between the parties. Any changes to this contract are not binding unless jointly agreed in writing via Change Order.

Project Scope (This Section For Quotes Including Installation)

Inclusions:

- One Mobilization
- Accepting & Unloading of Order Prior to Installation
- Unpacking of Play Equipment Once Located on Site
- Assembly of Play Equipment
- Placing, Digging or Surface Mounting Equipment (as specified)
- Concrete for Play Equipment Footings
- Standard Insurance Offer (Detail Provided Upon Request)
- Standard Warranty Offer (Detail Provided Upon Request)
- Prevailing Wage Rates

Exclusions (Unless Specifically Quoted):

- Storage or Security of Equipment
- Private Utility Locates (irrigation, low voltage, lighting, etc.)
- Additional Labor Due to Site Access. Require 8' Wide Clearance from Staging Area to Play Space.
- Additional Labor and/or Related Costs Due to Subsurface Conditions (Rock, Hardpan, Heavy Clay, Ground Water, etc.)
- Additional Labor and/or Related Costs Due to Working in Unstable Soils (Sand, Pea Rock, Mud, Poor Site Drainage, etc.)
- Offsite Removal of Spoils From Footing Holes or Other Excavation. Can be stockpiled for owner removal or left in play space
- Disposal of Packing Material. Can be Stockpiled for Owner Removal or Deposited in Owners Onsite Dumpster
- Removal of Existing Play Equipment, Border or Safety Surfacing Material
- Site Work of Any Kind. Exclusions include, site grading (owner to provide max slope of 1%), site restoration, drainage, etc.
- Border for Play Space
- Bonding of Any Type
- Permits of Any Kind

Force Majeure: In the event performance of this Agreement, or any obligation hereunder, is either directly or indirectly prevented, restricted, or interfered with by reason of fire, flood, tornado or like acts of God, wars, civil commotion, explosion, acts of public enemy, embargo, acts of the government, labor difficulties, including without limitation, strikes, slowdowns, picketing, or boycotts, unavailability of equipment from vendor, changes requested by Customer, or any other circumstances beyond the reasonable control and without the fault or negligence of Flagship Recreation, Flagship Recreation, upon giving prompt notice to the Customer, shall be excused from such performance on a day-to-day basis to the extent of such prevention, restriction, or interference (and the Customer shall likewise be excused from performance of its obligations on a day-to-day basis until the delay, restriction or interference has ceased); provided however, that Flagship Recreation so affected shall use diligent efforts to avoid or remove such causes of non-performance and both Parties shall proceed whenever such causes are removed or cease.

Material Cost Escalation: If, during the performance of this contract, the cost of materials significantly increases, through no fault of Flagship Recreation, the price of this contract shall be equitably adjusted by an amount reasonably necessary to cover any such significant increase in the costs of materials. As used herein, a significant cost increase shall mean any increase in cost of materials exceeding 5% experienced by contractor from the date of the contract signing. Such increase in material costs shall be documented through quotes, invoices, or receipts. Where the delivery of materials delayed, through no fault of the contractor, as a result of the shortage or unavailability of the materials, contractor shall not be liable for any additional costs or damages associated with such

Acceptance of Quotation

Accepted By (Print) <i>LEE MATSON</i>	PO#: <i>430.5435</i>
Signature: <i>[Signature]</i>	Email: <i>CARLS & L.F. WASELA, MN. US</i>
Title: <i>CITY MANAGER</i>	Phone: <i>507.835.4713</i>
Date: <i>MARCH 3, 2022</i>	Purchase Amount: \$101,062.11

Title:	Conduct a Public Hearing for consideration of Ordinance No. 1101, vacating a drainage and utility easement between Lots 2 & 3, Block 1, and Lots 4 & 5, Block 1, Fox Meadows 2nd Addition.		
Meeting Date:	August 16, 2022	Agenda Item Number:	7A
Action:	<input type="checkbox"/> MOTION <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	Supporting Documents:	Ordinance No. 1101 Exhibit A Exhibit B Map
Originating Department:	Community Development	Presented By:	Planning & Zoning Coordinator
Approved By City Manager: <input checked="" type="checkbox"/>	Proposed Action: Conduct a Public Hearing and consider adopting Ordinance 1101, vacating an easement between Lots 2 & 3, Block 1, and Lots 4 & 5, Block 1, Fox Meadows 2nd Addition.		

BACKGROUND: The City has received an application for the vacation of a drainage and utility easement between Lots 2 & 3, Block 1, and Lots 4 & 5, Block 1, Fox Meadows 2nd Addition. The properties are located on 22nd Ave NW and addressed as 420, 416, 412, and 408 22nd Avenue NW.

The easements are located along the common side lot lines of Lots 2 & 3, Block 1, and Lots 4 & 5, Block 1. The easement area is ten (10) feet wide and runs north and south within the lots. The front and rear easements will remain. The easement request is due to the shallow building depth available, restricted by the wetland located to the north. The property owners wish to develop these four (4) lots with zero-lot line twin homes.

There is no current or future need for the drainage and utility easement with the proposed zero lot line build.

BUDGET IMPACT: None

POLICY QUESTION: None

ALTERNATIVES CONSIDERED: None

RECOMMENDATION: Conduct a Public Hearing and adopt Ordinance 1101, vacation of the drainage and utility easement between Lots 2 & 3, Block 1, and Lots 4 & 5, Block 1, Fox Meadows 2nd Addition.

ORDINANCE NO. 1101

**ORDINANCE OF THE CITY OF WASECA, MINNESOTA
VACATING THE DRAINAGE AND UTILITY EASEMENT BETWEEN
LOTS 2 & 3, BLOCK 1, AND LOTS 4 & 5, BLOCK 1, FOX MEADOWS 2ND ADDITION**

WHEREAS, the plat of FOX MEADOWS 2ND ADDITION was approved on November 17, 2021; and

WHEREAS, the plat of FOX MEADOWS 2ND ADDITION dedicated drainage and utility easements along lot lines; and

WHEREAS, Worke Fox Meadows LLC is the owner of Lots 2 & 3, Block 1, and, Lots 4 and 5, Block 1, FOX MEADOWS 2ND ADDITION; and

WHEREAS, Adam Worke, on behalf of Worke Fox Meadows LLC, has requested vacation of easement as shown in the attached **EXHIBIT A** and described as shown in the attached **EXHIBIT B**.

WHEREAS, the Waseca City Council has determined that the above described easements are not necessary to serve the needs of the public; and

WHEREAS, on the 16th day of August, 2022, the City Council held a public hearing on the proposed easement vacation, and all interested parties were provided an opportunity to provide input; and

NOW, THEREFORE, The City of Waseca does hereby ordain that the above easements are hereby vacated.

Adopted this 16th day of August, 2022.

R. D. SRP
MAYOR

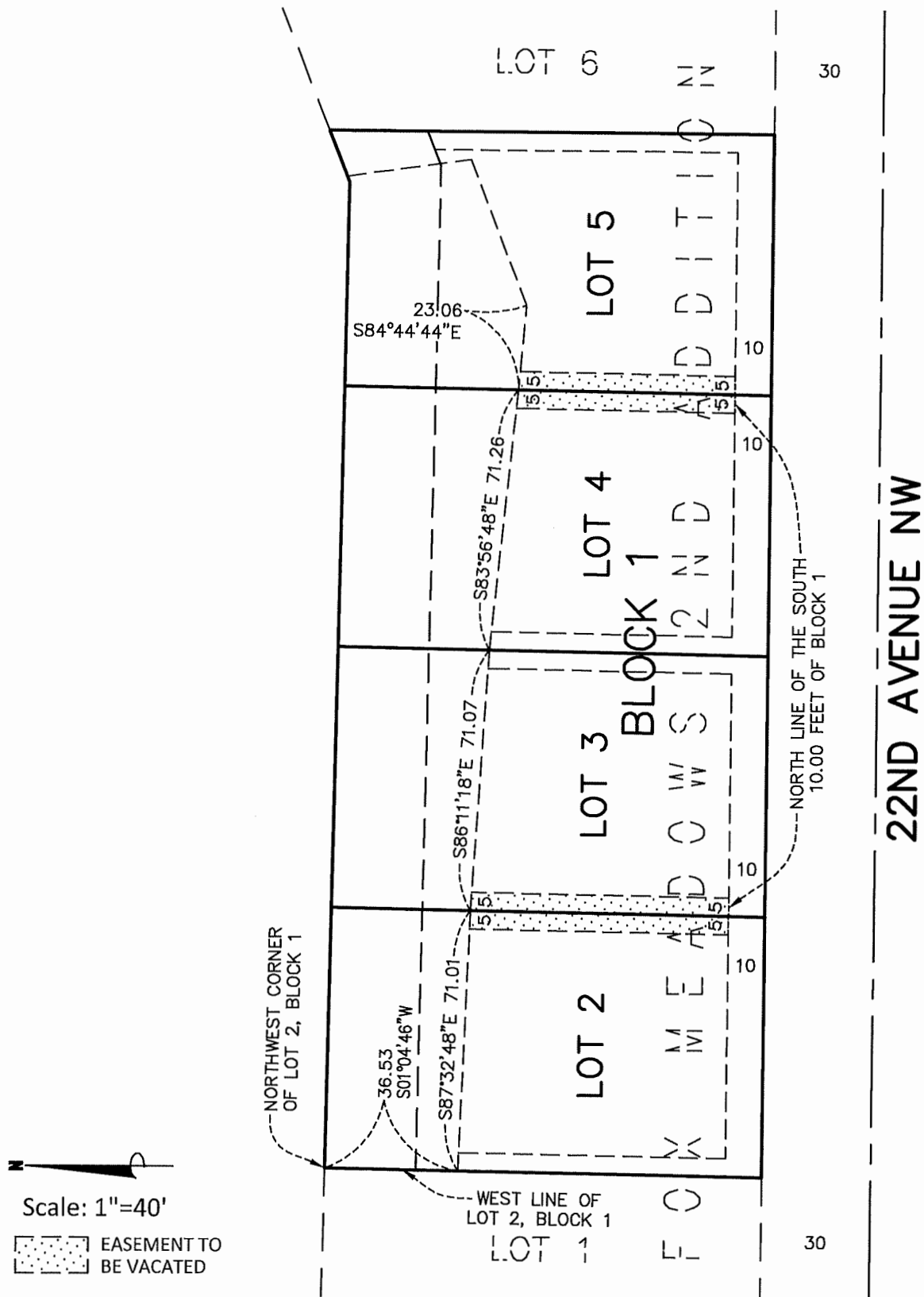
ATTEST:

JULIA HALL
CITY CLERK

Introduced: July 19, 2022
Adopted: August 16, 2022
Published: August 24, 2022
Effective: August 26, 2022

EXHIBIT A

SKETCH & DESCRIPTION FOR: WORKE FOX MEADOWS LLC



Scale: 1"=40'

EASEMENT TO
BE VACATED

SKETCH & DESCRIPTION

FOR: WORKE FOX MEADOWS LLC

All that part of the drainage and utility easements, originally dedicated on the recorded plat of FOX MEADOWS 2ND ADDITION, Waseca County, Minnesota, and now to be vacated, which lie adjacent to the the lines common Lots 2 and 3, Block 1, and Lots 4 and 5, Block 1, said plat, lying northerly of the south 10.00 feet of Block 1 and lying southerly of the following described line:

Commencing at the northwest corner of said Lot 2; thence on an assumed bearing of South 01 degree 04 minutes 46 seconds West, along the west line of said Lot 2, a distance of 36.53 feet to the point of beginning of the line to be described; thence South 87 degrees 32 minutes 48 seconds East a distance of 71.01 feet; thence South 86 degrees 11 minutes 18 seconds East a distance of 71.07 feet; thence South 83 degrees 56 minutes 48 seconds East a distance of 71.26 feet; thence South 84 degrees 44 minutes 44 seconds East a distance of 23.06 feet and said line terminating.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

By: Marcus F. Hampton
 Marcus F. Hampton, Land Surveyor, MN License No. 47481

DRAWN BY
PLM
DATE
7/19/2022
REVISIONS
CAD FILE
22691-10vac-2.dwg
PROJECT NO.
22691-10
PAGE 1 OF 2

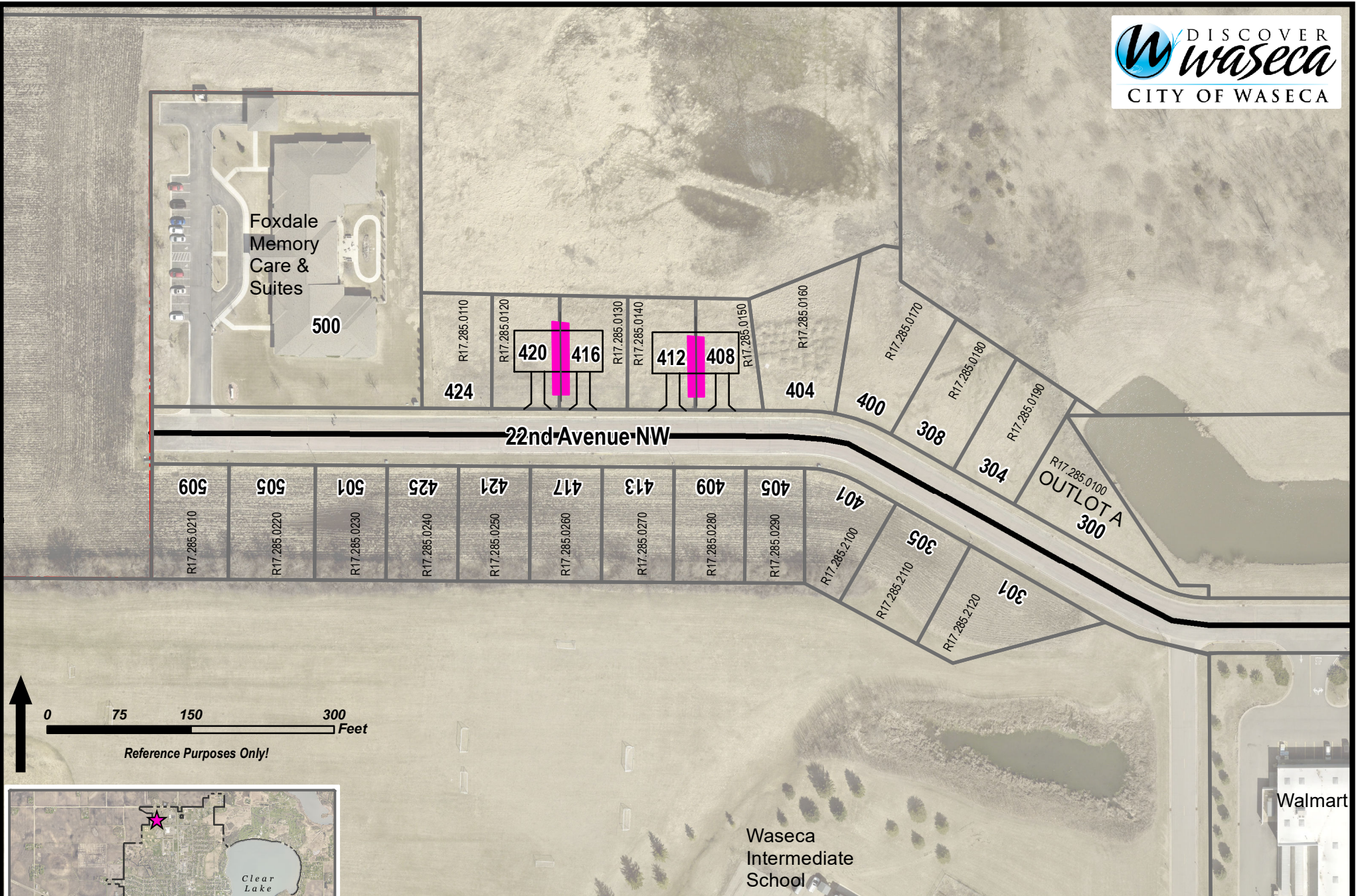


James R. Hill, Inc.

PLANNERS / ENGINEERS / SURVEYORS

2999 WEST C.R. 42, SUITE 100, BURNSVILLE, MN 55306

PHONE: 952.890.6044 www.jrhinc.com



VACATION OF EASEMENTS: FOX MEADOWS 2ND ADDITION LOTS 2 & 3 & LOTS 4 & 5, BLOCK 1

Title:	Public Nuisance – 709 4 th Ave NE - Public Hearing		
Meeting Date:	August 16, 2022	Agenda Item Number:	7B
Action:	<input checked="" type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	Supporting Documents:	Resolution 22-31 Exhibit A - Photos
Originating Department:	Community Development	Presented By:	Planning & Zoning Coordinator
Approved By City Manager: <input checked="" type="checkbox"/>	Proposed Action: Host a public hearing, and request the City Council to approve Resolution 22-31, action to enact civil remedies against the property owner and the property for the nuisance at 709 4 th Ave NE.		
How does this item pertain to Vision 2030 goals?	Promotes good Governance.		

BACKGROUND:

The City has received multiple complaints regarding nuisance conditions on the property located at 709 4th Ave NE in Waseca. Per procedure, staff has investigated the property and sent correspondence to the property owner and the son, who has communicated to the City on the property owners behalf. Multiple inspections have been conducted. The property owners son was contacted by the City Attorney stating the property must be in compliance by March 25, 2022. There has been no improvement to bring the property into compliance. The current condition constitutes a public nuisance per City ordinances.

BUDGET IMPACT: Incurred costs for abatement will be charged to the property owner.

POLICY QUESTION: The City Council has the authority to order summary enforcement and the abatement of the nuisance.

ALTERNATIVES CONSIDERED: None.

RECOMMENDATION: Host a public hearing on August 16, 2022, and request the City Council to approve Resolution 22-31, action to enact civil remedies against the property owner and the property located at 709 4th Ave NE for the nuisance.

RESOLUTION NO. 22-31

A RESOLUTION OF THE CITY OF WASECA IN REGARDS TO THE ABATEMENT OF A CONTINUING NUISANCE AT 709 4TH AVENUE NE, WASECA MN 56093

WHEREAS, Rita Vogler is the owner of the property located at 709 4th Avenue NE, Waseca Minnesota; and

WHEREAS, the property has been maintained in a manner that violates Waseca City Code, in regard to the storage of vehicles and materials on the property and property maintenance; and

WHEREAS, Bill Green the Planning and Zoning Coordinator has had contact with the property owner and her son, Christopher Vogler, requesting that they bring the property into compliance, including multiple inspections of the property with follow-up letters on October 14, 2021, November 17, 2021, January 19, 2022, May 9, 2022, July 1, 2022, July 20, 2022; and

WHEREAS, the office of the City Attorney wrote to owners son and required that the property be brought into compliance on or before March 28, 2022; and

WHEREAS, the property owner and her son have been advised that the City will bring a motion to abate the nuisance and have the costs of the abatement assessed against the property; and

WHEREAS, the property continues to be maintained in a manner that constitutes a nuisance; and

WHEREAS, this matter was set for a public hearing on August 16, 2022, at 7:00 p.m., and notice of said hearing was sent to the property owner and son,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Waseca, Minnesota:

1. That an inspection of the property and an investigation of this matter were performed by the appropriate agencies for the City of Waseca, that the property owner was allowed to provide input, and all notices as required by law have been served on the property owner.
2. That the property continues to have items stored upon it and the property maintenance is in violation of Waseca City Code Sections:
 - a. 91.37 (A)(1) Accumulating unattended or discarded furniture, materials, and debris.
 - b. 91.37(A)(2) The sorting, piling, or keeping of old machinery or other junk or debris.
 - c. 91.21 (B) Grass or weeds in such a place attain a height in excess of six inches.
 - d. 91.37 (D)(1)(2)(3) Inoperable motor vehicles.
 - e. 154.162 (A)(3) General Residential Parking Requirements.

3. The condition of the property of the property constitutes a continuing nuisance under the laws of the State of Minnesota and the City Code of the City of Waseca such as to be declared a Public Nuisance in need of immediate abatement.

**BASED ON SAID FINDINGS THE CITY COUNCIL FOR THE CITY OF WASECA
ORDERS:**

1. The City Manager or his designee shall cause this Resolution to be served personally on the owner of the property, Rita Vogler, of the property at 709 4th Avenue NE, Waseca MN 56093;
2. Rita Vogler, shall within thirty (30) days remove all items from the property and bring the property into compliance, for the property located at 709 4th Ave NE, Waseca MN 56093 that are in violation of State Statute or City Code.
3. A motion for summary enforcement of this order will be made to the District Court of Waseca unless corrective action is taken as prescribed above, or unless an Answer is filed as provided under state statute.
4. That the costs that the City incurs for the abatement of this nuisance shall be assessed against the property.

Adopted by the City Council this ____ day of August, 2022.

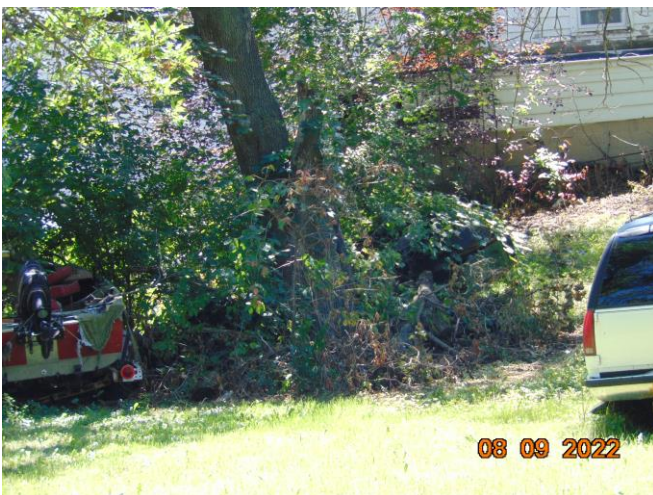
R.D. SRP
MAYOR

ATTEST:

JULIA HALL
CITY CLERK

EXHIBIT A – PHOTOS

709 4th Ave NE



Title:	Gaiter Lake Development		
Meeting Date:	August 16, 2022	Agenda Item Number:	7C
Action:	<input type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> DISCUSSION	Supporting Documents:	
Originating Department:	Administration	Presented By:	City Manager
Approved By City Manager: <input checked="" type="checkbox"/>			
How does this item pertain to Vision 2030 goals?	Leveraging Economic Development Opportunities and Developing High Quality Community Assets		

BACKGROUND: This item is placed on the agenda to allow the City Council to take any action they deem appropriate after the work session at 5:00 p.m. The Council should be aware that the City Manager did unintentionally provide inaccurate information on the impervious surface requirements in the Pond View Subdivision as opposed to the Gaiter Lake property and any other property impacted by the Shoreland Ordinance. It was stated that the Pond View restriction is 40% and all other property in the Shoreland District is 25%. The actual figures are 35% and 25%. The City Manager apologizes for this error. Staff has confirmed that there are multiple properties in the Pond View Subdivision that are at, or very close, to maximum impervious surface coverage. This includes the new spec homes being built by Miller Homes.

RECOMMENDATION: Council should provide direction to staff on what course of action is to be done, or not done, with the Gaiter Lake property.

Title:	Council Applications Discussion		
Meeting Date:	August 16, 2022	Agenda Item Number:	7D
Action:	<input type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> DISCUSSION	Supporting Documents:	Council Vacancy Applications
Originating Department:	Administration	Presented By:	City Manager
Approved By City Manager: <input checked="" type="checkbox"/>	Proposed Action: Discuss the Council Vacancy Applications from eligible residents. Determine if additional process is desired. If Council chooses, they can appoint by making a motion of approval.		
How does this item pertain to Vision 2030 goals?	Good Governance		

BACKGROUND: At the July 12, 2022 City Council Special Meeting the City Council declared a vacancy seat for Ward 1. City staff posted an application for residents to fill out and apply for the vacant seat. According to the City Charter the City Council can appoint an eligible resident to fill this seat through the next general election which will be held in November 2022. At that time, this seat will be on the ballot for election to fill the remainder of the term through 2024.

Three residents have submitted applications to fill this vacant seat. They currently reside in the Ward 1 territory and are considered eligible.

BUDGET IMPACT: None

POLICY QUESTION: None

ALTERNATIVES CONSIDERED: Continue accepting applications until Council feels comfortable with the application process.

RECOMMENDATION: Discuss the application received for the vacant seat and finalize the process moving forward. This may involve scheduling interviews, delaying the process, or immediately appointing a Council Member. Previous Council discussion has indicated that the Council does wish to conduct interviews with the candidates.

CITY OF WASECA

City Council Vacancy Application Form

Date 7/25/2022

Name John Clemons

Address 812 10th St NW Waseca

Occupation: Buyer

Please tell us why you are interested in serving on the City Council.

I have always had an interest in the operations of the City.

Have you previously served on the City Council? (if yes provide dates)

Yes, Aprox. 1987 to Aprox. 2017

Have you held, or do you currently hold, an office on any City Board/Commission/Authority?

No

Please list what qualifications you possess that will be helpful for this review process.
(List your experience, education, certification, etc.)

Prior City Council and Mayor experience.

Please return completed application to Waseca City Hall, ATTN: Julia Hall, 508 South State Street, Waseca, MN 56093. Or email to JuliaH@ci.waseca.mn.us

CITY OF WASECA

City Council Vacancy Application Form

Date 8-01-22

Name Stacey Schroeder

Address 1221 3rd St NW, Waseca, MN 56093

Occupation: Cosmetologist/hairstylist

Please tell us why you are interested in serving on the City Council.

I am a life long community member who has served on various commissions in the past and wanting to see sustainable growth for Waseca. Also feel my diverse community involvement brings a broader representation of the Waseca Community as a whole.

Have you previously served on the City Council? (if yes provide dates)

I have not.

Have you held, or do you currently hold, an office on any City Board/Commission/Authority?

Previous ECCE Parental Advisory Board. Previous Community Education Board of 3 terms. Waseca Jaycee member 1999-2005, Was part of the inaugural Tourism Board and served 2-terms. Former Police Reserve Officer (15yrs) Founded and ran Waseca Neighborhood Watch 1998-2005

Please list what qualifications you possess that will be helpful for this review process.

(List your experience, education, certification, etc.)

Waseca High School graduate. Licensed cosmetologist with the state of MN and currently practicing for 28yrs and counting within the Waseca Community.

I come in contact with many of our Waseca citizens on a daily basis. I hear it all from their concerns and misinformation they might have. Wanting to strive to better educate the general public on our local government, its responsibilities while working on growth within our Community.

Thank you for your consideration, SSchroeder

Please return completed application to Waseca City Hall, ATTN: Julia Hall, 508 South State Street, Waseca, MN 56093. Or email to JuliaH@ci.waseca.mn.us

CITY OF WASECA

City Council Vacancy Application Form

Date 7/19/2022

Name Robert Tackett

Address 500 State St. N

Occupation: Insurance Agent

Please tell us why you are interested in serving on the City Council.

I believe in Waseca, I would like to be on the city to serve the Waseca community. I believe that all citizens should be fairly represented and I aim to be that representation.

Have you previously served on the City Council? (if yes provide dates)

No

Have you held, or do you currently hold, an office on any City Board/Commission/Authority?

Economic Development Advisory Board

Please list what qualifications you possess that will be helpful for this review process.

(List your experience, education, certification, etc.)

Small business owner, writer, Marketing,

Retired military

Some college - majoring in Emergency Medicine

I am a people person. I can easily talk to the public and get their concerns out in the open. I am a problem solver with a great attitude.

Title:	Ordinance No. 1102 Moratorium on THC Products		
Meeting Date:	August 16, 2022	Agenda Item Number:	7E
Action:	<input type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	Supporting Documents:	Draft of Ordinance No. 1102
Originating Department:	Administration	Presented By:	City Attorney
Approved By City Manager: <input checked="" type="checkbox"/>			
How does this item pertain to Vision 2030 goals?			

BACKGROUND: As directed by the City Council, staff has been working with the City Attorney to better understand the process of enacting a moratorium on the sale, testing, manufacturing and distribution of THC products in Waseca. The City Attorney has prepared the attached draft of a proposed Ordinance No. 1102 which lays out the City's authority to act, the findings by the City Council justify the need to act, the practical implementation of a moratorium, the actions that the City will take during the moratorium to study the issue to determine recommendations for Council consideration, and authorization for staff to enforce the moratorium. The moratorium would have a term of twelve (12) months which is the longest period that the City has statutory authority to enact a moratorium for. The City may terminate the moratorium at an earlier point in time if the City Council so chooses.

In considering a moratorium, the Council should be aware that this action will not impact the existing sale, manufacturing, or distribution of THC products in the City of Waseca. Under the law, the City does not have the authority to retroactively ban an existing business or industry from operating. Licensing regulations developed during the study period would apply to future business operations. Zoning regulations adopted as a result of the study period might not impact existing businesses as they would be considered a legal non-conforming use similar to what might be referred to as a 'grandfather clause'.

BUDGET IMPACT: Enforcement of a moratorium does have the potential to require some expenditure of funds.

ALTERNATIVES CONSIDERED: The Council direction in this instance was specific and no action other than a moratorium was considered.

RECOMMENDATION: If the Council wishes to proceed, staff recommends that the Council move to introduce the ordinance and set a public hearing for the Regular City Council Meeting of September 20, 2022.

CITY OF WASECA

ORDINANCE NO. 1102

AN INTERIM ORDINANCE PROHIBITING THE SALE, TESTING, MANUFACTURING AND DISTRIBUTION OF THC PRODUCTS

The City Council of the City of Waseca, Minnesota, ordains:

Section 1. BACKGROUND

1. By enacting Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minnesota Statute Section 151.72 and permitted the sale of edible and nonedible cannabinoid products that contain no more than 0.3% of Tetrahydrocannabinol, commonly known as THC ("THC Products").
2. The new law does enact some requirements for labeling, testing and possession, but the law provides no parameters on how cities are to regulate production, compliance checks, sales, or possession of THC Products.
3. The new law does not prohibit local regulation.
4. Pursuant to Minnesota Statute Section 462.355 sub 4, the City is authorized to enact by ordinance a moratorium to consider the regulation, restriction or prohibition of use within the City in order to protect the public health, safety and welfare. Specifically the City is authorized to enact a moratorium ordinance to allow it to undertake a study to determine whether to adopt any regulations or restrictions, including the location and manner of uses, related to the use, sales, testing, manufacturing and distribution of THC products.
5. Pursuant to its general police powers, including but not limited to Minnesota Statute Section 421.221, sub 32, the City may enforce regulations or restrictions on THC Products within the City to protect the public safety, health and welfare, including restrictions and a moratorium on the use, sales, testing, manufacturing, and distribution, during the pendency of a study to determine the needs for police power regulations, including but not limited to the need to license or permit.

Section 2. FINDINGS

1. The City Council finds that there is a need to study THC Products, uses and businesses related thereto, in order to assess the necessity for and the efficacy of regulation and restrictions relating the possession, sales, testing, manufacturing, and distribution of THC products, including through licensing or zoning ordinances, in order to protect the public health, safety and welfare of its residents.
2. The study will allow the City Council to determine the appropriate changes, if any, that the City Council should make to City ordinances.

3. The City Council, therefore, finds that there is a need to adopt a City-wide moratorium of the sale, testing manufacturing and distribution of TCH Products within the City while staff studies the issue.

Section 3. MORATORIUM

1. No individual, establishment, organization, corporation, or business may sell, test, manufacture, or distribute THC for twelve (12) months from the effective date of this ordinance.
2. The City shall not issue any license or permit related to THC Products for twelve (12) months from the effective date of this ordinance. No license or permit application, of any kind, by any individual, establishment, organization, corporation or business involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City of Waseca, shall be accepted or considered for twelve (12) months from the effective date of this ordinance.
3. Planning or zoning applications related to TCH Products or applications from individuals, establishments, organizations, corporations or businesses involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City of Waseca shall not be accepted, or considered for twelve (12) months from the effective date of this ordinance.

Section 4. STUDY

The City Council directs City staff to study the need for local regulation regarding the possession, sale, testing, manufacturing, or distribution of THC Products within the City of Waseca. Staff must also study the need for creating or amending zoning ordinances, licensing ordinances, or other ordinances to protect the citizens of the City of Waseca from any potential negative impacts of THC Products. Upon completion of the study, the City Council, together with such commission as the City Council deems appropriate, or as may be required by law, will consider the advisability of adopting new ordinances or amending its current ordinances.

Section 5. ENFORCEMENT

The City may enforce this Ordinance by mandamus, injunctive relief, or other appropriate city remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Manager, in consultation with the City Attorney and Chief of Police, to initiate any legal actions deemed necessary to secure compliance with this Ordinance.

Section 6. TERM

Unless earlier rescinded by the City Council, the moratorium established under this Ordinance shall remain in effect until twelve (12) months from its effective date, at which point, it will automatically expire.

Section 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage by the City Council.

Passed by the City Council of the City of Waseca this ____ day of September, 2022.

ATTEST:

Lee Mattson, City Manager

Roy Srp, Mayor

CITY OF WASECA

MEMORANDUM

TO: City Council

FROM: Lee A. Mattson, City Manager

RE: Annexation

DATE: August 11, 2022

This memo is intended to summarize annexation procedures in response to questions raised at City Council Meetings regarding the City Council's ability to annex land. City Attorney Robert Scott has reviewed the memorandum and concurs with the information presented. This memo is not intended as a comprehensive review of all aspects of annexation. Additional information and supporting documentation are included in the attachments for Councilmembers who wish to delve more deeply into this issue. This memorandum is based upon current statutory requirements and the Council should be aware that the legislature considers changes to these requirements on an annual basis.

Background

Annexation involves taking unincorporated land (land in a township, not a city) and placing it within the corporate boundaries of an existing city. Annexed property passes from the jurisdiction of a township to that of a city. Residents of annexed property now vote, pay taxes, and are subject to the laws/ordinances of the city rather than the township. There are three broad types of action that can be taken to annex property; annexation by ordinance, by orderly annexation agreement, or contested annexation.

1. Annexation by ordinance involves land owned by the city, unincorporated land surrounded by city limits, or land that abuts the city's boundary where all owners have petitioned for annexation. Annexation of land that is partially surrounded by city limits in certain circumstances may also be initiated by ordinance, but in this situation Townships do have the option to object to the annexation and, if they do, a hearing will be conducted by an Administrative Law Judge to determine if the annexation should be approved.
2. Annexation via Orderly Annexation Agreement involves the City and the Township negotiating an agreement that clearly defines a process of how property will be annexed to the City. The agreement may limit the acreage that may be annexed each year and may require the City to undertake the development of city services (new parks, streets, water/sewer mains or other public improvements) as a condition of the annexation. The agreement may define a 'phased' approach to annexation that requires all parcels in one area to be annexed before other parcels

may be annexed. The city cannot compel a township to accept an Orderly Annexation Agreement. The state does prefer the use of Orderly Annexation Agreements to Contested Case Annexations.

3. Contested Case Annexation occurs when a Township objects to the proposed annexation and a process commences that concludes with a hearing before an Administrative Law Judge (ALJ) who will determine if the annexation should be allowed to proceed. A contested case is generally required for any annexations that do not occur by ordinance or pursuant to an orderly annexation agreement.

Contested Case Annexations

If a city cannot negotiate an Orderly Annexation Agreement with a Township but desires to annex, and the proposed annexation does not satisfy the conditions to annex by ordinance, a process is triggered involving public informational meetings and mediation to attempt to resolve all issues prior to a formal hearing. If efforts are unsuccessful, a formal hearing is held by an ALJ who will determine if the annexation should move forward and what property should be involved in the annexation.

Review by an ALJ is focused on how city government would benefit the public health, welfare, and safety; how the property is or is about to become urban in character, and if annexation is in the best interest of the land proposed to be annexed. The statute provides for the consideration of nearly 20 criteria. In addition to the statutory criteria, legal precedent provides that there must be a reasonable relationship between the increase in revenues received by the annexing city and the value of the municipal services that will now be provided to the annexed area, that annexation is better for the proposed parcels than remaining in the township, and that the remainder of the township will not suffer undue hardship from the annexation of part of the township into the City.

The City's ability to provide municipal services to an area are central to a city's argument for annexation. Streets, parks, public safety, and utilities offer value to properties that justify their annexation. If a city does not intend to provide these services, it becomes more difficult to argue that a proposed annexation will benefit the property to be annexed.

Given the exceptionally complex nature of some of these criteria, Contested Annexations tend to be expensive to pursue. The costs to pursue a contested annexation would almost certainly exceed \$100,000 and could easily be more than \$200,000.

Property Taxes

Cities must compensate townships for tax revenues lost by the annexation of property. Generally, the equivalent of several years of township taxes are paid to a township over a defined period, softening the fiscal impact of the annexation on the township.

Cities may also choose to create a rural taxing district where a lower tax rate is charged to reflect a lower provision of city services than the rest of the City. This authority was most likely granted to allow cities to have a lower tax rate on undeveloped property where no services are utilized but could

potentially be used in other areas where the City could clearly identify which services are not being provided and the specific value of the taxes that provide for those services. Cities need to exercise care in creating these districts as any taxpayer can sue the City in District Court if they feel an unfair discount is being provided to the rural taxing district.

Conclusion

Annexation involves a number of complex issues. The League of Minnesota Cities Handbook states, “Annexation questions post some of the most difficult and technical policy problems facing municipal officials.” Staff suggests that any city-initiated annexation process should begin with the City Council clearly delineating why property considered for annexation would benefit from annexation as well as considering the potential costs the City would incur in providing services to the annexed area. The City should also engage with Township officials to discuss their level of interest in amicably pursuing an Orderly Annexation Agreement rather than immediately commencing with an adversarial Contested Annexation process.

RELEVANT LINKS:

Minn. Stat. § 414.06 subd. 3.

Minn. Stat. § 414.061, subds. 1, 3.

Minn. Stat. § 414.12, subd. 1.

Minn. Stat. § 414.061, subds. 4, 5.

After the hearing, the administrative law judge must issue its order. No popular vote is necessary in any detachment proceedings. The Administrative law judge may grant the petition if it finds:

- The conditions set forth in the petition exist.
- The detachment would not affect the symmetry of the detaching city.
- The land is not needed for reasonably anticipated future development of the detaching city.

The Administrative law judge may decrease the size of the detachment area. It may also relieve the detached area of any city from indebtedness and require the assumption of town indebtedness in such proportions as it deems equitable. The detached land then becomes a part of the town in which it is located.

The Administrative law judge may deny the detachment if it finds the remainder of the city cannot continue to carry on the functions of government without undue hardship.

VII. Concurrent detachment and annexation

Property in one city that is contiguous or bordering upon another city may be concurrently detached and annexed by the adjoining city. There are three ways to initiate the procedure:

- By the concurrent resolutions of the cities.
- By the initiative of the Administrative law judge (if a neighboring city completely surrounds the area).
- By a petition of all property owners in the affected area and the resolution of at least one city.

The Administrative law judge must conduct a hearing and issue an order either approving the concurrent action with or without modifications or denying the detachment and annexation of the property. The alternative-dispute-resolution process authorized by law may also be applied. The order of the Administrative law judge is final, and no subsequent elections are necessary.

VIII. Annexation

Annexation questions pose some of the most difficult and technical policy problems facing municipal officials. Annexations present difficulties because sound, realistic facts and estimates regarding the financial and service implications of a proposed annexation are necessary. Annexation involves important policy questions relating to the welfare of the entire urban community, including both the city and surrounding land.

RELEVANT LINKS:

The council must determine if the city, as a corporate entity, will grow with the surrounding economic community. The council must also decide whether the city can extend services to the surrounding developing areas and annex those areas without incurring a heavy financial responsibility that results in increased taxes or other fees and charges.

Annexation allows cities to grow in an orderly, planned manner. Cities need to evaluate and study five questions before deciding to pursue an annexation.

- How will annexation affect the residents, landowners, and property in the area to be annexed?
- What additional costs will the city incur when providing city services to the annexed area?
- How much revenue can, and will the city obtain through taxes and other charges levied against the annexed area?
- What is the present status of land available in the area and the outlook for future development?
- What impact, if any, will annexation have on development in the area?

The most important considerations should be the annexation's impact on the area, and whether annexation to the city will provide residents and taxpayers in the area with benefits commensurate with any additional taxes they may have to pay. For example, will police and fire protection improve?

Will zoning laws and subdivision regulations apply, and will the city enforce them? Will more city utilities be available or be available at lower rates? Benefits such as these should be roughly proportional to any added costs to taxpayers in the annexed area. Annexation's value is questionable if its major consequence is to increase tax revenues of the annexing community.

A second consideration is the cost the annexing city will incur. Newly annexed areas might cause three different kinds of cost burdens.

The first cost burden is the daily operating cost. This includes the additional cost of providing the area with police protection, fire protection, street maintenance, park maintenance, street lighting, and recreational programs.

The second cost burden is capital cost. Unless it is already fully developed, the new area will need certain capital improvements as it develops, including streets; park land and improvements; and sewer, water, and other utility facilities. In many cases, the city may partially recover these costs through special assessments, but usually some cash outlay is necessary.

RELEVANT LINKS:

Furthermore, public-improvement bonds that are repayable through special-assessment levies still add to the city's gross debt and, thus, place a greater burden on its ultimate borrowing capacities.

Finally, the third cost burden relates to an increase in demand on existing public facilities. After the annexation, the residents in the new part of the city will be eligible to use all the services provided by the city. The council should determine what impact, if any, this will have on the operation of the library, hospital, nursing home, swimming pool, golf course, and similar facilities that charge more for non-residents.

Only when the council thoroughly evaluates these, and similar factors will a true picture of added city expenditures emerge.

The council must also consider the taxes and other revenues the city might obtain from the annexed area. This involves more than just a determination of receipts from the area during the next tax and budget year. The council should also consider the long-term revenue liabilities of the area in terms of its ability to support municipal services as it either develops or declines.

In addition to knowing how much revenue the annexed land will produce, it is also important to know whether property in the annexed area can bear the burden of added charges for governmental services. The council must determine if the property owners in the annexed area will be able to pay the additional taxes and special assessments the city will levy once the area becomes part of the city. The council should look at this issue in terms of the present and future paying capacity of the property owners.

The solutions to these issues depend on the answers to the questions dealing with present development and estimates for probable future development in the area. Such estimates must be both reasonable and conservative. It is better to underestimate than to overestimate when evaluating the taxpaying potential of a given geographic area.

Finally, the council should also attempt to determine what impact, if any, the proposed annexation would have on future development in the area.

This involves more than determining whether development will be faster or slower due to the change in governmental status. The council should also look at which governmental form will most effectively stimulate and control future development and keep it in harmony with the interests of the urban community and with the social and economic area. In addition, the council should decide whether city control would best enforce regulations governing building standards, population density, land use, and other factors instrumental in the proper, healthy urbanization of the area.

RELEVANT LINKS:

Minn. Stat. §§ 414.031-414.033.

Minn. Stat. § 414.031, subd. 4.
Minn. Stat. § 414.011, subd. 6. See *State v. Village of Mound*, 234 Minn. 531, 48 N.W.2d 855 (Minn. 1951).
Village of Orono v. Village of Long Lake, 247 Minn. 264, 77 N.W.2d 46 (Minn. 1956).

Minn. Stat. § 414.031, subd. 4.

Village of Orono v. Village of Long Lake, 247 Minn. 264, 77 N.W.2d 46 (Minn. 1956).

Minn. Stat. § 414.061.
See Section VII, Concurrent detachment and annexation.

Often, an area being considered for annexation has been developed in a less dense manner than the adjoining city; thus, the property tax revenues from that area in relation to the amount of services it will receive as part of the city will not be in the same proportion as the adjoining city. The council may wish to weigh this factor against the long-term implications of not bringing the area into the city.

All this information will let the city council make policy decisions regarding the merits and demerits of an annexation proposal. Having obtained this information, the council should seek a final decision that will protect and promote the best interests of the city, the area to be annexed, the county and town in which the area is located, and the entire social and economic community surrounding the city.

A. Statutory requirements for annexation

Annexation of land cannot occur unless it meets the following three requirements:

First, the land must adjoin the corporate limits of the annexing city. The statute speaks of annexation of unincorporated territory abutting a city. Land abuts a city when its boundaries and those of the city coincide or touch one another so that after annexation, the annexed territory will be united with the city in forming a homogeneous community that can provide all of its parts with the benefits of local government.

The statute defines “abuts” to include areas with boundaries that at least touch one another at a single point, or with boundaries that would touch but for an intervening road, railroad, waterway, or parcel of publicly owned land. In those cases where an annexation needs the approval of the Administrative law judge, it may alter the boundaries of the area to preserve or improve the symmetry of the area.

Second, the Administrative law judge may approve an annexation if it finds city governance of the area is necessary to protect the public health, safety, and welfare; if annexation is found to be in the best interests of the city and the territory to be annexed; or, if land is, or is about to become, suburban or urban in character. This generally refers to land in close proximity to the city, of limited size, suburban in character, and with a community of interest so it will adapt to city government.

Third, the land may not already be part of another city. A concurrent detachment from one city and annexation to another city could occur through a different procedure.

RELEVANT LINKS:

Office of Administrative
Hearings, Municipal
Boundary Adjustment Unit,
P.O. Box 64620, St. Paul,
MN 55164; 651.361.7900.

Minn. Stat. § 414.033.

B. Annexation procedures

Although the statutes set out three different annexation procedures, only one procedure may apply in any given situation. The appropriate procedure depends on the ownership, size, and other characteristics of the land under consideration. For annexation purposes, the jurisdiction and authority of the Municipal Boundary Adjustment Unit is uniform for all communities throughout the state. The Municipal Boundary Adjustment Unit has information to assist units of government in presenting evidence in boundary-adjustment proceedings.

The three annexation procedures are applicable in different situations and require completing certain steps.

1. Annexation by ordinance

In some circumstances, a city may annex unincorporated property simply by passing an ordinance declaring the land as annexed to the city. Cities may annex by ordinance when any of the following conditions exist:

- The city owns the land to be annexed.
- The land is completely surrounded by land already within city limits.
- The land abuts the city and the area to be annexed is 120 acres or less, not presently served or capable of being served by available public wastewater facilities, and all the landowners petition the city for annexation (except as provided for by an orderly annexation agreement, this clause may not be used to annex any property contiguous to any property either simultaneously proposed to be or previously annexed under this clause within the preceding 12 months if the property is or has been owned at any point during that period by the same owners and annexation would cumulatively exceed 120 acres).
- The land is within two miles of the city and has been approved for platting after Aug. 1, 1995, and the platted lots average 21,780 square feet or less.

The law considers land described above to be urban in character. The city can annex it merely by passing an ordinance in all these situations. The city must file copies of the ordinance with the Administrative law judge, the town clerk, the county auditor, and the secretary of state. Annexation does not become effective until the Administrative law judge approves the filing. Unless the city owns the land to be annexed, it must serve notice of intent to annex upon the town board and all landowners within and contiguous to the area to be annexed and hold a public hearing.

RELEVANT LINKS:

Minn. Stat. § 115.49, subd.
2a. Minn. Stat. § 414.0335.

Minn. Stat. § 414.033, subd.
3.
*See discussion of hearings
under Section VIII-B-3,
Petition, hearing and order
of the Municipal Boundary
Adjustment Unit.*

Minn. Stat. § 414.033, subd.
13.

Minn. Stat. § 414.033, subd.
5.

Minn. Stat. § 414.033, subd.
7.

Land may also be annexed by ordinance if the Minnesota Pollution Control Agency (MPCA) has required the city to extend a government service outside its jurisdiction into an unincorporated area.

If 60 percent or more of the perimeter of the area to be annexed borders the city and the area is 40 acres or less, the city may annex it by ordinance. However, the city must serve notice of its intent upon the town board and wait 90 days for the town's objection. If the town board raises objections, the city may abandon the proceedings, or the Administrative law judge will hold hearings and order or deny the annexation.

At least 30 days before a municipality may adopt an ordinance under Minn. Stat. § 414.033, subdivision 2, clause (2), (3), or (4), the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation. Within ten days, copies of the petition must go to the Administrative law judge, the town board, and the county board of the town and county in which all or any part of the land is located, and to the governing body of all cities abutting the land to be annexed.

Another type of annexation by ordinance can occur if land is platted, or if unplatted, does not exceed 200 acres, and a majority of the owners petition the council for annexation.

The town board or the governing body of another city can submit written objections to the annexation to the Administrative law judge and to the city within 90 days of the filing of the petition. If either the town or a city file objections, the annexing city can take no further action on the petition. The petition automatically goes to the Administrative law judge, which will hold a hearing and issue its order.

If no one files objections, and the council determines the property proposed for annexation is currently or is about to become urban or suburban in character, the council may pass an ordinance annexing the land. However, if all property owners involved do not sign the petition, a public hearing before the city council is necessary before the city can adopt the ordinance. All property owners in the affected area must receive a mailed notice at least 30 days before the hearing.

Except when a town or city objects to an annexation, no action by the Administrative law judge is necessary to annex land in this manner. However, the city must file copies of the annexing ordinance with the Administrative law judge, the county auditor, the town clerk, and the secretary of state. The annexation does not become effective until the Administrative law judge approves the ordinance.

RELEVANT LINKS:

Minn. Stat. § 414.033, subd. 6.

Gilbert v. Minnesota State Office of Strategic and Long-Range Planning, No. CX-01-1221 (Minn. Ct. App. Jan. 29, 2002 (unpublished decision)).

Minn. Stat. § 414.0325.

Minn. Stat. § 414.0325.

Minn. Stat. § 414.033.

If a city receives a petition for annexation of land, and all or part of the land is already included in a petition pending before the Administrative law judge for incorporation or annexation, the city cannot act on the petition until the Administrative law judge makes a final order on the pending petition.

The Municipal Boundary Adjustment Unit stresses that most annexations by ordinance are exceptions to the requirement for a hearing. Cities must clearly show that the facts making the exception operative are present. The Municipal Boundary Adjustment Unit will not approve an annexation ordinance without this information. The Minnesota Court of Appeals has held, however, that once the criteria in the statute authorizing annexation by ordinance have been satisfied, the Municipal Boundary Adjustment Unit does not have authority to conduct a further review of the proceeding, and it must approve the annexation.

2. Orderly annexation

One or more townships and one or more cities can initiate an orderly annexation process by passing a joint resolution designating an unincorporated area in need of orderly annexation. One or more cities, by joint resolution with the county, may also designate an unincorporated area in which there is no organized township government as in need of orderly annexation.

A designated area is any area which the signatories to a joint resolution for orderly annexation have identified as being appropriate for annexation, either currently or at some point in the future, pursuant to the negotiated terms and conditions set forth in the joint resolution. Land described as a designated area is not, by virtue of being so described, considered also to be annexed.

The Municipal Boundary Adjustment Unit promotes orderly annexation because it emphasizes negotiation and agreement. At least ten days before the city or township adopts an orderly annexation agreement, a notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and city.

The notice must clearly identify the boundaries of the area proposed to be included in the orderly annexation agreement. The cost of providing notice must be equally divided between the city and the township, unless otherwise agreed upon by the city and township.

RELEVANT LINKS:

Minn. Stat. § 414.0325, subd. 1.
City of Waite Park v. Minn. Office of Admin. Hearings, No. A05-1888 (Minn. Ct. App. July 18, 2006) (unpublished decision).

Minn. Stat. § 414.0325, subd. 6.

Minn. Stat. § 115.03. Minn. Stat. § 115.071. Minn. Stat. § 115.49. Minn. Stat. § 414.0335.

Minn. Stat. § 462.3535, subd. 5.
See Handbook, Community Development and Redevelopment.

Minn. Stat. § 414.09.

Minn. R. 6000.0100-.3400.

Minn. Stat. § 414.0325, subds. 1, 3.

These requirements apply only to the initial designation to include property in an orderly annexation area subject to the orderly annexation agreement, or to any expansion of the orderly annexation area subject to the agreement, and not to any subsequent annexation of any property from within the designated orderly annexation area. These requirements do not apply when the orderly annexation agreement only designates for immediate annexation of property for which all of the property owners have petitioned to be annexed.

Once the Administrative law judge has received the joint resolution, an initiation of an annexation of any part of the designated area can occur by either the submission of a resolution from any party to the original joint resolution or by the Administrative law judge on its own motion.

If the orderly annexation agreement states that no alteration of the area is appropriate, the Administrative law judge may review and comment on the resolution, but it may not alter the boundaries. Likewise, if the joint resolution sets conditions for the annexation and states the consideration of the Administrative law judge is not necessary, the Administrative law judge may only review and comment on the resolution and must order, within 30 days, the annexation under the terms of the resolution.

An orderly annexation agreement is a binding contract upon all parties to the agreement and is enforceable in the district court in the county in which the unincorporated property in question is located. The provisions of an orderly annexation agreement are not pre-empted by any other provision of annexation law unless specifically provided for by the agreement.

If an orderly annexation agreement provides the exclusive procedures by which the unincorporated property identified in the agreement may be annexed to the city, the city shall not annex that property by any other procedure.

Whenever the MPCA or another state agency orders a city to extend municipal services to a certain unincorporated area, the Administrative law judge may consider designating the area for orderly annexation.

If a city designates an urban-growth area based on a community-based comprehensive plan, an orderly annexation agreement must then be negotiated.

When the Administrative law judge receives a joint resolution for annexation of part of the designated orderly annexation area, it must schedule a hearing following the requirements for hearings in other annexation actions.

RELEVANT LINKS:

City of Waite Park v. Minn. Office of Admin. Hearings, No. A05-1888 (Minn. Ct. App. July 18, 2006) (unpublished decision).

Minn. Stat. § 471.59.

Minn. Stat. §§ 462.351-462.364.

Minn. Stat. § 414.0325, subd. 5

Minn. Stat. § 462.357, subd. 1.
Minn. Stat. § 462.358, subd. 1.

If the joint resolution provides for the conditions for annexation of an area and states that board consideration is not necessary, the Administrative law judge may review and comment on the resolution, but it shall, within 30 days, order the annexation under the terms of the resolution.

If the resolution allows for consideration by the Administrative law judge, it may order the annexation if it makes any of the following findings:

- The area proposed for annexation is currently, or is about to become, urban or suburban in character, and the annexing city is capable of providing the needed services within a reasonable time.
- The existing town form of government is not adequate to protect public health, safety, and welfare.
- Annexation would be in the best interest of the proposed area.

The Administrative law judge may deny the annexation if it conflicts with any provision of the joint resolution. The Administrative law judge may increase or decrease the boundaries of the proposed annexation to include property that is in need of, or will be in need of, city services, unless the joint resolution states no alteration of boundaries is appropriate.

If the Administrative law judge denies annexation, the law prohibits any other proceedings for the annexation of substantially the same area within two years of its order, unless a majority of the area's property owners initiate the new proceeding and affected parties to the resolution support the resolution. In all cases, the Administrative law judge will set out the factors that are the basis for its decision.

The order of the Administrative law judge is effective when it is issued or at some later date, if specified in the order. No annexation election is necessary.

In the area designated for orderly annexation, an orderly annexation agreement may provide for the establishment of a planning and land use control board under the Joint Powers Act.

This board would have all of the powers contained in the Municipal Planning Act. It also would have the authority to adopt and enforce the uniform fire code. The orderly annexation agreement may provide that joint planning and land-use controls apply to any or all parts of the area designated for orderly annexation, as well as to any adjacent unincorporated or incorporated area described by the joint resolution.

If the joint resolution does not provide for joint planning and land-use control, delegate planning and land-use control to the municipalities or towns or establish some other process for planning and land-use authority, the following procedures take effect.

RELEVANT LINKS:

Minn. Stat. § 414.0325, subd.
5

Minn. Stat. § 414.031.
Office of Administrative
Hearings, Municipal
Boundary Adjustment Unit,
P.O. Box 64620, St. Paul,
MN 55164; 651.361.7900.

Minn. Stat. § 414.031, subd.
1a.

Minn. Stat. § 414.031, subd.
1..

If the county and townships agree to exclude the area from their zoning and subdivision ordinances, the city may extend its zoning and subdivision regulations to include the orderly annexation area. If the county and township do not agree to such extraterritorial zoning and subdivision regulation, zoning and subdivision regulation within the orderly annexation area will be under the control of a three-member committee. The governing bodies of the city, town, and county will each appoint one member to the committee. The committee serves as the governing body and the board of appeals and adjustments within the orderly annexation area. The committee has all the powers provided by the Municipal Planning Act, plus the authority to adopt and enforce the uniform fire code.

3. Petition, hearing, and order by Municipal Boundary Adjustments

If a city cannot annex land by ordinance or by orderly annexation, the annexing procedure is as outlined in this section.

a. Initiating the proceeding

Before initiating any boundary-adjustment request, the city, township, county, or property owner should meet to discuss planning issues. Any affected party may call a meeting at which the public should be allowed to participate. The party requesting the boundary adjustment should notify the Municipal Boundary Adjustment Unit of the outcome of any meetings.

Holding these meetings is optional, but it is strongly encouraged by the Municipal Boundary Adjustment Unit.

b. Notice of intent to annex

At least 30 days before submitting a petition or resolution to the Administrative law judge, the petitioning city or petitioning property owner or supporting city must serve the township clerk of the affected township by certified mail a notice of the intent to annex property. The notice must clearly identify the boundaries of the area proposed to be annexed.

c. The petition

A petition for a public hearing before the Municipal Boundary Adjustment Unit may come from any of the following:

RELEVANT LINKS:

Minn. Stat. § 414.065.

- A resolution of the annexing city.
- A resolution of the town containing the area to be annexed.
- A petition of 20 percent of the property owners or 100 property owners, whichever is less, residing in the area to be annexed.
- A resolution of the city council, together with a resolution of the town board, stating a desire to annex the entire township to the city.

In addition, in the case of state-owned property, the executive council of the state may petition for a hearing.

The petition must go to the Municipal Boundary Adjustment Unit. If property owners initiate the proceeding, they must also include a copy of a resolution of the annexing city supporting the proposed annexation. The petition must set forth:

- The boundaries of the area proposed for annexation.
- Names of all parties entitled to notice, and reasons for requesting annexation.
- For jurisdictional purposes, the petition should also show the area meets the three minimum statutory requirements for annexation.

Minn. Stat. § 414.01, subd. 16.

All petitions for boundary adjustment must include a fact-finding form. The form must detail the results of the planning meeting outlined above if one was held. If the boundary adjustment is contested, the Administrative law judge may require the parties to meet at least three times over a 60-day period. The parties may be granted additional time at the discretion of the Administrative law judge. At least one of the meetings must be open to the public and allow public comment.

In addition, a contested boundary adjustment will trigger the preparation of a fact-finding report by the Administrative law judge.

Any proposed resolution or settlement of contested issues that results in a municipal-boundary change, places conditions on any future municipal-boundary change, or results in the withdrawal of an objection to a pending proceeding or the withdrawal of a pending proceeding must be filed with the Municipal Boundary Adjustment Unit.

d. Mediation and arbitration

Minn. Stat. § 414.12.

If efforts to resolve boundary issues fail, and the issues have not previously been mediated, the parties may be required to participate in an alternative dispute resolution process. The Administrative law judge may require parties to: choose a mediator of their own; accept a mediator assigned by the Office of Dispute Resolution; or accept the mediation services provided by the Office of Administrative Hearings.

RELEVANT LINKS:

Minn. Stat. § 414.12, subd. 5.
Minn. Stat. § 414.0325, subd. 1.

Minn. Stat. § 414.0333.

Minn. Stat. § 414.031, subd. 3a.

Fees for mediation may be split as agreed to by all the parties. If the parties do not agree to a division of the costs, they must be allocated on an equitable basis by the mediator, arbitrator, or chief administrative law judge.

Matters resolved or agreed to by the parties as a result of an alternative dispute resolution process, or otherwise, may be incorporated into a joint resolution or into one or more stipulations for purposes of further proceedings.

e. Joint informational meeting

There must be a joint informational meeting of the city council of the annexing city and the town board of supervisors of the township containing the land proposed to be annexed or included in annexation proceedings by the Administrative law judge's order.

The joint information meeting must be held after the final mediation meeting or the final meeting held pursuant to Minn. Stat. § 414.01, subd. 16, if any, and before the hearing on the matter is held.

If no mediation meetings are held, the joint information meeting must be held after the initiating documents have been filed and before the hearing on the matter. The time, date, and place of the public informational meeting must be determined jointly by the chair of the town board of supervisors and the mayor of the annexing city.

At least ten days before the date for the meeting, both the city and the town must publish at their own expense, notice of the meeting in their respective official newspapers. If the city and town use the same official newspaper, a joint notice may be published, and the costs evenly divided.

The clerk of the township must record minutes of the proceedings of the informational meeting and the city clerk must make an audio recording of the informational meeting.

f. Hearing

During the evidentiary hearing process, the presiding administrative law judge must tour the proposed annexation area along with at least one representative of each of the affected towns and municipalities. Prior to the tour of the proposed annexation area, the affected towns and municipalities shall agree on the route or the administrative law judge shall determine the route for the affected towns and cities and resolve all disputes regarding the tour.

RELEVANT LINKS:

Minn. Stat. § 414.031, subd. 4(b).

Town of Burnsville v. City of Bloomington, 268 Minn. 84, 128 N.W.2d 97 (Minn. 1964).

Minn. Stat. § 414.031, subd. 4.

Minn. Stat. § 414.033.
Minn. Stat. § 414.031 subd. 4.

g. Powers and duties of the Municipal Boundary Adjustment Unit

After mediation and arbitration, the Municipal Boundary Adjustment Unit or its designated decision maker (mediator or arbitrator) may order the annexation if it makes any of the following findings:

- City government of the property will protect the public health, welfare, and safety.
- The property is, or is about to become, urban or suburban in character.
- Annexation would be in the best interest of the subject area.

The Municipal Boundary Adjustment Unit or its designated decision maker may deny the annexation if it makes any of the following findings:

- The increase in revenues for the annexing city bears no reasonable relation to the monetary value of benefits conferred upon the annexed area.
- Annexation of all or a part of the property to an adjacent city would better serve the interest of the residents of the property.
- The remainder of the town would suffer undue hardship.

The Municipal Boundary Adjustment Unit or its designated decision-maker may alter the boundaries of the area to be annexed:

- By increasing or decreasing the area to include only property that is, or is about to become, urban or suburban in character.
- To add property abutting the area proposed for annexation in order to follow visible, clearly recognizable features.
- To exclude property that may be better served by another unit of government.

If the Municipal Boundary Adjustment Unit or its designated decision maker determines another city or town could better serve part of the area, the Municipal Boundary Adjustment Unit may initiate and approve annexation on its own motion by conducting further hearings and issuing orders. In all cases, the Municipal Boundary Adjustment Unit must indicate the basis for the decision.

In arriving at its decision, the Municipal Boundary Adjustment Unit or its designated decision-maker must consider the following factors:

- Recordings and public documents from joint informational meetings.
- Present population and number of households, past population, and projected population growth of the annexing city, subject area, and adjacent units of local government.

RELEVANT LINKS:

- Quantity of land within the subject area and adjacent units of local government and natural terrain, including recognizable physical features; general topography; major watersheds; soil conditions; and such natural features such as rivers, lakes, and major bluffs.
- Degree of contiguity of the boundaries between the annexing city and the subject area.
- Present pattern of physical development, planning and intended land uses in the subject area and the annexing city including residential, industrial, commercial, agricultural, and institutional land uses and the impact of the proposed action on those land uses.
- The present transportation network and potential transportation issues, including proposed highway development.
- Land-use controls and planning presently in use in the annexing city and in the subject area, including comprehensive plans for development in the area and plans and policies of the Metropolitan Council and whether there are inconsistencies between the proposed development and the existing land-use-planning controls.
- Existing levels of governmental services in the annexing city and the subject area, including water and sewer, fire rating and protection, law enforcement, street improvements and maintenance, administrative services, and recreational facilities, and the impact of the proposed action on the delivery of these services.
- The implementation of previous annexation agreements and orders.
- Existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems.
- The annexing city's plans and programs for providing needed and enhanced governmental services to the subject area in a cost-effective and feasible manner within a reasonable time from the date of the annexation.
- An analysis of the fiscal impact on the annexing city and the property proposed for annexation, and adjacent units of local government, including assessed valuation and the present bonded indebtedness and the mill rates of the county, school district, and town.
- Relationship and impact of the proposed action on affected and adjacent school districts and communities.
- Adequacy of town government to deliver services to the subject area.
- Analysis of whether necessary governmental services can best be provided through the proposed action or another form of boundary adjustment.
- If only part of a town is annexed, the ability of the remainder of the town to continue, or the feasibility of it being incorporated separately or annexed to another city.

RELEVANT LINKS:

Minn. Stat. § 414.031, subd. 4a.

See Handbook, *The Statutory City*.

See Handbook, *The Home Rule Charter City*

Minn. Stat. § 414.031, subd. 4a.

Minn. Stat. § 414.09, subd. 3..

Minn. Stat. § 414.031, subd. 4a.

- Information received by the presiding administrative law judge from the required tour.

h. Annexation of an entire township

Whenever annexation by the Municipal Boundary Adjustment Unit's order involves the annexation of an entire township, the order must include a provision for the election of new city officers. The expanded city would have a home rule charter or statutory form of government depending on what form is currently used in the annexing city. However, any existing ward system for the election of councilmembers would be inoperable. The ordinances of both the annexing city and the town would continue within the former boundaries until repealed by the governing body of the city.

i. Other powers of the Municipal Boundary Adjustment Unit

The Municipal Boundary Adjustment Unit may also order the election of new city officers as part of any other annexation order under this procedure, if the Municipal Boundary Adjustment Unit or its designee determines that such an election would be equitable. The Municipal Boundary Adjustment Unit may provide for election of councilmembers by wards, not less than three or more than seven in number, if it finds that area representation is necessary for proper representation due to an uneven population density or the existence of agricultural lands in the path of suburban development. After four years from the effective date of an annexation, the council may adopt a resolution by a four-fifths vote to abolish the ward system and provide for election of councilmembers at large.

Until the effective date of the annexation order, the town board and other officers of the town continue to exercise their powers and duties under the town laws in the portion of the city that was formerly the town.

The council and other officers of the annexing city continue to exercise their powers and duties in the portion of the expanded city that was formerly the city. When the order takes effect, the town board and the council of the annexing city have no jurisdiction within the city. Then, the new city council and other new officers have jurisdiction, including jurisdiction over improvements and the levying of special assessments.

The new city council can continue or discontinue any board that may have previously existed in the town or former city.

RELEVANT LINKS:

Minn. Stat. § 414.067.

Minn. Stat. § 414.036.

Minn. Stat. § 4A.02 (b)(10).

C. Apportionment of assets, liabilities, and population

Whenever the Municipal Boundary Adjustment Unit divides an existing governmental unit, it must apportion property and obligations. It should consider the value of land in the existing town, the indebtedness, the taxes due and delinquent, other revenue accrued but not received, and the ability of the rest of the town to function effectively.

The order cannot relieve any property from any tax liability for payment of bonded indebtedness, but the taxable property in the new city may become primarily liable. When a city annexes an entire town or consolidates with an existing city, all money, claims, or properties, including real estate and any taxes that have been levied (whether collected or uncollected), become the annexing city's property. The city has full authority to use and dispose of such property.

Any bonded indebtedness of the town annexed to an existing city is borne only by the property within the boundaries of the former town. However, the governing bodies may, by resolution, agree the new city will assume the former town's bonded indebtedness that was outstanding at the time of the annexation.

Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval annexes part of a town to a city, the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two or more than eight years from the time of annexation.

The city must reimburse the township for all special assessments assigned by the township to the annexed property, and any portion of debt incurred by the town prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding, in substantially equal payments over a period of not less than two or more than eight years.

Boundary changes approved by the Municipal Boundary Adjustment Unit must be reported to the state demographer. The affected cities and towns must make a population estimate as a result of the change in boundaries and submit it to the state demographer, who must then certify a population and household estimate of the affected area.

RELEVANT LINKS:

Minn. Stat. § 414.07.

Rockford Township v. City of Rockford, 608 N.W.2d 903 (Minn. Ct. App. 2000).

Minn. Stat. § 572B.23.

City of Waite Park v. Minn. Office of Admin. Hearings, No. A05-1888 (Minn. Ct. App. July 18, 2006) (unpublished decision).
Minn. Stat. § 414.0325.

Minn. Stat. § 413.02.
Minn. Stat. §§ 410.07-410.12.

Minn. Stat. § 413.02, subd. 3.

D. Appeals

Any person aggrieved by an annexation order may appeal it in district court if the person contends the Municipal Boundary Adjustment Unit lacked jurisdiction or exceeded its jurisdiction; the order was arbitrary, fraudulent, capricious or oppressive; or, the order was based on an erroneous theory of law.

The appeal must be filed within 30 days of the Municipal Boundary Adjustment Unit's annexation order in the district court of the county where the majority of the area is located. An appeal does not stop the order.

Minnesota's Uniform Arbitration Act also provides a limited basis for appeals that may apply to annexations proceedings involving arbitration.

In addition, the Minnesota Court of Appeals has held that if a city has been denied its statutory right to a summary annexation under the orderly annexation statute, it can seek a writ of mandamus to compel the Municipal Boundary Adjustment Unit to perform its statutory duty of ordering the annexation without conducting further hearings.

IX. Change of name

A statutory or home rule charter city may change its official name after successful completion of the following four-step procedure. A home rule charter city may also change its name by charter amendment.

- A number of voters equal to 20 percent of the number voting in the last city election must petition for the name change. The request must be filed with the council.
- The proposal must go to the voters for approval at either a general or special election. A majority of those voting on the question must favor the change.
- The election authorizes, but does not require, the council to change the name of the city. The council must adopt an ordinance approving the change.
- The city must file certified copies of the ordinance with the county auditor, the state auditor, and the secretary of state. It is also advisable to file a copy with the county recorder. The name change becomes effective with the completion of these filings.

The name of any statutory city may also be changed to the same name as its post office designation by ordinance. The change is effective upon the filing of a certified copy of the ordinance with the county auditor, the state auditor, and the secretary of state.

CHAPTER 414

MUNICIPAL BOUNDARY ADJUSTMENTS

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414.01 ENABLING PROVISIONS FOR MUNICIPAL BOUNDARY ADJUSTMENTS.

Subdivision 1. **A duty of chief administrative law judge.** The chief administrative law judge shall conduct proceedings, make determinations, and issue orders for the creation of a municipality, the combination of two or more governmental units, or the alteration of a municipal boundary.

Subd. 1a. **Legislative findings.** The legislature finds that:

(1) sound urban development and preservation of agricultural land and open spaces through land use planning is essential to the continued economic growth of this state;

(2) municipal government most efficiently provides governmental services in areas intensively developed for residential, commercial, industrial, and governmental purposes; and township government most efficiently provides governmental services in areas used or developed for agricultural, open space, and rural residential purposes;

(3) the public interest requires that municipalities be formed when there exists or will likely exist the necessary resources to provide for their economical and efficient operation;

(4) annexation to existing municipalities of unincorporated areas unable to supply municipal services should be facilitated; and

(5) joint resolutions for orderly annexation, consolidation of municipalities, mergers of towns and municipalities, long-range joint powers planning or other cooperative efforts among counties, cities, and towns should be encouraged.

Subd. 1b. **Goals in promoting, regulating municipal development.** The chief administrative law judge may promote and regulate development of municipalities:

(1) to provide for the extension of municipal government to areas which are developed or are in the process of being developed for intensive use for residential, commercial, industrial, institutional, and governmental purposes or are needed for such purposes; and

(2) to protect the stability of unincorporated areas which are used or developed for agricultural, open space, and rural residential purposes and are not presently needed for more intensive uses; and

(3) to protect the integrity of land use planning in municipalities and unincorporated areas so that the public interest in efficient local government will be properly recognized and served.

Subd. 2. [Repealed, 2002 c 223 s 29]

Subd. 3. [Repealed, 1996 c 303 s 19]

Subd. 3a. [Repealed, 1996 c 303 s 19]

Subd. 4. [Repealed, 1996 c 303 s 19]

Subd. 5. **Consolidation of proceedings.** The chief administrative law judge may order the consolidation of separate proceedings in the interest of economy and expedience.

Subd. 6. [Repealed, 1969 c 1139 s 87 subd 2]

Subd. 6a. [Repealed, 2002 c 223 s 29]

Subd. 7. [Repealed, 1969 c 1139 s 88 subd 2]

Subd. 7a. [Repealed, 2008 c 196 art 1 s 22]

Subd. 8. **Planning commission contracts, consultants.** The chief administrative law judge may contract with regional, state, county, or local planning commissions and hire expert consultants to provide specialized information and assistance.

Subd. 8a. **Powers of conductor of proceedings.** Any person conducting a proceeding under this chapter may administer oaths and affirmations; receive testimony of witnesses, and the production of papers, books, and documents; examine witnesses; and receive and report evidence. Upon the written request of a presiding administrative law judge or a party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records, or other documents material to any proceeding under this chapter. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Subd. 9. [Repealed, 1969 c 1146 s 20]

Subd. 10. **Rulemaking authority.** To carry out the duties and powers imposed upon the chief administrative law judge under this chapter, the chief administrative law judge may adopt the rules, that are reasonably necessary, in accordance with the procedure prescribed in the general laws relating to departments and agencies of the state.

Subd. 11. **Schedule of filing fees.** The chief administrative law judge may prescribe a schedule of filing fees for any petitions, resolutions or ordinances filed pursuant to this chapter by an appropriate rule promulgated in accordance with the procedure prescribed in the general laws relating to departments and agencies of the state for the issuance of administrative rules.

Subd. 12. **Request for hearing transcripts; costs.** Any party may request the chief administrative law judge to cause a transcript of the hearing to be made. Any party requesting a copy of the transcript is responsible for its costs.

Subd. 13. [Repealed, 1969 c 1146 s 20]

Subd. 14. **Population of changed territory, new municipality.** (a) When an order or approval letter under this chapter enlarges or diminishes the area of an existing municipality or town, the chief administrative law judge shall communicate the order or approval letter to the municipality and the state demographer. The municipality shall prepare an estimate of population and of the number of households for the annexed or detached area of the municipality or town. The estimate shall be certified by the state demographer. The estimate must estimate the population as of the effective date of the order or approval letter and must be so dated.

(b) When a new municipality is created by an order under this chapter, the municipality shall request a separation census from the United States Bureau of the Census and bear any costs incurred.

Subd. 15. **Increased costs, levy period.** When an order under this chapter enlarges an existing municipality or creates a new municipality, the order may indicate the estimated increased costs to the municipality as the result of the boundary adjustment, and the time period that the municipality would be allowed a levy for these increased costs.

Subd. 16. **Compelled meetings; report.** In any proceeding under this chapter, the chief administrative law judge or conductor of the proceeding may at any time in the process require representatives from any petitioning property owner or involved city, town, county, political subdivision, or other governmental entity to meet together to discuss resolution of issues raised by the petition or order that confers jurisdiction on the chief administrative law judge and other issues of mutual concern. The chief administrative law judge or conductor of the proceeding may determine which entities are required to participate in these discussions. The chief administrative law judge or conductor of the proceeding may require that the parties meet at least three times during a 60-day period. The parties shall designate a person to report to the chief administrative law judge or conductor of the proceeding on the results of the meetings immediately after the last meeting. The parties may be granted additional time at the discretion of the chief administrative law judge or conductor of the proceedings.

Any proposed resolution or settlement of contested issues that results in a municipal boundary change, places conditions on any future municipal boundary change, or results in the withdrawal of an objection to a pending proceeding or the withdrawal of a pending proceeding must be filed with the chief administrative law judge and is subject to the applicable procedures and statutory criteria of this chapter.

Subd. 17. **Data from state agencies.** The chief administrative law judge may request information from any state department or agency in order to assist in carrying out the chief administrative law judge's duties under this chapter. The department or agency shall promptly furnish the requested information.

History: 1959 c 686 s 1; 1961 c 645 s 1; 1963 c 807 s 1-5; 1965 c 45 s 58; 1965 c 899 s 1-5; 1965 c 901 s 22; 1969 c 1139 s 87 subd 1, 88 subd 1; 1969 c 1146 s 1-6; 1973 c 123 art 5 s 7; 1973 c 621 s 1; 1973 c 650 art 4 s 18; 1975 c 271 s 6; 1976 c 134 s 70-72; 1977 c 57 s 1; 1978 c 705 s 1-8; 1980 c 487 s 22; 1981 c 268 s 1; 1983 c 305 s 24; 1985 c 79 s 1; 1985 c 248 s 70; 1986 c 444; 1987 c 384 art 2 s 1; 1Sp1989 c 1 art 5 s 29; 1994 c 511 s 1, 2; 1996 c 303 s 1-7; 1997 c 87 s 3; 2002 c 223 s 1; 2006 c 270 art 2 s 2; 2008 c 196 art 1 s 1-4; art 2 s 15

414.011 DEFINITIONS.

Subdivision 1. **Application.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Municipality.** "Municipality" means any city, however organized.

Subd. 3. **Incorporated land.** "Incorporated land" means land within a municipality; "unincorporated land" means land outside a municipality.

Subd. 4. **Property, area, land.** The terms "property," "area," and "land" mean geographical units of land within or outside a municipality, depending upon the context in which the term is used.

Subd. 5. **Property owner.** "Property owner" means the owner of any fee interest of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment. The term includes, but is not limited to, vendees under a contract for deed, and mortgagors. Any reference to a percentage of property owners shall mean in number.

Subd. 6. **Abut, abuts, abutting.** The terms "abut," "abuts," and "abutting" refer to areas whose boundaries at least touch one another at a single point, including areas whose boundaries would touch but for an intervening roadway, railroad, waterway or parcel of publicly owned land.

Subd. 7. **Boundary adjustment.** "Boundary adjustment" means any proceeding authorized by this chapter.

Subd. 8. [Repealed, 2002 c 223 s 29]

Subd. 9. **Corporate boundary map.** "Corporate boundary map" means a map which accurately describes the boundaries of a municipality.

Subd. 10. **Plat map.** "Plat map" means that document recorded in the office of the county recorder in the county where the area is located.

Subd. 11. [Repealed, 2008 c 196 art 1 s 22]

Subd. 12. **Chief administrative law judge.** "Chief administrative law judge" means the chief administrative law judge of the state Office of Administrative Hearings or the delegate of the chief administrative law judge under section 14.48.

Subd. 13. **Property description or boundaries of the area.** "Property description" or "boundary of the area" means the legal description of the property.

History: 1969 c 1146 s 7; 1973 c 123 art 5 s 7; 1978 c 705 s 9,10; 2002 c 223 s 2,3; 2008 c 196 art 1 s 5; 2014 c 220 s 1,2

414.012 FILING OF MAPS IN BOUNDARY ADJUSTMENT PROCEEDINGS.

Subdivision 1. **Corporate boundary map.** A municipality initiating any boundary adjustment authorized by this chapter shall file with the chief administrative law judge a corporate boundary map. Any proposed boundary adjustment shall be delineated on a copy of the corporate boundary map.

Subd. 2. **Plat maps.** Any party initiating a boundary adjustment, which includes platted land, shall file with the chief administrative law judge maps which are necessary to support and identify the land description. The maps shall include copies of plats.

History: 1978 c 705 s 11; 2002 c 223 s 4; 2008 c 196 art 2 s 15

414.02 EXCLUSIVE METHOD OF MUNICIPAL INCORPORATION.

Subdivision 1. **Initiating the proceedings.** This section provides the exclusive method of incorporating a municipality in Minnesota. Proceedings for incorporation of a municipality may be initiated by petition of 100 or more property owners or by resolution of the town board within an area which is not included within the limits of any incorporated municipality and which area includes land that has been platted into lots and blocks in the manner provided by law. The petition or resolution shall be submitted to the chief administrative law judge and shall state the proposed name of the municipality, the names of all parties entitled to mailed notice under section 414.09, the reason for requesting incorporation, and shall include a proposed corporate boundary map.

Subd. 1a. **Notice of intent to incorporate.** (a) At least 30 days before submitting the petition or resolution to the chief administrative law judge under this section, the township must serve the clerk of each municipality and each township that is contiguous to the township by certified mail a notice of the township's intent to incorporate.

(b) If the proceedings for incorporation are initiated by the requisite number of property owners, the notice of intent to incorporate must be served by the property owner or owners or designee in the manner required under this paragraph. The property owner or owners or designee must serve a notice of intent to incorporate on the town board of the township containing the area proposed for incorporation. The property owner or owners or designee must also serve the clerk of each municipality and each township that is contiguous to the area proposed for incorporation by certified mail a notice of intent to incorporate.

Subd. 2. **Hearing time, place.** Upon receipt of a petition or resolution made pursuant to subdivision 1, the chief administrative law judge shall designate a time and place for a hearing in accordance with section 414.09.

Subd. 3. **Relevant factors, order.** (a) In arriving at a decision, the chief administrative law judge shall consider the following factors:

- (1) present population and number of households, past population and projected population growth for the subject area;
- (2) quantity of land within the subject area; the natural terrain including recognizable physical features, general topography, major watersheds, soil conditions and such natural features as rivers, lakes and major bluffs;
- (3) present pattern of physical development, planning, and intended land uses in the subject area including residential, industrial, commercial, agricultural, and institutional land uses and the impact of the proposed action on those uses;
- (4) the present transportation network and potential transportation issues, including proposed highway development;

(5) land use controls and planning presently being utilized in the subject area, including comprehensive plans, policies of the Metropolitan Council; and whether there are inconsistencies between proposed development and existing land use controls;

(6) existing levels of governmental services being provided to the subject area, including water and sewer service, fire rating and protection, law enforcement, street improvements and maintenance, administrative services, and recreational facilities and the impact of the proposed action on the delivery of the services;

(7) existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems;

(8) fiscal impact on the subject area and adjacent units of local government, including present bonded indebtedness; local tax rates of the county, school district, and other governmental units, including, where applicable, the net tax capacity of platted and unplatted lands and the division of homestead and nonhomestead property; and other tax and governmental aid issues;

(9) relationship and effect of the proposed action on affected and adjacent school districts and communities;

(10) whether delivery of services to the subject area can be adequately and economically delivered by the existing government;

(11) analysis of whether necessary governmental services can best be provided through the proposed action or another type of boundary adjustment;

(12) degree of contiguity of the boundaries of the subject area and adjacent units of local government; and

(13) analysis of the applicability of the State Building Code.

(b) Based upon these factors, the chief administrative law judge may order the incorporation on finding that:

(1) the property to be incorporated is now, or is about to become, urban or suburban in character; or

(2) that the existing township form of government is not adequate to protect the public health, safety, and welfare; or

(3) the proposed incorporation would be in the best interests of the area under consideration.

(c) The chief administrative law judge may deny the incorporation if the area, or a part thereof, would be better served by annexation to an adjacent municipality.

(d) The chief administrative law judge may alter the boundaries of the proposed incorporation by increasing or decreasing the area to be incorporated so as to include only that property which is now, or is about to become, urban or suburban in character, or may exclude property that may be better served by another unit of government. The chief administrative law judge may also alter the boundaries of the proposed incorporation so as to follow visible, clearly recognizable physical features for municipal boundaries.

(e) In all cases, the chief administrative law judge shall set forth the factors which are the basis for the decision.

(f) Notwithstanding any other provision of law to the contrary relating to the number of wards which may be established, the chief administrative law judge may provide for election of council members by wards, not less than three nor more than seven in number, whose limits are prescribed in the chief administrative law judge's order upon a finding that area representation is required to accord proper representation in the proposed incorporated area because of uneven population density in different parts thereof or the existence of agricultural lands therein which are in the path of suburban development, but after four years from the effective date of an incorporation the council of the municipality may by resolution adopted by a four-fifths vote abolish the ward system and provide for the election of all council members at large as in other municipalities.

(g) The chief administrative law judge's order for incorporation shall provide for the election of municipal officers in accordance with section 414.09. The plan of government shall be "Optional Plan A", provided that an alternate plan may be adopted pursuant to section 412.551, at any time.

(h) The ordinances of the township in which the new municipality is located shall continue in effect until repealed by the governing body of the new municipality.

Subd. 4. Effective date of incorporation. The incorporation shall be effective upon the election and qualification of new municipal officers or on such later date as is fixed by the chief administrative law judge's order.

History: 1959 c 686 s 2; 1961 c 645 s 2; 1963 c 807 s 6,7; 1965 c 899 s 6-11; 1969 c 1146 s 8; 1973 c 123 art 4 s 5; 1975 c 271 s 6; 1978 c 705 s 12; 1986 c 444; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1Sp1989 c 1 art 2 s 11; 1996 c 303 s 8; 2002 c 223 s 5; 2006 c 270 art 2 s 3; 2008 c 196 art 1 s 6; art 2 s 15; 2009 c 86 art 1 s 69

414.021 [Repealed, 1978 c 705 s 33]

414.03 [Repealed, 1969 c 1146 s 20]

414.031 ANNEXING UNINCORPORATED PROPERTY; CHIEF ADMINISTRATIVE LAW JUDGE'S ORDER.

Subdivision 1. Initiating the proceeding. (a) A proceeding for the annexation of unincorporated property abutting a municipality may be initiated by submitting to the chief administrative law judge and the affected township one of the following:

- (1) a resolution of the annexing municipality;
- (2) a resolution of the township containing the area proposed for annexation;
- (3) a petition of 20 percent of the property owners or 100 property owners, whichever is less, in the area to be annexed;
- (4) a resolution of the municipal council together with a resolution of the township board stating their desire to have the entire township annexed to the municipality.

(b) The petition, or resolution shall set forth the boundaries of the territory proposed for annexation, the names of all parties entitled to notice under section 414.09, and the reasons for requesting annexation.

(c) If the proceeding is initiated by a petition of property owners, the petition shall be accompanied by a resolution of the annexing municipality supporting the petition.

Subd. 1a. **Notice of intent to annex.** At least 30 days before submitting a petition or resolution to the chief administrative law judge under this section, the petitioning municipality or petitioning property owner or supporting municipality must serve the township clerk of the affected township by certified mail a notice of the petitioning municipality's or the petitioning property owner's intent to annex property within the township. The notice must clearly identify the boundaries of the area proposed to be annexed.

Subd. 2. [Repealed, 1973 c 621 s 9]

Subd. 3. **Hearing time, place.** Upon receipt of a petition or resolution initiating an annexation, the chief administrative law judge shall designate a time and a place for a hearing in accordance with section 414.09.

Subd. 3a. **Presiding administrative law judge; tour.** During the evidentiary hearing process, the presiding administrative law judge shall tour the proposed annexation area along with at least one representative of each of the affected towns and municipalities. Prior to the tour of the proposed annexation area, the affected towns and municipalities shall agree on the route or the administrative law judge shall determine the route for the affected towns and municipalities and resolve all disputes regarding the tour.

Subd. 4. **Relevant factors, order.** (a) In arriving at a decision, the presiding administrative law judge shall consider the following sources and factors:

(1) recordings and public documents from joint informational meetings under section 414.0333 relevant to other factors listed in this subdivision;

(2) present population and number of households, past population and projected population growth of the annexing municipality and subject area and adjacent units of local government;

(3) quantity of land within the subject area and adjacent units of local government; and natural terrain including recognizable physical features, general topography, major watersheds, soil conditions and such natural features as rivers, lakes and major bluffs;

(4) degree of contiguity of the boundaries between the annexing municipality and the subject area;

(5) present pattern of physical development, planning, and intended land uses in the subject area and the annexing municipality including residential, industrial, commercial, agricultural and institutional land uses and the impact of the proposed action on those land uses;

(6) the present transportation network and potential transportation issues, including proposed highway development;

(7) land use controls and planning presently being utilized in the annexing municipality and the subject area, including comprehensive plans for development in the area and plans and policies of the Metropolitan Council, and whether there are inconsistencies between proposed development and existing land use controls and the reasons therefore;

(8) existing levels of governmental services being provided in the annexing municipality and the subject area, including water and sewer service, fire rating and protection, law enforcement, street improvements and maintenance, administrative services, and recreational facilities and the impact of the proposed action on the delivery of said services;

(9) the implementation of previous annexation agreements and orders;

(10) existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems;

(11) plans and programs by the annexing municipality for providing needed and enhanced governmental services to the subject area in a cost-effective and feasible manner within a reasonable time from the date of the annexation;

(12) an analysis of the fiscal impact on the annexing municipality, the subject area, and adjacent units of local government, including net tax capacity and the present bonded indebtedness, and the local tax rates of the county, school district, and township;

(13) relationship and effect of the proposed action on affected and adjacent school districts and communities;

(14) adequacy of town government to deliver services to the subject area;

(15) analysis of whether necessary governmental services can best be provided through the proposed action or another type of boundary adjustment;

(16) if only a part of a township is annexed, the ability of the remainder of the township to continue or the feasibility of it being incorporated separately or being annexed to another municipality; and

(17) information received by the presiding administrative law judge from the tour required under subdivision 3a.

(b) Based upon the factors, the presiding administrative law judge may order the annexation on finding:

(1) that the subject area is now, or is about to become, urban or suburban in character;

(2) that municipal government in the area proposed for annexation is required to protect the public health, safety, and welfare; or

(3) that the annexation would be in the best interest of the subject area.

(c) If only a part of a township is to be annexed, the presiding administrative law judge shall consider whether the remainder of the township can continue to carry on the functions of government without undue hardship.

(d) The presiding administrative law judge shall deny the annexation on finding that the increase in revenues for the annexing municipality bears no reasonable relation to the monetary value of benefits conferred upon the annexed area.

(e) The presiding administrative law judge may deny the annexation on finding:

(1) that annexation of all or a part of the property to an adjacent municipality would better serve the interests of the residents of the property; or

(2) that the remainder of the township would suffer undue hardship.

(f) The presiding administrative law judge may alter the boundaries of the area to be annexed by increasing or decreasing the area so as to include only that property which is now or is about to become urban or suburban in character or to add property of such character abutting the area proposed for annexation in order to preserve or improve the symmetry of the area, or to exclude property that may better be served by another unit of government.

(g) The presiding administrative law judge may also alter the boundaries of the proposed annexation so as to follow visible, clearly recognizable physical features.

(h) If the presiding administrative law judge determines that part of the area would be better served by another municipality or township, the presiding administrative law judge may initiate and approve annexation by conducting further hearings and issuing orders pursuant to subdivisions 3 and 4.

(i) In all cases, the presiding administrative law judge shall set forth the factors which are the basis for the decision.

Subd. 4a. Providing for election of new municipal officers. (a) Any annexation order under this section for annexation by a single municipality of an entire township shall include a provision for the election of new municipal officers in accordance with section 414.09. The chief administrative law judge, or the chief administrative law judge's designee, may also order an election of new municipal officers in accordance with section 414.09 as part of any other annexation order under this section if the chief administrative law judge or the chief administrative law judge's designee determines that such an election would be equitable.

(b) The expanded municipality shall be governed by the home rule charter or statutory form which governs the annexing municipality, except that any ward system for the election of council members shall be inoperable.

(c) The ordinances of both the annexing municipality and the township shall continue in effect within the former boundaries until repealed by the governing body of the new municipality.

(d) Notwithstanding any other provision of law to the contrary, the chief administrative law judge, or the chief administrative law judge's designee, may provide for election of council members by wards, not less than three nor more than seven in number, whose limits are prescribed in the chief administrative law judge's order, upon a finding that area representation is required to accord proper representation in the municipality because of uneven population density in different parts thereof or the existence of agricultural lands therein which are in the path of suburban development; but after four years from the effective date of an annexation the council of the municipality may by resolution adopted by a four-fifths vote abolish the ward system and provide for the election of all council members at large.

(e) Until the effective date of the annexation order, the town board and other officers of the town shall continue to exercise their powers and duties under the town laws in that portion of the municipality that was formerly the town, and the council and other officers of the annexing municipality shall continue to exercise their powers and duties in that portion of the expanded municipality that was formerly the municipality. Thereafter the town board and the council of the annexing municipality shall have no jurisdiction within the municipality, and the new municipal council and other new officers shall act in respect to any matters previously undertaken by the town board of supervisors or municipal council within the limits of the expanded municipality, including the making of any improvement and the levying of any special assessments therefor in the same manner and to the same effect as if such improvement had been undertaken by the municipality.

(f) The new municipal council may continue or discontinue any board that may have previously existed in the town or former municipality.

Subd. 5. [Repealed, 1992 c 556 s 12]

Subd. 6. Effective date of annexation. The annexation shall be effective as of the date fixed in the annexation order or on a later date fixed in the annexation order.

Subd. 7. Copy to county auditors. A copy of the annexation order must be delivered immediately by the chief administrative law judge to the appropriate county auditors.

Subd. 8. **Timing for tax levy.** For the purposes of taxation, if the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year.

History: 1969 c 1146 s 10; 1973 c 123 art 5 s 7; 1973 c 621 s 11; 1975 c 271 s 6; 1978 c 705 s 13; 1986 c 444; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1Sp1989 c 1 art 2 s 11; 1991 c 291 art 12 s 22; 1996 c 303 s 9; 2002 c 223 s 6; 2002 c 235 s 1; 2006 c 270 art 2 s 4,5; 2008 c 196 art 1 s 7-9; art 2 s 15

414.032 [Repealed, 1978 c 705 s 33]

414.0325 ORDERLY ANNEXATION IN DESIGNATED UNINCORPORATED AREA.

Subdivision 1. **Initiating the proceeding.** (a) One or more townships and one or more municipalities, by joint resolution, may designate an unincorporated area as in need of orderly annexation. One or more municipalities, by joint resolution with the county, may designate an unincorporated area in which there is no organized township government as in need of orderly annexation.

(b) A designated area is any area which the signatories to a joint resolution for orderly annexation have identified as being appropriate for annexation, either currently or at some point in the future, pursuant to the negotiated terms and conditions set forth in the joint resolution. Land described as a designated area is not, by virtue of being so described, considered also to be annexed for purposes of this chapter.

(c) The joint resolution will confer jurisdiction on the chief administrative law judge over annexations in the designated area and over the various provisions in said agreement by submission of said joint resolution to the chief administrative law judge.

(d) The resolution shall include a description of the designated area and the reasons for designation.

(e) Thereafter, an annexation of any part of the designated area may be initiated by:

(1) submitting to the chief administrative law judge a resolution of any signatory to the joint resolution;
or

(2) the chief administrative law judge.

(f) Whenever a state agency, other than the Pollution Control Agency, orders a municipality to extend a municipal service to an area, the order confers jurisdiction on the chief administrative law judge to consider designation of the area for orderly annexation.

(g) If a joint resolution designates an area as in need of orderly annexation and states that no alteration of its stated boundaries is appropriate, the chief administrative law judge may review and comment, but may not alter the boundaries.

(h) If a joint resolution designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration by the chief administrative law judge is necessary, the chief administrative law judge may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.

Subd. 1a. **Electric utility service notice.** At least 60 days before a petition is filed under this section or section 414.033, the petitioner must notify the municipality that the petitioner intends to file a petition for annexation. At least 30 days before a petition is filed for annexation, the petitioner must be notified by the

municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

Subd. 1b. **Notice of intent to designate an area.** At least ten days before the municipality or township adopts an orderly annexation agreement, a notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and municipality. The notice must clearly identify the boundaries of the area proposed to be included in the orderly annexation agreement. The cost of providing notice must be equally divided between the municipality and the township, unless otherwise agreed upon by the municipality and the township. This subdivision applies only to the initial designation to include property in an orderly annexation area subject to the orderly annexation agreement, or any expansion of the orderly annexation area subject to the agreement, and not to any subsequent annexation of any property from within the designated area. This subdivision also does not apply when the orderly annexation agreement only designates for immediate annexation property for which all of the property owners have petitioned to be annexed.

Subd. 2. **Hearing time, place.** Upon receipt of a resolution for annexation of a part of the designated area, the chief administrative law judge shall set a time and place for a hearing in accordance with section 414.09.

Subd. 3. **Relevant factors, order.** (a) In arriving at a decision, the chief administrative law judge shall consider the factors in section 414.031, subdivision 4.

(b) Based upon factors in section 414.031, subdivision 4, the chief administrative law judge may order the annexation:

(1) on finding that the subject area is now or is about to become urban or suburban in character and that the annexing municipality is capable of providing the services required by the area within a reasonable time; or

(2) on finding that the existing township form of government is not adequate to protect the public health, safety, and welfare; or

(3) on finding that annexation would be in the best interests of the subject area.

(c) The chief administrative law judge may deny the annexation if it conflicts with any provision of the joint agreement.

(d) The chief administrative law judge may alter the boundaries of the proposed annexation by increasing or decreasing the area so as to include that property within the designated area which is in need of municipal services or will be in need of municipal services.

(e) If the annexation is denied, no proceeding for the annexation of substantially the same area may be initiated within two years from the date of the denial order unless the new proceeding is initiated by a majority of the area's property owners and the petition is supported by affected parties to the resolution.

(f) In all cases, the chief administrative law judge shall set forth the factors which are the basis for the decision.

Subd. 4. **Effective date of annexation.** The chief administrative law judge's order shall be effective upon the issuance of the order or at such later time as is provided in the order.

Subd. 4a. **Copy to county auditors.** A copy of the annexation order must be delivered immediately by the chief administrative law judge to the appropriate county auditors.

Subd. 4b. **Timing for tax levy.** For the purposes of taxation, if the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year.

Subd. 5. **Planning in orderly annexation area.** (a) An orderly annexation agreement may provide for the establishment of a board to exercise planning and land use control authority within any area designated as an orderly annexation area pursuant to this section, in the manner prescribed by section 471.59. The orderly annexation agreement may also delegate planning and land use authority to the municipalities or towns or may establish some other process within the orderly annexation agreement to accomplish planning and land use control of the designated area.

(b) A board or other planning authority designated or established pursuant to an orderly annexation agreement shall have all of the powers contained in sections 462.351 to 462.364, and shall have the authority to adopt and enforce the State Fire Code promulgated pursuant to section 326B.02, subdivision 5.

(c) The orderly annexation agreement may provide that joint planning and land use controls shall apply to any or all parts of the area designated for orderly annexation as well as to any adjacent unincorporated or incorporated area, provided that the area to be included shall be described in the joint resolution.

(d) If the orderly annexation agreement does not provide for joint planning and land use control, delegate planning and land use control to the municipalities or towns, or establish some other process for planning and land use authority, the following procedures shall govern:

(1) if the county and townships agree to exclude the area from their zoning and subdivision ordinances, the municipality may extend its zoning and subdivision regulations to include the entire orderly annexation area as provided in section 462.357, subdivision 1, and section 462.358, subdivision 1a; or

(2) if the county and township do not agree to such extraterritorial zoning and subdivision regulation by the municipality, zoning and subdivision regulation within the orderly annexation area shall be controlled by a three-member committee with one member appointed from each of the municipal, town, and county governing bodies.

(e) The committee under paragraph (d), clause (2), shall:

(1) serve as the "governing body" and "board of appeals and adjustments," for purposes of sections 462.357 and 462.358, within the orderly annexation area; and

(2) have all of the powers contained in sections 462.351 to 462.364, and the authority to adopt and enforce the State Fire Code promulgated pursuant to section 326B.02, subdivision 5.

Subd. 6. **Validity, effect of orderly annexation agreement.** An orderly annexation agreement is a binding contract upon all parties to the agreement and is enforceable in the district court in the county in which the unincorporated property in question is located. The provisions of an orderly annexation agreement are not preempted by any provision of this chapter unless the agreement specifically provides so. If an orderly annexation agreement provides the exclusive procedures by which the unincorporated property identified

in the agreement may be annexed to the municipality, the municipality shall not annex that property by any other procedure.

History: 1978 c 705 s 14; 1Sp1981 c 4 art 1 s 171,172; 1982 c 424 s 116; 1983 c 18 s 1; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1Sp1989 c 1 art 2 s 11; 1991 c 291 art 12 s 23; 1992 c 556 s 4; 1994 c 511 s 3; 1996 c 303 s 10-12; 1997 c 202 art 5 s 2; 2002 c 223 s 7; 2002 c 236 s 1; 2005 c 136 art 9 s 14; 2006 c 270 art 2 s 6,7; 2007 c 90 s 1; 2007 c 140 art 3 s 6; art 13 s 4; 2008 c 196 art 1 s 10-12; art 2 s 15; 2016 c 158 art 1 s 184

414.033 ANNEXATION BY ORDINANCE.

Subdivision 1. **Unincorporated property.** Unincorporated property abutting a municipality may be annexed to the municipality by ordinance as provided for in this section.

Subd. 2. **Conditions.** A municipal council may by ordinance declare land annexed to the municipality and any such land is deemed to be urban or suburban in character or about to become so if:

(1) the land is owned by the municipality;

(2) the land is completely surrounded by land within the municipal limits;

(3) the land abuts the municipality and the area to be annexed is 120 acres or less, and the area to be annexed is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available, and the municipality receives a petition for annexation from all the property owners of the land. Except as provided for by an orderly annexation agreement, this clause may not be used to annex any property contiguous to any property either simultaneously proposed to be or previously annexed under this clause within the preceding 12 months if the property is or has been owned at any point during that period by the same owners and annexation would cumulatively exceed 120 acres; or

(4) the land has been approved after August 1, 1995, by a preliminary plat or final plat for subdivision to provide residential lots that average 21,780 square feet or less in area and the land is located within two miles of the municipal limits.

Subd. 2a. [Repealed, 1997 c 202 art 5 s 9]

Subd. 2b. **Notice, hearing required.** Before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), a municipality must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.

Subd. 3. **60 percent bordered and 40 acres or less.** If the perimeter of the area to be annexed by a municipality is 60 percent or more bordered by the municipality and if the area to be annexed is 40 acres or less, the municipality shall serve notice of intent to annex upon the town board and the chief administrative law judge, unless the area is appropriate for annexation by ordinance under subdivision 2, clause (3). The town board shall have 90 days from the date of service to serve objections with the chief administrative law judge. If no objections are forthcoming within the said 90-day period, such land may be annexed by ordinance. If objections are filed with the chief administrative law judge, the chief administrative law judge shall conduct hearings and issue an order as in the case of annexations under section 414.031, subdivisions 3 and 4.

Subd. 4. [Repealed, 1978 c 705 s 33]

Subd. 5. **Petition by property owners; objections; procedure.** If the land is platted, or, if unplatted, does not exceed 200 acres, a majority of the property owners in number may petition the municipal council

to have such land included within the abutting municipality and, within ten days thereafter, shall file copies of the petition with the chief administrative law judge, the town board, the county board and the municipal council of any other municipality which borders the land to be annexed. Within 90 days from the date of service, the town board or the municipal council of such abutting municipality may submit written objections to the annexation to the chief administrative law judge and the annexing municipality. Upon receipt of such objections, the chief administrative law judge shall proceed to hold a hearing and issue an order in accordance with section 414.031, subdivisions 3 and 4. If written objections are not submitted within the time specified in this section and if the municipal council determines that property proposed for the annexation is now or is about to become urban or suburban in character, it may by ordinance declare such land annexed to the municipality. If the petition is not signed by all the property owners of the land proposed to be annexed, the ordinance shall not be enacted until the municipal council has held a hearing on the proposed annexation after at least 30 days' mailed notice to all property owners within the area to be annexed.

Subd. 6. If pending proceeding; waivers from parties. Whenever a proceeding for annexation is initiated under this section and all or any part of the land is included in another boundary adjustment proceeding pending before the chief administrative law judge, no action thereon shall be taken by the municipality, unless otherwise provided by an order of the chief administrative law judge, until final disposition has been made of the pending petition. Under this section, the chief administrative law judge will accept a waiver from all parties having a right to object, stating they have no objections to the proposed annexation and waiving the 90-day period before an annexation ordinance may be adopted.

Subd. 7. Filing; effective date; copy to auditors. Any annexation ordinance provided for in this section must be filed with the chief administrative law judge, the township, the county auditor and the secretary of state and is final on the date the ordinance is approved by the chief administrative law judge. A copy of the annexation ordinance must be delivered immediately by the governing body of the municipality to the appropriate county auditors.

Subd. 8. [Repealed, 1980 c 487 s 23]

Subd. 9. [Repealed, 1997 c 87 s 4]

Subd. 10. Chief administrative law judge may require additional information. The chief administrative law judge may require the city or property owners to furnish additional information concerning an annexation by ordinance to inform the chief administrative law judge about the extent to which the proposed annexation conforms to the statutory criteria set forth in sections 414.01, subdivision 1, and 414.031, subdivision 4.

Subd. 11. When annexed land is in floodplain or shoreland area. When a municipality declares land annexed to the municipality under subdivision 2, clause (3), and the land is within a designated floodplain, as provided by section 103F.111, subdivision 4, or a shoreland area, as provided by section 103F.205, subdivision 4, the municipality shall adopt or amend its land use controls to conform to chapter 103F, and any new development of the annexed land shall be subject to chapter 103F.

Subd. 12. Property taxes. When a municipality annexes land under subdivision 2, clause (2), (3), or (4), property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year.

Subd. 13. Electric utility service notice; cost impact. At least 30 days before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), the petitioner must be notified by the municipality

that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

History: 1969 c 1146 s 12; 1975 c 271 s 6; 1978 c 705 s 15-21; 1979 c 50 s 52; 1985 c 30 s 2,3; 1991 c 291 art 12 s 24; 1992 c 556 s 5-8; 1994 c 511 s 4-8; 1996 c 303 s 13,14; 1997 c 31 art 3 s 14,15; 1997 c 202 art 5 s 3-5; 2002 c 223 s 8-12; 2006 c 270 art 2 s 8,9,13; 2007 c 90 s 2,3,5; 2008 c 196 art 2 s 15; 2008 c 277 art 1 s 98; 2014 c 220 s 3

414.0333 JOINT INFORMATIONAL MEETING.

There must be a joint informational meeting of the municipal council of the annexing municipality and the town board of supervisors of the township containing the land proposed to be annexed or included in annexation proceedings under section 414.031. For an annexation under section 414.031, the joint informational meeting must be held after the final mediation meeting or the final meeting held pursuant to section 414.01, subdivision 16, if any, and before the hearing on the matter is held. If no mediation meetings are held, the joint informational meeting must be held after the initiating documents have been filed and before the hearing on the matter. The time, date, and place of the public informational meeting must be determined jointly by the chair of the town board of supervisors and the mayor of the annexing municipality. The chair of the town board of supervisors and the mayor must serve as the cochaIRS for the informational meeting. Notice of the time, date, place, and purpose of the informational meeting must be posted by the town clerk in the township's designated place for posting notices, and by the municipal clerk in the municipality's designated place for posting notices. In addition, both the city and town shall publish, at their own expense, notice in their respective official newspapers. If the city and town use the same official newspaper, a joint notice may be published and the costs evenly divided. All notice required by this section must be provided at least ten days before the date for the public informational meeting. At the public informational meeting, all persons appearing must have an opportunity to be heard, but the co-chairs may, by mutual agreement, establish the amount of time allowed for each speaker. The municipal council, the town board of supervisors, and any resident or affected property owner may be represented by counsel and may place into the record of the informational meeting documents, expert opinions, or other materials supporting their positions on issues raised by the proposed annexation proceeding. The clerk of the township must record minutes of the proceedings of the informational meeting and the municipal clerk must make an audio recording of the informational meeting. The township must provide the chief administrative law judge and the municipality with a copy of the printed minutes and the municipality must provide the chief administrative law judge and the township with a copy of the audio recording. The record of the informational meeting for a proceeding under section 414.031 is admissible in any proceeding under this chapter and shall be taken into consideration by the chief administrative law judge or the chief administrative law judge's designee.

History: 2006 c 270 art 2 s 10; 2008 c 196 art 1 s 13

414.0335 IF PCA-ORDERED GOVERNMENTAL SERVICE EXTENSION.

Subdivision 1. **Annexation-by-ordinance alternative.** If a determination or order by the Pollution Control Agency, under section 115.49 or other similar statute is made, that cooperation by contract is necessary and feasible between a municipality and an unincorporated area located outside the existing corporate limits of a municipality, the municipality required to provide or extend through a contract a governmental service to an unincorporated area, during the statutory 90-day period provided in section 115.49 to formulate a contract, may in the alternative to formulating a service contract to provide or extend the service, declare the unincorporated area described in the Pollution Control Agency's determination letter

or order annexed to the municipality by adopting an ordinance and submitting it to the chief administrative law judge.

Subd. 2. **Chief administrative law judge's role.** The chief administrative law judge may review and comment on the ordinance but shall approve the ordinance within 30 days of receipt. The ordinance is final and the annexation is effective on the date the chief administrative law judge approves the ordinance.

Subd. 3. **City to amend plan and controls.** Thereafter, the city shall amend its comprehensive plan and official controls in accordance with chapter 462.

History: 1997 c 202 art 5 s 6; 2002 c 223 s 13; 2008 c 196 art 2 s 15

414.034 [Repealed, 1978 c 705 s 33]

414.035 DIFFERENTIAL TAXATION FOR UP TO SIX YEARS.

Whenever an order, under section 414.031, annexes part or all of a township to a municipality, the order may provide that the tax rate of the annexing municipality on the area annexed shall be increased in substantially equal proportions over not more than six years to equality with the tax rate on the property already within the municipality. The appropriate period, if any, shall be based on the time reasonably required to effectively provide property-tax-supported municipal services to the annexed area. Nothing in this section prohibits a differential tax provision from being included in an orderly annexation agreement.

History: 1978 c 705 s 22; 1979 c 50 s 53; 1987 c 50 s 1; 1989 c 277 art 4 s 46; 2002 c 223 s 14; 2008 c 196 art 1 s 14

414.036 CITY REIMBURSEMENT TO TOWN TO ANNEX TAXABLE PROPERTY.

Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under this chapter annexes part of a town to a municipality, the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than eight years from the time of annexation. The municipality must reimburse the township for all special assessments assigned by the township to the annexed property, and any portion of debt incurred by the town prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding, in substantially equal payments over a period of not less than two or no more than eight years.

History: 1981 c 189 s 1; 2002 c 223 s 15; 2006 c 270 art 2 s 11

414.038 EFFECT OF ANNEXATION ON TOWNSHIP ROADS.

Whenever a municipality annexes property abutting one side of a township road, the segment of road abutting the annexed property must be treated as a line road and is subject to section 164.14. Whenever a municipality annexes the property on both sides of a township road, that portion of road abutting the annexed property ceases to be a town road and becomes the obligation of the annexing municipality. This section does not prohibit the annexing municipality from contracting with the township for continued maintenance of the road. Any portion of a township road that ceases to be a township road pursuant to this section may still be counted as a township road for the road-and-bridge account revenues for the year in which the annexation occurs.

History: 1Sp2003 c 19 art 2 s 60

414.039 EFFECT OF ANNEXATION ON EASEMENTS.

If a municipality annexes property in which the affected township holds any easement for the benefit of the public, the township's easement interest continues unless otherwise agreed to by the township.

History: *1Sp2003 c 19 art 2 s 61*

414.04 [Repealed, 1969 c 1146 s 20]

414.041 CONSOLIDATION OF MUNICIPALITIES.

Subdivision 1. **Initiating the proceeding.** (a) Two or more municipalities may be the subject of a single proceeding provided that each municipality abuts at least one of the included municipalities.

(b) The proceeding shall be initiated in one of the following ways:

(1) submitting to the chief administrative law judge a resolution of the city council of each affected municipality;

(2) submitting to the chief administrative law judge a petition signed by a number of residents eligible to vote equivalent to five percent or more of the resident voters of a municipality who voted for governor at the last general election; or

(3) by the chief administrative law judge.

(c) The petition or resolution shall set forth the following information about each included municipality: name, description of boundaries, the reasons for requesting the consolidation and the names of all parties entitled to mailed notice under section 414.09.

(d) The party initiating the proceeding shall serve copies of the petition or resolution on all of the included municipalities.

Subd. 2. **Consolidation commission.** Upon receipt of a petition or a resolution requesting consolidation or upon the chief administrative law judge's own motion, the chief administrative law judge shall appoint a consolidation commission from a list of ten candidates submitted by each affected city council. The commission shall be composed of not fewer than five members from each affected municipality. From a separate list of three persons submitted by each affected city council, the chief administrative law judge shall appoint a commission chair who is not a resident of an affected municipality but who resides in an affected county.

No person is disqualified from serving on a consolidation commission by reason of holding other elected or appointed office. Consolidation commission members shall hold office until a consolidation report has been issued by the commission. The chief administrative law judge shall fill vacancies in the commission by appointment. The consolidation commission shall make rules with reference to its operation and procedures including quorum requirements with reference to its operations and procedures.

Subd. 3. **Commission's hearing and report.** (a) The consolidation commission shall conduct hearings regarding the proposed consolidation.

(b) The hearings shall include, but are not limited to, the following subjects:

(1) the contents of any city charter for the proposed consolidated city or the form of government of the proposed consolidated city;

(2) analysis of whether a ward system shall be included in the form of government of the proposed consolidated city; and

(3) each factor considered by the chief administrative law judge under section 414.02, subdivision 3.

(c) Based on these factors and upon other matters which come before the consolidation commission, the commission shall issue a report to the chief administrative law judge with findings and recommendations within two years from the date of the chief administrative law judge's initial appointment of the commission.

Subd. 4. Chief administrative law judge's hearing and notice. Upon receipt of the commission's report, the chief administrative law judge shall designate a time and a place for a hearing in accordance with section 414.09.

Subd. 5. Relevant factors, order. (a) In arriving at a decision, the chief administrative law judge shall consider the factors in section 414.02, subdivision 3.

(b) The chief administrative law judge shall consider and may accept, amend, return to the commission for amendment or further study, or reject the commission's findings and recommendations based upon the chief administrative law judge's written determination of what is in the best interests of the affected municipalities.

(c) The chief administrative law judge shall order the consolidation on finding that consolidation will be for the best interests of the municipalities. In all cases, the chief administrative law judge shall set forth the factors which are the basis for the decision.

(d) If the chief administrative law judge orders consolidation, the order shall provide for election of new municipal officers in accordance with section 414.09.

(e) If the most populous of the included municipalities is a statutory city, the new municipality shall be a statutory city and the plan of government shall be Optional Plan A, provided that an alternate plan may be adopted pursuant to section 412.551, at any time. If the most populous of the included municipalities is a home rule charter city or organized under a statute other than chapter 412, the new municipality shall be governed by its home rule charter or the statutory form under which it is governed except that any ward system for the election of council members shall be inoperable.

(f) If the commission's findings and recommendations include a proposed home rule charter for the new municipality, the order may combine the issue of the adoption of the charter and the vote on approval of the order for consolidation into one question on the ballot, and shall submit it in a special or general election as provided in section 410.10.

(g) The ordinances of all of the included municipalities shall continue in effect within their former boundaries until repealed by the governing body of the new municipality.

(h) Notwithstanding any other provision of law to the contrary, the order may establish a ward system in the new municipality, in which event the order shall establish not less than three nor more than seven wards, each of which shall elect one council member. When more than two years have elapsed after consolidation, the governing body may, by a four-fifths vote, abolish the ward system.

(i) The new municipality shall assume the name of the most populous municipality unless previous to the election another name is chosen by joint resolution of a majority of the included municipalities or by the consolidation commission.

(j) The number of license privileges existing in the included municipalities prior to consolidation and pursuant to state law shall not be diminished as a result of the consolidation.

(k) If the consolidation is denied or defeated in a referendum, no proceeding for the consolidation of the same municipalities may be initiated within two years from the date of the order unless authorized by the chief administrative law judge.

Subd. 6. Final approval; petition; referenda. (a) If the consolidation was initiated by a petition of the resident voters of a municipality, the order for consolidation shall be final upon approval by resolution of the city councils in each of the affected municipalities unless ten percent or more of the resident voters of an affected municipality who voted for governor at the last general election petition the city council for a referendum on the consolidation. The petition must be submitted within 90 days of the final date of the order or the date of final approval of the order by the city councils, whichever is later.

(b) Upon receipt and verification of the petition, the chief administrative law judge shall order the municipalities to conduct separate referenda at a general or special election in each municipality on the same day, and the referenda shall be held within six months of the receipt of the petition.

(c) Costs of the respective referenda shall be borne by the respective municipality. A majority of those voting in each city must approve the proposed consolidation. The results of the referenda shall be certified to the chief administrative law judge by the chief election judge within ten days after the referenda. The chief administrative law judge shall upon receipt of the certificate notify all parties of the election results.

(d) If the consolidation was initiated by a city council resolution of each affected municipality, the order for consolidation shall be final unless ten percent or more of the resident voters of an affected municipality petition for a referendum as provided in paragraph (a).

(e) If the consolidation was initiated by the chief administrative law judge, no chief administrative law judge's consolidation order involving existing municipalities shall become effective unless adopted by the council of each affected municipality by a majority vote and unless the consolidation order is approved by the qualified voters of the affected municipalities at a general or special election set according to law. The form of the ballot shall be fixed by the chief administrative law judge; and, if a majority of the votes cast on the question in each municipality are in favor of its adoption, the order shall become effective as provided herein.

(f) Notwithstanding a disapproval of the order for consolidation by a city council of an affected municipality required to approve the order in paragraph (a) or (e), the order for consolidation shall nevertheless be deemed approved by that city council if ten percent or more of the resident voters of that municipality who voted for governor at the last general election petition the city council for a referendum on the consolidation as provided in paragraph (a), and a majority of those voting in that municipality approve the order for consolidation.

Subd. 7. Differential taxation for up to five years. Where one municipality is receiving substantially fewer municipal services, the chief administrative law judge may provide that the tax rate of the municipality shall be increased in substantially equal proportions over a period of not more than five years to equality with the tax rate in the remainder of the new municipality. The period shall be determined by the chief administrative law judge on the basis of the period reasonably required to provide substantially equal municipal services.

Subd. 8. **Effective date of consolidation.** The consolidation shall be effective upon the election and qualification of new municipal officers, or at such later date as set by the order.

History: 1969 c 1146 s 13; 1973 c 123 art 5 s 7; 1973 c 621 s 5; 1975 c 271 s 6; 1978 c 705 s 23; 1979 c 287 s 1; 1986 c 444; 1989 c 277 art 4 s 47; 1996 c 303 s 15,16; 2002 c 223 s 16; 2004 c 293 art 2 s 47; 2008 c 196 art 2 s 15

414.05 [Repealed, 1969 c 1146 s 20]

414.051 TOWNSHIPS OF MORE THAN 2,000; CHIEF ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS.

After each federal census the chief administrative law judge may determine the townships which have a population in excess of 2,000 exclusive of any municipality or part of a municipality within the township and make recommendations which the chief administrative law judge considers necessary and reasonable to the board of any such township.

History: 1969 c 1146 s 14; 1975 c 271 s 6; 1981 c 357 s 106; 2002 c 223 s 17; 2008 c 196 art 2 s 15

414.06 DETACHMENT OF PROPERTY FROM A MUNICIPALITY.

Subdivision 1. **Initiating the proceeding.** Property which is situated within a municipality and abutting the municipal boundary, rural in character and not developed for urban residential, commercial, or industrial purposes may be detached from the municipality according to the following procedure. The proceeding may be initiated by submitting to the chief administrative law judge a resolution of the municipality to which the land is attached or by submitting to the chief administrative law judge a petition of all of the property owners of the land to be detached if the area is less than 40 acres or of 75 percent of the property owners if over 40 acres. The petition or resolution shall set forth the boundaries and the area of the land to be detached, the number and character of the buildings, the resident population, and the municipal improvements, if any, in the area, and a statement of the reasons the petitioners or the municipality is seeking the detachment. In addition, the petitioners shall summarize what, if any, efforts were undertaken prior to filing the resolution or petition to resolve the issues forming the basis for the resolution or petition. If a petition is submitted without a resolution from the city, the petitioners shall also provide a copy of the petition to the city from which the land may be detached, and if the petition includes land for which a property owner has not signed the petition, to each property owner subject to the petition who has not signed the petition. A copy must also be mailed or otherwise delivered to the following parties: (1) the clerk of the town to which the property would be attached if the detachment is granted; (2) the clerk of any other abutting town or city; and (3) the county recorder in the county in which the land is located.

Subd. 1a. **Town options.** Upon receipt of the notice provided in subdivision 1, the town board of the town to which the land is proposed to be attached may submit to the chief administrative law judge a resolution stating that the town board supports, opposes, or is neutral to the petition. The failure to submit a resolution before any hearing required under this section must be deemed a position of neutrality. If the town submits a resolution of support for a petition opposed by the municipality from which the land is proposed to be detached, or a resolution in opposition to a petition supported by a resolution of the municipality, the town becomes a party to the hearing required under this section and is subject to the distribution of costs as provided in subdivision 7.

Subd. 2. **Hearing, if needed.** If both a resolution of support from the municipality and a petition by all the property owners are submitted, and no resolution of opposition has been received from a town as provided in subdivision 1a, no hearing is necessary and the chief administrative law judge shall grant the petition. If

both the municipality and town submit a resolution opposing the petition, a hearing must not be held and the chief administrative law judge shall deny the petition. In any other case, upon receipt of a petition or resolution, the chief administrative law judge shall designate a time and place for a hearing in accordance with section 414.09, except that instead of the meetings otherwise required under section 414.01, subdivision 16, the chief administrative law judge shall order the parties to participate in a mediation session. The mediator must be on a list of mediators approved by the Office of Administrative Hearings, unless the parties stipulate to a mediator not on the list. The cost of the mediation must be apportioned as provided for in subdivision 7.

Subd. 3. **Order.** Upon completion of the hearing, the chief administrative law judge may order the detachment on finding that the requisite number of property owners have signed the petition if initiated by the property owners, that the property is rural in character and not developed for urban residential, commercial or industrial purposes, that the property is within the boundaries of the municipality and abuts a boundary, that the detachment would not unreasonably affect the symmetry of the detaching municipality, and that the land is not needed for reasonably anticipated future development. In making the findings, the chief administrative law judge shall consider all applicable comprehensive plans, land use regulations, and land use maps of the affected municipality, town, and county that have been adopted at the time the petition was submitted. The chief administrative law judge may deny the detachment on finding that the remainder of the municipality cannot continue to carry on the functions of government without undue hardship. The chief administrative law judge may decrease the area of property to be detached and may include only a part of the proposed area to be detached. If the tract abuts more than one town, it shall become a part of each town, being divided by projecting through it the boundary line between the towns. The detached area may be relieved of the primary responsibility for existing indebtedness of the municipality and be required to assume the indebtedness of the town of which it becomes a part, in such proportion as the chief administrative law judge shall deem just and equitable having in view the amount of taxes due and delinquent and the indebtedness of each town and the municipality affected, if any, and for what purpose the same was incurred, all in relation to the benefit inuring to the detached area as a result of the indebtedness and the last net tax capacity of the taxable property in each town and municipality.

Subd. 4. **Effective date of detachment.** The detachment shall be effective upon the issuance of the order, or at such later date, as provided by the order.

Subd. 5. **Copy to county auditors.** A copy of the detachment order must be delivered immediately by the chief administrative law judge to the appropriate county auditors.

Subd. 6. **Timing of tax levy.** For the purposes of taxation, if the detachment becomes effective on or before August 1 of a levy year, the towns acquiring the detached area may levy on it beginning with that same levy year. If the detachment becomes effective after August 1 of a levy year, the municipality may continue to levy on the detached area for that levy year, and the towns acquiring the detached area may not levy on it until the following levy year.

Subd. 7. **Costs.** Notwithstanding the provisions of section 414.067, the chief administrative law judge shall apportion the costs of the mediation and hearing in an equitable manner, but unless the chief administrative law judge makes specific findings as to why a party shall be responsible for a greater share, the petitioning landowners are responsible for at least 50 percent of the total costs.

History: 1959 c 686 s 6; 1961 c 645 s 6; 1963 c 807 s 11; 1965 c 899 s 15; 1969 c 1146 s 15; 1975 c 271 s 6; 1978 c 705 s 24; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1991 c 291 art 12 s 25; 2002 c 223 s 18; 2008 c 196 art 2 s 15; 2012 c 135 s 1-5

414.061 INCORPORATED LAND; CONCURRENT DETACHMENT, ANNEXATION.

Subdivision 1. **Initiating the proceeding.** Property of one municipality which abuts another may be concurrently detached and annexed by the procedure set forth in this section. The proceeding shall be initiated by (1) submitting to the chief administrative law judge resolutions of both municipalities describing the land and stating their desire to detach and annex the land, or (2) submitting to the chief administrative law judge the petition of property owners and the resolution of at least one municipality describing the land and stating its desire to have the land concurrently detached and annexed as provided in the property owners' petition.

Subd. 2. **Order.** If both municipalities have submitted resolutions under subdivision 1 and the resolutions are in order, the chief administrative law judge may order the detachment and annexation.

Subd. 3. **Effective date of order.** The concurrent detachment and annexation shall be effective upon the issuance of the order, or at such later date as provided by the order.

Subd. 3a. **Copy to county auditors.** A copy of the annexation order must be delivered immediately by the chief administrative law judge to the appropriate county auditors.

Subd. 3b. **Timing of tax levies.** For the purposes of taxation, if the annexation becomes effective on or before August 1 of a levy year, the municipality acquiring the detached area of another municipality may levy on it beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the municipality losing the detached area may continue to levy on it for that levy year, and the municipality acquiring the detached area may not levy on it until the following levy year.

Subd. 4. **Chief administrative law judge's initiative.** The chief administrative law judge (1) may initiate proceedings for the concurrent detachment and annexation of portions of one municipality completely surrounded by another municipality, or (2) may act upon the petition of all of the owners of property in the completely surrounded area. In such cases the chief administrative law judge shall conduct hearings and issue an order pursuant to section 414.09. In arriving at a decision, the chief administrative law judge shall consider the factors in section 414.02, subdivision 3. The chief administrative law judge shall order the proposed action on finding that it will be for the best interests of the municipalities and the property owners. In all cases, the chief administrative law judge shall set forth the factors which are the basis for the decision.

Subd. 4a. [Repealed, 1996 c 303 s 19]

Subd. 5. **Property owners may initiate.** Property owners may initiate proceedings for the concurrent detachment of their property from one municipality and its annexation to an adjacent municipality by a petition signed by all of them that they submit to the chief administrative law judge accompanied by a resolution of the city council of at least one of the affected municipalities. The chief administrative law judge shall conduct hearings and issue an order pursuant to section 414.09. In arriving at a decision, the chief administrative law judge shall consider the factors in section 414.02, subdivision 3. The chief administrative law judge shall order the proposed action on finding that it will be for the best interests of the municipalities and the property owner. In all cases, the chief administrative law judge shall set forth the factors which are the basis for the decision.

History: 1969 c 1146 s 16; 1973 c 621 s 6; 1975 c 271 s 6; 1978 c 705 s 25-27; 1985 c 30 s 4; 1Sp1986 c 3 art 1 s 53-55; 1991 c 291 art 12 s 26; 1994 c 511 s 9; 1996 c 303 s 17,18; 2002 c 223 s 19; 2006 c 270 art 2 s 12; 2008 c 196 art 2 s 15; 2011 c 115 s 1-3

414.063 PART OF JOINT AGREEMENTS MAY BE PUT IN ORDERS.

After notice and hearing as provided in section 414.09, the chief administrative law judge may include provisions of joint agreements between political subdivisions in the orders.

History: 1978 c 705 s 28; 2002 c 223 s 20; 2008 c 196 art 2 s 15

414.065 IF STATE IS FEE OWNER OF PROPOSED BOUNDARY ADJUSTMENT LAND.

In any case in which the state is the fee owner of land partly or wholly within any area proposed to be part of a boundary adjustment, the executive council of the state of Minnesota may petition for, or consent to, any action proceeding under this chapter, if the council deems such action to be in the best interests of the state.

History: 1965 c 899 s 16; 1978 c 705 s 29

414.067 APPORTIONED ASSETS AND OBLIGATIONS.

Subdivision 1. **Township or municipality divided.** Whenever the chief administrative law judge divides an existing governmental unit, the chief administrative law judge, or other qualified person designated by the chief administrative law judge with the concurrence of the parties, may apportion the property and obligations between the governmental unit adding territory and the governmental unit from which the territory was obtained. The apportionment shall be made in a just and equitable manner having in view the value of the existing township or municipal property located in the area to be added; the assets, value, and location of all the taxable property in the existing township or municipality; the indebtedness, the taxes due and delinquent, other revenue accrued but not paid to the existing township or municipality; and the ability of any remainder of the township or municipality to function as an effective governmental unit. The order shall not relieve any property from any tax liability for payment for any bonded obligation, but the taxable property in the new municipality may be made primarily liable thereon.

Subd. 2. **Entire town or consolidated cities.** When an entire township is annexed by an existing municipality, or an entire township is incorporated into a new municipality, or a municipality is consolidated into a new municipality, all money, claims, or properties, including real estate owned, held, or possessed by the annexed, incorporated township or municipality, and any proceeds or taxes levied by such town or municipality, collected or uncollected, shall become and be the property of the new or annexing municipality with full power and authority to use and dispose of the same for public purposes as the council or new annexing municipality may deem best, subject to the rights of creditors. Any taxes levied to pay bonded indebtedness of a town or former municipality annexed to an existing municipality or incorporated or consolidated into a new municipality shall be borne only by that taxable property within the boundaries of the former town or municipality, provided, however, the units of government concerned may by resolution of their governing bodies agree that taxes levied to pay the indebtedness must be levied upon all taxable property within the boundaries of the new municipality. Notwithstanding that the bonded indebtedness may be payable from taxes levied on only a portion of the taxable property in the new or surviving municipality, the full faith and credit of the new or surviving municipality must secure any outstanding bonded indebtedness to which the full faith and credit of the annexed or consolidated township or municipality was pledged. If any general funds of the new or surviving municipality are used to pay debt service on the bonded indebtedness, the general funds must be reimbursed, with or without interest, from taxes levied on taxable property in the former township or municipality.

Subd. 3. **Revision of tax records; redistribution of levies.** In an apportionment made under this section, the chief administrative law judge may order the county auditor to revise tax records and respread levies at any time prior to December 15 or order the county treasurer to redistribute taxes levied and receivable.

History: 1969 c 1146 s 17; 1971 c 62 s 1; 1973 c 621 s 7; 1975 c 271 s 6; 1978 c 705 s 30; 1997 c 219 s 4; 2002 c 223 s 21,22; 2008 c 196 art 1 s 15; art 2 s 15

414.068 [Repealed, 1978 c 705 s 33]

414.07 APPEALS.

Subdivision 1. **Orders, time limit.** All orders in proceedings under this chapter shall be issued within one year from the date of the day of the first hearing thereon provided that the time may be extended for a fixed additional period upon consent of all parties of record. Failure to so order shall be deemed to be an order denying the matter. An appeal may be taken from such failure to so order in the same manner as an appeal from an order as provided in subdivision 2.

Subd. 2. **Grounds for appeal.** (a) Any person aggrieved by any order issued under this chapter may appeal to the district court upon the following grounds:

- (1) that the order was issued without jurisdiction to act;
- (2) that the order exceeded the orderer's jurisdiction;
- (3) that the order is arbitrary, fraudulent, capricious or oppressive or in unreasonable disregard of the best interests of the territory affected; or
- (4) that the order is based upon an erroneous theory of law.

(b) The appeal shall be taken in the district court in the county in which the majority of the area affected is located. The appeal shall not stay the effect of the order. All notices and other documents shall be served on both the chief administrative law judge and the attorney general's assistant assigned to the chief administrative law judge for purposes of this chapter.

(c) If the court determines that the action involved is unlawful or unreasonable or is not warranted by the evidence in case an issue of fact is involved, the court may vacate or suspend the action involved, in whole or in part, as the case requires. The matter shall then be remanded for further action in conformity with the decision of the court.

(d) To render a review of an order effectual, the aggrieved person shall file with the court administrator of the district court of the county in which the majority of the area is located, within 30 days of the order, an application for review together with the grounds upon which the review is sought.

(e) An appeal lies from the district court as in other civil cases.

History: 1959 c 686 s 7; 1961 c 645 s 7; 1969 c 1146 s 18; 1975 c 271 s 6; 1976 c 239 s 42; 1978 c 705 s 31; 1983 c 247 s 150; 1Sp1986 c 3 art 1 s 82; 1994 c 511 s 10; 2002 c 223 s 23; 2008 c 196 art 2 s 15

414.08 CHIEF ADMINISTRATIVE LAW JUDGE MAY APPEAL FROM DISTRICT COURT.

An appeal may be taken under the Rules of Civil Appellate Procedure by the chief administrative law judge from a final order or judgment made or rendered by the district court when the chief administrative law judge determines that the final order or judgment adversely affects the public interest.

History: 1965 c 834 s 1; 1975 c 271 s 6; 1976 c 239 s 43; 1983 c 247 s 151; 2002 c 223 s 24; 2008 c 196 art 2 s 15

414.09 UNIFORM PROCEDURES.

Subdivision 1. **Hearings.** (a) Proceedings initiated by the submission of an initiating document or by the chief administrative law judge shall come on for hearing within 30 to 60 days from receipt of the document by the chief administrative law judge or from the date of the chief administrative law judge's action and the person conducting the hearing must submit an order no later than one year from the date of the day of the first hearing.

(b) The place of the hearing shall be in the county where a majority of the affected territory is situated, and shall be established for the convenience of the parties.

(c) The chief administrative law judge shall mail notice of the hearing to the following parties: the township or municipality presently governing the affected territory; any township or municipality abutting the affected territory; the county where the affected territory is situated; and each planning agency which has jurisdiction over the affected area.

(d) The chief administrative law judge shall see that notice of the hearing is published for two successive weeks in a legal newspaper of general circulation in the affected area.

(e) When the chief administrative law judge exercises authority to change the boundaries of the affected area so as to increase the quantity of the land, the hearing shall be recessed and reconvened upon two weeks' published notice in a legal newspaper of general circulation in the affected area.

Subd. 2. **Transmittal of order.** The chief administrative law judge shall see that copies of the order are mailed to all parties entitled to mailed notice of hearing under subdivision 1, the secretary of state, the state demographer, individual property owners if initiated in that manner, affected county auditor, and any other party of record. The affected county auditor shall record the order against the affected property.

Subd. 3. **Elections of municipal officers.** (a) An order approving an incorporation or consolidation pursuant to this chapter, or an order requiring an election under section 414.031, subdivision 4a, shall set a date for an election of new municipal officers not less than 45 days nor more than 60 days after the issuance of such order.

(b) The chief administrative law judge shall appoint an acting clerk for election purposes, at least three election judges who shall be residents of the new municipality, and shall designate polling places within the new municipality.

(c) The acting clerk shall prepare the official election ballot.

(d) Any person eligible to hold municipal office may file an affidavit of candidacy not more than four weeks nor less than two weeks before the date designated in the order for the election.

(e) The election shall be conducted in conformity with the charter and the laws for conducting municipal elections insofar as applicable.

(f) Any person eligible to vote at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

(g) Any excess in the expense of conducting the election over receipts from filing fees shall be a charge against the new municipality; any excess of receipts shall be deposited in the treasury of the new municipality.

History: 1969 c 1146 s 19; 1973 c 123 art 5 s 7; 1975 c 271 s 6; 1976 c 44 s 31; 1978 c 705 s 32; 1984 c 543 s 48; 1994 c 511 s 11,12; 2002 c 223 s 25; 2002 c 235 s 2; 2003 c 2 art 5 s 10,17; 2008 c 196 art 2 s 15; 1Sp2017 c 1 art 18 s 3

414.10 [Repealed, 2000 c 446 s 4]

414.11 [Repealed, 2002 c 223 s 29]

414.12 CHIEF ADMINISTRATIVE LAW JUDGE'S POWERS.

Subdivision 1. **Alternative dispute resolution.** (a) Notwithstanding anything to the contrary in sections 414.01 to 414.09, before assigning a matter to an administrative law judge for hearing, the chief administrative law judge, upon consultation with affected parties and considering the procedures and principles established in sections 414.01 to 414.09, may require that disputes over proposed boundary adjustments be addressed in whole or in part by means of alternative dispute resolution processes in place of, or in connection with, hearings that would otherwise be required pursuant to sections 414.01 to 414.09, including those provided in chapter 14.

(b) In all proceedings, the chief administrative law judge has the authority and responsibility to conduct hearings and issue final orders related to the hearings under sections 414.01 to 414.09.

Subd. 2. [Repealed, 2008 c 196 art 1 s 22]

Subd. 3. **Cost of proceedings.** (a) The parties to any matter directed to alternative dispute resolution under subdivision 1 must pay the costs of the alternative dispute resolution process or hearing in the proportions that they agree to.

(b) Notwithstanding section 14.53 or other law, the Office of Administrative Hearings is not liable for the costs.

(c) If the parties do not agree to a division of the costs before the commencement of mediation, arbitration, or hearing, the costs must be allocated on an equitable basis by the mediator, arbitrator, or chief administrative law judge.

(d) The chief administrative law judge may contract with the parties to a matter for the purpose of providing administrative law judges and reporters for an administrative proceeding or alternative dispute resolution.

(e) The chief administrative law judge shall assess the cost of services rendered by the Office of Administrative Hearings as provided by section 14.53.

Subd. 4. **Parties.** In this section, "party" means:

(1) a property owner, group of property owners, municipality, or township that files an initiating document or timely objection under this chapter;

(2) the municipality or township within which the subject area is located;

(3) a municipality abutting the subject area; and

(4) any other person, group of persons, or governmental agency residing in, owning property in, or exercising jurisdiction over the subject area that submits a timely request, and is determined by the presiding administrative law judge to have a direct legal interest that will be affected by the outcome of the proceeding.

Subd. 5. **Effectuation of agreements.** Matters resolved or agreed to by the parties as a result of an alternative dispute resolution process, or otherwise, may be incorporated into a joint resolution adopted pursuant to section 414.0325, subdivision 1, or into one or more stipulations for purposes of further proceedings in accordance with the applicable procedures and statutory criteria of this chapter.

Subd. 6. **Limitations on authority.** Nothing in this section shall be construed to permit any municipality, town, or other political subdivision to take, or agree to take, any action that is not otherwise authorized by this chapter.

History: 1999 c 243 art 16 s 25; 2000 c 446 s 1; 2002 c 223 s 26,27; 2008 c 196 art 1 s 15,16-20



MEMORANDUM

DATE: August 16, 2022

TO: City Manager

FROM: Nate Willey, City Engineer

SUBJECT: Edit and Finalize the Airport FBO Contract with Langer Aviation Inc.

ATTACHMENTS: None

A Request for Proposals (RFP) for a new Fixed Base Operator (FBO) at the Waseca Municipal Airport was released July 6th with a submittal deadline of August 4th. Despite having multiple interested parties, only one proposal, from Langer Aviation Inc., was received. The Airport Board has reviewed the proposal and wishes to pursue awarding an FBO contract with Langer Aviation. Therefore, with City Council permission, staff would like to begin editing the Draft FBO Contract in anticipation of awarding the finalized contract at either the September 6th or 20th City Council meeting.