

AGENDA

1. **CALL TO ORDER** of regular meeting of the Tracy City Council at 6:30 p.m., Monday, February 8, 2016
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION**
4. **APPROVAL OF THE MINUTES** for January 25, 2016
5. **APPROVAL OF THE AGENDA**
6. **PUBLIC COMMENT**
7. **PUBLIC HEARING** 6:45 pm Ordinance No. 326 An Ordinance Granting a Franchise to Clarity Telecom, LLC ("Clarity") to Construct, Operate and Maintain a Cable System in the City of Tracy, Minnesota Setting Forth Conditions Accompanying the Grant of the Franchise; Providing for Regulation and Use of the System and the Provisions Herein
8. **REPORTS**
 - A. 284 Emory Street Assessments
9. **PETITIONS, REQUESTS, COMMUNICATIONS**
 - A. Request for Exempt Gambling Permit for the MWA –Shetek Prairie Chapter
 - B. Request for Exempt Gambling Permit for a Raffle at the Church of St. Mary for 04/03/16, 09/09/16, and 12/18/16
 - C. Local City Board of Appeal and Equalization on Monday, April 25, 2016 at 7 pm
10. **LEGAL ISSUES**
 - A.
11. **RESOLUTIONS**
 - A. Resolution No. 2016-5 Authorization to Execute Minnesota Department of Transportation Airport Maintenance and Operation Grant Contract
 - B. Resolution No. 2016-6 A Resolution in Support if Increasing Local Government Aid in the 2016 Legislature Session
12. **CONSENT CALENDAR**
 - A. Municipal Accounts Payable
 - B. Municipal Accounts Receivable
 - C. Tracy Relief Association Minutes for January 4, 2016
 - D. Planning and Zoning Commission Minutes for December 7, 2015
13. **UNFINISHED BUSINESS**
 - A
14. **NEW BUSINESS**
 - A.
15. **MAYOR AND COUNCIL COMMUNICATIONS**

January 25, 2016

The regular meeting of the Tracy City Council was called to order at 6:30 p.m., Monday, January 25, 2016 in the Council Chambers of the Municipal Building. The following Council members were present: Mayor Ferrazzano, K Enderson, D Johnson Jr., P. Cooreman and T. Schons. Also present was M. Votca, City Administrator.

Pledge of Allegiance was given to the flag.

Motion by Schons, seconded by Enderson to approve the minutes from January 11, 2016. All voted in favor of the motion.

Additions to the agenda include 9-E Correspondence from Jason Jones, 284 Emory St. 10-C Liability Coverage Waiver. Motion by Cooreman, seconded by Johnson to approve the agenda as amended. All voted in favor of the motion.

No Public Comments.

V. Quist, Head Librarian reported the Adult Winter Reading Program is underway. There are about 55 people signed up so far and it is not too late as the program will continue through the month of March. Last Thursday, January 21 they began the weekly open lab computer classes. They will continue to offer this every Thursday from 2 – 7 pm as long as there is interest. Rob, one of the library staff members, is teaching the class and is being paid through Marshall Adult Basic Education. The Yosemite National Park program with Marlin Meyer that was scheduled for January 16 was rescheduled until the 23rd due to the cold. Quist stated that on February 20 at 1 p.m., local author Colleen Gengler will give a presentation about the book "Under Minnesota Skies: John and Dorothy Hondl Family History and Farm Memories. Which she wrote with her sister. The year-end circulation was 23,492 which is up from 22,736 last year. This is preliminary and does not include inter-library loan or eBooks/audio books (last year was 722). Quist said she should be receiving that data from Plum Creek soon.

D. Johnson, III, Fire Chief stated they hit the time right this year and got some ice water rescue training done. Annual physicals were just completed in the last week. On February 18 they are hosting a nationally known speaker for a three hour seminar on Fire Fighter Safety, Staffing Issues, Communication, and Size up Strategy. This speaker travels in the U.S. and other countries and does speaking on these issues for fire service. Tracy was able to go together with Walnut Grove and Marshall and getting a grant. They will be hosting that here at the fire station. Johnson said that last September an ISO rating was done. ISO is one of the companies that insurance companies use for helping to determine rates for insurance. They had to inventory all the trucks, re-inventoried everything and fill out lots of paperwork was completed. Himself, Votca and Rolling met with them in the morning and did some interviews in September, providing information and documents regarding training, equipment testing and certification of equipment, personnel issues, and different emergency communications. In the afternoon he and S. Daniels met with them. Daniels provided the water supply information for the City and they also did a community risk reduction format for the community. The ISO rating has been at a five for quite a few years. They did improve from a five to a four. Speaking with the City's insurance company just for the building insurance alone, a year in Tracy should save the City buildings about \$2,000. They also took the time to fill out a Hauled Water Report which benefits everybody within a five mile radius of Tracy. They did a Hauled Water Packet which was a rather thick packet and had to find a number of buildings within a five mile radius of Tracy and fill out the amount of water, training and things like that. They got rated at a seven which is about the highest you can get in a rural community. In the next year if anyone uses an insurance company utilizes ISO will see a large saving on their insurance.

Johnson stated their SOGs which go to together with the City Handbook. The SOGs are Standard Operating Guidelines that are specific for the fire department. The department had a HR before the City had a handbook that the department fit under. In 2012 there was a handbook made that fit the fire department as well, so the SOGs were developed back then.

J. Lichy, Police Chief asked if there were any questions regarding his reports. Last year was the first year he did the Fuel Mileage Report. Activity Reports for November and December 2015 are enclosed. Officer Gehrke continues to do Truth About Drugs at the Elementary School every week on Fridays. Lichy said all the grants for 2016 were re-approved.

S. Daniels, Public Work Director reported that the bolts are failing in the floors of the filters in the water plant are allowing the sand to get through, causing increased iron in the water. There is a bottom that sits on the concrete floor and then there is another false floor so above the false floor is where all the sand media sits and then diffusers that are to prevent the sand from going through. The sand is all underneath that floor now. The bolts are rusting out on the floor that holds the floor in. Daniels contacted a contractor who stated that this is a common problem with this style of filter. His fix is to get rid of that false floor altogether and put in PVC grid to capture the filtered water than have the diffusers in the PVC pipes. The other alternative is that the floor has about 250 bolts that hold it in and they would have to try re-welding every one of them. He has not had a chance to talk with Votca about finances. They are looking at \$49,000 for parts and \$25,000 for labor to fix the filter with the PVC grid work. The contractor is going to come down sometime this week to look at it. Daniels stated he asked him about the bolts and his response was that no one really does that. It depends on how much financing there is. Mayor Ferrazzano asked that Daniels discuss this with Votca and have it on the agenda for the next meeting. The filter company is not licensed engineers and would have to have I&S sign off on their plan. It also has to be submitted to the Department of Health. Votca asked how much life-span they would get from the new system. Daniels stated the media itself 20 years easily. He did not say anything about the floor but Daniels feels it is a lot longer than that because it is plastic incased in concrete. They actually pour about one and one half feet of concrete in the bottom of the filter. The other problem they have with these filters is Public Works coated the whole inside of this but underneath filter it is sealed bottom and there is always moisture under there and you cannot coat it.

S. Lau, Liquor Store Manager was not able to attend the meeting tonight. Votca stated the only issue at the liquor store right now is that one of the furnaces failed and the other furnace is not working that well either. Mayor Ferrazzano asked if they need to be replaced. Votca stated that one got replaced and the other one will need to be replaced if it is used very much longer.

Votca reported the Airport Project has been completed. The Council discussed Open Gym at the last meeting. He talked with Bill Tauer briefly regarding open gym. Tauer stated that the high school has open gym on Sundays. Votca will follow up with him to see if further open gym is needed and if so the VMC could be used.

On the Charter Commission it was asked at the last meeting and he is recommending they open that up as seven members are needed. There are two that are current. There is something they have to do with the district court to get all that finalized. Votca stated they will start advertising for the open positions.

Votca reported the City has a few annexation issues as there are quite a few things going on that require annexation of land. The first is the annexation of the Fultz land that is to be used for the stabilization ponds. After discussions with Lyon County Zoning coordinator, our engineers and other people, they are recommending the City annex in that piece of Fultz's land that will be used for the ponds. It helps with the zoning and it will be put in the City's jurisdiction. Votca said he has discussed this with Monroe Township about that one and they do not have any issues with that. The second thing is there are people at the Murray County Hospice that are discussing purchasing a piece of land owned by Larry and Bonnie Buysee just north of the Nursing Home. They would like this to be annexed into the City so they can get utilities provided to them. They could be starting this project as early as this spring. Votca stated this should be discussed with the Township about and see if they have any issues with it. The third piece of land the Council should discuss is the compost site now that it is contiguous with the City and if they are going to be doing all this annexing of land we might as well get that part of it done. The last thing is when they annexed in the Dollar General piece of property it caused some issues with road maintenance on Highline Road going north. The need to write language to get that so the City owns that road up to the end of whatever the Dollar General property is. The City needs to have and informal agreement with the Township that the City will maintain that road, but would be

beneficial to have an official agreement. Mayor Ferrazzano stated it would also be nice to have it paved as now it is just gravel. Mayor Ferrazzano stated there are reasons that all four properties should be annexed in so it would be a matter of talking with Monroe Township and getting it squared away. Votca stated that he will have the City Attorney start drafting something so the Council can take action.

Shannon Sweeney, David Drown Associates, Inc was present to discuss and Engagement Letter which is regarding Municipal Advisor Regulations. They are financial advisors for municipalities, counties and townships. Enclosed in the agenda packet is material with regard to the re-finance of the 2010 Bonds to finance a housing project in the City. Those bonds have principal payments through 2042. They have been monitoring this issue for about one year now and they had looked at the process of re-financing last spring and interest rates started moving in the wrong direction so they decided to wait a little while. There was a triggering resolution that was adopted that they would proceed if the City could save \$75,000 in interest. Sweeney did not think the market was ever close enough to achieve that until now. Pricing the last month or so they have seen interest rates going down for municipal finance. When they looked at it last week they thought net present savings were about \$94,000. Sweeney feels this is a healthy level of savings that deserves consideration by the City. That net present savings of \$94,000 is what they would call gross savings of \$135,000 over the life of that issue. Between now and 2042 your payments will be \$135,000 less. What that means in today's dollars we discount that because a dollar in savings in 2042 is not worth a dollar in savings today. There has been no additional municipal sales in Minnesota in the last week and have not updated pricing since last Tuesday but confident they are in the same vicinity. If the Council decides to move forward there is a process to do this. Sweeney stated there are a couple Engagement Letters for the Council to consider and an updated resolution providing David Drown Assoc. with the flexibility to try to price something or essentially strike a deal with an underwriter between now and June 1, 2016. Sweeney feels it would happen a lot quicker than that but they are giving themselves a window to act if they intend to move forward. If authorized to do so they would start the preparation and official statement tomorrow which is a document that used to market the sale of bonds. That official statement goes to a credit rating agency that issues a credit rating for the City. In this transaction the only risk they have is associated with the credit rating. They are hiring an entity out of Chicago, Standard and Poor's, to review financial information on the City and provide us a credit rating and that credit rating costs approximately \$9,000. Once they go through the process they will pay 2/3 of that cost whether or not they do a transaction. Sweeney feels they are very likely to transaction other they would not be advising the City to proceed. With the triggering resolution the day they have the credit rating in hand they can begin negotiating the final rate and term with an underwriter. They would do it within a couple days of having that credit rating. The window for something to go wrong would be as narrow as you could possibly make it. They have not had anybody eat a credit rating yet and so do not intend to see Tracy be the first. If they see things moving in the wrong direction, they would halt all progress immediately and report back to the Council. Anyone involved in the transaction is only compensated if there is a transaction. If suddenly thing go in the wrong direction, the City would never see an invoice from David Drown Assoc. for the preparation of that official statement. They only get paid if they close on a satisfactory transaction where the City is saving money. Same is true for the underwriter that is the two Engagement Letters that they have. The underwriter is R.W. Baird and headquartered in Wisconsin but a very active purchaser of municipal bonds in Minnesota. Motion by Enderson, seconded by Johnson to adopt Resolution No. 2016-4 Resolution Approving the Issuance Of Up To \$1,240,000 G.O. Bonds, Series 2016A Subject To The Approval Of The Mayor And City Administrator And Ratification By The City Council. All voted in favor of the motion.

Mayor Ferrazzano said there is a letter in the packet from Tracy Area Public Schools regarding the VMC Revitalization Project. What the school is willing to do is replace the existing floor with a wood floor, replace the west bleachers with new bleachers, repaint the interior of the gym and install acoustical panels in the interior of the gym. In exchange for that they would respectfully request that the school not be charged rent for ten years. This would be from July 1, 2016 through July 2, 2026. Votca stated they pay the City \$17,500 in lease per year so that would be \$175,000 of revenue the City would give up for the next ten years. Votca stated his concern is the maintaining the gym still costs money and maintaining the wood floor is going to cost the City a significant amount, more than what they are spending on maintenance right now.

Council adopt this policy to help us recruit and retain quality Aquatic Center Staff. The City Council is in favor of this policy.

The Council received a letter from Jason Jones about the house on 284 Emory Street. Votca said the Council had decided to tear down the house at 284 Emory Street. The house has not been removed yet. There have been quite a few inquiries and Jones is not the first person who has asked to look at the house in the past couple months. Jones is the first person to be serious enough to send a letter to ask the Council to waive the assessments. Votca states he has been in that house numerous and Daniels has been in there several times also. It should be torn down but if someone put a lot of effort into it they could put it back on the tax rolls and the City would have a house that has tax value. If they tear it down, there will be an empty lot that would probably not be redeveloped and less tax value. Votca stated he is not recommending either way, and just want to give the Council the information. The sale price would have to be \$2,000 if he buys it at the County. The property has \$540 extra assessments that would go on that property from last year's mowing. Jones came here from Colorado and looked at the house. His son goes to Southwest State so he wants to have it as a place to stay close to where his son is. He is a contractor and said he can fix it up and make it a house again. It would be beneficial for the City to fix it up but also the Council has decided to tear it down. Enderson stated that part of the decision to tear it down was because the foundation was not good. Votca stated he feels that if the decide not to waive the assessments and he will not pursue this further and then in a month or so when Kendall Cooreman is ready they will tear it down. P. Cooreman stated the reason it is not torn down yet is because if the fact there was someone that wanted to buy it. The main thing is they can get it for \$2,000 and he does not know how serious some of these people are to fix it up. Enderson asked if they have already approved the demolition contract. Votca stated they agreed they would accept that proposal from Kendall Cooreman. Mayor Ferrazzano felt he does not think they want to be in the practice of a City awarding jobs and saying you are not doing it now. He feels this is a bad precedence. If they it was sold and the person did nothing to it, then he is responsible for the demolition. Votca stated they could agree to waive the assessments but has to fix it and meet the City's building maintenance code and then they could waive the assessments forever. If he does not get it up to code in one year to two years, then the assessments goes back on. Mayor Ferrazzano felt this sounds fair but does not like awarding jobs to people and now you are not going to do it. Johnson asked if there were people looking at this house before it was put up for demolition. Votca stated these people asked about the house after they had already decided to demolish it. Votca also agrees but someone offers something to the City Council he has to bring it to them. Enderson felt they should stay the course on this one. Mayor Ferrazzano stated that Jones is asking to have the assessments right off the bat, but if Votca would go back and tell him the assessments would be waived but he needs to do "X" amounts of things in a year and a half and if not done, nothing will be waived. Since Jones has a limited time to get this done and with him living in Colorado he probably would not accept it. If the City tells him has 30 days to respond and if he wants these fees waived then here is what he would need to do. Votca stated they will send Jones a letter with all the violations he has of the housing code. Daniels stated in situations like this he has done phases such as was done on 72 Morgan. They had to have the exterior done by a certain date and then total completion by a certain. D. Johnson, III agrees with what the Council but feels it is absolutely wrong to take the contract back from Cooreman and the City is still liable to pay Cooreman that money. If Jones is wanting the house that bad he is going to be wanting to live in it sooner than three years. He could be told what the deal is, the City will waive the assessments and he has one year, but he has to give us a check for the demolition. The City will escrow that money and if in one year January 15, 2017 or before that it is completed it before the escrow money will be given back to Jones and if not the money will be used for the demolition. Mayor Ferrazzano said they should meet with Jones and give us his answer by the next Council meeting.

Votca stated the Ordinance Granting a Cable Television Franchise to Clarity Telecom, LLC is the first reading for an ordinance. There would be a public hearing at the next meeting to discuss this. Votca has provided a summary of the ordinance for the newspaper. If this ordinance is accepted by Clarity then they would present the exact same thing to Charter. Mayor Ferrazzano questioned the issue of having an office in the City. Votca stated it is on page 32, 13.6. Schons felt language regarding how often they empty the payment box should be included. Clarity does have an office. Motion by Cooreman, seconded by Schons to waive the first reading and authorize the Summary of the Ordinance for publication. All voted in favor of the motion.

The Agreement for the Sale of the Hospital was reviewed. Mayor Ferrazzano said this is what they had discussed all along and he hopes this is agreeable to everyone so it can be finalized next week. Sanford is getting rid of the City's one debt that we had with them for the expansion of the hospital. They are going to pay back half of it over the next schedule of payments. The City is forgiving their lease payments for the rest of the lease. Mayor Ferrazzano stated the sale would take care of the lease. Votca stated the only thing that is new since the last time this was discussed that Sanford wants to do a mutual access and maintenance which would deal with the property surrounding O'Brien Court. They need to have access to operate the hospital. That easement would have to have EDA approval. Motion by Cooreman, seconded by Enderson to enter into the agreement to sell the hospital to Sanford and hopefully have the closing by next week. All voted in favor of the motion.

Votca stated that every year the City receives the Liability Coverage Waiver from LMC Insurance Trust and they ask if the City wants to waive the monetary limits on municipal liabilities in the Mn Statute or not. Every year that he has been here they have done "does not waive". Motion by Schons, seconded by Johnson to not waive the monetary limits on Municipal Liabilities. All voted in favor of the motion.

The Consent Calendar consists of: Municipal Accounts Payable, Tracy Economic Development Authority Minutes for December 17, 2015 and Tracy Relief Association Minutes for December 5, 2015. Motion by Schons, seconded by Johnson to approve the Consent Calendar. All voted in favor of the motion.

Cooreman stated that someone called her and asked about Bingo at the Multi-Purpose Center. Votca said basically they were playing Bingo there and it was brought to his attention that he should look into exactly how that game is being played. He did look into it and basically they need a Senior Citizen Group or some other group that has a gambling license to run that for us. If they are a Senior Citizen organization that is the easiest way so Claire Hannasch the president of the Multi-Center Board is going to talk with the Golden Age Club and see if there is someone out there that will be the manager and run the gambling for us at the Center. This was discussed at the last Center meeting and have a solution to get back in action. Enderson stated that he had a concerned citizen call him also about this and wondered why it was considered gambling as there was no money changing hands. In Minnesota, Bingo is a legal form of gambling that has to be done under a licensed group. There is some sort of payment to the City for the game and then the Center has some sort of prize for it. Votca said that if you bring a prize and get a prize then you paid and got something in exchange.

Enderson stated he has had a couple people ask about the downtown alleys. Votca stated they have been working on this and feels they need to get a little more serious about it. Votca and the Police Chief have talked to the property owner.

Votca stated the Payment Service Network is up and running, so residents can start paying their utility bills on this system. It is on-line billing, paperless billing and should be easier for the residents.

Motion by Schons, seconded by Cooreman to adjourn the meeting and have a closed session to do Votca's review. All voted in favor of the motion.

ATTEST:

City Administrator

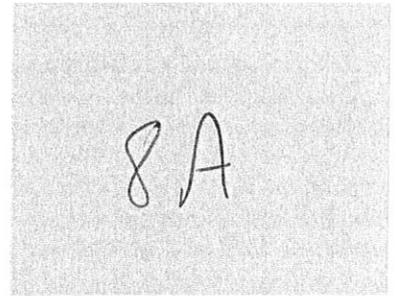
Mayor

To: City Council

From: Mike Votca

Date: 2/08/16

Re: 284 Emory Street Special Assessments



Honorable Mayor and City Council Members,

As we discussed during our meeting on 25 January, Mr. Jason Jones would like to purchase the home at 284 Emory Street rather than having us demolish the building. As per our discussion, Shane Daniels with my input sent a letter to Mr. Jones outlining our provisions for waiving the special assessments on this property. The letter and correspondence between Mr. Jones and Shane are attached for your information. Mr. Jones has accepted our conditions. At this point, I would like to have our attorney draft an agreement to the effect of our letter. Once Mr. Jones signs the agreement, it should allow him to purchase the property. I would like to discuss this further at our meeting on 8 February.

A handwritten signature in black ink, appearing to read 'Michael J. Votca'.

Michael J. Votca
City Administrator

Encl

Michael Votca

From: Shane Daniels <sdaniels@tracymn.org>
Sent: Monday, February 01, 2016 3:01 PM
To: 'Jason Jones'
Cc: Mike Votca
Subject: RE: 284 Emory Street Request

Jason,

Thanks for the timely response. I will forward this on to the city administrator, Mike Votca so further action can be made by the city council. We will let you know if we need some additional information.

Thanks

Shane Daniels
City of Tracy
Director of Public Works/Utilities
Building/Zoning Official
Airport Manager
336 Morgan Street
Tracy, MN 56175
sdaniels@tracymn.org

-----Original Message-----

From: Jason Jones [<mailto:jumpontherooftoo@yahoo.com>]
Sent: Monday, February 01, 2016 2:44 PM
To: Shane Daniels
Subject: Re: 284 Emory Street Request

Hi Shane we would like to move forward with the purchase of 284 Emory St after looking of all the city requirements will feel like that won't be a problem. For the Escrow money I am waiting for a closing here in Denver in early march if that work. Let me know what the next steps are. I would like to start restoration beginning of April.

Thanks Jason

On Wed, 1/27/16, Shane Daniels <sdaniels@tracymn.org> wrote:

Subject: 284 Emory Street Request
To: jumpontherooftoo@yahoo.com
Cc: "Mike Votca" <m votca@tracymn.org>
Date: Wednesday, January 27, 2016, 8:09 AM

Jason, Please see the attached letter and correspondence concerning your request that was submitted for the property at 284 Emory Street in Tracy, MN. If you have an further questions, please let me know. Thanks Shane Daniels
City of Tracy
Director of Public Works/Utilities
Building/Zoning Official
Airport Manager
336 Morgan Street
Tracy, MN 56175
sdaniels@tracymn.org



336 MORGAN STREET
TRACY, MN 56175
PHONE (507) 629-5528
FAX (507) 629-5530

January 26, 2016

Jason Jones
5285 East 130th Circle
Thornton, CO 80241

RE: 284 Emory Street Property Assessment

Dear Mr. Jones,

Thank you for your interest in the tax forfeited property in the City of Tracy. I am responding to your request for Special Assessment dismissal on the property at 284 Emory Street, Tracy, MN. Your request was put on the council agenda last night for discussion. The Tracy City Council agreed to conditionally accept your request with these stipulations: (1) there will be a deposit required in the amount of \$8000.00 (eight thousand dollars) to be put into an escrow account until Phase 1 is completed as listed below. (2) Upon completion of Phase 1 and Phase 2, the council will dismiss the current special assessments against said property. (3) Due to the fact that this property is deteriorated and the council, along with the neighboring residents, want the property either brought up to the current maintenance code requirements (3.32 of City code attached to this letter) or demolished in a short time period. The council has agreed to the following phase deadlines: Phase 1 requirements consist of all structural integrity being restored and the complete exterior of structure and outbuildings restored to section 3.32 of Tracy City Code by December 31, 2016; Phase 2 requires the interior of the dwelling to meet section 3.32 of the Tracy City Code and must be habitable as stated therein. Attached is the city ordinance section 3.32 for your review. If you have any questions, you may contact me at 507-828-0417. Please let me know if you would like to proceed or not by Feb 3, 2016 as we currently have the building slated for demolition and need to keep the contractor in the loop.

We appreciate your interest in the City of Tracy.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane Daniels", written over a horizontal line.

Shane Daniels
Deputy Clerk/Building Official

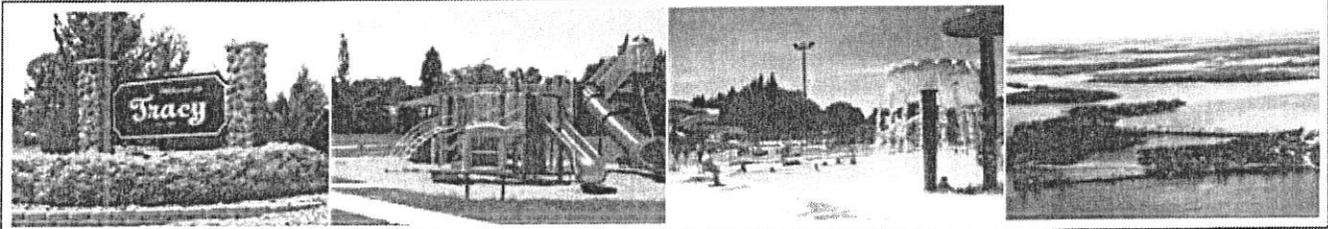


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[Tracy Area Chamber of Commerce](#)

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[2016 Utility Improvement Project](#)

[Tracy Health Care](#)

[Education](#)

[Area Business Directory](#)

[Tourism](#)

[Employment](#)

[Swift Lake Camp Ground](#)

[Multi-Purpose Center](#)

[Tracy Aquatic Center](#)

[Swimming Lessons and Season Pass Registration Brochure](#)

[Municipal Liquor Store](#)

[Tracy Municipal Airport](#)

[Tracy Farmers / Craft Market](#)

SECTION 3.32

The City of Tracy does ordain:

SECTION 1. Purpose. The City Council recognizes that improperly maintained structures and premises have an adverse affect on the publish health, safety, and general welfare of the citizens of the community, and, further that such conditions contribute to the unnecessary, excessive, and disproportionate expenditure of public funds for public health, public safety, fire protection, and other public services. In order to address these and other, similar concerns, the City Council finds that the following objectives are important in achieving the goal of maintaining a safe and healthy community:

- A. To protect the character and stability of all structures and property within the City.
- B. To correct and prevent conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health including the physical, mental, and social well being of persons occupying structures within the City.
- C. To provide minimum standards for heating, sanitation, ventilation, light and maintenance necessary to the health and safety of occupants of structures.
- D. To provide minimum standards for the maintenance of existing structures and thus prevent slums and blight.
- E. To preserve the value of land and structures throughout the City.

SECTION 2. A new §3.32 to the Tracy City Code, entitled "Property Maintenance Code" is hereby enacted, to read as follows:

Subd. 1. Minimum standards. Provisions set forth are minimum standards; if there are more stringent, specific provisions in other laws, those more exacting requirement will be met. No person shall occupy or permit another person to occupy, any structure or premises, or any part thereof, which does not comply with the following requirements:

- A. **The foundation, exterior walls, and exterior roof** shall be substantially water tight and shall be kept in sound condition and repair. The foundation shall adequately support the structure at all points. Every exteriorwall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition that might admit rain or dampness to the interior portion of the walls or to the interior spaces of the structure. Exterior walls must be free of graffiti and advertising except as allowed in 3.10 Subd. 10(C) of the Tracy city

- [Report Streetlight Outage](#)
- [Calendar of Events](#)
- [Maps](#)
- [News](#)
- [Tracy MN Weather](#)
- [Forfeited Property for Sale](#)
- [Tracy Disaster Plan](#)
- [Surplus Sale Items](#)
- [In City Government:](#)
 - [Appendix A \(1/1/2015\)](#)
 - [City Code Manual](#)
 - [Mayor & Council](#)
 - [City Parks](#)
 - [Chapter 1](#)
 - [Chapter 2](#)
 - [Chapter 3](#)
 - [Chapter 4 \(1/1/2015\)](#)
 - [Chapter 4.01 - 1.25](#)
 - [Chapter 4.02 - 3.00](#)
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 - [Chapter 12](#)
 - [City Council](#)
 - [Area Log \(1/1/2015\)](#)

Code, or other specific provision of said Code. All exterior wood surfaces, other than those of decay-resistant materials, shall be protected from the elements and decay by paint or other protective covering or treatment; if the exterior surface is unpainted or the paint is blestered or peeling over 20 percent of more of the total surface area, or that of any single wall, the affected surface shall be painted with a color which matches the unaffected surface or the entire surface shall be painted a consistent color. If the exterior surface of the pointing of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired. Materials not designed to act as an exterior covering for a structure, such as insulation board or non-exterior grades of plywood, shall not be used as an exterior covering.

B. Steps, decks, and porches that provide access to a structure shall be constructed and maintained to the same standards as the structure they are attached to.

C. Grading and drainage. Except for wetland, specifically constructed garden or ornamental water features, swimming pools, hot tubes, spas and approved ponds, every yard, court, walkway, driveway, and other portions of the premises on which a structure stands must be graded and drained so as to be free of standing water.

D. Heating. All structures shall have heating facilities which are properly installed, which are maintained in safe and good working condition, and which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 68 degrees Fahrenheit, or such lesser temperature as may be required from time to time by governmental authority, at a distance of three feet above floor level and three feet from exterior walls from October through May. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning hereof. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this subsection and is prohibited. Use of a space heater employing a flame that is not vented according to the manufacturer's standards is prohibited. Nonresidential structures shall meet all state laws and regulations.

E. Egress and Ventilation. All dwellings and dwelling units shall comply with ventilation and egress requirements according to the adopted building code. All doors and windows shall be in sound, operable condition and seal the opening it is hung in. Glass shall be unbroken and screening, if used, shall be insect tight.

F. Kitchen. Every dwelling unit shall have a room, or portion of a room, in which food may be prepared or cooked, which shall have an adequate circulation area, and which shall be equipped with the following:

1. A kitchen sink in working condition and properly connected to an approved functioning water supply system, which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system

2. Cabinets or shelves for the storage of eating, drinking, and cooking equipment and utensils and for food that does not require refrigeration for safe keeping, and a counter or table for food preparation. Such cabinets or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious affect to the food.

3. A stove or similar device for cooking food and a refrigerator for the safe storage of food at or below 40 degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Provided, that such stove, refrigerator, or similar devices need not be installed when a dwelling unit is not occupied or when the occupant is expected, per written agreement, to provide such appliances on occupancy, in which case sufficient space and adequate connections for the installation and operation of a stove, refrigerator, or similar devices must be provided. All appliances supplied by the owner must be maintained in proper operating condition at all times by the owner.

G. Toilet Facilities. Within every dwelling unit there shall be a non-habitable room which is equipped with a flush water closet in good working condition. In a dwelling unit, such room shall have an entrance door which affords privacy, unless the facilities are accessed only through a bedroom which does have such an entrance door. Such flush water closet shall be

equipped with easily cleanable surfaces, shall be properly connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to an approved sewer system.

H. **Lavatory Sink.** Within every dwelling unit there shall be a lavatory sink. Such lavatory sink may be in the same room as the flush water closet or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which the flush water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system.

I. **Bathtub or Shower.** Within every dwelling unit there shall be a non-habitable room which is equipped with a bathtub or shower in good working condition. In a dwelling unit, such room shall have an entrance door which affords privacy, unless the facilities are accessed only through a bedroom which does have such an entrance door. Such bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved functioning water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.

J. **Prohibited Types of Fencing.** The following types of fencing are prohibited:

1. Barbed wire fence in residential areas, or any barbed wire fence where the bottom strand of wire is less than six (6) feet above the ground and within three (3) feet of any sidewalk or public way.
2. In residential areas, fences made of poultry netting or woven wire, provided that:
 - a. So called chain-link or "cyclone" fencing, where rigid galvanized wire of at least 3/32 inch diameter is twisted into fencing having square or diamond-shaped openings of not more than four inches in diameter and having rigid metal posts and top bar, is permitted.
 - b. Small areas within yards enclosing gardens may be seasonably fenced with wire fences to prevent entry of rodents or other animals.
3. Fences made substantially of scrap wood or other scrap materials or wooden shipping pallets.
4. Fences having poles which are inadequate in number or not firmly placed in the ground sufficient to maintain the rigidity of the fence, taking into consideration the type of fence, possible snow load against it and any other pertinent factors.
5. In residential areas, fences where the main fence barrier consists largely of solid sheets of metal, such as roofing steel or similar materials, or sheets of plastic or fiberglass.
6. Fences, which, because of design, materials used, or installation practices, present a significant possibility of being damaged by wind or snow, or which may bag or sag and not present a fence in line with the posts thereof.
7. Fences of any type where, taking into account the planned location of the fence, the fencing material to be used and any other pertinent factors, the fence would constitute a specific hazard to persons or property.

Any fence currently existing and which does not comply with subparagraphs 2, 3 or 5, above, shall be permitted until one (1) year after the effective date of this ordinance, but not thereafter.

Subd. 2. **Vacant Buildings.** The owner of any structure or any part thereof which is vacant for a period of 60 days or more shall make the premises safe and secure so as to not be hazardous to the health, safety, and welfare of the public and so as to not constitute a public nuisance. Any vacant structure open at windows or doors, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and a public nuisance within the meaning of this Section and shall be made safe and secure immediately by boarding the openings. Boarding must be done with sound materials which are securely fastened to the structure and painted with a color consistent with the adjacent surfaces. Nonresidential structures which become vacant must remove exterior signage on the vacant portions of the structures. The premises of a vacant structure shall be maintained in an appropriate manner including, but not limited to, mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and

maintaining landscaping and yard. Any vacant structure which has had window or door openings closed by boarding shall not be reoccupied until such openings have been secured by proper windows or doors.

Subd. 3. Buildings Unfit for Human Occupancy. Any structure or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, pest infested, or which lacks provision for basic illumination, heat, ventilation, sanitary facilities, connection to an approved functioning water system, to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human occupancy by the Compliance Official. Whenever any structure or premises has been declared unfit for human occupancy, the Compliance Official shall order the premises or affected portions thereof vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human occupancy, and any license previously issued for such premises or the occupancy thereof shall be revoked. Any order issued pursuant to this subdivision shall be served on the owner, or owner's agent and upon any occupant as provided in Subd. 4C, below. Without intending to be an all-inclusive list, the following conditions shall be deemed to have rendered a structure unfit for human occupancy, and the Compliance Official shall order same vacated in the manner provided above:

- A. Where the affected structure is subject to inspection as provided in Subd. 4A1 through 4A4, inclusive, below, and such inspection has not yet occurred, or the inspection was made and the structure found unfit for human occupancy.
- B. Where water or sewer service to the affected structure was terminated or otherwise unavailable for any reason, and the occupants thereof had at least ten (10) days notice that such service had been terminated or was unavailable.
- C. Where hazardous substances have been spilled or leaked on or near a structure, and the Compliance Official, Chief of Police, Fire Marshall or Chief of the Fire Department has determined that the structure must immediately be vacated for safety reasons because of same.
- D. Where, during the months of October through May, the heating facilities to a dwelling are not operating for whatever reason, and the interior temperature at any location therein has fallen to 40 degrees Fahrenheit or less.

Subd. 4. Enforcement.

A. **Inspection Authority.** Except as otherwise provided herein, the Compliance Official shall administer and enforce the provisions of this Section and is hereby authorized to cause inspections of premises whenever:

- 1. Water has been shut off to the premises for more than 30 days.
- 2. Water has been shut off to the premises for more than three (3) days during the months of November through March.
- 3. The property has been the subject of a fire call.

B. **Compliance Order.** Whenever the Compliance Official determines that any structure or any part thereof or the premises surrounding same, fails to meet the provisions of this Section, a compliance order setting forth the violations and ordering the owner, occupant, operator or agent to correct such violations shall be issued. This compliance order shall

- 1. Be in writing;
- 2. Describe the location and nature of the violations;
- 3. Establish a reasonable time for the correction of such violations;
- 4. Provide notice of appeal rights, and;
- 5. Be served upon the owner, operator, agent, or occupant, as

appropriate.

C. **Service of Notice.** Except as otherwise provided in this Section, all notices given relating to violations under this Section shall be personally served on the appropriate party or sent by certified mail, return receipt requested, to the party's last known address. If service cannot be made personally or by certified mail, it may be made by posting the notice in a conspicuous place on the premises. Except where the City has reasonable cause to believe an emergency exists, notice shall be given at least five business days before any inspection.

D. **Right of Appeal.** Any person to whom a compliance order or order pursuant to Subd. 3, above, is directed who believes such order has been erroneously issued may appeal same to

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

9A

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.
Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: MWA - Shetek Prairie Chapter Previous Gambling Permit Number: X 34365 15 007
Minnesota Tax ID Number, if any: 41-6078888 Federal Employer ID Number (FEIN), if any: _____
Mailing Address: Po Box 1031
City: Tracy State: MN Zip: 56175 County: Lyon
Name of Chief Executive Officer (CEO): Mark A. Evers
Daytime Phone: 507 629 7020 Email: tracychiro@gmail.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): The Caboose
Address (do not use P.O. box): 1045 Craig Ave
City or Township: Tracy Zip: 56175 County: LYON
Date(s) of activity (for raffles, indicate the date of the drawing): 3/19/16

Check each type of gambling activity that your organization will conduct:

- Bingo*
- Paddlewheels*
- Pull-Tabs*
- Tipboards*
- Raffle (total value of raffle prizes awarded for the calendar year: \$ _____)

* **Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Mark A. Evers Date: 1/27/16
(Signature must be CEO's signature; designee may not sign)

Print Name: MARK A. EVERS

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- a copy of your proof of nonprofit status, and
- application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077550279
Mar. 09, 2011 LTR 4168C 0
41-6078888 000000 00
00032190
BODC: TE

MINNESOTA WATERFOWL ASSN INC
907 1ST ST N
HOPKINS MN 55343-7526



016129

Employer Identification Number: 41-6078888
Person to Contact: Sophia Brown
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Jan. 18, 2011, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in February 1975.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section 509(a)(2).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

LG220 Application for Exempt Permit

9B

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: The Church of St. Mary Previous Gambling Permit Number: X-42001-15-020

Minnesota Tax ID Number, if any: 8398995 Federal Employer ID Number (FEIN), if any: 41-0724053

Mailing Address: 249 6th St.

City: Tracy State: MN Zip: 56175 County: Lyon

Name of Chief Executive Officer (CEO): Rev. Robert Mraz

Daytime Phone: 507-629-4075 Email: fatherbob@iw.net

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
60 Empire Drive, Suite 100 www.sos.state.mn.us
St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): St. Mary's Church

Address (do not use P.O. box): 285 6th St.

City or Township: Tracy Zip: 56175 County: Lyon

Date(s) of activity (for raffles, indicate the date of the drawing): April 3, 2016

Check each type of gambling activity that your organization will conduct:

Bingo* Paddlewheels* Pull-Tabs* Tipboards*
 Raffle (total value of raffle prizes awarded for the calendar year: \$10,695.00)

* **Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print City Name: Tracy, Minnesota

Signature of City Personnel:



Title: City Clerk Date: 2/11/16

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Rev. Robert Mraz Date: 1-29-16
(Signature must be CEO's signature; designee may not sign)

Print Name: Rev. Robert Mraz

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- a copy of your proof of nonprofit status, and
- application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

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LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
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If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

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Minnesota Tax ID Number, if any: 8398995 Federal Employer ID Number (FEIN), if any: 41-0724053

Mailing Address: 249 6th St.

City: Tracy State: MN Zip: 56175 County: Lyon

Name of Chief Executive Officer (CEO): Rev. Robert Mraz

Daytime Phone: 507-629-4075 Email: fatherbob@iw.net

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

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Attach a copy of one of the following showing proof of nonprofit status:

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 MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
 60 Empire Drive, Suite 100 www.sos.state.mn.us
 St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): St. Mary's School

Address (do not use P.O. box): 225 6th St.

City or Township: Tracy Zip: 56175 County: Lyon

Date(s) of activity (for raffles, indicate the date of the drawing): Sept. 9, 2016

Check each type of gambling activity that your organization will conduct:

Bingo* Paddlewheels* Pull-Tabs* Tipboards*

Raffle (total value of raffle prizes awarded for the calendar year: \$ 10,695.00)

* **Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print City Name: Tracy, Minnesota

Signature of City Personnel: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Rev. Robert Mraz Date: 1-29-16
(Signature must be CEO's signature; designee may not sign)

Print Name: Rev. Robert Mraz

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- a copy of your proof of nonprofit status, and
- application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: The Church of St. Mary Previous Gambling Permit Number: X-42001-15-020

Minnesota Tax ID Number, if any: 8398995 Federal Employer ID Number (FEIN), if any: 41-0724053

Mailing Address: 249 6th St.

City: Tracy State: MN Zip: 56175 County: Lyon

Name of Chief Executive Officer (CEO): Rev. Robert Mraz

Daytime Phone: 507-629-4075 Email: fatherbob@iw.net

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
 60 Empire Drive, Suite 100 www.sos.state.mn.us
 St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): St. Mary's Church

Address (do not use P.O. box): 285 6th St.

City or Township: Tracy Zip: 56175 County: Lyon

Date(s) of activity (for raffles, indicate the date of the drawing): December 18, 2016

Check each type of gambling activity that your organization will conduct:

Bingo* Paddlewheels* Pull-Tabs* Tipboards*

Raffle (total value of raffle prizes awarded for the calendar year: \$ 10,695.00)

* **Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

The application is acknowledged with no waiting period.
 ___ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
 ___ The application is denied.

Print City Name: Tracy, Minnesota

Signature of City Personnel: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

___ The application is acknowledged with no waiting period.
 ___ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
 ___ The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Rev. Robert Mraz Date: 1-29-16
(Signature must be CEO's signature; designee may not sign)

Print Name: Rev. Robert Mraz

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

a copy of your proof of nonprofit status, and
 application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113

Questions?

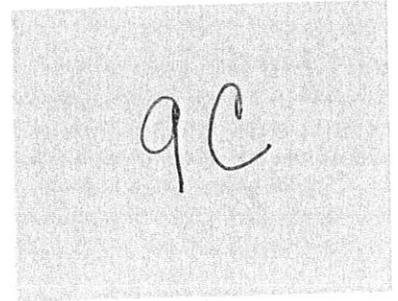
Call the Licensing Section of the Gambling Control Board at 651-539-1900.

This form will be made available in alternative format (i.e. large print, braille) upon request.



LYON COUNTY
ASSESSOR'S OFFICE

607 West Main Street
Marshall, MN 56258



TO: Local Assessors and City Officials
FROM: Sherri Kitchenmaster
DATE: January 25, 2016

The Local City Board of Appeal and Equalization dates for 2016 assessments are listed below.

Monday	April 04, 2016	5:30 PM	Marshall	Marshall Middle School
Monday	April 11, 2016	7:00 PM	Minneota	City Hall
Monday	April 25, 2016	7:00 PM	Tracy	City Hall
Tuesday	April 26, 2016	7:00 PM	Russell	City Hall
Thursday	April 28, 2016	7:00 PM	Taunton	Senior Citizen's Center
Friday	April 29, 2016	9:00 AM	Florence	Assessor's Office
			Lynd	Government Center
Monday	May 2, 2016	6:00 PM	Balaton	City Hall
Tuesday	May 3, 2016	7:00 PM	Cottonwood	City Hall
Wednesday	May 4, 2016	7:00 PM	Ghent	City Hall
Thursday	May 5, 2016	7:00 PM	Garvin	City Hall

Here are the **PROPOSED** LBAE dates for this coming April and May. Please contact the County Assessor's Office on or before February 12, 2016 if you have a conflict with these dates. If you have any questions, please call me at 507-537-6731.

Thank you,

Sherri Kitchenmaster
Lyon County Assessor

An Equal Opportunity Employer

PHONE: 507-537-6731 FAX: 507-537-6091
E-MAIL: sherrickitchenmaster@co.lyon.mn.us

11A

RESOLUTION NO 2016-5

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION
AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT

NOW, THEREFORE, BE IT RESOLVED by the City Council of Tracy,

1. That the state of Minnesota Contract Number 1001065, "Airport Maintenance and Operation Grant Contract," at the Tracy Municipal Airport is accepted.

2. That Steve Ferrazzano and Michael Votca are
(Mayor, Chairperson, President, etc.) (Clerk, Auditor, Secretary, etc.)

authorized to execute this Contract and any amendments on behalf of the City of Tracy.

PASSED AND ADOPTED by the Tracy City Council this 8th day of February 2016.

Mayor

ATTEST:

City Administrator



**STATE OF MINNESOTA
AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT**

State Project Number (S.P.): A4204-MO16

State Project Number (S.P.): A4204-MO17

This contract is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and City of Tracy acting through its City Council ("Recipient").

RECITALS

1. Minnesota Statutes §§360.015 and 360.305 authorize State to provide financial assistance to airports for maintenance and operation activities.
2. Recipient owns, operates, or controls an airport ("Airport") in the state system, and Recipient desires financial assistance from the State for maintenance and operation activities for State Fiscal Year 2016 and State Fiscal Year 2017.
3. Recipient assures the State that Recipient will operate and maintain the airport according to the duties and obligations set forth in this Contract.

CONTRACT TERMS

1. Term of Contract and Survival of Terms

- 1.1 **Effective Date:** This contract will be effective on the date State obtains all required signatures under Minnesota Statutes §16C.05, subdivision 2.
- 1.2 **Expiration Date:** This contract will expire on June 30, 2017 or when all obligations have been satisfactorily fulfilled, whichever occurs first.
- 1.3 **Survival of Terms:** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this contract, including, without limitation, the following clauses: 9. Indemnification; 10. State Audits; 11. Government Data Practices; 13. Governing Law, Jurisdiction and Venue; and 14. Data Disclosure.

2. Recipient's Duties

- 2.1 Recipient will operate and maintain the Airport in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public.
- 2.2 The Recipient will keep the runway and the area around the lights mowed at the Airport. The grass must be mowed at least 7 feet beyond the lights, and the grass must not exceed 6 inches in height on the landing area.
- 2.3 If the Airport remains operational during the winter months, the Recipient will keep at least one runway, associated taxiway, and apron area cleared of snow and ice to the same priority as arterial roads. Snow banks must be limited in height so that aircraft wings, engines, and propellers will clear them. Landing strip markers and/or lights must remain visible.
- 2.4 If the State contracts for the periodic paint striping of the Airport's runways and taxiways during the term of this Contract, the Recipient will cooperate with the marking operation. The Recipient must coordinate seal coat pavement maintenance projects with the State to maximize the pavement marking life.
- 2.5 The Recipient will allow a representative of the State's Office of Aeronautics access to any area of the Airport necessary for the purpose of periodic inspections.

3. Recipient's Assurances

- 3.1 In accordance with Minnesota Statutes § 360.305, subdivision 4, Recipient assures the State that Recipient will operate and maintain the Airport in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public.
- 3.2 Recipient represents and warrants that Recipient has established a zoning authority for the Airport, and such authority has completed, or is in the process of and will complete, with due diligence, an airport zoning ordinance in accordance with Minnesota Statutes §§ 360.061 to 360.074.

4. Third-Party Contracting

- 4.1 Recipient will comply with all applicable local, state, or federal laws, regulations, policies and procedures in the procurement of goods and services funded in whole or in part under this Contract.

5. Consideration and Payment

- 5.1 **Consideration.** State will pay for all eligible maintenance and operation costs incurred by Recipient under this Contract as follows:
- 5.1.1 **Basis.** Recipient will be paid for 75% of the eligible maintenance and operation costs not reimbursed by any other source, not to exceed **\$28,286.00** ("Base Amount") of state aid for each state fiscal year.
- 5.1.2 **Total Obligation.** The total obligation of State for all compensation and reimbursements to Recipient under this contract will not exceed **\$56,572.00** [Total for both fiscal years] (**\$28,286.00** for FY2016 and **\$28,286.00** for FY2017).

5.2 Payment

- 5.2.1 The Recipient must submit a reimbursement request of its eligible costs to the Director of the Office of Aeronautics on a quarterly basis. The State's Office of Aeronautics will supply the reimbursement request forms which Recipient must submit. Reimbursement requests must be submitted according to the following schedule:

- In October, **No later than November 15**, for the period July 1 through September 30.
- In January, **No later than February 15**, for the period October 1 through December 31.
- In April, **No later than May 15**, for the period January 1 through March 31.
- In July, **No later than August 15**, for the period April 1 through June 30.

The State reserves the right to reject items that may not be eligible for reimbursement.

6. Conditions of Payment

- 6.1 All services provided by Recipient under this contract must be performed to State's satisfaction, as determined at the sole discretion of State's Authorized Representative and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations, including business registration requirements of the Office of the Secretary of State. Recipient will not receive payment for work found by State to be unsatisfactory or performed in violation of federal, state or local law. In addition to the foregoing, Recipient will not receive payment for Airport's failure to pass periodic inspections by a representative of the State's Office of Aeronautics.

7. Authorized Representatives

- 7.1 **State's Authorized Representative.** State's Authorized Representative will be:
 Jenny Bahneman, Grants Specialist
 222 East Plato Boulevard
 Saint Paul, Minnesota 55107-1618
 651-234-7240

State's Authorized Representative or his /her successor, will monitor Recipient's performance and has the authority to accept or reject the services provided under this contract. If the Recipient's duties are performed in a satisfactory manner, the State's Authorized Representative will certify acceptance on each reimbursement request submitted for payment.

7.2 **Recipient's Authorized Representative.** Recipient's Authorized Representative will be:

Michael Votca, City Administrator
336 Morgan Street, Tracy, MN 56175
(507) 629-5528
mvotca@tracymn.org

If Recipient's Authorized Representative changes at any time during this contract, Recipient must immediately notify State.

8. Assignment, Amendments, Waiver and Contract Complete

- 8.1 **Assignment.** Recipient may neither assign nor transfer any rights or obligations under this contract without the prior consent of State and a fully executed Assignment Contract, executed and approved by the same parties who executed and approved this contract, or their successors in office.
- 8.2 **Amendments.** Any amendment to this contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original contract, or their successors in office.
- 8.3 **Waiver.** If State fails to enforce any provision of this contract that failure does not waive the provision or State's right to subsequently enforce it.
- 8.4 **Contract Complete.** This contract contains all prior negotiations and agreements between State and Recipient. No other understanding regarding this contract, whether written or oral, may be used to bind either party.

9. Indemnification

- 9.1 In the performance of this contract by Recipient, or Recipient's agents or employees, Recipient must indemnify, save and hold State, its agents, and employees harmless from any and all claims or causes of action, including reasonable attorney's fees incurred by State, to the extent caused by Recipient's: 1) intentional, willful or negligent acts or omissions; 2) breach of contract or warranty; or 3) breach of the applicable standard of care. The indemnification obligations of this section do not apply if the claim or cause of action is the result of State's sole negligence. This clause will not be construed to bar any legal remedies Recipient may have for State's failure to fulfill its obligation pursuant to this contract.

10. State Audits

- 10.1 Under Minnesota Statutes §16C.05, subdivision 5, Recipient's books, records, documents and accounting procedures and practices relevant to this contract are subject to examination by State, State's Auditor or the Legislative Auditor, as appropriate, for a minimum of six years from the expiration date of this contract.

11. Government Data Practices

- 11.1 Government Data Practices. Recipient and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by State under this contract, and as it applies to all data created, collected, received, stored, used, maintained or disseminated by Recipient under this contract. The civil remedies of Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by either Recipient or State. If Recipient receives a request to release the data referred to in this Clause, Recipient must immediately notify State and consult with State as to how Recipient should respond to the request. Recipient's response to the request must comply with applicable law.

12. Workers' Compensation

- 12.1 Recipient certifies that it is in compliance with Minnesota Statutes §176.181, subdivision 2, pertaining to workers' compensation insurance coverage. Recipient's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

13. Governing Law, Jurisdiction and Venue

13.1 Minnesota law, without regard to its choice-of-law provisions, governs this contract. Venue for all legal proceedings arising out of this contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14. Data Disclosure

14.1 Under Minnesota Statutes §270C.65, and other applicable law, Recipient consents to disclosure of its social security number, federal employer tax identification number and Minnesota tax identification number, already provided to State, to federal and state agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state laws which could result in action requiring Recipient to file state tax returns and pay delinquent state tax liabilities, if any, or pay other state liabilities.

15. Termination and Suspension

15.1 **Termination by State.** State may cancel this contract at any time, with or without cause, upon 30 days' written notice to Recipient. Upon termination, Recipient will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

15.2 **Termination for Insufficient Funding.** State may immediately terminate this contract if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written notice to Recipient. Written notice may be transmitted by electronic means. State is not obligated to pay for any services that are provided after notice and effective date of termination. However, Recipient will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. State will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. State must provide Recipient notice of the lack of funding within a reasonable time of State's receiving that notice.

16. Discrimination Prohibited by Minnesota Statutes §181.59

16.1 Recipient will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to grant contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

THE BALANCE OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes §16A.15 and §16C.05.

Signed: _____

Date: _____

SWIFT Contract (SC) ID No. _____

Purchase Order (PO) ID No. _____

DEPARTMENT OF TRANSPORTATION

By: _____
(with delegated authority)

Title: _____

Date: _____

RECIPIENT

Recipient certifies that the appropriate person(s) have executed Contracts on behalf of Recipient as required by applicable articles, bylaws or resolutions.

By: _____

Title: _____

Date: _____

MnDOT CONTRACT MANAGEMENT

By: _____

Date: _____

By: _____

Title: _____

Date: _____

11B

RESOLUTION NO 2016-6

Resolution in Support of Increasing Local Government Aid in the 2016 Legislative Session

WHEREAS, Local Government Aid (LGA) is a critical need for our city and

WHEREAS, LGA provides funding to restrain property taxes on homeowners and businesses and

WHERE AS, LGA provides for basic services such as public safety, infrastructure and fire protection and

WHERE AS, the legislature and state agencies have imposed unfunded mandates upon local cities, including increased pension requirements, expensive wastewater infrastructure costs, among other mandates and

WHEREAS, and LGA increase would help the City of Tracy to maintain current staffing levels as well as keep our levy amount flat and

WHEREAS, no Omnibus Tax Bill was passed by the 2015 legislature, thus freezing the LGA appropriations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Tracy,

1. That the City of Tracy supports an increase in the base appropriation for Local Government Aid of \$45.5 million effective for aid payable in 2017 and urges adoption of this proposal by the House and Senate.
2. That a copy of this resolution be sent to the following: the legislators representing the City of Tracy, Speaker of the House Rep. Kurt Daudt, Senate Majority Leader Sen. Tom Bakk, House Tax Chair Rep. Greg Davids, Senate Tax Chair Sen. Rod Skow, and Governor Mark Dayton.

PASSED AND ADOPTED by the Tracy City Council this 8th day of February 2016.

Mayor

ATTEST:

City Administrator

Sample LGA Resolution for Greater MN Cities

City of _____

State of Minnesota

Resolution in Support of Increasing Local Government Aid in the 2016 Legislative Session

WHEREAS, Local Government Aid (LGA) is a critical need for our city and

WHEREAS, LGA provides funding to restrain property taxes on homeowners and businesses and

WHEREAS, LGA provides for basic services such as public safety, infrastructure and fire protection and

WHEREAS the legislature and state agencies have imposed unfunded mandates upon local cities, including increased pension requirements, expensive wastewater infrastructure costs, among other mandates and

WHEREAS an LGA increase would help the city of _____ do the following {INSERT LOCAL EXAMPLE OF IMPACT OF LGA INCREASE ON YOUR CITY e.g specific service or staffing needs, levy flat or decrease?}

WHEREAS, no Omnibus Tax Bill was passed by the 2015 legislature, thus freezing the LGA appropriation;

THEREFORE, BE IT RESOLVED that the City of _____ supports an increase in the base appropriation for Local Government Aid of \$45.5 million effective for aid payable in 2017 and urges adoption of this proposal by the House and Senate.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the following: the legislators representing the city of _____, Speaker of the House Rep. Kurt Daudt, Senate Majority Leader Sen. Tom Bakk, House Tax Chair Rep. Greg Davids, Senate Tax Chair Sen. Rod Skoe, and Governor Mark Dayton.

Adopted: _____

Attest: _____



Dedicated to a Strong Greater Minnesota

January 20, 2016

Mike Votca
City Administrator
336 Morgan Street
Tracy, MN 56175

Dear Mr. Votca,

Thanks for making sure that your city was represented at the meeting with legislators earlier this month about the upcoming legislative session and particularly Local Government Aid (LGA). The report from CGMC lobbyist Marty Seifert was that the meeting was a success. Your city's participation had a great impact on the discussion and was crucial in helping Rep. Hamilton, Rep. Schomacker and Sen. Weber understand the critical role that LGA plays in strengthening rural communities.

If your city has not already done so, we encourage you to follow-up on the meeting by passing a resolution in favor of increasing LGA by \$45.5 million. More than 40 CGMC and non-CGMC cities have already passed resolutions of support. A sample resolution is enclosed. Upon passage of the resolution, we ask that you send copies to your legislators, Gov. Mark Dayton, Senate Majority Leader Tom Bakk, Speaker of the House Kurt Daudt, Sen. Rod Skoe (Senate Tax Committee Chair), and Rep. Greg Davids (House Tax Committee Chair). Please also send a copy to CGMC lobbyist Bradley Peterson at bmpeterson@flaherty-hood.com so that we can keep track of all of the resolutions that are passed this year.

In addition, I am pleased to invite you and other leaders from your city to join the CGMC for our Legislative Action Day on Wednesday, March 16 in St. Paul. Legislative Action Day is a great opportunity to meet with your legislators to discuss issues that are important to Greater Minnesota cities. The daylong event culminates with a dinner with legislators and other city leaders at Mancini's Char House. To encourage more cities to get involved, the CGMC has agreed to waive the registration fee and meal costs for city officials from cities that are not current CGMC members. Please see the attached registration for information. I hope you will join us!

I look forward to working with you to help make Greater Minnesota even better. Please visit the CGMC's website at www.greatermncities.org for more information on our organization and its goals. If you have additional questions please contact me at r_broeder@msn.com or 507-665-3023.

Sincerely,

Robert Broeder, Mayor of Le Sueur
President, Coalition of Greater Minnesota Cities

Coalition of Greater Minnesota Cities

Legislative Action Day 2016

Wednesday, March 16

City _____

Name/Title: _____ Guest(s): _____

Name/Title: _____ Guest(s): _____

Name/Title: _____ Guest(s): _____

Name/Title: _____ Guest(s): _____

Please place the INITIALS of each person attending the session in the space provided below.

Agenda

- _____ 10:30 a.m. **Legislative Update & Message for Legislators**
Flaherty & Hood office
- _____ 12:00 p.m. **Lunch with Speakers (Senate Majority Leader Tom Bakk & House Speaker Kurt Daudt have been invited)**
Flaherty & Hood office
- _____ 1:00 p.m. **Lobby at Capitol Complex**
**Members are responsible for scheduling legislative appointments*
- _____ 5:30 p.m. **Legislative Reception**
Mancini's Char House
- _____ 6:30 p.m. **Dinner at Mancini's**

Venue Information

Flaherty & Hood, P.A.
525 Park Street, Suite 470
St. Paul, MN 55103

Mancini's Char House
531 West Seventh Street
St. Paul, MN 55102

Best Western PLUS Capitol Ridge (formerly the Kelly Inn)
161 St. Anthony Avenue
St. Paul, MN 55103
(651) 227-8711

**Rooms are blocked for the nights of March 15 and March 16 (\$139+tax). Block closes Feb. 15.*

Members are responsible for making their own hotel reservations.

Registration

\$65 per member attendee
\$26 per additional dinner guest

Total \$ _____

Bill me _____

Payment enclosed (make checks payable to CGMC) _____

_____ Initials of guests requiring vegetarian meals

To RSVP, please submit this form by March 2 via:

Email: RSVP@flaherty-hood.com

Mail: Coalition of Greater Minnesota Cities
c/o Dana Hogan
525 Park St., Suite 470
St. Paul, MN 55103

Fax: (651) 225-9088



Questions? Contact Julie Liew at jliew@flaherty-hood.com or (651) 259-1917.

Tracy Relief Association
1/4/2016
Regular Meeting

12C

President Vogl called to order the regular meeting of the Tracy Relief Association with Chief Johnson, Adam Connor, Adam Hansen, Carl Nyquist, Clay Carron and Kevin Nordsiden present

Reading of Minutes: Approved as read.

Treasures Report: 12-1-15 Beginning balance \$28,800.00. 12-17-2015 Check #726 for \$28,300.00 to David Engesser Retirement. 12-23-2015 Deposit of \$182.00 for Dues. 12-23-2015 Check #727 for \$182.00 for Dues. Ending balance of \$500.00. Approved as read.

Investments: Investments as of 1-4-2016, \$363,297.22 a loss of \$6,013.27

New Business: None

Membership: Application from Adam Bruder will continue to layover until there is an opening.

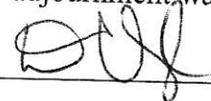
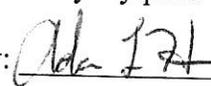
Retirements: None

Committee Report: None

Bills: None

Old Business: None

Motion for adjournment was made by Chief and 2nd by Nyquist. Voted and carried.

President:  Secretary: 

Balance Sheet

Description:

December 2016 Special Fund

Starting

Balance:

\$28,800.00

Date	Item Description	Received	Payment
12/17/2015	David Engesser Retirement #726		\$28,300.00
12/23/2015	Deposit - Dues	\$182.00	
12/23/2015	VFBA Dues #727		\$182.00

Receivable **\$182.00**

Payables **\$28,482.00**

Current Balance **\$500.00**

PLANNING AND ZONING COMMISSION

December 7, 2015

12D

The regular meeting of the Tracy Planning and Zoning Commission was called to order at 6:00 pm, Monday, December 7, 2015 in the Council Chambers of the Municipal Building. The following Commission members were present: R. Fredericks, R. Martin, S. Willhite and B. Chukuske. Absent was T. Peterson, T. Dobson and D. Johnson, Jr. Also present were M. Votca, City Administrator and S. Daniels, Building Inspector.

Motion by Martin, seconded by Chukuske to approve the minutes for October 5, 2015 with the correction of the date. All voted in favor of the motion.

Motion by Willhite, seconded by Martin to approve the agenda as revised. All voted in favor of the motion.

Votca stated that T. Peterson asked him to put the Planning Goals for 2016 on the agenda. They have discussed home occupations which were addressed with Ordinance 322 and the General Sign Provisions which was also addressed in Ordinance 322. The Planning Commission was planning on looking at gardening and undeveloped lots. Votca stated through discussions this one did not develop any further. Lot size regulations were discussed at one meeting but there was never enough time to keep pursuing that and that might be one they need to discuss more. There are lots around town that are small and maybe there is a way to use them. The Commission did make a recommendation but this was not followed with any ordinance. This is one they will need to keep working on. Martin questioned if they discussed at that time they would give variances. Votca stated there are variances available. Nielsen has been working on this. Chukuske stated they could not have a blanket variance but would entertain variances.

Votca said that Rural Residential Properties and that came up due to some zoning for businesses and dealt with the main issue and there are maybe some other issues with rural residents that they would want to address.

Regulation for fences was discussed. Martin stated they discussed something where they fences where they have to be set back. Chukuske stated there is an ordinance for fences at this time.

Votca stated that one of the things they discussed at the last meeting was something to effect of throughout this next year they want to look at zoning around the City of Tracy. There are a lot of properties right on the edge of the City that they should consider what is the use of those going to be. If it is a year from now or ten years from now, they have an idea of what they think those should be and there is discussion about industrial parks, housing developments and other types of things that are going to need to be done in the next ten years or less. They need to put their minds together on where they think those things will go so that can be zoned properly. Looking at current zoning are there areas that maybe should be adjusted or not. Martin asked that with the new water project going in how much does that free things up to expand the industrial park. Votca stated that is some of the things they should look at. Daniels stated the maximum is 20% oversizing. As far as funding the City cannot go any further.

Votca stated he took what the Commission had and took the guidance from the Council on what the priorities were and equipment has been purchased for Greentown Park and following the guidance of list. Votca stated that he got a grant for it and then there were donations from the different groups in town. That got us down to the budget for this year. Votca stated that maybe Central Park could be the next priority on the list. He said he would go through the budget and see what can be done each year. There is a good amount in the Park Fund at this time from the past. Votca said the cost of what has been purchased was \$19,000 and the grant took care of half of it. The City ended up spending \$5,000 of their dollars.

Votca stated the City of Tracy has entered into an agreement with Geronimo Energy to lease a portion of the industrial park for a community solar garden. This is zoned R-1 and a solar garden is not an acceptable use. Geronimo could go through the process of a conditional use permit for that land and rezoning is probably more appropriate idea. Where the solar site is going is adjacent to an I-2 already. The R-1 is for the western side of the zone. Votca is proposing they extend the line of the current I-1 to the airport I-2 and remain the western portion would remain an R-1. If this is rezoned that makes solar energy systems as a permitted use in that zone. Then whenever that solar farm is done it will be available again for industrial use.

Chukuske stated the job of the Planning/Zoning Commission is to make a motion and a second to recommend to the Council to rezone that regardless of what the Council decides to do with it. Motion by Martin, seconded by Willhite to rezone the area for the community solar garden to an I-2 and move it on to the Council for their consideration. All voted in favor of the motion.

Chukuske asked that Votca ask Dale Johnson, Jr. and the Council that if Johnson is not able to make it to the meetings that is fine, but a Council member is needed to attend the meetings. Votca stated that he would talk to Johnson, Jr and the Council.

Motion by Fredericks, seconded by Martin to adjourn the meeting at 6:15 pm. All voted in favor of the motion.

ATTEST:

City Administrator