

MILACA CITY COUNCIL AGENDA
APRIL 19, 2012

6:30

Call meeting to order
Roll Call

Consent Agenda

Minutes of March 15 regular meeting
Bills for payment
Change June meeting date
Resolution No. 12 – 15 Assessing unpaid water and sewer bills
Resolution No. 12 – 16 Assessing unpaid fire service charge
Appoint Tammy Frank to parks commission for a term to end Dec 31, 2013
Appoint Pam Novak to parks commission for a term to end Dec 31, 2014
and to planning commission for a term to end Dec 31, 2014
City Treasurer's report

Citizens Forum

Bernie Grande –Anoka County Winter Knights Snowmobile club – grant award
Stacey Wiedewitsch – Farmer's market

Public Hearing

Requests and Communications

2011 audit report – KDV
Letter from Mille Lacs County – RE: Central Avenue project
Lakes and Pines SCDP update
Letter from Initiative Foundation

Ordinances and Resolutions

Ordinance No. 393 Park rules (first reading)
Resolution No. 12 – 17 Street reconstruction
Resolution No. 12 – 18 Interim use permit application

Reports of Boards and Commissions

Planning commission
Economic Development commission
Airport commission
Parks commission
Trails
Downtown Initiative

Unfinished Business

Bridge and dam removal specifications
North Ambulance

New Business

Application for festival week
Liability waiver
Changes to the zoning map
Letter from Milaca and Borgholm Townships
FD Relief Association bylaws

Council Comments

Adjourn

This agenda and attachments are available on the city's website, www.cityofmilaca.org

MILACA CITY COUNCIL MINUTES
MARCH 15, 2012 MEETING

The regular meeting of the Milaca City Council was called to order at 6:30 p.m. by Mayor Harold Pedersen. Upon roll call the following Council members were present: Dillan, Johnson, Muller, and Bekius.

Staff present: Lerud, Toven, and Schieffer

Others present: Don Stob

Motion by Johnson, second by Muller to approve the consent agenda:

1. Minutes of the February 16 regular council meeting
2. General bills, 812032E-812037E, #38316-38321, #38382-38389, #38392-38445, totaling \$113,856.79; Liquor bills, 912005E-912009E, #22078-22095, #22130-22143, totaling \$138,460.49.
3. Approve the Sanitary Sewer Maintenance policy, and the Emergency Response Policy to Water and Sewer Emergencies.
4. RESOLUTION NO. 12 – 12 ASSESSING COST TO REMOVE DEAD TREES (entire text appears in Resolution book.)
5. RESOLUTION NO. 12 – 13 RESOLUTION REESTABLISHING PRECINCTS AND POLLING PLACES (entire text appears in Resolution book.)
6. RESOLUTION NO. 12 – 14 A RESOLUTION ASSESSING UNPAID FIRE DEPARTMENT CHARGES FOR SERVICE (entire text appears in Resolution book.)
7. Approve City Treasurer's report.

Mayor Pedersen opened citizen's forum and invited anyone to speak to an item not on the agenda.

Don Stob said that Roger Mathison, who had umpired in Rec Park for 28 years passed away last December. He said during all those years between May thru August, four nights a week games, he missed only three nights, and he was pivotal in getting the Church softball league where it is today. Stob said the he, the Church League, and the Mathison family would like to create a memorial located behind the backstop on the west field. He said the Church league and family would pay for the cost, and that he was just looking for the Council's permission to construct a small memorial. He presented picture of what he would like to do. After a brief discussion the council recommended that they consider going with a stone rather than the brick so it was consistent with other park features, but the council thought it was an excellent idea.

Motion by Muller, second by Bekius to allow the installation of the memorial, unanimous consent.

On behalf of the Mathison family and the softball league, Stob thanked the City Council and the parks commission.

No one else came forward.

Council member Bekius said there was no planning commission meeting.

Lerud said the minutes of the February economic development commission were included in the agenda, and the commission meets tomorrow morning.

Council member Muller said the airport commission did not meet.

Mayor Pedersen said the parks commission discussed alcohol in the park, as well as a sign for disc golf/trails/park rules.

Council member Dillan said the downtown group met last week and the benches will be done by local contractors with a June 1 completion date.

City attorney Schieffer presented some ideas regulating alcohol and behavior in the park. He suggested the council may, in addition to permitting alcohol under certain circumstances, want to also consider a comprehensive ordinance that would regulate a broad scope of conduct that the police could enforce. There was a discussion about tying alcohol usage to park reservations. Schieffer asked the council to look over the information he presented and then let him know what they would like to see and he would put it draft ordinance form. Pedersen said he would like the parks commission to look at it as well, and asked that all comments be sent to Lerud by next Friday and he would forward them to the attorney for inclusion in the ordinance.

Motion by Johnson, second by Dillan to approve the agreement with Mille Lacs County for the CSAH 36 rehabilitation project, unanimous consent.

Mayor Pedersen said he would entertain a motion to enter into closed session regarding pending legal action against R & R Land Company, Inc., et al., and T & M Properties of Central Minnesota, Inc., et al.

Motion by Dillan, second by Johnson to enter into closed session to discuss the above-referenced matter, unanimous consent.

The meeting entered closed session at 7:20 p.m.

The meeting reopened at 7:45 p.m.

Mayor Pedersen called for Council comments.

Council member Muller said that the airport road, 110th Avenue may be paved up to the airport entrance, and the State will assist with 80 percent of any cost for on airport paving, but there is a section of road off of 110th Avenue that is not included because it is not airport property. He said he just wanted the council to be aware of the potential, and the city may want to consider paving the short section off of 110th Avenue.

Mayor Pedersen invited those present to the Rum River Community Foundation's meeting on March 31 at the golf course. He said the Foundation will be making its first awards and talking about fundraising goals for 2012.

With no other business a motion to adjourn was made by Johnson, second by Muller, all voted in favor and the meeting adjourned at 7:55 p.m.

Mayor Harold Pedersen

ATTEST

Greg Lerud, City Manager

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MARCH 2012

			Check Amt	Invoice	Comment
10100 General Bank					
Paid Chk#	812062E	3/21/2012	CENTERPOINT ENERGY		
E 208-49010-381	Utilities		\$236.54	5813915	NATURAL GAS-SR CENTER
E 101-45600-381	Utilities		\$196.15	5817670	NATURAL GAS-HISTORICAL SOCIETY
E 101-43000-381	Utilities		\$1,029.51	5826633	NATURAL GAS-PW
E 101-41940-381	Utilities		\$215.59	5831068	NATURAL GAS-CITY HALL
E 101-42280-381	Utilities		\$216.98	6122593	NATURAL GAS-FIRE
E 602-49400-381	Utilities		\$258.47	6672186	NATURAL GAS-WATER TRMT
E 101-45500-381	Utilities		\$441.79	7142283	NATURAL GAS-LIBRARY
	Total CENTERPOINT ENERGY		\$2,595.03		
Paid Chk#	812063E	3/7/2012	EAST CENTRAL ENERGY		
E 603-49450-381	Utilities		\$43.00	201875902	ELECTRIC
E 603-49450-381	Utilities		\$76.46	203981301	ELECTRIC
E 101-43000-380	Street Lights		\$2,696.24	204619700	ELECTRIC
E 101-45200-381	Utilities		\$26.72	205400900	ELECTRIC
E 602-49400-381	Utilities		\$1,226.72	206041500	ELECTRIC
E 101-45500-381	Utilities		\$648.38	206085200	ELECTRIC
E 602-49400-381	Utilities		\$875.61	206734200	ELECTRIC
E 101-45200-381	Utilities		\$26.72	5379600	ELECTRIC
E 101-49810-381	Utilities		\$204.59	5448100	ELECTRIC
E 101-42110-437	Other Miscellaneous		\$59.23	6302100	ELECTRIC
E 603-49450-381	Utilities		\$79.17	6678100	ELECTRIC
E 101-42280-381	Utilities		\$791.55	6751501	ELECTRIC
E 101-42280-381	Utilities		\$663.18	7546001	ELECTRIC
E 101-41940-381	Utilities		\$993.07	8145502	ELECTRIC
E 101-49810-381	Utilities		\$64.26	830700	ELECTRIC
E 101-49810-381	Utilities		\$63.88	831000	ELECTRIC
E 101-43000-380	Street Lights		\$252.63	831300	ELECTRIC
E 101-43000-381	Utilities		\$692.87	831500	ELECTRIC
E 603-49450-381	Utilities		\$701.16	832000	ELECTRIC
E 602-49400-381	Utilities		\$279.95	832100	ELECTRIC
E 101-45600-381	Utilities		\$181.48	832400	ELECTRIC
E 603-49450-381	Utilities		\$78.84	832500	ELECTRIC
E 603-49450-381	Utilities		\$116.45	832600	ELECTRIC
E 602-49400-381	Utilities		\$590.69	833100	ELECTRIC
E 602-49400-381	Utilities		\$157.23	833300	ELECTRIC
E 101-45200-381	Utilities		\$26.72	833400	ELECTRIC
E 101-45200-381	Utilities		\$26.72	833600	ELECTRIC
E 208-49010-381	Utilities		\$179.10	9084202	ELECTRIC
E 602-49400-381	Utilities		\$283.98	970110800	ELECTRIC
E 101-42110-437	Other Miscellaneous		\$29.24	97017300	ELECTRIC
	Total EAST CENTRAL ENERGY		\$12,135.84		
Paid Chk#	812064E	3/15/2012	MILACA LOCAL LINK		
E 619-49900-321	Telephone		\$96.31	320-982-1099	PHONE SERVICE-DEP REG
E 101-45500-321	Telephone		\$39.10	320-982-1549	ALARM LINE - LIBRARY
E 101-42280-321	Telephone		\$87.41	320-982-3465	PHONE SERVICE-FIRE
	Total MILACA LOCAL LINK		\$222.82		
Paid Chk#	812065E	3/16/2012	UNION SECURITY INSURANCE CO.		
G 101-21707	Disability		\$340.02	4022335-0-1	LTD-MARCH
	Total UNION SECURITY INSURANCE CO.		\$340.02		
Paid Chk#	812066E	3/31/2012	INCONTACT INC		
E 101-42280-321	Telephone		\$9.11	4020342	LONG DISTANCE SERVICE-FIRE
E 101-41940-321	Telephone		\$34.57	4020370	LONG DISTANCE SERVICE-CITY HALL
E 101-43000-321	Telephone		\$17.61	4020375	LONG DISTANCE SERVICE-PW

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MARCH 2012

		Check Amt	Invoice	Comment
E 101-42110-321	Telephone	\$49.34	4021370	LONG DISTANCE SERVICE-PD
E 619-49900-321	Telephone	\$8.44	4021396	LONG DISTANCE SERVICE-DEP REG
E 602-49400-321	Telephone	\$0.77	4021432	LONG DISTANCE SERVICE-WATER
E 101-45200-321	Telephone	\$12.37	4580547	LONG DISTANCE SERVICE-PARKS
Total INCONTACT INC		\$132.21		
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Paid Chk# 812067E	3/6/2012	ENDICIA ACCOUNTING		
E 619-49900-322	Postage	\$250.00		POSTAGE FOR METER
E 101-41940-322	Postage	\$250.00		POSTAGE FOR METER
Total ENDICIA ACCOUNTING		\$500.00		
10100 General Bank		\$15,925.92		

Fund Summary

10100 General Bank	
101 GENERAL FUND	\$10,387.03
208 CHARITABLE GAMBLING FUND	\$415.64
602 WATER FUND	\$3,673.42
603 SEWER FUND	\$1,095.08
619 DEPUTY REGISTRAR FUND	\$354.75
	\$15,925.92

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APRIL 2012

		Check Amt	Invoice	Comment
10100 General Bank				
Paid Chk#	038460	4/16/2012	FRONTIER	
E 602-49400-321	Telephone	\$1.92	320-983-0121	PHONE SVC-WATER
E 101-49810-321	Telephone	\$49.57	320-983-2648	PHONE SVC-AIRPORT
E 101-41940-321	Telephone	\$188.25	320-983-3141	PHONE SVC-CITY HALL
E 101-45500-321	Telephone	\$16.20	320-983-3141	PHONE SVC-LIBRARY
E 101-41940-321	Telephone	\$48.41	320-983-3142	PHONE SVC-CITY HALL
E 619-49900-321	Telephone	\$90.44	320-983-3143	PHONE SVC-DEP REG
E 101-42280-321	Telephone	\$48.43	320-983-3465	PHONE SVC-FIRE
E 101-45200-321	Telephone	\$44.17	320-983-5729	PHONE SVC-PARKS
E 602-49400-321	Telephone	\$144.31	320-983-6134	PHONE SVC-WATER
E 101-42110-321	Telephone	\$94.81	320-983-6166	PHONE SVC-POLICE
E 101-43000-321	Telephone	\$102.06	320-983-6547	PHONE SVC-PW
Total FRONTIER		\$828.57		
Paid Chk#	038461	4/16/2012	SPRINT PCS	
E 101-42280-321	Telephone	\$45.01	613620816	APRIL CELL SERVICE
Total SPRINT PCS		\$45.01		
Paid Chk#	038462	4/19/2012	ALL STATE COMMUNICATIONS	
E 101-41940-309	EDP, Software and Design	\$800.00	60085-2	MARCH NETWORK
E 101-41510-240	Small Tools and Minor Equip	\$750.00	60085-3	COMPUTER-TREASURER
Total ALL STATE COMMUNICATIONS		\$1,550.00		
Paid Chk#	038463	4/19/2012	AMERICAN SOLUTIONS FR BUSINESS	
E 603-49450-201	Accessories (paper, pens, etc)	\$283.63	1070982	UTILITY BILLS
E 602-49400-201	Accessories (paper, pens, etc)	\$283.63	1070982	UTILITY BILLS
otal AMERICAN SOLUTIONS FR BUSINESS		\$567.26		
Paid Chk#	038464	4/19/2012	AMERIPRIDE	
E 101-45500-310	Other Professional Services	\$26.16	2200222641	RUGS-LIBRARY
E 619-49900-310	Other Professional Services	\$17.53	2200222642	RUGS-DEP REG
E 101-41940-310	Other Professional Services	\$8.02	2200222642	RUGS-CITY HALL
E 101-45500-310	Other Professional Services	\$26.16	2200227737	RUGS-LIBRARY
E 619-49900-310	Other Professional Services	\$17.53	2200227738	RUGS-DEP REG
E 101-41940-310	Other Professional Services	\$8.02	2200227738	RUGS-CITY HALL
Total AMERIPRIDE		\$103.42		
Paid Chk#	038465	4/19/2012	AUTO BODY TECHNICIANS	
E 101-49810-221	Equipment Parts/Repairs	\$46.43	12829	PARTS-AIRPORT
Total AUTO BODY TECHNICIANS		\$46.43		
Paid Chk#	038466	4/19/2012	BERTELSON TOTAL OFFICE SOLUTN	
E 602-49400-201	Accessories (paper, pens, etc)	\$37.40	WO-761310-1	PRINTER TONER-WATER
E 603-49450-201	Accessories (paper, pens, etc)	\$37.40	WO-761310-1	PRINTER TONER-SEWER
E 101-41940-201	Accessories (paper, pens, etc)	\$10.14	WO-761310-1	TAPE-CITY HALL
E 101-41310-201	Accessories (paper, pens, etc)	\$74.80	WO-761310-1	PRINTER TONER-CITY MGR
E 101-45500-217	Other Operating Supplies	\$42.74	WO-762278-1	TOILET PAPER-LIBRARY
E 101-42110-201	Accessories (paper, pens, etc)	\$132.72	WO-762278-1	SUPPLIES-POLICE
E 101-41310-201	Accessories (paper, pens, etc)	\$135.39	WO-764371-1	PRINTER TONER-CITY MGR
E 101-41310-201	Accessories (paper, pens, etc)	\$74.80	WO-764371-2	PRINTER TONER-CITY MGR
Total BERTELSON TOTAL OFFICE SOLUTN		\$545.39		
Paid Chk#	038467	4/19/2012	BILLINGS SERVICE	
E 101-42280-212	Auto Expense (Fuel/Repair)	\$160.75		GAS-FIRE
E 101-43000-212	Auto Expense (Fuel/Repair)	\$1,151.55		GAS-PW
E 101-45200-212	Auto Expense (Fuel/Repair)	\$90.09		GAS-PARKS

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APRIL 2012

		Check Amt	Invoice	Comment
Total BILLINGS SERVICE		\$1,402.39		
Paid Chk#	038468	4/19/2012	CORNER MART	
E 101-42110-212	Auto Expense (Fuel/Repair)	\$1,466.02		GAS-POLICE
E 700-50000-212	Auto Expense (Fuel/Repair)	\$107.00		GAS-JP
E 603-49450-212	Auto Expense (Fuel/Repair)	\$239.04		GAS-SEWER
E 101-45200-212	Auto Expense (Fuel/Repair)	\$300.25		GAS-PARKS
E 101-43000-212	Auto Expense (Fuel/Repair)	\$472.98		GAS-PW
Total CORNER MART		\$2,585.29		
Paid Chk#	038469	4/19/2012	DANS AUTO BODY	
E 101-45200-221	Equipment Parts/Repairs	\$25.60		MOWER PARTS-PARKS
Total DANS AUTO BODY		\$25.60		
Paid Chk#	038470	4/19/2012	DIAMOND VOGEL PAINTS	
E 101-43000-217	Other Operating Supplies	\$114.12	813108062	SUPPLIES-PW
Total DIAMOND VOGEL PAINTS		\$114.12		
Paid Chk#	038471	4/19/2012	DOVE FRETLAND & VAN VALKENBURG	
E 101-41610-304	Legal Fees	\$875.00	61661	CIVIL RETAINER-MARCH
E 101-41610-304	Legal Fees	\$3,155.60	61662	CRIMINAL RETAINER-MARCH
E 202-46400-444	Boulder Ridge	\$172.35	61678	BOULDER RIDGE BOND
E 203-46400-447	Ringham 1st Addn	\$273.60	61679	FIELDSTONE GREEN BOND FORFEITURE
Total DOVE FRETLAND & VAN VALKENBURG		\$4,476.55		
Paid Chk#	038472	4/19/2012	E.C.M. PUBLISHERS, INC.	
E 211-49000-343	Other Advertising	\$15.50	246134	FARMERS MKT AD-HCP
E 211-49000-343	Other Advertising	\$15.50	246437	FARMERS MKT AD-HCP
Total E.C.M. PUBLISHERS, INC.		\$31.00		
Paid Chk#	038473	4/19/2012	EGGENS BULK SERVICE	
E 101-43000-215	Shop Supplies	\$22.63	105695	SHOP SUPPLIES-PW
E 101-42280-217	Other Operating Supplies	\$16.00	5642	PROPANE-FIRE
Total EGGENS BULK SERVICE		\$38.63		
Paid Chk#	038474	4/19/2012	FAIRVIEW HEALTH SERVICES	
E 101-42280-305	Medical and Dental Fees	\$45.00	FVCL7500160	PHYSICAL-FIRE DEPT
Total FAIRVIEW HEALTH SERVICES		\$45.00		
Paid Chk#	038475	4/19/2012	FIRST LAB	
E 101-43000-305	Medical and Dental Fees	\$39.95	508448	DRUG SCREEN
Total FIRST LAB		\$39.95		
Paid Chk#	038476	4/19/2012	FRANSEN DECORATING	
E 101-45200-401	Repairs/Maint Buildings	\$50.25	33496	TRIMBLE SIGN REPAIR
Total FRANSEN DECORATING		\$50.25		
Paid Chk#	038477	4/19/2012	GERADS, JESSE	
E 101-42280-208	Training and Travel	\$404.50		STATE FIRE SCHOOL-3/31-4/1
Total GERADS, JESSE		\$404.50		
Paid Chk#	038478	4/19/2012	GOPHER STATE ONE CALL	
E 602-49400-310	Other Professional Services	\$17.40	36506	MARCH LOCATES
Total GOPHER STATE ONE CALL		\$17.40		
Paid Chk#	038479	4/19/2012	GOVT TRAINING SERVICE	
E 101-41310-208	Training and Travel	\$225.00	107893242552	G LERUD-MN CITY MGRS CONF 5/2-4
Total GOVT TRAINING SERVICE		\$225.00		

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APRIL 2012

			Check Amt	Invoice	Comment
Paid Chk# 038480	4/19/2012	GRAINGER			
E 602-49400-217		Other Operating Supplies	\$128.94	9772543576	FAN MOTOR-WATER
E 602-49400-217		Other Operating Supplies	\$314.85	9795939603	LIGHTS-WATER TOWER
		Total GRAINGER	\$443.79		
Paid Chk# 038481	4/19/2012	GRAND VIEW LODGE			
E 101-41310-208		Training and Travel	\$388.42		GREG LERUD-MN CCMA CONF 5/2-4
		Total GRAND VIEW LODGE	\$388.42		
Paid Chk# 038482	4/19/2012	GRANITE ELECTRONICS			
E 101-42280-226		Radio Repair	\$37.95	243118	PAGER REPAIR
		Total GRANITE ELECTRONICS	\$37.95		
Paid Chk# 038483	4/19/2012	HARDY AUTO PARTS			
E 101-43000-221		Equipment Parts/Repairs	\$146.41	86703	06 DODGE PU PARTS-PW
		Total HARDY AUTO PARTS	\$146.41		
Paid Chk# 038484	4/19/2012	HARTMAN, PAMELA			
E 619-49900-201		Accessories (paper, pens, etc)	\$5.25		REIMB HEADPHONES
		Total HARTMAN, PAMELA	\$5.25		
Paid Chk# 038485	4/19/2012	HD SUPPLY WATERWORKS, LTD			
E 602-49400-218		Parts - Water Dept.	\$988.88	4408590	WATER PARTS
E 602-49400-218		Parts - Water Dept.	\$71.61	4420430	WATER PARTS
E 602-49400-218		Parts - Water Dept.	\$2,146.18	4420641	WATER PARTS
		Total HD SUPPLY WATERWORKS, LTD	\$3,206.67		
Paid Chk# 038486	4/19/2012	INITIATIVE FOUNDATION			
E 101-49200-450		Unallocated	\$450.00		RCCF ENDOWMENT-H PEDERSEN
		Total INITIATIVE FOUNDATION	\$450.00		
Paid Chk# 038487	4/19/2012	KATKE, DELORIS			
E 101-41940-201		Accessories (paper, pens, etc)	\$27.84		POSTAGE LABELS-REIMBURSE
		Total KATKE, DELORIS	\$27.84		
Paid Chk# 038488	4/19/2012	KDV TECHNOLOGY AND CONSULTING			
E 101-41940-309		EDP, Software and Design	\$52.50	11496	MARCH EMAIL FILTERING
		Total KDV TECHNOLOGY AND CONSULTING	\$52.50		
Paid Chk# 038489	4/19/2012	KIRVIDA FIRE INC			
E 101-42280-221		Equipment Parts/Repairs	\$356.19	2590	PUMP TEST & REPAIR - ENGINE #1
E 101-42280-221		Equipment Parts/Repairs	\$356.19	2591	PUMP TEST & REPAIR - ENGINE #2
E 101-42280-221		Equipment Parts/Repairs	\$302.02	2592	PUMP TEST & REPAIR - TANKER #2
		Total KIRVIDA FIRE INC	\$1,014.40		
Paid Chk# 038490	4/19/2012	KNIFE RIVER CORP. - NORTH CENT			
E 101-43000-403		Repairs/Maint Streets	\$310.76	248431	CLASS 5 AGGREGATE
		Total KNIFE RIVER CORP. - NORTH CENT	\$310.76		
Paid Chk# 038491	4/19/2012	KOCHS HARDWARE HANK			
E 101-41940-217		Other Operating Supplies	\$7.43		SUPPLIES-CITY
E 101-42280-217		Other Operating Supplies	\$31.80		SUPPLIES-FIRE
E 619-49900-217		Other Operating Supplies	\$14.95		SUPPLIES-DEP REG
E 602-49400-217		Other Operating Supplies	\$69.98		SUPPLIES-WATER
E 101-43000-215		Shop Supplies	\$30.40		SHOP SUPPLIES-PW
E 101-45200-437		Other Miscellaneous	\$16.85		BASKETBALL COURT-PARKS
E 101-45200-437		Other Miscellaneous	\$89.71		SUPPLIES-PARKS
E 101-45200-401		Repairs/Maint Buildings	\$84.96		TRIMBLE SIGN REPAIR
E 101-45200-215		Shop Supplies	\$200.97		SHOP SUPPLIES-PARKS

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APRIL 2012

			Check Amt	Invoice	Comment
E 101-49810-217	Other Operating Supplies		\$29.90		SUPPLIES-AIRPORT
Total KOCHS HARDWARE HANK			\$576.95		
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Paid Chk# 038492	4/19/2012	LAKESIDE UPHOLSTERY			
E 101-43000-217	Other Operating Supplies		\$50.00	331	SUMMER BANNER REPAIR
Total LAKESIDE UPHOLSTERY			\$50.00		
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Paid Chk# 038493	4/19/2012	LEAGUE OF MN CITIES INSUR TRST			
E 700-50000-363	Automotive Ins		\$386.00	39673	JOINT POWERS
E 700-50000-361	Liability/Property		\$1,034.00	39673	JOINT POWERS
Total LEAGUE OF MN CITIES INSUR TRST			\$1,420.00		
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Paid Chk# 038494	4/19/2012	LERUD, GREGORY			
E 101-49910-208	Training and Travel		\$87.07		MILEAGE-12/21-3/2-OGILVIE
E 101-41310-208	Training and Travel		\$49.98		CITY MGR TRAVEL-3/8-23
E 101-42280-208	Training and Travel		\$36.30		FD TRAINING/TRAVEL-1/26-2/8
E 101-43000-208	Training and Travel		\$20.00		PW TRAINING-3/1
Total LERUD, GREGORY			\$193.35		
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Paid Chk# 038495	4/19/2012	LIND, MARSHALL			
E 101-41310-208	Training and Travel		\$30.00		REIMB EDAM MEMBERSHIP
Total LIND, MARSHALL			\$30.00		
<hr/>					
Paid Chk# 038496	4/19/2012	MACQUEEN EQUIPMENT			
E 101-43000-221	Equipment Parts/Repairs		\$62.55	2121873	PARTS-PW
Total MACQUEEN EQUIPMENT			\$62.55		
<hr/>					
Paid Chk# 038497	4/19/2012	MEYERS MILACA PARTS CITY			
E 101-45200-215	Shop Supplies		\$34.22	2071	SHOP SUPPLIES-PARKS
E 101-45200-401	Repairs/Maint Buildings		\$303.38	2071	TRIMBLE SIGN REPAIR
E 101-45200-221	Equipment Parts/Repairs		\$45.29	2071	MOWER PARTS-PARKS
E 101-45200-221	Equipment Parts/Repairs		\$137.02	2071	PARTS-PARKS
Total MEYERS MILACA PARTS CITY			\$519.91		
<hr/>					
Paid Chk# 038498	4/19/2012	MILACA AUTO VALUE			
E 602-49400-221	Equipment Parts/Repairs		\$3.62	1302823	PARTS-WATER
E 101-45200-401	Repairs/Maint Buildings		\$25.19	1302823	TRIMBLE SIGN REPAIR
E 101-43000-221	Equipment Parts/Repairs		\$88.71	1302823	PARTS-PW
E 101-45200-221	Equipment Parts/Repairs		\$36.77	1302823	PARTS-PARKS
Total MILACA AUTO VALUE			\$154.29		
<hr/>					
Paid Chk# 038499	4/19/2012	MILACA LAWN & GARDEN			
E 101-43000-221	Equipment Parts/Repairs		\$9.62	372562	PARTS-PW
E 602-49400-221	Equipment Parts/Repairs		\$4.81	377420	PARTS-WATER
E 101-49810-221	Equipment Parts/Repairs		\$4.81	377420	PARTS-AIRPORT
Total MILACA LAWN & GARDEN			\$19.24		
<hr/>					
Paid Chk# 038500	4/19/2012	MILLE LACS CO. AUDITOR			
E 101-49200-450	Unallocated		\$20.00		2012 SOLID WASTE FEE
E 200-46500-437	Other Miscellaneous		\$7,584.00		HWY 169 PHASE 2 IND PARK
E 200-46500-437	Other Miscellaneous		\$1,330.00		HWY 169 IND PARK
Total MILLE LACS CO. AUDITOR			\$8,934.00		
<hr/>					
Paid Chk# 038501	4/19/2012	MILLER, PATTI			
E 101-49910-208	Training and Travel		\$106.08		MARCH 12 OGILVIE MILEAGE
Total MILLER, PATTI			\$106.08		
<hr/>					
Paid Chk# 038502	4/19/2012	MINNESOTA BLUEGRASS			
E 101-45700-343	Other Advertising		\$109.37	3402	ADVERTISING-REC FEST

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		Check Amt	Invoice	Comment
Total MINNESOTA BLUEGRASS		\$109.37		
Paid Chk#	038503	4/19/2012	MN COPY SYSTEMS, INC.	
E 101-41940-310	Other Professional Services	\$154.69	87206	COPIER MAINTENANCE-CITY
E 619-49900-310	Other Professional Services	\$103.02	87206	COPIER MAINTENANCE-DEP REG
Total MN COPY SYSTEMS, INC.		\$257.71		
Paid Chk#	038504	4/19/2012	MN DEPT OF HEALTH (2)	
E 101-45700-437	Other Miscellaneous	\$400.00		REC FEST PLAN REVIEW
Total MN DEPT OF HEALTH (2)		\$400.00		
Paid Chk#	038505	4/19/2012	MN DEPT OF LABOR & INDUSTRY	
E 101-45200-437	Other Miscellaneous	\$45.00	2C026717	G MOYER BOILER LICENSE
Total MN DEPT OF LABOR & INDUSTRY		\$45.00		
Paid Chk#	038506	4/19/2012	MN FIRE SERVICE CERTIFICATION	
E 101-42280-433	Dues and Subscriptions	\$20.00		C WEDELL RECERTIFICATION
E 101-42280-433	Dues and Subscriptions	\$20.00		T KOENIG RECERTIFICATION
E 101-42280-433	Dues and Subscriptions	\$20.00		M NELSON RECERTIFICATION
E 101-42280-433	Dues and Subscriptions	\$20.00		JAMES GERADS RECERTIFICATION
Total MN FIRE SERVICE CERTIFICATION		\$80.00		
Paid Chk#	038507	4/19/2012	MN PCA	
E 603-49450-433	Dues and Subscriptions	\$1,450.00	4400096205	ANNUAL PERMIT FEE
E 602-49400-433	Dues and Subscriptions	\$1,230.00	4400097655	ANNUAL PERMIT FEE
Total MN PCA		\$2,680.00		
Paid Chk#	038508	4/19/2012	MN RURAL WATER ASSOC	
E 603-49450-310	Other Professional Services	\$200.00		SEWER TELEVISIONING-SAUER/DAHLSTROM
Total MN RURAL WATER ASSOC		\$200.00		
Paid Chk#	038509	4/19/2012	MN VALLEY TESTING LABS	
E 602-49400-310	Other Professional Services	\$73.00	595950	TESTING
E 602-49400-310	Other Professional Services	\$56.00	598246	TESTING
Total MN VALLEY TESTING LABS		\$129.00		
Paid Chk#	038510	4/19/2012	MTI DISTRIBUTING	
E 101-45200-221	Equipment Parts/Repairs	\$44.02	829010	TORO MOWER PARTS-PARKS
Total MTI DISTRIBUTING		\$44.02		
Paid Chk#	038511	4/19/2012	P.O.S.T. BOARD	
E 101-42110-437	Other Miscellaneous	\$90.00	14487	POST LICENSE-QUAINTANCE
E 101-42110-437	Other Miscellaneous	\$90.00	15793	POST LICENSE-WALDAHL
E 101-42110-437	Other Miscellaneous	\$90.00	18130	POST LICENSE-SHAW
Total P.O.S.T. BOARD		\$270.00		
Paid Chk#	038512	4/19/2012	PRO HYDRO-TESTING LLC	
E 101-42280-310	Other Professional Services	\$560.00	9173	HYDRO TEST SCBA
Total PRO HYDRO-TESTING LLC		\$560.00		
Paid Chk#	038513	4/19/2012	QUAINTANCE, TODD	
E 101-42110-201	Accessories (paper, pens, etc)	\$684.20		REIMB EVIDENCE SUPPLIES
E 101-42110-208	Training and Travel	\$84.99		REIMB MSCIC TRAINING-1/30-31
Total QUAINTANCE, TODD		\$769.19		
Paid Chk#	038514	4/19/2012	SCHRAMM, JENNIFER D.	
E 101-41940-217	Other Operating Supplies	\$14.36		SUPPLIES-CITY
E 101-45500-217	Other Operating Supplies	\$19.71		SUPPLIES-LIBRARY

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			Check Amt	Invoice	Comment
Total SCHRAMM, JENNIFER D.			\$34.07		
Paid Chk#	038515	4/19/2012	STANTEC		
E 101-43000-310	Other Professional Services		\$156.00	576521	CITY MAPPING SYSTEM
E 500-45200-303	Engineering Fees		\$8,266.10	576525	DAM REMOVAL PROJECT
Total STANTEC			\$8,422.10		
Paid Chk#	038516	4/19/2012	TOTAL CONTROL SYSTEMS, INC.		
E 603-49450-310	Other Professional Services		\$2,481.10	6015	MAIN LIFT STATION IMPROVEMENTS
Total TOTAL CONTROL SYSTEMS, INC.			\$2,481.10		
Paid Chk#	038517	4/19/2012	U.S. POSTMASTER		
E 602-49400-322	Postage		\$95.00		BULK MAIL FEE
E 603-49450-322	Postage		\$95.00		BULK MAIL FEE
Total U.S. POSTMASTER			\$190.00		
Paid Chk#	038518	4/19/2012	WELLER, GREGG		
E 101-42280-208	Training and Travel		\$35.45		ONAMIA/OGILVIE MEETINGS
Total WELLER, GREGG			\$35.45		
Paid Chk#	038519	4/19/2012	ZARNOTH BRUSH WORKS, INC		
E 101-43000-221	Equipment Parts/Repairs		\$1,115.78	137785	SWEEPER PARTS-PW
Total ZARNOTH BRUSH WORKS, INC			\$1,115.78		
10100 General Bank			\$49,114.91		

Fund Summary

10100 General Bank	
101 GENERAL FUND	\$19,228.44
200 ECONOMIC DEV. FUND	\$8,914.00
202 BOULDER RIDGE	\$172.35
203 RINGHAM 1ST-FIELDSTONE	\$273.60
211 INITIATIVE FOUNDATION	\$31.00
500 CAPITAL PROJECT FUND	\$8,266.10
602 WATER FUND	\$5,667.53
603 SEWER FUND	\$4,786.17
619 DEPUTY REGISTRAR FUND	\$248.72
700 BRAHAM-MILACA JOINT POWERS	\$1,527.00
	\$49,114.91

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		Check Amt	Invoice	Comment
10100 General Bank				
Paid Chk#	038390	3/6/2012	JIMS MILLE LACS DISPOSAL	
E 101-45200-384	Refuse/Garbage Disposal	\$26.84	211948	GARBAGE-PARKS
E 101-43000-384	Refuse/Garbage Disposal	\$47.72	211948	GARBAGE-CITY
E 101-42280-384	Refuse/Garbage Disposal	\$25.00	211948	GARBAGE-FIRE
Total JIMS MILLE LACS DISPOSAL		\$99.56		
Paid Chk#	038391	3/6/2012	MILACA BLDG CENTER	
E 619-49900-217	Other Operating Supplies	\$8.45		SUPPLIES-DEP REG
E 101-43000-215	Shop Supplies	\$76.75		SHOP SUPPLIES-PW
E 101-45200-215	Shop Supplies	\$24.49		SHOP SUPPLIES-PARKS
Total MILACA BLDG CENTER		\$109.69		
Paid Chk#	038446	3/27/2012	BLUE CROSS BLUE SHIELD OF MINN	
G 101-21706	Medical Insur.	\$11,111.00	7S034-M0 4	MEDICAL INSUR-APRIL 2012
Total BLUE CROSS BLUE SHIELD OF MINN		\$11,111.00		
Paid Chk#	038447	3/27/2012	ECONOMIC DEVELOPMENT ASSOC MN	
E 101-41310-208	Training and Travel	\$250.00		MEMBERSHIP-M LIND
Total ECONOMIC DEVELOPMENT ASSOC MN		\$250.00		
Paid Chk#	038448	3/27/2012	GLOCK, INC.	
E 101-42110-208	Training and Travel	\$195.00	TRP/10002892	ARMORER'S TRNG-J HALBERG
Total GLOCK, INC.		\$195.00		
Paid Chk#	038449	3/27/2012	JIMS MILLE LACS DISPOSAL	
E 101-43000-311	Snow Removal	\$1,800.00	302877	SNOW REMOVAL- 2/29-3/1
Total JIMS MILLE LACS DISPOSAL		\$1,800.00		
Paid Chk#	038450	3/27/2012	L.E.L.S.	
G 101-21710	Union Dues	\$196.05	LOCAL #238	POLICE UNION DUES-APRIL 2012
Total L.E.L.S.		\$196.05		
Paid Chk#	038451	3/27/2012	METRO FIRE	
E 101-42280-310	Other Professional Services	\$1,105.00	43220	SCBA FLOW TEST
E 101-42280-310	Other Professional Services	\$160.00	43220	FACEPIECE FLOW TEST
E 101-42280-310	Other Professional Services	\$37.50	43220	SERVICE WORK
Total METRO FIRE		\$1,302.50		
Paid Chk#	038452	3/27/2012	MN BENEFITS	
G 101-21709	Life Insur.	\$282.31		LIFE/DENTAL-APRIL 2012
G 101-21712	Dental	\$151.44		LIFE/DENTAL-APRIL 2012
Total MN BENEFITS		\$433.75		
Paid Chk#	038453	3/27/2012	SELECT ACCOUNT-HSA	
G 101-21705	Health Saving Account	\$13,012.50		2ND QTR CONTRIBUTIONS
Total SELECT ACCOUNT-HSA		\$13,012.50		
Paid Chk#	038454	3/27/2012	USABLE LIFE	
G 101-21707	Disability	\$225.55	101408001G	DISABILITY/LIFE-APRIL 2012
Total USABLE LIFE		\$225.55		
Paid Chk#	038455	3/27/2012	VERIZON WIRELESS	
E 101-42110-321	Telephone	\$52.04	2712802531	MAR WIRELESS ROUTER SVC
E 602-49400-321	Telephone	\$26.02	2712802531	MAR WIRELESS ROUTER SVC
E 101-42280-321	Telephone	\$90.78	2713482706	MAR CELL PHONE SVC
E 101-45200-321	Telephone	\$45.51	2713482706	MAR CELL PHONE SVC
E 101-43000-321	Telephone	\$332.54	2713482706	MAR CELL PHONE SVC

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			Check Amt	Invoice	Comment
Total VERIZON WIRELESS			\$546.89		
Paid Chk#	038456	3/29/2012	U.S. POSTMASTER		
E 603-49450-322	Postage		\$114.94		MAR BILLINGS
E 602-49400-322	Postage		\$114.94		MAR BILLINGS
Total U.S. POSTMASTER			\$229.88		
10100 General Bank			\$29,512.37		

Fund Summary

10100 General Bank		
101 GENERAL FUND		\$29,248.02
602 WATER FUND		\$140.96
603 SEWER FUND		\$114.94
619 DEPUTY REGISTRAR FUND		\$8.45
		\$29,512.37

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MARCH 2012

		Check Amt	Invoice	Comment
10900 Liquor Bank				
Paid Chk#	912010E	3/14/2012	MILACA, CITY OF (WATER/SEWER)	
E 609-49750-381	Utilities	\$30.55	01-00015990	WATER/SEWER
Total MILACA, CITY OF (WATER/SEWER)		\$30.55		
Paid Chk#	912011E	3/7/2012	EAST CENTRAL ENERGY	
E 609-49750-381	Utilities	\$1,911.97	7115200	ELECTRIC
Total EAST CENTRAL ENERGY		\$1,911.97		
Paid Chk#	912012E	3/13/2012	CENTERPOINT ENERGY	
E 609-49750-381	Utilities	\$597.42	128-000-782-1	NATURAL GAS
Total CENTERPOINT ENERGY		\$597.42		
Paid Chk#	912013E	3/14/2012	MN DEPT OF REVENUE	
G 609-20800	Sales Tax Payable	\$12,149.00	9576201	LIQUOR SALES TAX
Total MN DEPT OF REVENUE		\$12,149.00		
10900 Liquor Bank		\$14,688.94		

Fund Summary

10900 Liquor Bank		
609 MUNICIPAL LIQUOR FUND		\$14,688.94
		\$14,688.94

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		Check Amt	Invoice	Comment
10900 Liquor Bank				
Paid Chk#	022160	4/19/2012	AMERICAN BOTTLING CO.	
E 609-49750-254	Mix/Non Alcoholic	\$131.24	2462605521	NA
E 609-49750-254	Mix/Non Alcoholic	\$264.72	2462605656	NA
Total AMERICAN BOTTLING CO.		\$395.96		
Paid Chk#	022161	4/19/2012	AMERIPRIDE	
E 609-49750-310	Other Professional Services	\$26.80	2200222647	RUGS
E 609-49750-310	Other Professional Services	\$63.96	2200225212	RUGS
E 609-49750-310	Other Professional Services	\$33.75	2200227744	RUGS
E 609-49750-217	Other Operating Supplies	\$70.09	2200227744	PAPER TOWELS
E 609-49750-310	Other Professional Services	\$63.96	2200230005	RUGS
E 609-49750-217	Other Operating Supplies	\$58.79	2200230005	PAPER TOWELS
E 609-49750-310	Other Professional Services	\$23.82	2200332495	RUGS
Total AMERIPRIDE		\$341.17		
Paid Chk#	022162	4/19/2012	BERTELSON TOTAL OFFICE SOLUTN	
E 609-49750-201	Accessories (paper, pens, etc)	\$10.13	W0-766877-1	TAPE
E 609-49750-201	Accessories (paper, pens, etc)	\$25.42	W0-765787-2	PRINTER TONER
Total BERTELSON TOTAL OFFICE SOLUTN		\$35.55		
Paid Chk#	022163	4/19/2012	CRYSTAL SPRINGS ICE	
E 609-49750-259	Other For Resale	\$292.80	113502	ICE
E 609-49750-259	Other For Resale	(\$10.40)	520046c	ICE-CREDIT
Total CRYSTAL SPRINGS ICE		\$282.40		
Paid Chk#	022164	4/19/2012	EXTREME BEVERAGES, LLC	
E 609-49750-254	Mix/Non Alcoholic	\$350.50	W-518129	NA
Total EXTREME BEVERAGES, LLC		\$350.50		
Paid Chk#	022165	4/19/2012	GOLDEN VALLEY WHOLESALE CO.	
E 609-49750-259	Other For Resale	\$200.75	430619	MISC
E 609-49750-256	Tobacco Products For Resale	\$360.50	430619	TOBACCO
E 609-49750-333	Freight and Express	\$2.00	430619	DELIVERY
E 609-49750-256	Tobacco Products For Resale	\$185.50	430806	TOBACCO
E 609-49750-259	Other For Resale	\$68.00	430806	MISC
E 609-49750-333	Freight and Express	\$2.00	430806	DELIVERY
E 609-49750-333	Freight and Express	\$2.00	430968	DELIVERY
E 609-49750-259	Other For Resale	\$155.00	430968	MISC
E 609-49750-256	Tobacco Products For Resale	\$217.20	430968	TOBACCO
Total GOLDEN VALLEY WHOLESALE CO.		\$1,192.95		
Paid Chk#	022166	4/19/2012	GRANITE CITY JOBBING	
E 609-49750-333	Freight and Express	\$4.25	714198	DELIVERY
E 609-49750-256	Tobacco Products For Resale	\$347.30	714198	TOBACCO
E 609-49750-259	Other For Resale	\$177.59	714198	MISC
E 609-49750-214	Liquor Store Paper Supplies	\$74.35	714948	PAPER SUPPLIES
E 609-49750-333	Freight and Express	\$4.25	714948	DELIVERY
E 609-49750-259	Other For Resale	\$113.05	714948	MISC
E 609-49750-256	Tobacco Products For Resale	\$779.22	714948	TOBACCO
E 609-49750-256	Tobacco Products For Resale	\$1,059.73	715663	TOBACCO
E 609-49750-259	Other For Resale	\$120.35	715663	MISC
E 609-49750-214	Liquor Store Paper Supplies	\$57.51	715663	PAPER SUPPLIES
E 609-49750-333	Freight and Express	\$4.25	715663	DELIVERY
E 609-49750-256	Tobacco Products For Resale	\$512.86	716503	TOBACCO
E 609-49750-259	Other For Resale	\$53.35	716503	MISC
E 609-49750-333	Freight and Express	\$4.25	716503	DELIVERY
E 609-49750-254	Mix/Non Alcoholic	\$4.16	717292	NA

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E 609-49750-333	Freight and Express	\$4.25	717292	DELIVERY
E 609-49750-259	Other For Resale	\$24.20	717292	MISC
E 609-49750-256	Tobacco Products For Resale	\$693.98	717292	TOBACCO
E 609-49750-217	Other Operating Supplies	\$9.65	717292	KIDDIE KANDY
Total GRANITE CITY JOBBING		\$4,048.55		
<hr/>				
Paid Chk# 022167	4/19/2012	KOCHS HARDWARE HANK		
E 609-49750-217	Other Operating Supplies	\$40.11		SUPPLIES
Total KOCHS HARDWARE HANK		\$40.11		
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Paid Chk# 022168	4/19/2012	M. AMUNDSON LLP		
E 609-49750-256	Tobacco Products For Resale	\$520.98	127123	TOBACCO
E 609-49750-214	Liquor Store Paper Supplies	\$90.02	127745	PAPER SUPPLIES
E 609-49750-256	Tobacco Products For Resale	\$366.53	127745	TOBACCO
E 609-49750-259	Other For Resale	\$118.10	128579	MISC
E 609-49750-256	Tobacco Products For Resale	\$68.23	128579	TOBACCO
Total M. AMUNDSON LLP		\$1,163.86		
<hr/>				
Paid Chk# 022169	4/19/2012	MILLER TRUCKING		
E 609-49750-333	Freight and Express	\$82.88	3201	DELIVERY
Total MILLER TRUCKING		\$82.88		
<hr/>				
Paid Chk# 022170	4/19/2012	ROHLFING OF BRAINERD, INC		
E 609-49750-217	Other Operating Supplies	\$6.68	787836	KIDDIE KANDY
E 609-49750-217	Other Operating Supplies	\$58.78	787836	STORE SUPPLIES
E 609-49750-259	Other For Resale	\$118.00	787836	MISC
Total ROHLFING OF BRAINERD, INC		\$183.46		
<hr/>				
Paid Chk# 022171	4/19/2012	SEGERSTROM, VICTORIA		
E 609-49750-208	Training and Travel	\$82.62		GRANITE CITY JOBBING SHOW-4/4
E 609-49750-208	Training and Travel	\$108.88		ROHLFING SHOW-3/25
E 609-49750-208	Training and Travel	\$250.00		WINE 101 TRAINING
E 609-49750-259	Other For Resale	\$298.50	119227	MISC-COLLINS BROS
E 609-49750-217	Other Operating Supplies	\$6.99	119227	STORE SUPPLIES-COLLINS BROS
Total SEGERSTROM, VICTORIA		\$746.99		
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Paid Chk# 022172	4/19/2012	ST. CLOUD REFRIGERATION		
E 609-49750-310	Other Professional Services	\$293.00	246102	HVAC MAINTENANCE
E 609-49750-310	Other Professional Services	\$293.00	246962	HVAC MAINTENANCE
Total ST. CLOUD REFRIGERATION		\$586.00		
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Paid Chk# 022173	4/19/2012	TOTAL REGISTER SYSTEMS, INC.		
E 609-49750-217	Other Operating Supplies	\$32.17	27552	PRINTER LABEL SUPPLIES
Total TOTAL REGISTER SYSTEMS, INC.		\$32.17		
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Paid Chk# 022174	4/19/2012	VIKING BOTTLING CO.		
E 609-49750-254	Mix/Non Alcoholic	\$181.90	25315143	NA
E 609-49750-254	Mix/Non Alcoholic	\$197.80	25315300	NA
E 609-49750-254	Mix/Non Alcoholic	\$75.60	25315444	NA
Total VIKING BOTTLING CO.		\$455.30		
10900 Liquor Bank		\$9,937.85		

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Fund Summary

10900 Liquor Bank

609 MUNICIPAL LIQUOR FUND

\$9,937.85

\$9,937.85

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			Check Amt	Invoice	Comment
10900 Liquor Bank					
Paid Chk#	022113	3/5/2012	BELLBOY CORP.		
E 609-49750-253	Wine For Resale		\$124.75	72284100	LIQUOR
E 609-49750-251	Liquor For Resale		\$286.00	72284100	WINE
E 609-49750-254	Mix/Non Alcoholic		\$53.82	86412000	NA
	Total BELLBOY CORP.		\$464.57		
Paid Chk#	022114	3/5/2012	BERNICKS		
E 609-49750-254	Mix/Non Alcoholic		\$34.70	128119	NA
E 609-49750-252	Beer For Resale		\$823.75	128120	BEER
E 609-49750-254	Mix/Non Alcoholic		(\$3.15)	130595	CREDIT-NA
E 609-49750-253	Wine For Resale		(\$6.85)	130596	CREDIT-WINE
E 609-49750-254	Mix/Non Alcoholic		\$38.30	130597	NA
E 609-49750-252	Beer For Resale		\$358.65	130598	BEER
E 609-49750-253	Wine For Resale		\$80.04	130599	WINE
E 609-49750-254	Mix/Non Alcoholic		\$80.48	133154	NA
E 609-49750-252	Beer For Resale		\$442.00	133155	BEER
E 609-49750-254	Mix/Non Alcoholic		\$20.00	133594	NA
E 609-49750-252	Beer For Resale		\$645.20	133595	BEER
	Total BERNICKS		\$2,513.12		
Paid Chk#	022115	3/5/2012	C & L DISTRIBUTING CO.		
E 609-49750-252	Beer For Resale		\$6,235.65	328836	BEER
E 609-49750-254	Mix/Non Alcoholic		\$170.85	328836	NA
E 609-49750-252	Beer For Resale		\$131.10	328868	BEER
E 609-49750-252	Beer For Resale		\$35.80	329959	BEER
E 609-49750-252	Beer For Resale		\$5,952.10	329959	BEER
E 609-49750-254	Mix/Non Alcoholic		\$24.70	329959	NA
E 609-49750-260	Deposits		(\$30.00)	329959	DEPOSIT
E 609-49750-252	Beer For Resale		\$557.00	329961	BEER
E 609-49750-254	Mix/Non Alcoholic		\$16.75	330985	NA
E 609-49750-252	Beer For Resale		\$3,495.95	330985	BEER
E 609-49750-252	Beer For Resale		\$707.00	330988	BEER
E 609-49750-252	Beer For Resale		\$4,309.00	331988	BEER
E 609-49750-252	Beer For Resale		(\$47.00)	331990	BEER
E 609-49750-254	Mix/Non Alcoholic		\$132.75	332937	NA
E 609-49750-252	Beer For Resale		\$2,289.80	332937	BEER
E 609-49750-252	Beer For Resale		\$89.00	332943	BEER
	Total C & L DISTRIBUTING CO.		\$24,070.45		
Paid Chk#	022116	3/5/2012	DAHLHEIMER DISTRIBUTING CO.		
E 609-49750-252	Beer For Resale		\$2,802.85	1013967	BEER
E 609-49750-252	Beer For Resale		\$3,922.64	1016225	BEER
E 609-49750-254	Mix/Non Alcoholic		\$272.00	1016225	NA
E 609-49750-254	Mix/Non Alcoholic		\$46.50	1016315	NA
E 609-49750-252	Beer For Resale		\$6,269.50	1016315	BEER
E 609-49750-260	Deposits		(\$30.00)	1016315	DEPOSIT
E 609-49750-252	Beer For Resale		\$10,112.63	1016384	BEER
E 609-49750-252	Beer For Resale		\$302.35	2261	BEER
E 609-49750-260	Deposits		\$30.00	2261	DEPOSIT
E 609-49750-252	Beer For Resale		\$20.75	2444	BEER
E 609-49750-252	Beer For Resale		\$294.70	2722	BEER
	Total DAHLHEIMER DISTRIBUTING CO.		\$24,043.92		
Paid Chk#	022117	3/5/2012	FRONTIER		
E 609-49750-321	Telephone		\$116.32	320983625511	MARCH PHONE SVC
	Total FRONTIER		\$116.32		

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MARCH 2012

			Check Amt	Invoice	Comment
Paid Chk#	022118	3/5/2012	J.J. TAYLOR DIST OF MN		
E 609-49750-252	Beer For Resale		\$187.00	1687103	BEER
E 609-49750-333	Freight and Express		\$3.00	1687103	DELIVERY
	Total J.J. TAYLOR DIST OF MN		\$190.00		
Paid Chk#	022119	3/5/2012	JIMS MILLE LACS DISPOSAL		
E 609-49750-384	Refuse/Garbage Disposal		\$86.58	219225	REFUSE COLLECTION
	Total JIMS MILLE LACS DISPOSAL		\$86.58		
Paid Chk#	022120	3/5/2012	JOHNSON BROTHERS LIQUOR CO.		
E 609-49750-251	Liquor For Resale		\$162.00	1226027	LIQUOR
E 609-49750-253	Wine For Resale		\$450.20	1226027	WINE
E 609-49750-333	Freight and Express		\$25.38	1226027	DELIVERY
E 609-49750-252	Beer For Resale		\$42.98	1226027	BEER
E 609-49750-253	Wine For Resale		\$20.99	1226028	WINE
E 609-49750-333	Freight and Express		\$1.57	1226028	DELIVERY
E 609-49750-253	Wine For Resale		\$3,152.40	1227386	WINE
E 609-49750-333	Freight and Express		\$84.78	1227386	DELIVERY
E 609-49750-333	Freight and Express		\$58.09	1230663	DELIVERY
E 609-49750-253	Wine For Resale		\$859.20	1230663	WINE
E 609-49750-333	Freight and Express		\$98.92	1230664	DELIVERY
E 609-49750-251	Liquor For Resale		\$1,068.29	1230664	LIQUOR
E 609-49750-253	Wine For Resale		\$1,931.40	1230664	WINE
E 609-49750-251	Liquor For Resale		\$853.78	1235085	LIQUOR
E 609-49750-253	Wine For Resale		\$1,852.70	1235085	WINE
E 609-49750-254	Mix/Non Alcoholic		\$93.00	1235085	NA
E 609-49750-333	Freight and Express		\$94.19	1235085	DELIVERY
E 609-49750-253	Wine For Resale		\$2,481.60	1239577	WINE
E 609-49750-333	Freight and Express		\$39.25	1239577	DELIVERY
E 609-49750-253	Wine For Resale		\$1,181.22	1239578	WINE
E 609-49750-254	Mix/Non Alcoholic		\$26.95	1239578	NA
E 609-49750-333	Freight and Express		\$58.22	1239578	DELIVERY
E 609-49750-251	Liquor For Resale		\$427.50	1239578	LIQUOR
E 609-49750-333	Freight and Express		\$4.71	1239579	DELIVERY
E 609-49750-253	Wine For Resale		\$55.74	1239579	WINE
E 609-49750-333	Freight and Express		\$107.81	1243914	DELIVERY
E 609-49750-254	Mix/Non Alcoholic		\$26.95	1243914	NA
E 609-49750-253	Wine For Resale		\$1,261.32	1243914	WINE
E 609-49750-251	Liquor For Resale		\$3,606.33	1243914	LIQUOR
E 609-49750-253	Wine For Resale		(\$5.33)	525330	CREDIT-WINE
E 609-49750-254	Mix/Non Alcoholic		(\$16.48)	525331	CREDIT-NA
E 609-49750-254	Mix/Non Alcoholic		(\$24.75)	525332	CREDIT-NA
E 609-49750-254	Mix/Non Alcoholic		(\$10.00)	525333	CREDIT-NA
E 609-49750-254	Mix/Non Alcoholic		(\$26.64)	525334	CREDIT-NA
E 609-49750-253	Wine For Resale		(\$6.67)	525335	CREDIT-WINE
E 609-49750-253	Wine For Resale		(\$6.67)	525336	CREDIT-WINE
E 609-49750-253	Wine For Resale		(\$5.33)	525337	CREDIT-WINE
E 609-49750-251	Liquor For Resale		(\$10.37)	525337	CREDIT-LIQUOR
E 609-49750-253	Wine For Resale		(\$4.83)	525338	CREDIT-WINE
E 609-49750-253	Wine For Resale		(\$4.83)	525339	CREDIT-WINE
E 609-49750-251	Liquor For Resale		(\$9.83)	526416	CREDIT-LIQUOR
E 609-49750-251	Liquor For Resale		(\$11.04)	526417	CREDIT-LIQUOR
E 609-49750-253	Wine For Resale		(\$7.98)	526418	CREDIT-WINE
E 609-49750-251	Liquor For Resale		(\$15.38)	526419	CREDIT-LIQUOR
E 609-49750-251	Liquor For Resale		(\$26.66)	526420	CREDIT-LIQUOR
E 609-49750-251	Liquor For Resale		(\$12.58)	526421	CREDIT-LIQUOR
E 609-49750-253	Wine For Resale		(\$18.00)	526422	CREDIT-WINE

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MARCH 2012

			Check Amt	Invoice	Comment
E 609-49750-333	Freight and Express		(\$1.57)	526423	CREDIT-DELIVERY
E 609-49750-333	Freight and Express		(\$1.57)	527114	CREDIT-DELIVERY
Total JOHNSON BROTHERS LIQUOR CO.			\$19,900.96		
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Paid Chk#	022121	3/5/2012	PAUSTIS & SONS		
E 609-49750-253	Wine For Resale		\$441.00	8337553	WINE
E 609-49750-333	Freight and Express		\$8.75	8337553	DELIVERY
E 609-49750-253	Wine For Resale		\$79.00	8337874	WINE
E 609-49750-333	Freight and Express		\$2.25	8337874	DELIVERY
E 609-49750-253	Wine For Resale		\$285.00	8338388	WINE
E 609-49750-333	Freight and Express		\$5.25	8338388	DELIVERY
Total PAUSTIS & SONS			\$821.25		
<hr/>					
Paid Chk#	022122	3/5/2012	PHILLIPS WINE AND SPIRITS		
E 609-49750-251	Liquor For Resale		\$1,953.50	2190880	LIQUOR
E 609-49750-253	Wine For Resale		\$853.75	2190880	WINE
E 609-49750-333	Freight and Express		\$55.73	2190880	DELIVERY
E 609-49750-251	Liquor For Resale		\$1,639.57	2194122	LIQUOR
E 609-49750-253	Wine For Resale		\$1,294.15	2194122	WINE
E 609-49750-333	Freight and Express		\$100.49	2194122	DELIVERY
E 609-49750-251	Liquor For Resale		\$795.99	2197336	LIQUOR
E 609-49750-253	Wine For Resale		\$812.00	2197336	WINE
E 609-49750-333	Freight and Express		\$39.25	2197336	DELIVERY
E 609-49750-253	Wine For Resale		\$120.00	2200568	WINE
E 609-49750-251	Liquor For Resale		\$604.59	2200568	LIQUOR
E 609-49750-254	Mix/Non Alcoholic		\$64.50	2200568	NA
E 609-49750-333	Freight and Express		\$12.56	2200568	DELIVERY
E 609-49750-254	Mix/Non Alcoholic		\$265.70	2203506	NA
E 609-49750-333	Freight and Express		\$17.27	2203506	DELIVERY
E 609-49750-251	Liquor For Resale		\$59.00	2203506	LIQUOR
E 609-49750-253	Wine For Resale		\$121.35	2203506	WINE
E 609-49750-253	Wine For Resale		(\$35.72)	3476489	WINE
Total PHILLIPS WINE AND SPIRITS			\$8,773.68		
<hr/>					
Paid Chk#	022123	3/5/2012	QUALITY WINE & SPIRITS		
E 609-49750-251	Liquor For Resale		\$935.34	576907	LIQUOR
E 609-49750-253	Wine For Resale		\$628.00	576907	WINE
E 609-49750-253	Wine For Resale		\$136.00	576907-C0	WINE
Total QUALITY WINE & SPIRITS			\$1,699.34		
<hr/>					
Paid Chk#	022124	3/5/2012	ROHLFING OF BRAINERD, INC		
E 609-49750-252	Beer For Resale		\$260.00	783734	BEER
Total ROHLFING OF BRAINERD, INC			\$260.00		
<hr/>					
Paid Chk#	022125	3/5/2012	SOUTHERN WINE & SPIRITS OF MN		
E 609-49750-251	Liquor For Resale		\$5,620.44	1690084	LIQUOR
E 609-49750-333	Freight and Express		\$60.50	1690084	DELIVERY
E 609-49750-333	Freight and Express		\$28.50	1695952	DELIVERY
E 609-49750-253	Wine For Resale		\$824.04	1695952	WINE
E 609-49750-253	Wine For Resale		\$51.00	1701408	WINE
E 609-49750-333	Freight and Express		\$1.50	1701408	DELIVERY
E 609-49750-251	Liquor For Resale		\$373.12	1711411	LIQUOR
E 609-49750-333	Freight and Express		\$4.50	1711411	DELIVERY
Total SOUTHERN WINE & SPIRITS OF MN			\$6,963.60		
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Paid Chk#	022126	3/5/2012	SUNNY HILL DISTRIBUTORS		
E 609-49750-251	Liquor For Resale		\$107.13	261275	LIQUOR
E 609-49750-333	Freight and Express		\$4.75	261275	DELIVERY

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MARCH 2012

		Check Amt	Invoice	Comment
E 609-49750-253	Wine For Resale	\$97.39	261275	WINE
Total SUNNY HILL DISTRIBUTORS		\$209.27		
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Paid Chk# 022127	3/5/2012	WINE MERCHANTS		
E 609-49750-333	Freight and Express	\$1.57	399223	DELIVERY
E 609-49750-253	Wine For Resale	\$95.25	399223	WINE
Total WINE MERCHANTS		\$96.82		
<hr/>				
Paid Chk# 022128	3/5/2012	WIRTZ BEVERAGE MN WINE & SPRTS		
E 609-49750-251	Liquor For Resale	\$2,646.40	701332	LIQUOR
E 609-49750-333	Freight and Express	\$48.00	701332	DELIVERY
E 609-49750-251	Liquor For Resale	\$94.00	707161	LIQUOR
E 609-49750-333	Freight and Express	\$1.50	707161	DELIVERY
E 609-49750-251	Liquor For Resale	\$2,494.95	707472	LIQUOR
E 609-49750-254	Mix/Non Alcoholic	\$72.48	707472	NA
E 609-49750-253	Wine For Resale	\$95.90	707472	WINE
E 609-49750-333	Freight and Express	\$33.00	707472	DELIVERY
E 609-49750-251	Liquor For Resale	\$3,312.52	710735	LIQUOR
E 609-49750-253	Wine For Resale	\$43.95	710735	WINE
E 609-49750-333	Freight and Express	\$52.50	710735	DELIVERY
otal WIRTZ BEVERAGE MN WINE & SPRTS		\$8,895.20		
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Paid Chk# 022129	3/5/2012	WOODLAND HILL VINEYARDS LLC		
E 609-49750-253	Wine For Resale	\$3.00	1198	WINE
Total WOODLAND HILL VINEYARDS LLC		\$3.00		
10900 Liquor Bank		\$99,108.08		

Fund Summary

10900 Liquor Bank	
609 MUNICIPAL LIQUOR FUND	\$99,108.08
	\$99,108.08

RESOLUTION NO. 12 – 15

RESOLUTION ASSESSING UNPAID WATER/SEWER BILLS

BE IT RESOLVED that the following unpaid water and sewer bill be levied against the described property for 2013 property taxes, for 1 year, at a rate of 7 percent per annum:

PID #	OWNER	ADDRESS	ASSESSED
21-042-0030	Rose, Dustin & Amber	430 2 nd Ave NW	\$183.03
21-043-0190	Brown, Ron & Amanda	235 3 rd Ave SE	\$106.52

Adopted this 19th day of April, 2012.

Mayor Harold Pedersen

ATTEST

Greg Lerud, City Manager

RESOLUTION NO. 12 – 16

A RESOLUTION ASSESSING UNPAID FIRE DEPARTMENT CHARGES FOR SERVICE

WHEREAS the Milaca Fire Department responded to fire calls on two separate occasions, at 5639 140th Street; and,

WHEREAS the invoices for the services have not been paid,

NOW THEREFORE BE IT RESOLVED BY THE MILACA CITY COUNCIL, that the City Council, pursuant to Ordinance No. 368, hereby assesses the following fire department charge for service against the benefited properties for property taxes payable 2013 with a payment period of 1 (one) year and an interest rate of 7 (seven) percent.

\$500.00
Jeffrey Schoumaker
5639 140th St
Milaca, MN 56353
PID # 02-036-0500

Adopted this 19th day of April, 2012.

Mayor Harold Pedersen

ATTEST

Greg Lerud, City Manager

Sewer Fund Profit/Loss

January - March
2012

REVENUES:

Sales	\$69,549
Penalty	903
Reserve	<u>5,250</u>
	\$75,702

EXPENSES:

Salaries	\$30,885
Utilities	2,096
Supplies	1,256
Insurance	0
Professional/Contracted Services	5,307
Repairs/Maintenance	0
Depreciation	22,500
Miscellaneous	<u>2,274</u>
	\$64,318

NET PROFIT/LOSS

\$11,383

NON OPERATING REV/EXP

Connections	\$0
Interest	2,833
Interest Expense/Fiscal Agent Fees	(3,410)
Bond Discount Amortization	0
	<u><u>\$10,806</u></u>

Bond Principal	\$30,000
Capital Expenditures	0

Water Fund Profit/Loss

January - March
2012

REVENUES:

Sales	\$126,072
Miscellaneous Charges	1,566
Penalties	891
	<u>\$128,529</u>

EXPENSES:

Salaries	\$30,068
Utilities	7,665
Supplies	12,597
Insurance	0
Professional/Contracted Services	5,424
Repairs/Maintenance	8
Depreciation	45,000
Miscellaneous	4,851
	<u>\$105,614</u>

NET PROFIT/LOSS

\$22,915

NON OPERATING REV/EXP

Connections	\$0
Assessed Repairs	0
Interest	2,301
Interest Expense/Fiscal Agent Fees	(18,492)
Bond Discount Amortization	0

\$6,724

Bond Principal	\$90,000
Capital Expenditures	0

Building Inspection Profit/Loss

January - March
2012

REVENUES:

Building Permits	\$357
Plumbing Permits	200
Plan Check Fees	0
	<hr/>
	\$557

EXPENSES:

Salaries	\$7,515
Inspection Services	48,612
Other Professional Services	0
Advertising	0
Miscellaneous	0
Office Rental	0
Small Tools/Office Equipment	0
Office Supplies	105
	<hr/>
	\$56,231

NET PROFIT/LOSS (\$55,674)

NON OPERATING REV/EXP

Interest Income/(Expense) (\$421)

(\$56,095)

Deputy Registrar Profit/Loss

January - March
2012

REVENUES:

Vehicle License	\$28,659
Drivers License	7,295
DNR	1,961
Hunting	9
Miscellaneous	84
	<hr/>
	\$38,008

EXPENSES:

Salaries	\$26,283
Utilities	669
Supplies	359
Professional/Contracted Service	958
Depreciation	0
Miscellaneous	3,033
Repairs/Maintenance	0
Rent Expense	0
	<hr/>
	\$31,302

NET PROFIT/LOSS \$6,706

NON OPERATING REV/EXP

Interest	\$16
	<hr/>
	<u><u>\$6,722</u></u>

Liquor Profit/Loss

January - March

2012

REVENUES:

Sales:

Liquor Sales	\$126,727		
Cost of Goods	<u>92,122</u>	34,605	27%
Wine Sales	45,321		
Cost of Goods	<u>30,913</u>	14,408	32%
Beer Sales	199,908		
Cost of Goods	<u>160,855</u>	39,053	20%
Tobacco	20,717		
Cost of Goods	<u>15,891</u>	4,825	23%
Mix-NonAlcoholic	8,641		
Cost of Goods	<u>6,829</u>	1,813	21%
Miscellaneous	6,534		
Cost of Goods	<u>4,541</u>	1,994	31%

Miscellaneous Revenue

72

\$96,769

EXPENSES:

Salaries	\$48,499
Utilities	5,532
Supplies	1,757
Insurance	0
Professional Services	5,726
Repairs/Minor Equipment	0
Depreciation	10,000
Miscellaneous	3,154
Freight	3,175
Credit Card Fees	4,383
Unallocated	<u>0</u>

\$82,226

NET PROFIT/LOSS

\$14,543

NON OPERATING REV/EXP

Interest	\$822
Interest Expense/Fiscal Agent Fees	\$0
Transfer to General Fund	\$0

\$15,365

Bond Principal	\$0
Capital Expenditures	0

CITY OF MILACA

Council Monthly Budget Report

March 2012

DEPT Descr	2011 YTD Budget	2011 YTD Amt	Balance	2011 % of Budget Remain
Airport	\$71,400.00	\$19,257.06	\$52,142.94	73.03%
Assessing	\$13,500.00	\$0.00	\$13,500.00	100.00%
Auditing	\$12,000.00	\$5,250.00	\$6,750.00	56.25%
City Attorney	\$49,000.00	\$12,020.54	\$36,979.46	75.47%
City Hall	\$219,680.00	\$46,182.66	\$173,497.34	78.98%
City Manager	\$21,100.00	\$7,004.55	\$14,095.45	66.80%
Council	\$12,250.00	\$1,520.22	\$10,729.78	87.59%
Elections	\$2,000.00	\$0.00	\$2,000.00	0.00%
Fire Dept.	\$172,500.00	\$16,074.88	\$156,425.12	90.68%
Historical Society	\$5,000.00	\$721.27	\$4,278.73	85.57%
Liaison Officer	\$64,485.00	\$19,241.79	\$45,243.21	70.16%
Libraries	\$24,100.00	\$4,563.98	\$19,536.02	81.06%
Ogilvie	\$30,200.00	\$8,545.91	\$21,654.09	71.70%
Parks	\$132,000.00	\$32,974.49	\$99,025.51	75.02%
Planning Comm.	\$2,000.00	\$0.00	\$2,000.00	100.00%
Police Dept.	\$407,585.00	\$127,058.54	\$280,526.46	68.83%
Public Works	\$211,775.00	\$41,300.71	\$170,474.29	80.50%
Rec Fest	\$0.00	\$509.37	(\$509.37)	0.00%
Recreation	\$2,000.00	\$0.00	\$2,000.00	100.00%
Treasurer	\$26,650.00	\$7,682.80	\$18,967.20	71.17%
Unallocated	\$12,920.00	\$10,040.00	\$2,880.00	22.29%
	\$1,492,145.00	\$359,948.77	\$1,132,196.23	75.88%

2012 INVESTMENT

March	Purch Date	Maturity Date	Int. Rt	Balance 12/31/11	Purchase	Cost	Maturities	Book Balance 12/31/12	Market Value	Interest Received	Interest Paid	Cash Balance
SMITH BARNEY												
Capmark Bank - UT	2/4/09	2/6/12	3.00%	65,000.00		65,000.00	65,000.00	-		993.70		12,372.73
Discover Bank	2/27/08	3/5/12	4.00%	96,000.00		96,000.00	96,000.00	-		1,914.74		(2,104.14)
CIT Bank - UT	4/14/09	4/16/12	3.00%	70,000.00		70,000.00		70,000.00	70,079.80			(2,025.27)
GE Capital Financial	12/18/08	12/18/12	4.15%	60,000.00		60,000.00		60,000.00	61,456.20			7,245.44
M&I Bank - NV	12/7/07	12/20/12	4.65%	96,000.00		96,000.00		96,000.00	98,693.76			3,584.14
Ally Bank	8/17/10	8/17/13	1.60%	150,000.00		150,000.00		150,000.00	151,449.00	1,209.86		15,998.24
GE Money Bank	12/18/08	12/18/13	4.75%	96,000.00		96,000.00		96,000.00	101,605.44			9,484.92
American Express Centurion	12/24/08	12/24/13	4.75%	96,000.00		96,000.00		96,000.00	101,658.24			293,542.48
Discover Bank	9/14/11	9/15/14	1.30%	80,000.00		80,000.00		80,000.00	80,289.60	518.58		54,445.41
BMW Bank - UT	9/23/11	9/23/14	1.35%	100,000.00		100,000.00		100,000.00	100,487.00	673.15		877.77
GE Capital Financial	1/13/12	1/13/15	1.50%		55,000.00	55,000.00		55,000.00	54,999.45			56,164.73
Goldman Sachs	1/18/12	1/20/15	1.50%		45,000.00	45,000.00		45,000.00	44,999.55			2,767.03
GE Money Bank - UT	8/19/11	8/19/15	1.45%	120,000.00		120,000.00		120,000.00	119,014.80	877.15		(30,581.96)
GE Capital Financial	9/30/11	9/30/16	2.00%	100,000.00		100,000.00		100,000.00	100,000.00	997.26		(80,444.14)
Goldman Sachs	10/19/11	10/19/16	2.00%	200,000.00		200,000.00		200,000.00	199,998.00			(6,693.41)
Wells Fargo Bank	2/23/12	2/24/22	2.00%		75,000.00	75,000.00		75,000.00	75,225.75			4,720.50
FHLM	12/13/11	12/13/19	2.00%	150,000.00		150,000.00		150,000.00	148,491.00			69979.77
FNMA	8/17/10	8/25/20	2.25%	50,000.00		50,000.00	50,000.00	-		562.50		-37298.29
FNMA	7/13/11	7/13/21	3.00%	100,000.00		100,000.00	100,000.00	-		1,500.00		-225776.07
FREDDIE MAC	9/15/11	9/30/21	2.25%	100,000.00		100,000.00		100,000.00	99,405.00	1,125.00		695975.03
FHLM	10/26/11	10/26/21	2.00%	300,000.00		300,000.00		300,000.00	300,843.00			866329.09
FHLM	11/23/11	11/23/21	2.00%	200,000.00		200,000.00		200,000.00	200,232.00			-143031.16
FHLM	3/21/12	3/21/22	2.00%		150,000.00	150,000.00		150,000.00	147,930.00			555490.07
MONEY MARKET				22,323.70				18,697.21	18,697.21	1.57		71817.27
												118,577.18
4-M FUND												
MONEY MARKET				1,119,456.39	58,727.61		330,000.00	848,184.00	848,184.00	35.99		3,366,465.95
				-								
				352,143.51		Payroll		-	-			
				160,458.84		Gen Chking		21,383.46	21,383.46	35.69		
				62,384.96		Liq Chking		163,384.01	163,384.01	31.31		
				3,945,767.40		Motor		71,817.27	71,817.27	16.25		
								3,366,465.95	3,380,323.54	10,492.75		

**General Bank Reconciliation
March 2012**

	<u>Balance</u>	<u>Receipts</u>	<u>Disburse</u>	<u>Balance</u>
Balance	15,654.60	198,265.48	162,946.36	50,973.72
Current Month Outstand			29,640.26	(29,640.26)
Last Month Outstanding	(4,567.48)		(4,567.48)	
ACH Fees		(33.28)	(33.28)	
Bank Charges		0.00	0.00	
Credit Card Fees		(81.54)	(81.54)	
Deposit in transit				
Deposit correction				
Deposit not recorded				
NSF Check Rutledge Jr	50.00			50.00
	1/12			
Book Balance	11,137.12	198,150.66	187,904.32	21,383.46
Book Balance		198,150.66	118,674.18	
Motor			1,507.20	
Payroll			67,722.94	
			<hr style="width: 20%; margin-left: auto; margin-right: 0;"/> 187,904.32	
		0.00	0.00	

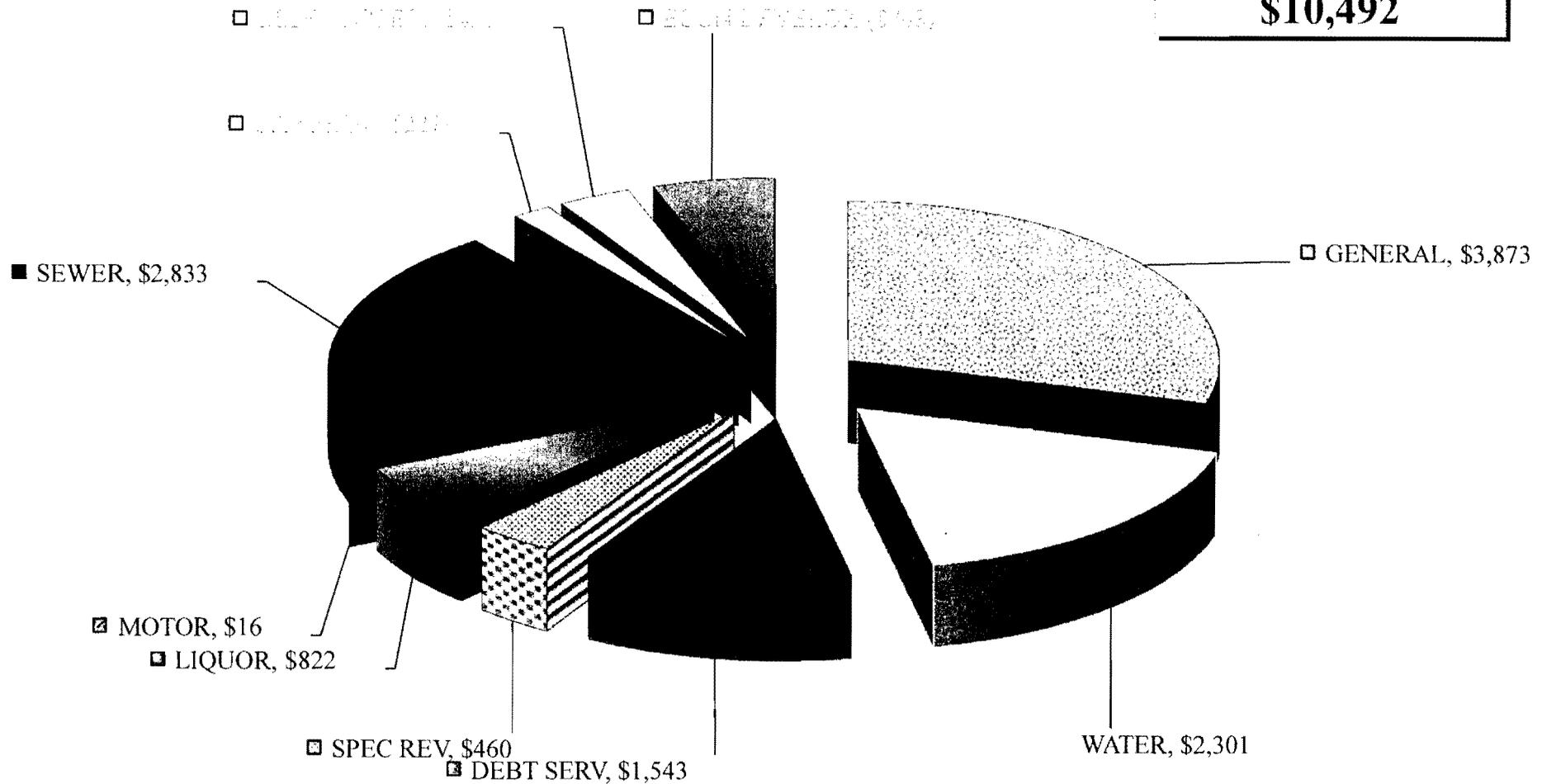
**Liquor Bank Reconciliation
March 2012**

	<u>Balance</u>	<u>Receipts</u>	<u>Disburse</u>	<u>Balance</u>
Balance	139,604.03	152,121.41	138,561.69	153,163.75
Current Mnth Outstanding			0.00	0.00
Last Mnth Outstanding	(351.81)		(351.81)	
Deposit in Transit		10,137.18		10,137.18
Last Mnth Deposit in Transit	2,005.41	(2,005.41)		
Bank Charges		0.00	0.00	
Deposit Correction		0.00	0.00	
Credit Card Fees		(1,370.40)	(1,370.40)	
NSF Check				
Hastings 11/11	83.08			83.08
Balance	141,340.71	158,882.78	136,839.48	163,384.01
Book Balance		158,882.78	122,699.08	
Payroll			14,140.40	
			<u>136,839.48</u>	
		0.00	0.00	

**Deputy Registrar Bank Reconciliation
March 2012**

	<u>Balance</u>	<u>Receipts</u>	<u>Disburse</u>	<u>Balance</u>
Balance	65,046.98	197,189.46	191,316.17	70,920.27
Last Month Outstanding	(8,735.48)		(8,735.48)	
Current Month Outstand			8,764.00	(8,764.00)
Last Mnth Dep in Transit	9,205.98	(9,205.98)		
Current Deposit in Transit		9,661.00		9,661.00
ACH TRANSACTION		(4,335.00)	(4,335.00)	
Bank Charges		0.00	0.00	
Deposit in transit				
Deposit correction				
NSF Check				
Book Balance	65,517.48	193,309.48	187,009.69	71,817.27
Book Balance		193,309.48	180,694.61	
Payroll			7,822.28	
Gen Exp			<u>(1,507.20)</u>	
			187,009.69	
		0.00	0.00	

**2012
First Quarter
Interest Allocation
\$10,492**





Public Works Department

565 Eighth Street NE
Milaca, MN 56353

Bruce D. Cochran, PE
County Engineer

Jay Munson
Assistant Engineer

Michael Maurer
Maintenance Supervisor

Trudy Wedell
Office Manager

April 16, 2012

Greg Lerud
Milaca City Manager
255 First Street East
Milaca, MN 56353

RE: Central Avenue Utilities
SAP 048-636-004

Dear Mr. Lerud:

Bids were opened for the above referenced project on March 27, 2012. Enclosed is a summary of low bidder's prices, including a breakdown of the City and County costs. You will see the City cost is less than estimated. Please acknowledge the cost associated with the City of Milaca is acceptable by resolution.

Mille Lacs County is in the final stages of contract execution with the contractor and preparing to start work.

A pre-construction meeting is scheduled for Wednesday, April 18th. City staff has been invited to participate. Utility work coordination will be facilitated through Steve Burkland unless directed otherwise.

Sincerely,

Bruce D. Cochran, PE
County Engineer

BDC/mp

Enclosure: Agreement
Cost Breakdown
Plan Sheets

Phone: (320) 983-8201 Fax: (320) 983-8383

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SAP 048-636-004

CSAH 36 (CENTRAL AVENUE) PAVEMENT REPLACEMENT, BITUMINOUS OVERLAY
Mille Lacs County - City of Milaca Breakdown

Spec No.	Item	Unit	ENGINEER'S ESTIMATE						CONTRACT AWARDED AMOUNTS				
			Participating Quantity (Mille Lacs Co)	Non-Participating Quantity (Milaca City)	Total Quantity	Unit Price	Participating Amount (Mille Lacs Co)	Non-Participating Amount (Milaca City)	Total Amount	Unit Price	Participating Amount (Mille Lacs Co)	Non-Participating Amount (Milaca City)	Total Amount
2021.501	Mobilization	LS	0.95	0.05	1.00	\$46,000.00	\$ 43,700.00	\$ 2,300.00	\$ 46,000.00	\$ 90,000.00	\$ 85,500.00	\$ 4,500.00	\$ 90,000.00
2104.501	Remove Concrete Curb & Gutter	LF	700.00	300.00	1,000.00	\$ 3.45	\$ 2,415.00	\$ 1,035.00	\$ 3,450.00	\$ 2.75	\$ 1,925.00	\$ 825.00	\$ 2,750.00
2104.505	Remove Concrete Pavement	SY	36,776.00	30.00	36,806.00	\$ 3.10	\$ 114,005.60	\$ 93.00	\$ 114,098.60	\$ 3.98	\$ 146,368.48	\$ 119.40	\$ 146,487.88
2104.511	Sawing Concrete Pavement (Full Depth)	LF	16,000.00	-	16,000.00	\$ 2.40	\$ 38,400.00	\$ -	\$ 38,400.00	\$ 2.08	\$ 33,280.00	\$ -	\$ 33,280.00
2105.507	Subgrade Excavation (P)	CY	13,557.00	-	13,557.00	\$ 1.95	\$ 26,436.15	\$ -	\$ 26,436.15	\$ 7.74	\$ 104,931.18	\$ -	\$ 104,931.18
2105.604	Geotextile Fabric, Type V	SY	38,500.00	-	38,500.00	\$ 3.00	\$ 115,500.00	\$ -	\$ 115,500.00	\$ 1.35	\$ 51,975.00	\$ -	\$ 51,975.00
2105.604	Pavement Reinforcing Mesh, Type 2	SY	7,000.00	-	7,000.00	\$ 7.50	\$ 52,500.00	\$ -	\$ 52,500.00	\$ 4.25	\$ 29,750.00	\$ -	\$ 29,750.00
2211.502	Aggregate Base (LV), Class 6	CY	17,625.00	-	17,625.00	\$ 16.50	\$ 290,812.50	\$ -	\$ 290,812.50	\$ 10.58	\$ 186,472.50	\$ -	\$ 186,472.50
2221.502	Aggregate Shouldering (LV), Class 1	CY	400.00	-	400.00	\$ 19.50	\$ 7,800.00	\$ -	\$ 7,800.00	\$ 20.80	\$ 8,320.00	\$ -	\$ 8,320.00
2231.604	Bituminous Patch Special	SY	75.00	125.00	200.00	\$ 9.25	\$ 693.75	\$ 1,156.25	\$ 1,850.00	\$ 14.00	\$ 1,050.00	\$ 1,750.00	\$ 2,800.00
2232.501	Mill Bituminous Surface (1.5")	SY	818.00	-	818.00	\$ 3.50	\$ 2,863.00	\$ -	\$ 2,863.00	\$ 5.85	\$ 4,785.30	\$ -	\$ 4,785.30
2232.502	Mill Concrete Pavement Surface (1.0")	SY	135.00	-	135.00	\$ 6.00	\$ 810.00	\$ -	\$ 810.00	\$ 7.00	\$ 945.00	\$ -	\$ 945.00
2360.501	Type SP 12.5 Wearing Course Mixture (3,C)	TON	6,685.00	-	6,685.00	\$ 65.00	\$ 434,525.00	\$ -	\$ 434,525.00	\$ 59.27	\$ 396,219.95	\$ -	\$ 396,219.95
2360.502	Type SP 12.5 Non Wearing Course Mixture (3,B)	TON	10,485.00	-	10,485.00	\$ 63.00	\$ 660,555.00	\$ -	\$ 660,555.00	\$ 53.82	\$ 564,302.70	\$ -	\$ 564,302.70
2503.511	4" PVC Pipe Sewer (Sch. 40)	LF	-	75.00	75.00	\$ 8.00	\$ -	\$ 600.00	\$ 600.00	\$ 20.00	\$ -	\$ 1,500.00	\$ 1,500.00
2503.602	Disconnect Sanitary Sewer Service	EA	-	1.00	1.00	\$ 600.00	\$ -	\$ 600.00	\$ 600.00	\$ 800.00	\$ -	\$ 800.00	\$ 800.00
2503.602	Connect to Existing Sanitary Sewer	EA	-	1.00	1.00	\$ 600.00	\$ -	\$ 600.00	\$ 600.00	\$ 500.00	\$ -	\$ 500.00	\$ 500.00
2503.602	4" Pipe Plug	EA	-	2.00	2.00	\$ 10.00	\$ -	\$ 20.00	\$ 20.00	\$ 40.00	\$ -	\$ 80.00	\$ 80.00
2503.602	12" X 4" PVC Wye	EA	-	1.00	1.00	\$ 150.00	\$ -	\$ 150.00	\$ 150.00	\$ 250.00	\$ -	\$ 250.00	\$ 250.00
2504.602	Adjust Valve Box - Water	EA	24.00	-	24.00	\$ 125.00	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 325.00	\$ 7,800.00	\$ -	\$ 7,800.00
2504.602	Connect to Existing Water Service	EA	-	1.00	1.00	\$ 622.00	\$ -	\$ 622.00	\$ 622.00	\$ 300.00	\$ -	\$ 300.00	\$ 300.00
2504.602	Connect to Existing Water Main	EA	-	3.00	3.00	\$ 600.00	\$ -	\$ 1,800.00	\$ 1,800.00	\$ 900.00	\$ -	\$ 2,700.00	\$ 2,700.00
2504.602	1" Water Service Conn @ Main W/Corp Stop	EA	-	3.00	3.00	\$ 100.00	\$ -	\$ 300.00	\$ 300.00	\$ 325.00	\$ -	\$ 975.00	\$ 975.00
2504.602	8" Gate Valve and Box	EA	-	5.00	5.00	\$ 1,250.00	\$ -	\$ 6,250.00	\$ 6,250.00	\$ 1,800.00	\$ -	\$ 9,000.00	\$ 9,000.00
2504.602	1" Curb Stop W/1 1/4" ID Curb Box	EA	-	2.00	2.00	\$ 250.00	\$ -	\$ 500.00	\$ 500.00	\$ 275.00	\$ -	\$ 550.00	\$ 550.00
2504.603	1" Type K Copper Pipe	LF	-	62.00	62.00	\$ 22.00	\$ -	\$ 1,364.00	\$ 1,364.00	\$ 25.00	\$ -	\$ 1,550.00	\$ 1,550.00
2504.603	8" Water Main Ductile Iron, CI 52	LF	-	622.00	622.00	\$ 139.00	\$ -	\$ 86,458.00	\$ 86,458.00	\$ 48.00	\$ -	\$ 29,856.00	\$ 29,856.00
2504.608	Fittings	LB	-	995.00	995.00	\$ 10.00	\$ -	\$ 9,950.00	\$ 9,950.00	\$ 1.00	\$ -	\$ 995.00	\$ 995.00
2506.522	Adjust Frame and Ring Casting	EA	30.00	-	30.00	\$ 230.00	\$ 6,900.00	\$ -	\$ 6,900.00	\$ 350.00	\$ 10,500.00	\$ -	\$ 10,500.00
2531.501	Concrete Curb and Gutter Design, B624	LF	700.00	300.00	1,000.00	\$ 20.00	\$ 14,000.00	\$ 6,000.00	\$ 20,000.00	\$ 17.20	\$ 12,040.00	\$ 5,160.00	\$ 17,200.00
2531.507	6" Concrete Driveway Pavement	SY	20.00	20.00	40.00	\$ 40.00	\$ 800.00	\$ 800.00	\$ 1,600.00	\$ 69.00	\$ 1,380.00	\$ 1,380.00	\$ 2,760.00
2540.602	Mailbox Support	EA	5.00	-	5.00	\$ 130.00	\$ 650.00	\$ -	\$ 650.00	\$ 100.00	\$ 500.00	\$ -	\$ 500.00
2563.601	Traffic Control	LS	1.00	-	1.00	\$ 7,500.00	\$ 7,500.00	\$ -	\$ 7,500.00	\$ 9,250.00	\$ 9,250.00	\$ -	\$ 9,250.00
2565.602	NMC Loop Detector 6' X 10'	EA	4.00	-	4.00	\$ 450.00	\$ 1,800.00	\$ -	\$ 1,800.00	\$ 525.00	\$ 2,100.00	\$ -	\$ 2,100.00
2573.530	Storm Drain Inlet Protection	EA	60.00	-	60.00	\$ 80.00	\$ 4,800.00	\$ -	\$ 4,800.00	\$ 100.00	\$ 6,000.00	\$ -	\$ 6,000.00
2580.603	Interim Pavement Marking	LF	1,820.00	-	1,820.00	\$ 0.17	\$ 309.40	\$ -	\$ 309.40	\$ 0.34	\$ 618.80	\$ -	\$ 618.80
2582.502	4" Solid Line White - Paint	LF	30,412.00	-	30,412.00	\$ 0.06	\$ 1,824.72	\$ -	\$ 1,824.72	\$ 0.09	\$ 2,737.08	\$ -	\$ 2,737.08
2582.502	4" Solid Line Yellow - Paint	LF	9,831.00	-	9,831.00	\$ 0.06	\$ 589.86	\$ -	\$ 589.86	\$ 0.09	\$ 884.79	\$ -	\$ 884.79
2582.502	4" Broken Line Yellow - Paint	LF	2,870.00	-	2,870.00	\$ 0.06	\$ 172.20	\$ -	\$ 172.20	\$ 0.09	\$ 258.30	\$ -	\$ 258.30
							\$ 1,833,362.18	\$ 120,598.25	\$ 1,953,960.43				
										\$ 1,669,894.08	\$ 62,790.40	\$ 1,732,684.48	



Date: April 13, 2012

To: Milaca City Council

From: Lakes & Pines Community Action Council, Inc.
Energy-Housing Department

Re: **Princeton-Milaca Small Cities Development Program *Update***

The Princeton-Milaca Small Cities Development Program started July 1st, 2011, when the Cities received funding to rehabilitate twelve (12) low to moderate income owner-occupied homes and eight (8) commercial buildings.

Since August:

HOUSING:

- 40 applications have been requested
- 26 applications have been returned (11 from Milaca)
- 12 applications have been approved (7 from Milaca)
 - All inspections have been completed
 - 2 projects is out for bid
 - 2 projects need to have the loan closed
 - 5 projects have been given the go-ahead to start construction (4 from Milaca)
- 5 applications have been denied
 - 2 was out of the target area
 - 1 were over income
 - 2 were not current with their mortgages

COMMERCIAL:

- 14 applications have been requested
- 11 applications have been returned (4 from Milaca)
- 9 applications have been approved (3 from Milaca)
 - All inspections have been completed
 - 4 projects are in the pre-bid stages
 - 2 projects need to close the loan
 - 3 projects have been given the go-ahead to start construction (2 from Milaca)

Once an applicant has been approved, the property is inspected and the scope of work is generated, once bids have been solicited the loan is closed and construction is permitted to start. Currently,

HOUSING:

- 9 applications have been placed on a waiting list (3 from Milaca)
 - 5 of these are complete files

COMMERCIAL:

- 2 applications have been placed on a waiting list (1 from Milaca)
 - 1 file is complete

For questions please contact the Project Manager, Dana Johnson at 800-832-6082 ext. 123 or at danaj@lakesandpines.org.

1700 Maple Avenue East • Mora, MN 55051-1227

Office and TDD • 320/679-1800 • FAX 320/679-4139

Special accommodations for people with disabilities upon request.

Serving the counties of Aitkin, Carlton, Chisago, Isanti, Kanabec, Mille Lacs and Pine

An Equal Opportunity Employer/Contractor

March 23, 2012

Greg Lerud
City of Milaca
255 1st St E
Milaca, MN 56353-1609



Dear Mr. Lerud and members of the Milaca City Council,

On behalf of the Initiative Foundation, I would like to convey my sincere thanks for Milaca's 2012 investment of \$2,750 received on March 19, 2012. Your contribution will be immediately doubled by a matching incentive from The McKnight Foundation.

The Foundation's new strategic plan includes a comprehensive focus on economic development. This direction was influenced by our intimate knowledge of the economic reality in central Minnesota as well as the results of a regional survey and focus groups.

Your financial partnership since 1993 allows us to finance locally owned businesses, creating quality jobs that pay a living wage. You support critical workforce training and nonprofit safety net services for children and families. You also support public-private partnerships to develop common-sense plans at the local level. The recession is still not over for many families, but your gift is helping people to help themselves.

Please know that your gift is truly appreciated. If there is anything further we can do for you, please don't hesitate to call.

All the best,



Matt Kilian
Vice President for External Relations
(877) 632-9255 | mkilian@ifound.org

As a 501(c)(3) nonprofit organization, your Initiative Foundation contribution is tax-deductible to the extent allowed by law. The Foundation owns and manages financial contributions for the benefit of central Minnesota communities, and no goods or services are exchanged for your gift. Please retain this letter for your tax records.

CITY OF MILACA ORDINANCE NO. 393

AN ORDINANCE REGULATING USE OF PUBLIC PARKS

THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA DOES ORDAIN AS FOLLOWS:

SECTION 1: The Ordinance Code of the City of Milaca, Minnesota is amended by the addition of the following:

SECTION 2. Purpose. This section is enacted to govern the conduct of members of the public during their use and enjoyment of the City park system so as to further the safety, health, enjoyment, and welfare of all persons in the use of those facilities and to protect public property and resources for posterity.

SECTION 3. Hours and Access.

Subd. 1. The park system shall be open to the public between the hours of 6:00 a.m. and 10:00 p.m. No person shall remain, stop, use, or be present within the confines of any park between the hours of 10:00 p.m. and 6:00 a.m. Exceptions may be made at the discretion of the city council in the case of emergency, when contained in Park Permits which have been issued, or for other reasons the city council may determine necessary or desirable. Except as outlined in a Park Permit, parks are subject to any other curfew hours in force in the city.

Subd. 2. Any section or part of any park may be declared closed to the public by the city council at any time or for any interval of time, either temporarily or at regular and stated intervals, and either entirely or for certain uses as the council shall find necessary or desirable.

SECTION 4. Permits.

Subd. 1. Permits are required for the exclusive use of all or portions of specific areas, buildings, and other park facilities; and for conducting special events such as those of an athletic, cultural, educational, political, religious or recreational nature; and for specific exemption from any provision of this ordinance. Any person, group, or association of persons wishing to obtain a permit must file an application for a permit with the city manager.

Subd. 2. In addition to any permit terms, the grantee of a permit is bound by this section and any other applicable regulations.

Subd. 3. The grantee of a permit is liable for any loss, damage, or injury sustained by the park or by any person whatever, by reason of the negligence of the person or persons to whom such permits are issued.

Subd. 4. The grantee of a permit may not transfer or relinquish the permit to another person or group of persons without the written permission of the city manager.

Subd. 5. The city manager may revoke a permit upon evidence of good cause.

Subd. 6. No person may disturb, harass, or interfere with the grantee of a valid permit, nor with any of the grantee's guests, property or equipment.

Subd. 7. Permits may be issued to adults only and an adult must be on the permitted premises at all times for the duration of the permit.

Subd. 8. No person or group may place or hold for sale any goods, wares, merchandise, or other articles on park property, by permit or otherwise.

Subd. 9. Only Park Permit Grantees and their invited guests may use park facilities reserved by Park Permit such as shelters, picnic areas, ball fields, tennis courts or volleyball courts or conduct picnic activity at reserved picnic sites.

Subd. 10. No person may establish or maintain any camp or other temporary lodging or sleeping place in any park, by Park Permit or otherwise.

SECTION 5. General Conduct.

Subd. 1. Defacement, destruction of property and resources prohibited.

- (a) No person may tamper with, climb on, injure, deface, destroy, disturb, damage, move, or remove any part of any park building, portable bathrooms, structure, sign, light pole, drinking fountain, hydrant, picnic table, grill, trash receptacle, equipment, statue or other property found in the park. This does not prohibit appropriate use of play equipment.
- (b) No person may deface, disturb, or remove in any manner any soil, plant, artifact, fossil, rock, or other natural resource.
- (c) No person may excavate any ditch, trench, tunnel, or hole in any park.

Subd. 2. Preservation of Vegetation.

- (a) No person may injure, cut, destroy, mutilate, uproot, disturb, or remove any flower, tree, shrub, or any plant whether wild or cultivated, or any part thereof.
- (b) No person may make any unauthorized use of any park which is detrimental to the turf and soil conditions.

- (c) No person may remove any device, apparatus or material installed for the protection, support, or preservation of any tree, shrub, or plant.

Subd. 3. Animals, whether wild, pet or domestic.

- (a) No person owning, being in custody, or having custody or control of an animal, may cause or allow the animal to roam or be at large in any park.
- (b) No person having custody or control of any animal may allow the animal to disturb, harass, or interfere with other park users or their property.
- (c) Any unattended animal found roaming or at large within any park may be impounded.
- (d) All state and local ordinances relating to the licensing and muzzling of animals apply to any park.
- (e) It is unlawful for any person who owns, harbors, or has custody or control of an animal to permit such animal to defecate on any public property unless such person immediately removes the excrement and properly disposes of it.

Subd 4. Fires.

- (a) No person may start or maintain a fire in any park except small recreational fires in fireplaces, fire rings, and grills provided for that purpose in areas specifically designed for such use. Private grills may be used in designated areas provided that all ashes and residue are disposed of in containers provided for such disposal.
- (b) Any person who starts or maintains a fire in an authorized area must exercise continuous supervision from the time the fire is kindled until it is extinguished. No fire may cause damage or constitute a threat to site vegetation and resources, nor may it cause discomfort to other park users.
- (c) The council may, at its discretion, prohibit fires for limited periods at any location for any purpose when it is necessary for the continued protection of park property and resources.

Subd. 5. Waste and Litter.

- (a) No person may throw, cast, drop, pour, spill or discharge, or permit to escape in or upon any land, pond, river, creek, stream, ditch, storm sewer, or drain flowing into or through any park, any substance, matter or thing whether solid, liquid, or gas, which may result in the pollution of such

waters, interfere with the conservation management of the water resource, or endanger the health of the public.

- (b) No person may deposit in public trash receptacles any household refuse, , tree or lawn clippings, leaves, weeds, waste resulting from building construction, remodeling or demolition; and other waste products, unless such refuse is the result of authorized activities in the park in which such public receptacles are located.
- (c) No person may drop, throw or otherwise leave unattended in any park lighted matches, burning cigars, cigarettes, tobacco, paper, or other combustible material.

Subd.6. Firearms, Weapons, Fireworks.

- (a) No person may possess, fire, discharge, or set off any firearm, missile, fireworks, or explosives in any park
- (b) No person, except a peace officer, shall possess or carry a firearm of any description in any park. No person may possess or carry in any park any air gun, bow and arrow, knife with a blade greater than three inches, paint ball gun, slingshot, dart, or projectile thrower, or any other dangerous or illegal weapon.
- (c) Any unauthorized or illegal weapon within any park is subject to seizure by a peace officer.

Subd. 7. Disturbing the Peace - Conduct.

- (a) No person, or group of persons, may disturb the peace and good order in any park by either word or act.
- (b) No person, or group of persons, may use threatening, abusive, insulting, obscene or indecent language or commit, perform or engage in any lewd, lascivious, obscene or indecent act.
- (c) No person, or group of persons, may engage in fighting, quarreling, wrangling, riotous clamor, or tumult.
- (d) No person, or group of persons, may disturb, harass, or interfere with any park user or the user's property.
- (e) No person may solicit or ask anyone to commit, perform or engage in any lewd, lascivious, obscene, or indecent act or behavior.

- (f) No person may enter or occupy any park or park property while under the influence of alcohol to the extent his or her blood alcohol content meets or exceeds the level of .10 per cent alcohol per milliliter of blood and any person who a peace officer has probable cause to believe is under the influence of alcohol as described is subject to chemical testing by portable breath test and any such person who refuses to properly perform a portable breath test when offered by a peace officer is subject to immediate removal from park property and may be banned from city parks for a period of 3 years by action of the city council.
- (g) Any person who a peace officer has probable cause to believe has engaged in conduct prohibited by this ordinance the city council.

Subd. 8. Audio Devices. No person may operate or play any musical instrument, radio, television, record or tape players, loudspeaker, public address system or sound amplifying equipment of any kind in any park in such a manner that the sound emanating therefrom is audible beyond the immediate vicinity of the set or instrument, and subsequently interferes with the use of the park by other users or disturbs the residents of adjacent property.

Subd. 9. Alcoholic and Intoxicating Beverages. No person may possess, have within their immediate control, display, consume or use intoxicating liquor or 3.2 percent malt liquor in any park, provided however, that the City Manager may issue Park Permits authorizing the possession, immediate control, display, consumption and use of wine and beer at the location and in conjunction with the Park Permit and subject to the limitations contained in the permit.

Subd. 10. Games. No person may engage in any potentially dangerous games involving thrown or propelled objects, such as horseshoes, golf balls, darts, paint balls, or similar objects except in appropriate areas specifically designated for such usage.

Subd. 11. Skateboards.

- (a) No person shall operate a skateboard carelessly or heedlessly in disregard of the rights of others, in a manner that endangers or is likely to endanger persons, property or the operator of the skateboard, or in a place where the surface or traffic conditions render the place unsafe for skateboarding.
- (b) An operator of a skateboard must yield the right-of-way to any other type of vehicle or a pedestrian while the operator is entering or traveling upon a street, alley, sidewalk, bicycle path, or other paved surface.

Subd. 12. Unlawful Sales.

- (a) No person may sell, offer for sale, hawk, peddle or lease any object, merchandise or service or carry on any manner of business or commercial enterprise except those concessions authorized or operated by the city.
- (b) No person may park or occupy a vehicle, stand or booth to sell any farm produce, flowers, merchandise or any other product or for conduct any business or the selling of services unless authorized by Park Permit.

Subd. 13. Peace Officers and Employees.

- (a) No person may willfully resist, refuse or fail to comply with any order, direction or request lawfully given by any peace officer, or city employee acting under the authority of the city council or city manager and in accordance with this section.
- (b) No person may interfere with, or in any manner hinder any city employee, city contractor, or peace officer during the performance of their assigned duties.

Subd. 14. Posted Regulations, Directional Signs and Graphics. No person may disregard or fail to comply with any posted regulations, directional signs and graphics, barriers or other control devices located within any park or on any parkway.

SECTION 6. Traffic Rules.

Subd. 1. No person may drive or operate a motorized vehicle within any park except upon roadways, parking areas, parkways or other areas designated for such use.

Subd. 2. No person may operate a motorized vehicle within any park or on any parkway, in violation of posted regulations and directional signs, state law, county or municipal traffic ordinances, or orders or direction of peace officers or city employees.

Subd. 3. No person may drive or operate a motorized vehicle on or along any roads, drives or parking lots which have been restricted, closed, or posted with appropriate signs or barricades. The council will have the authority to order roads, drives, or parking lots within any park or any roadway closed during the process of construction, reconstruction, or repair or when in its opinion, weather conditions render travel unsafe or unduly destructive.

Subd. 4. No person may operate a motorized vehicle in a careless or reckless manner or without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, so as to endanger the life, limb, or property of any other person.

Subd. 5. No person may operate a motorized vehicle in any park or on any parkway at a speed in excess of 15 miles per hour or in excess of otherwise posted speed limits.

Subd. 6. No person may operate a motorized vehicle in any park which emits excessive or irritating noise, noxious fumes, dense smoke or other pollutants.

Subd. 7. Motorized vehicles illegally parked, disabled or abandoned may be towed away and impounded at the owner's expense.

Subd. 8. Motorized vehicles must yield the right-of-way at all times to pedestrians.

Subd. 9. No person may participate in a drag race or test of unreasonable acceleration in any park or on any parkway.

SECTION 7. Penalties for Violation.

Subd. 1. Violation of any of the provisions of this ordinance shall be a misdemeanor.

Subd. 2. Any person violating any section of this ordinance may be expelled, ejected, or ousted from a park at the discretion of a peace officer.

SECTION 8. Effective Date.

The ordinance shall become effective upon passage and publication.

Adopted by the City Council of the City of Milaca this _____ day of _____, 2012.

Harold Pedersen, Mayor

ATTEST:

Greg Lerud, City Manager

RESOLUTION NO. 12 – 17

RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSAL TO ADOPT A STREET RECONSTRUCTION PLAN AND THE INTENT TO ISSUE GENERAL OBLIGATION STREET RECONSTRUCTION BONDS

WHEREAS, the City of Milaca, Minnesota (the "City"), proposes that it is the best interest of the City to issue and sell general obligation street reconstruction bonds pursuant to Minnesota Statutes, Section 475.58, subdivision 3b, as amended (the "Act"), to finance the cost of street reconstruction projects, as described in the proposed street reconstruction plan described below, a copy of which is on file in the City Manager's office; and

WHEREAS, pursuant to the Act, the City is authorized to issue and sell general obligation street reconstruction bonds to finance street reconstruction under the circumstances and within the limitations set forth in the Act; and the Act provides that street reconstruction projects may be financed with general obligation street reconstruction bonds, following adoption of a street reconstruction plan, after a public hearing on the street reconstruction plan and on the issuance of general obligation street reconstruction bonds and other proceedings conducted in accordance with the requirements of the Act; and

WHEREAS, pursuant to the Act, the City has undertaken to prepare a five year street reconstruction plan, which describes the streets to be reconstructed, the estimated costs and any planned reconstruction of other streets in the City, including the issuance of general obligation street reconstruction bonds under the Act (the "Plan"), to determine the funding strategy for street reconstruction projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milaca, Minnesota, as follows:

1. Public Hearing. The Council hereby determines to call for and to hold a public hearing on the Plan and the issuance of general obligation street reconstruction bonds thereunder at a meeting of the Council to be held on May 17, 2012, the public hearing shall commence at 6:30 p.m.

2. Publication. The staff of the City is hereby authorized and directed to cause the Notice of Public Hearing which is attached to this Resolution to be published in the City's official newspaper not less than 10 days nor more than 28 days prior to the scheduled public hearing date.

Adopted this 19th day of April, 2012.

Mayor Harold Pedersen

ATTEST

Greg Lerud, City Manager

RESOLUTION NO. 12 – 18

RESOLUTION APPROVING INTERIM USE PERMIT

WHEREAS, John and Tess Shipman have submitted an interim use permit application for the purpose of operating at greenhouse at 330 Central Avenue South for the purpose of selling plants and flowers; and,

WHEREAS, they have submitted plans and received permission from the owners of the property,

NOW THEREFORE BE IT RESOLVED by the Milaca City Council, that the Council hereby approves an interim use permit for John and Tess Shipman to operate a greenhouse at 330 Central Avenue South from April 20, 2012 through June 28, 2012.

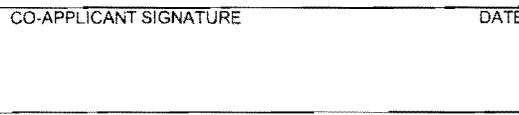
Adopted this 19th day of April, 2012.

Mayor Harold Pedersen

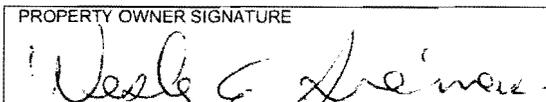
ATTEST

Greg Lerud, City Manager

I understand that the application fee of \$200.00 is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied.

APPLICANT'S SIGNATURE 	DATE: 3/28/12	CO-APPLICANT SIGNATURE 	DATE: 3/28/12
---	------------------	--	------------------

I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned property. Failure to prove ownership may void any agreements entered into the by the City of Milaca and I will be held liable for any and all costs incurred by the City.

PROPERTY OWNER SIGNATURE 	DATE:	CO-PROPERTY OWNER SIGNATURE	DATE
--	-------	-----------------------------	------

To Be Completed by City of Milaca

Interim Use Permit Approved for Period: _____

CITY AGENT'S SIGNATURE

DATE

COMPLETED BY CITY OF MILACA	
Amount Paid:	\$ 200.00
Money Order:	
Cash:	
Date:	04.05.12
Initial:	dk

MILACA ECONOMIC DEVELOPMENT COMMISSION MINUTES
MARCH 16, 2012 MEETING

The meeting of the Milaca economic development commission was called to order at 7:40 by Chairman Joe Cronin. The following members were present: Joe Walsh, Dave Dillan, Jeff Brown, Steve Kosbab, and Greg Lerud.

The secretary's report was approved as read.

Cronin noted that the County sent a survey last week, and Lerud said it was also available on their website to complete on line.

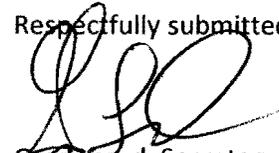
A news article regarding a trend toward incubator buildings was handed out. Lerud said that the council discussed the idea at last month's meeting, and there was interest on the part of the council to have the EDA construct a building that would be sub dividable, with the purpose of creating space for small businesses that might be operating out of their garage now, to expand into an affordable space to allow their business to grow. Cronin said it was important to make sure there is a need to for the space prior to building. Lerud said he was aware of three or four small businesses, but was waiting until an estimated cost was known so a lease cost could be known.

Brown said they are still looking to build out their building on First Street but are reluctant to begin until a potential leasee comes forward and they can finish it around their needs.

Joe Walsh said there is an informational meeting at the school next Thursday that will help explain the disparities in school funding between rural districts and metro schools.

With no other business the meeting adjourned at 8:45.

Respectfully submitted,



Greg Lerud, Secretary
Milaca Economic Development Commission



Stantec Consulting Services Inc.
 2335 Highway 36 West
 St. Paul MN 55113
 Tel: (651) 636-4600
 Fax: (651) 636-1311

Stantec

April 17, 2012

Mr. Greg Lerud
 City of Milaca
 255 First Street East
 Milaca, MN 56353-1609

Re: Rum River Dam Removal and Pedestrian Bridge
 Approval of Construction Plans and Specifications
 Our File: 472-11-138 / 193800517

Dear Greg:

We have completed the preparation of construction plans and specifications for the Rum River Dam Removal project in general accordance of our scope of services presented last fall. As requested, we have also incorporated the pedestrian bridge installation plans and special provisions prepared by Erickson Engineering into the overall construction bid package.

Attached for your approval are selected pages from the construction plan set. The construction plan includes the following major components: dam removal, river bed enhancement, bank restoration, bridge removal, bridge installation, and construction of a base for a trail leading to the new bridge on each side of the river.

The estimated construction cost for the project is \$271,247 as shown in the table below and on the attached.

ENGINEERS OPINION OF PROBABLE COSTS			
	Dam Removal and Bridge Trail Connections		\$176,025
	Bridge Construction		\$95,222
Total Estimated Construction:			\$271,247

The current project schedule calls for construction this summer. The specifications require the contractor to vacate Rec Park between July 21st and July 31st in order to accommodate the music festival. We anticipate that the contractor will complete a majority of the work before the festival. The trail base grading and restoration work will likely be completed after the festival. A summary of the project schedule is as follows:

Receive Construction Bids	5/11/12
Council Award Bids (contingent upon DNR approval)	5/17/12
Begin Construction	6/4/12

At this time, we request that the city **approve the construction plans for the Rum River Dam Removal and Pedestrian Bridge project and authorize advertisement for bids.** Feel free to contact me at (651) 604-4885 if you have any questions or require any additional information.

Sincerely,
STANTEC

Phil Gravel
 Enclosures



ESTIMATE and AGREEMENT

Painting & Wallcovering Contractors Since 1923

214 First Street West
Milaca, MN 56353-1102

Office (320) 983-6113 Fax (320) 983-2864

TO: Mr. Wayne Bekius
410 - 6th Street NW
Milaca, MN 56353

JOB: MILACA PEDESTRIAN BRIDGE
Milaca, Minnesota

Fax: 320-982-1211

ESTIMATOR: Ethan Eggen

DATE OF PROPOSAL: April 9, 2012

(BASE BID:) Galvanized portion of Bridge - Scope below:
 - Brush Blast entire surface to prep existing coating and remove failed coatings
 - Apply 2-component epoxy coating
 - Apply 2-component urethane coating

Ferrous Metal portion of Bridge - Scope below:
 - Sand Blast to SSPC-10 near white metal
 - Apply single component zinc coating
 - Apply 2-component epoxy coating
 - Apply 2-component urethane coating

Labor & Material \$ 30,350.00

Touch-up allowance after erection not included in base bid \$ 2,175.00 (Labor: 24 hours Material: 5 gal.)

Allowance for patching at removed galvanized coatings not included in base bid if required

\$ 1,600.00 (Labor: 16 hours Material: \$400.00)

- Moving of bridges to provide access to all surfaces by owner
- Not responsible for failure of existing galvanized cladding

Please give me a call if you have any questions. Thank you.

ALTERNATES: NOT APPLICABLE

TOTAL BID: \$30,350.00
plus allowances

EXCLUSIONS: NOT APPLICABLE

ACKNOWLEDGMENT OF ADDENDA: NOT APPLICABLE

Any alteration or deviation from above specifications including extra costs will be executed only upon written orders as authorized by owner and will become an extra charge over and above the estimate.

Acceptance of Bids: The above specifications, terms and contract are satisfactory, and ((I) (we) hereby authorize the performance of this work.

DATE:

DATE:
04/09/12

SIGNATURE:

SIGNATURE:

This Contract is void 30 days from date of proposal, unless signed copy is returned to our office.

White - Customer Yellow - Contractor Pink - Customer



CITY OF MILACA SPECIAL EVENT PERMIT APPLICATION

Permit No. _____
Return to City Hall By: _____
Date of Application: _____

NAME OF SPECIAL EVENT: GATEWAY TO THE NORTHLAND FESTIVAL
TYPE OF SPECIAL EVENT: Parade X Runs/Walks _____ Other: BLOCK PARTY / CAR SHOW
Applicant's or Organization's Name: MILACA CHAMBER OF COMMERCE
Name of Contact Person: TAMI JAMES Daytime Phone: 320-282-7437
Address: 16945 136th Ave Evening Phone: 320-983-5650
MILACA, MN 56353 Fax Phone #: 320-983-3185
Email Address: tjames1@fairview.org

Other permits may be required for your event. This application will allow you to apply for the Special Event Permit along with Street Closings, Banners/Signs, and Parade Permits. All information needed for these permits are attached to this application. You must obtain a separate application for Park/Shelter Reservations, Temporary 3.2. Malt Beverage license, or Fireworks Permit.

Starting Date 6-19, 6-21, 6-23 Starting Time _____
Ending Date _____ Ending Time _____
Estimated Number of Participants Attending the Event 200
Number of Sanitary Facilities TBD Sanitary Locations _____
Where will Individuals Park In town

Will Security Be Provided Yes No Explain Arrangements: _____

If using a public address system, give the location of speakers (circle)

How will drinking water be provided NA

Will electricity be required, and if so, how will it be provided yes @ bandshell

How will refuse be disposed of Jim's disposal

Will the Special Event require the use of a park/shelter Yes No
(if yes, a park/shelter reservation form must be obtained from the City of Milaca)

PARADE

IF YOUR EVENT INCLUDES A PARADE, YOU MUST COMPLETE THIS SECTION

Parade Title MILACA KIDDIE PARADE

Date of Parade TUESDAY, JUNE 19 Assembly Time 4:30p

Assembly Area Old baptist church site

(Note: Applicant must obtain owner(s) written permission and attach to this application if assembly/dispersal is on private property).

Exact Starting Time 4:30 Estimated Duration 2 hours

Actual Starting Location Baptist Church location

Baptist church site up to NW 2nd St.

Proposed Parade Route
(Attach a separate sheet if necessary)

Parade End Location Armory Park Parade Dispersal Area Armory Park

Approximate Number of Units in Parade 10-20

Approximate Number of Persons in Parade 20

Approximate Number of Animals in Parade 0

Type of Animals in Parade 0

Maximum Length of Parade in miles (or fractions thereof) 2 blocks

Contact Person Tami James Telephone: 983-5650 Cell Phone 320-282-1437

If your parade involves the closing of any county road in the city limits, please allow up to 60 days for approval because the city must receive Mille Lacs County Board approval prior to final approval by the City of Milaca.

BANNERS & SIGNS

IF YOUR EVENT REQUIRES BANNERS OR SIGNS, YOU MUST COMPLETE THIS SECTION
(Attach a separate sheet if necessary)

Banner description(s) and location, including size, method of construction and wording:

BANNER(S): _____ _____ _____ _____ _____
--

Date Banner to be put up _____ Date Banner to be taken down _____

Contact Person _____ Telephone Phone _____ Cell Telephone _____

Sign description(s) and location, including size, method of construction and wording:

SIGN(S) _____ _____ _____ _____ _____

Date Sign to be put up _____ Date Sign to be taken down _____

Contact Person _____ Telephone Phone _____ Cell Telephone _____

BANNER & SIGN RULES

Special events temporary signs for non-profit organizations are permitted which are temporary displays which are erected to celebrate, commemorate or observe a civil or religious holiday. These signs shall be removed from the premises within ten days following completion of the special event. The special event signs shall not exceed four feet by eight feet in size.

Special events temporary signs shall not be erected more than 90 days before the date of the special event; an extension of this time limit may be obtained only by variance.

Public portable signs may be erected by the city and/or a non-profit corporation to advertise community-interest events and which public portable signs shall be placed upon public property. All public portable signs shall not be erected more than seven days before the date of the special event and shall be promptly removed following the event.

The Building Inspector may order the removal of any sign in violation of city ordinance.

**YOU MUST COMPLETE THIS SECTION FOR EACH CLOSING THROUGHOUT THE ENTIRE EVENT
STREET CLOSINGS**

1.

Location W 1st St. (Street to be Closed) Between 2nd Ave & 3rd Ave (Cross Street) (Cross Street)
 Date Saturday June 23 Time 1pm - 6pm (Beginning) (End)
 Contact Person Tami James Daytime Phone 983-5650 Cell Phone 320-282-7437
 Special Requests Car Show

2.

Location 2nd Ave (Street to be Closed) Between Baptist Church site & NW 2nd St (Cross Street) (Cross Street) ~~2nd Ave~~
 Date Tuesday June 19 Time 4:00 - 5:00 ? (Beginning) (End)
 Contact Person Tami James Daytime Phone 983-5650 Cell Phone 320-282-7437
 Special Requests Kiddie Parade

3.

Location 2nd Ave (Street to be Closed) Between SW 2nd St & NW 2nd St (Cross Street) (Cross Street)
 Date Saturday June 23 Time 1pm - 6pm (Beginning) (End)
 Contact Person Tami James Daytime Phone 983-5650 Cell Phone 320-282-7437
 Special Requests Block Party

4.

Location _____ (Street to be Closed) Between _____ & _____ (Cross Street) (Cross Street)
 Date _____ Time _____ - _____ (Beginning) (End)
 Contact Person _____ Daytime Phone _____ Cell Phone _____
 Special Requests _____

5.

Location _____ (Street to be Closed) Between _____ & _____ (Cross Street) (Cross Street)
 Date _____ Time _____ - _____ (Beginning) (End)
 Contact Person _____ Daytime Phone _____ Cell Phone _____
 Special Requests _____

For additional street closings, attach a separate sheet of paper listing each closing individually.

REQUEST FOR CITY OF MILACA POLICE COVERAGE

Request is made for the Milaca Police Department to provide security for the following times:

Date: _____ Time _____ to _____
(Beginning) (End)

Date: _____ Time _____ to _____
(Beginning) (End)

Date: _____ Time _____ to _____
(Beginning) (End)

DEFINED AREA OF EVENT

Provide a written description of all borders of jurisdiction for the event. Use the map below to highlight these borders. This will establish sole authority and responsibility for all activities within this area.

Kiddie Parade
- 82nd Ave between
3rd St. SW + 1st St. SW

Block party
xxx - barricades
in
Block party

3rd Ave.

2nd St

2nd St W

1st St W

2nd Ave SW



SECTION I: LIABILITY COVERAGE WAIVER FORM

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- *If the city does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000. on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.
- *If the city waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$1,500,000. on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000., regardless of the number of claimants.
- *If the city waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

The City of Milaca accepts liability coverage limits of \$ 500,000 from the League of Minnesota Cities Insurance Trust (LMCIT). per claimant & \$1,500,000 maximum per occurrence.

Check one:

- The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

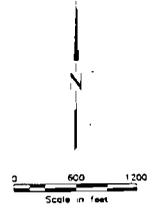
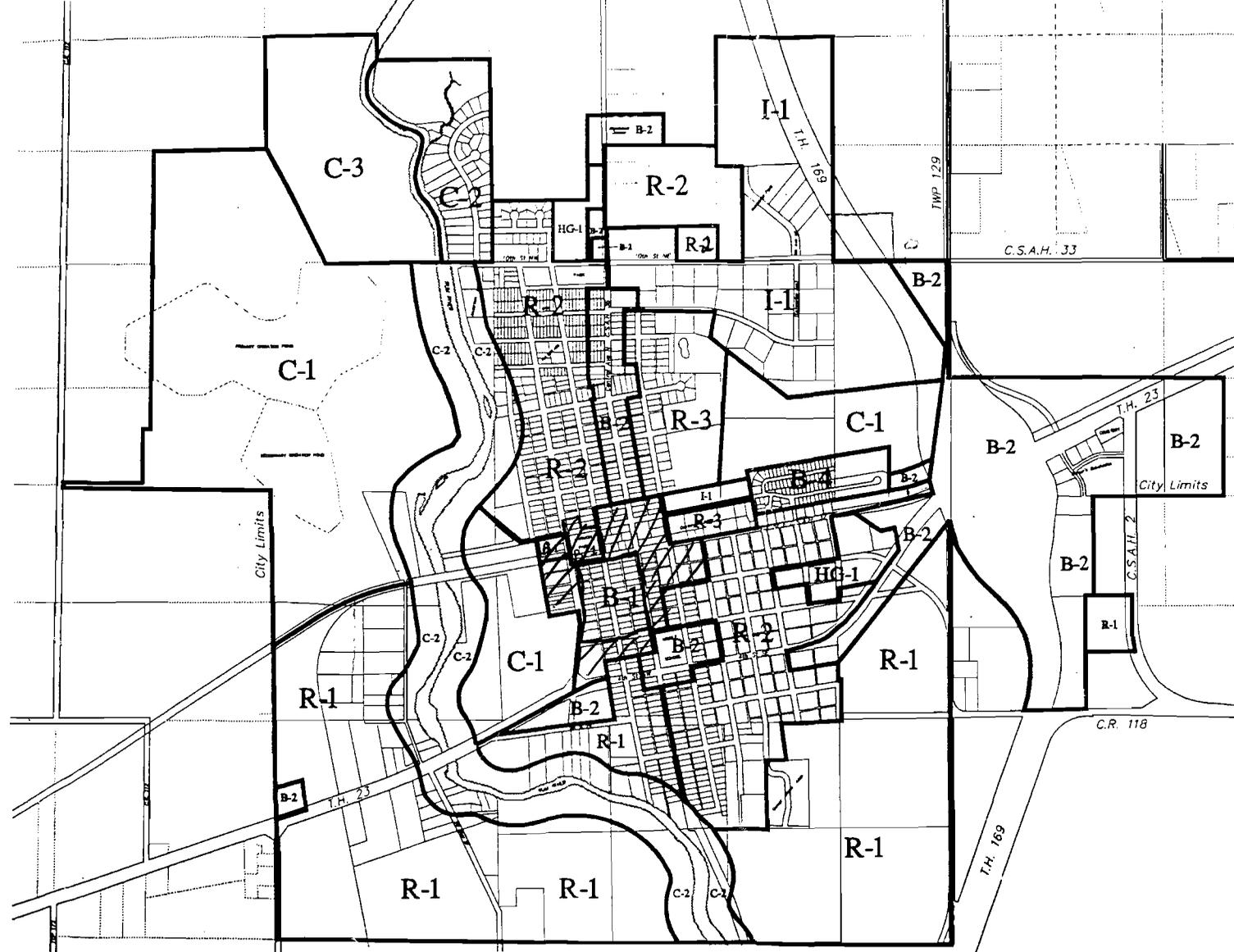
Date of city council meeting _____

Signature _____ Position _____

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044

Zoning Districts

- R-1 Single Family Residential
- R-2 1 And 2 Family Residential
- R-3 Multiple Family Residential
- B-1 Central Business District
- B-2 General Business District
- B-4 Mobile Home
- HG-1 Health Care & Government Buildings
- I Industrial
- C-1 Conservation
- C-2 Wild & Scenic River
- C-3 Special



CITY OF MILACA

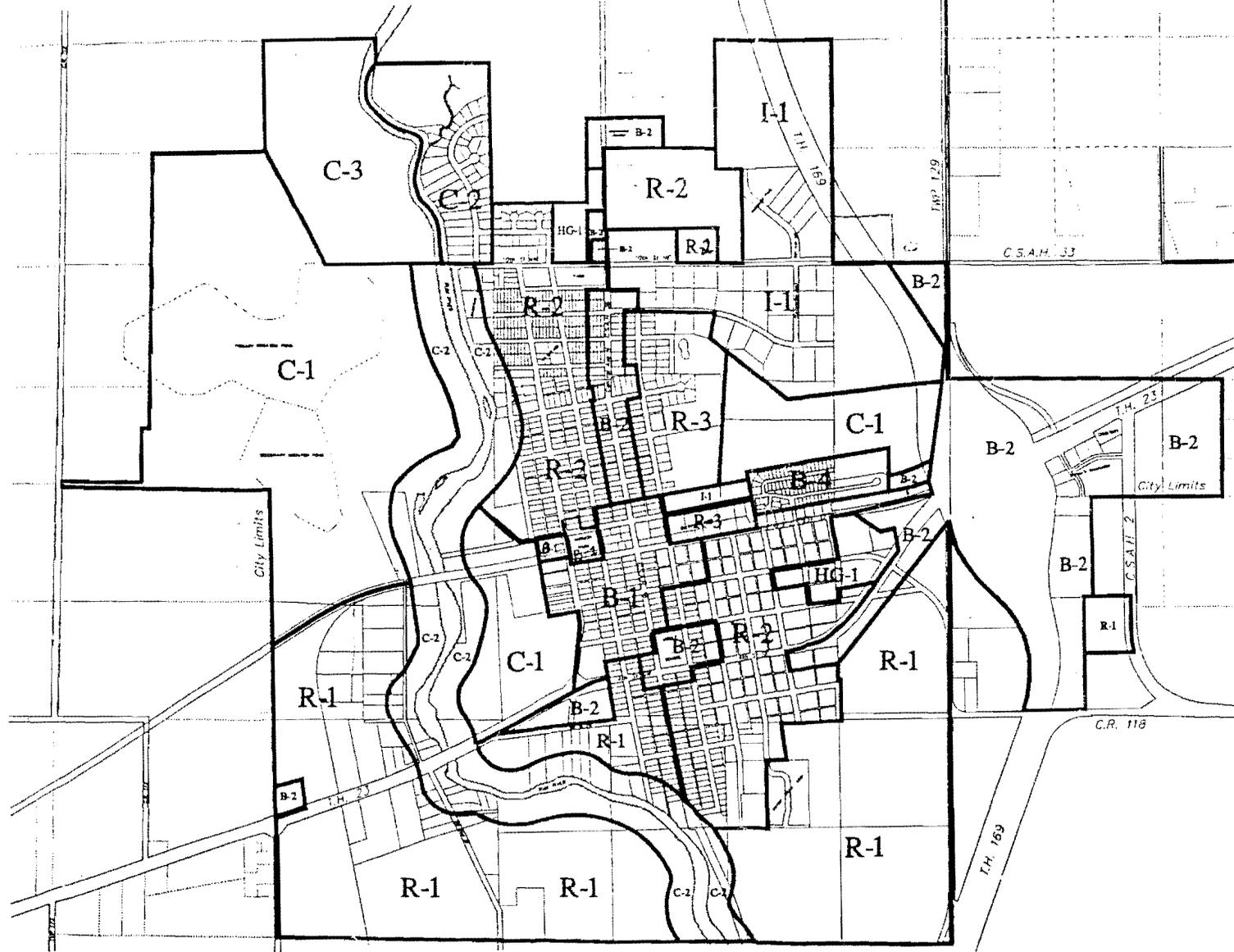
Zoning

April 4, 1997

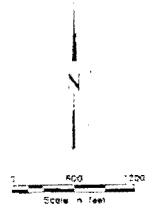
PREPARED BY
 Westwood

/// = B2

Proposed



- Zoning Districts**
- R-1 Single Family Residential
 - R-2 1 And 2 Family Residential
 - R-3 Multiple Family Residential
 - B-1 Central Business District
 - B-2 General Business District
 - B-4 Mobile Home
 - HG-1 Health Care & Government Buildings
 - I-1 Industrial
 - C-1 Conservation
 - C-2 Wild & Scenic River
 - C-3 Special



CITY OF MILACA

Zoning

April 4, 1997

PROFESOR P.M.
Westwood

Current

**RESTATED
ARTICLES OF INCORPORATION
OF
MILACA FIREFIGHTERS RELIEF ASSOCIATION**

Pursuant to Minnesota Statutes Chapter 317A, the following Restated Articles of Incorporation have been properly adopted by the Board of Directors and the Members of the Association to supersede the original Articles of Incorporation and all amendments thereto.

**ARTICLE I
NAME**

The name of the corporation is the Milaca Firefighters Relief Association (the "Association").

**ARTICLE II
PURPOSES AND POWERS**

1. The Association is organized and shall be operated exclusively for social welfare purposes within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1986, as amended (the "Code"), and in particular to relieve the burdens of government by providing for the support and relief of its members and dependents with retirement benefits and other financial assistance in case of old age or sickness or disability, and to pay such pensions and death benefits as the bylaws and laws of the State of Minnesota may prescribe. The Association is authorized to raise, receive, keep and administer all funds coming into its hands from governmental or private sources, but benefits paid to members and their dependents shall be funded exclusively through governmental sources and, to the extent provided by State law, through restricted donations.

2. The Association may receive gifts, devises, and bequests and hold, administer, and dispose of the same exclusively for the accomplishment of the purposes for which the Association was created. The Association in carrying out its purposes shall have all the powers granted by law to a corporation formed under the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Chapter 317A, and laws amendatory thereof and supplementary thereto.

3. Notwithstanding any provision herein, at all times as the Association is qualified for exemption under a subsection of Section 501(c) of the Code, it shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under that subsection of the Code.

4. No substantial part of the activities of the Association shall consist of carrying on propaganda or otherwise attempting to influence legislation or participating in or intervening in

(including the publication or distribution of statements) any political campaign on behalf of (or in opposition to) any candidate for public office.

5. The assets of the Association shall at all times be dedicated to the exempt purpose of the Association.

ARTICLE III NO MONETARY GAIN

The Association shall not permit monetary gain, incidentally or otherwise, to accrue to its directors, members, officers, or other private persons. No part of the net earnings of the Association shall inure to the benefit of any director, officer or individual, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II hereof.

ARTICLE IV REGISTERED OFFICE

The registered office of the Association in the State of Minnesota shall be:

1005 Central Avenue North
Milaca, MN 56353

ARTICLE V MEMBERS

Member voting rights, classes (if any), and interests shall be established by the Bylaws of this Association.

ARTICLE VI BOARD OF DIRECTORS

The management of the business of the Association shall be vested in a Board of Directors, which shall be the same as the Board of Trustees elected by the members and those trustees who qualify as ex-officio trustees. The number, qualifications, term of office, method of election, powers, authorities, and duties of the directors, the time and place of their meetings, and such other provisions with respect to them as are not inconsistent with the express provisions of these Articles of Incorporation shall be as specified in the Bylaws of the Association.

ARTICLE VII NO PERSONAL LIABILITY; INDEMNIFICATION

The directors and officers of the Association shall not be personally liable for the acts, debts, liabilities, or obligations of the Association to any extent whatsoever; nor shall any of the property of the directors or officers of the Association be subject to the payment of any debts or

obligations of the Association. The Association shall indemnify persons to the extent required by the Minnesota Nonprofit Corporation Act, and shall have the power otherwise to indemnify persons for such expenses and liabilities, in such manner, under such circumstances, and to such extent as permitted by applicable law. The Board of Trustees of the Association retains the discretion to indemnify its members for breach of fiduciary duty.

ARTICLE VIII AMENDMENT

The power to adopt, amend or repeal the Bylaws or Articles of this Association, and to establish procedures with respect to the adoption, amendment or repeal thereof, is vested solely in the membership, unless the power is vested in the Board of Trustees, subject to the limitations set forth in the Bylaws and in accord with Minnesota Statutes Section 317A.181.

ARTICLE IX DISSOLUTION

1. Upon dissolution of the Association, due to the dissolution of the Fire Department, as defined in the Bylaws of the Association, or for any other reason, the Association's remaining assets (after paying or making provisions for the payment of all debts, obligations, liabilities, costs and expenses, and moving Special Funds in accord with their restriction and Minnesota Statutes to a qualified Trustee) shall be distributed by the Board of Trustees under a plan of dissolution properly noticed to the Attorney General in accord with Minnesota Statutes, Section 317A.811 that, further, meets the mandates of Minnesota Statutes, Section 424B.20, as a final distribution.

2. Upon dissolution, the Board of Trustees of the Association shall transfer the records of the Association to the chief administrative officer of the applicable municipality. The board shall also notify the Commissioner of Revenue, the State Auditor, and the Secretary of State of the dissolution within 30 days of the effective date of the dissolution.

RESTATED BYLAWS

OF

MILACA FIREFIGHTERS RELIEF ASSOCIATION

The Bylaws of the Relief Association are hereby amended in their entirety and restated effective as of _____, 20_____.

**ARTICLE I
NAMES**

As provided in the Articles of Incorporation, the name of this organization shall be the Milaca Firefighters Relief Association (the "Association").

**ARTICLE II
DEFINITIONS**

General Definitions

The following words and phrases when used herein shall have the following meanings except as otherwise required by the context in which they are used:

"Active Member" is a member of the Association who is eligible for benefits and is currently meeting the minimum firefighter and service standards with the Fire Department or the Fire Chief. As of July 1, 2006, Active Members must be Volunteer Firefighters as defined in Section 2.1 of the Plan attached hereto.

"Board of Trustees" or "Board" shall mean the Board of Trustees of the Relief Association, and shall perform the functions and assume the same duties as a Board of Directors under Minnesota Statutes, Chapter 317A.

"Charitable Gambling Fund" shall mean the fund established pursuant to Minnesota Statutes, Chapter 349 and that holds the funds received from activities undertaken by a license issued for lawful gambling and from which disbursements may be made in accord with that Chapter and all rules promulgated under its sections.

"Deferred Member" is a member of the Association who has retired or been terminated from the Fire Department but has not taken a distribution of benefits.

"Fire Department" is the Fire Department serving the Municipality.

“General Fund” shall mean the fund established pursuant to Minnesota Statutes, Section 424A.06 that holds the funds received from dues, fines, initiation fees, entertainment revenues and any money or property donated, given, granted or devised by any person, for unspecified uses.

“Material Financial Interest” is a financial interest or expectation of any kind on the part of a Board member or Relative, which is substantial enough to reasonably affect the judgment of the Trustee who has a conflict of interest. The term “financial interest” includes any and all monetary expectations and exists when a Board member or Relative has rights (whether or not a Deferred Member or beneficiary) to be paid compensation, retiree benefits, or to have their expenses reimbursed or obligations or other liabilities repaid, etc. (See Article IX Fiduciary Responsibility.)

“Municipality” is the City of Milaca.

“Municipal Trustees,” formerly known as ‘ex-officios,’ are members of the Board of Trustees designated solely by the Municipality and shall include the two appointed or elected officials and the fire chief, as further defined in Section 5.1 herein.

“Relative” is a member of one’s family and includes spouses, parents, children, siblings, in-laws, aunts, uncles, first cousins, step-parents, step-children, and may include other family members such as common-law partners or long-time companions, of a Trustee who has a conflict of interest. (See Article IX Fiduciary Responsibility.)

“Special Fund” shall mean the fund as defined in Section 2.1 of the Plan attached hereto.

“Supermajority” is required when there is a conflict of interest on an item to be voted on by the Board of Trustees because one or more Trustees have a Material Financial Interest. A Supermajority is the majority of those Trustees after subtracting the Trustee(s) who has a conflict of interest (e.g., Nine (9) Trustees less two (2) with a conflict = Seven (7). Supermajority would require four (4) Trustees to vote in favor to pass the motion). (See Article IX Fiduciary Responsibility.)

ARTICLE III PURPOSE

As provided in the Articles of Incorporation, the purpose of the Association is to provide retirement relief and other benefits to members and their dependents. For purposes of Chapter 424A of Minnesota Statutes, the Association is a governmental entity that receives and manages public funds to provide retirement and ancillary benefits for individuals providing the governmental services of firefighting and, if applicable, emergency response. The Association may also raise funds from private sources to furnish fire and emergency equipment for the Fire Department, and for other purposes deemed necessary and appropriate by the Association to the extent permitted by law. Benefits paid to members and their dependents shall be funded exclusively through governmental sources and, to the extent provided by State law, through restricted donations.

ARTICLE IV MEMBERSHIP

4.1 Admission. All firefighters of the Fire Department are members of the Association and shall be eligible for benefits, except as otherwise stated in these bylaws. An application for membership shall be completed on the Membership Application and Beneficiary Designation form to become eligible for benefits in the Association. Upon approval of the member's application, such member shall accrue service credit for all active service while in probationary status.

4.2 Membership Duties. The Association does not require membership duties.

4.3 Membership Dues. The Association does not require membership dues.

4.4 Member Voting Rights. Each Active Member shall be entitled to one (1) vote on any matter voted upon by the membership. Deferred Members are not entitled to vote. Voting by proxy/absentee ballot is permitted following the procedures set forth in Section 4.5.

4.5 Proxy/Absentee Ballot. *Member Voting*: If permitted by the Board prior to a meeting, voting members may cast votes by submitting an absentee ballot provided by the Board that is signed by the member and deposited in the ballot box set out by the Board. Submission of an absentee ballot shall constitute a proxy to the officer of the Association designated and authorized on the ballot who is bound to cast the member's vote in accord with the member's ballot choices. The member may withdraw his/her proxy/absentee ballot by attending a meeting and voting in person. Use of proxies/absentee ballots may only be used on items listed on the ballot and may not be used when trustees and/or officers are elected from the floor during the meeting.

Counting Ballots: If ballots were used because there were more than two candidates for any Trustee position up for election as indicated under Section 7.2, an officer of the Association who is not standing for election shall count the ballots as follows: All first choices are counted, and if no candidate wins a majority of first choices, then the last place candidate is eliminated. Ballots of voters who ranked the eliminated candidate first are redistributed to their next choice candidates, as indicated on each voter's ballot. Last place candidates are successively eliminated and ballots are redistributed to next choices until one candidate remains or a candidate gains a majority of votes.

In case of a tie resulting from the above procedure, the candidates receiving the two highest number of votes shall be placed into new balloting to be effected at the meeting. The previously submitted proxy/absentee ballots shall be recounted using the above procedures for the two candidates who have tied. Simultaneously, members present at the meeting will recast their vote for the two candidates who have tied. Additional balloting including the proxy/absentee ballots for said office shall continue until one candidate shall receive a majority of votes cast on a reballot and he or she shall be elected to said office.

4.6 Separation. For records retention and administration of the Association, the Board may request that a Deferred Member complete and submit a Membership Separation Form.

4.7 Member Recognition. The Association may continue to honor members whose status has changed between volunteer/paid on-call and full- or part-time employee of the same Fire Department. The members shall adopt written policies and procedures, including any eligibility or types of recognition.

4.8 Termination. Any member who is terminated by the Fire Department or Municipality shall cease accruing benefits under the Association as of the date of termination.

ARTICLE V BOARD OF TRUSTEES

5.1 Composition. The Board of Trustees shall consist of nine (9) members. Six (6) trustees shall be elected from the membership of the relief association. There shall be three (3) officials drawn from the Municipality. The three (3) Municipal Trustees must be one (1) elected municipal official and one (1) elected or appointed municipal official, who are designated as municipal representatives by the municipal governing board annually, and the chief of the municipal fire department. The Municipal Trustees must be designated annually by the city council of the Municipality.

5.2 Duties. The Board of Trustees shall perform the functions and assume the same duties as a Board of Directors under Minnesota Statutes, Chapter 317A. In addition, the Board of Trustees shall:

- (a) Have exclusive control and management of all funds received by the Treasurer pursuant to the statutes of the State of Minnesota and all moneys or property donated, given, granted or devised for the benefit of the Association.
- (b) Examine the books, papers, funds, securities and property in the custody of the Treasurer, and general accounts, funds and securities, and property of the Association.
- (c) Examine and approve the validity of all claims prior to payment by the Treasurer.
- (d) Provide the forms on which members may submit claims to the Board of Trustees for their approval.
- (e) On an annual basis or more frequently as may be required to determine eligibility for benefits, confirm minimum firefighter and service standards pursuant to the Volunteer Firefighter definition in Section 2.1 of the Plan attached hereto.

- (f) Assume such additional duties as may be described in Article IX herein and in Association policies and procedures or required by state law including the establishment of any committee deemed necessary or appropriate.

ARTICLE VI OFFICERS

6.1 Number. The number of officers of the Association and their duties shall be as set forth below.

6.2 President. It shall be the duty of the President of the Association to:

- (a) Have general active management of the business of the corporation;
- (b) When present, preside at meetings of the Board and of the members;
- (c) See that orders and resolutions of the Board are carried into effect;
- (d) Sign and deliver in the name of the corporation bonds, contracts, or other instruments pertaining to the business of the corporation, except in cases in which the authority to sign and deliver is required by law to be exercised by another person or is expressly delegated by the articles or bylaws or by the Board to another officer or agent of the corporation;
- (e) Maintain records of and, when necessary, certify proceedings of the Board and the members; and
- (f) Perform other duties prescribed by the Board.

6.3 Pro Tem Officers. In the absence of the President and Vice President, if applicable, the Board of Trustees shall appoint an interim President from the existing Officers and/or Trustees other than the Municipal Trustees, who shall perform the duties applicable to the office.

6.4 Vice President. It shall be the duty of the Vice President to perform the duties of the President in the President's absence.

6.5 Secretary. It shall be the duty of the Secretary of the Association to:

- (a) Keep a record showing the correct addresses of all members and request the names of their beneficiaries.
- (b) Keep or cause to be kept an accurate record of all meetings of the Association and of all meetings of the Board of Trustees.
- (c) Conduct and direct the investigation of all claims.

- (d) Keep a record of all monies received and paid out by the Treasurer.
- (e) Provide access to the Association's Articles, Bylaws, minutes, and financial statement on the last annual accounting period to all members or all Board of Trustees (including the Municipal Trustees), for any proper purposes they may have, in accord with Minnesota Statutes, Section 317A.461.

6.6 Treasurer. It shall be the duty of the Treasurer of the Association to:

- (a) Receive and receipt all monies due the Association from members and other sources and to keep accurate accounts and records of all the money so received.
- (b) Have custody of all monies and securities belonging to the Association.
- (c) Furnish a surety bond in favor of the Association for the faithful performance of all duties involving the Association and for the safekeeping of, or accounting for, all monies and securities that may come into its possession. The bond shall be in an amount equal to at least 10% of the assets up to a maximum of \$500,000.
- (d) Pay all properly approved claims for benefits, and to pay all bills incurred in the way of necessary expenses in the conduct of the business of the Association and to keep accurate accounts and records of all the money so paid.

6.7 General Duties.

- (a) It shall be the duty of the President, along with the Treasurer to countersign all checks issued by the Association, other than disbursements from the Charitable Gambling Fund.
- (b) The officers shall annually prepare an annual financial report of the Association's receipts, disbursements, and balances in the Special and General Funds for the preceding calendar year on a form prescribed by the Office of the State Auditor. They shall transmit the report to the city clerk of the Municipality for inspection, signature and transmission to the State Auditor pursuant to law.
- (c) Pursuant to the Volunteer Firefighter Relief Association Financing Guidelines Act of 1971, the officers of the Association shall, annually, determine the financial requirements of the Special Fund for the following year. The financial requirements of the relief association and the minimum municipal obligation must be included in the financial report or financial statement.

6.8 Compensation. As compensation for services to the Association by the President, Secretary and Treasurer, and any Vice President of the relief association to whom a salary is payable and was payable under bylaws or articles of incorporation in effect on January 1, 1986, the membership may at the annual meeting of the members authorize

payment of an aggregate salary expense payable from the Special Fund to one (1) or more of these officers. The remaining trustees may receive a nominal fixed payment from the General Fund pursuant to approval by the membership. The amount shall be recommended by the Board to the membership and approved by the membership at their annual meeting of the members.

ARTICLE VII ELECTIONS

7.1 Trustee Terms. The Trustees shall be elected to staggered two-year terms. There will be three (3) Trustees elected by the membership each year at the annual meeting of the Association, and begin their individual terms on February 1 following the meeting.

Each appointed Municipal Trustee term is one (1) year or until the person's successor is qualified, whichever is later. The term of a Municipal Trustee shall terminate upon termination of the Trustee's position with the Municipality.

An individual Trustee may serve an unlimited number of terms.

7.2 Voting on Trustees. Each of the positions on the Board of Trustees who are not the Municipal Trustees shall be voted on separately by the Active Members in attendance at the annual meeting. No nominations of slates of candidates or cumulative voting shall be allowed. All votes unless specified prior to the vote, shall be conducted by a voice vote. A simple majority of those present at the meeting is needed to elect. If a simple majority cannot be determined by voice vote, the officer in charge of the vote shall ask for a show of hands or for a secret ballot. A trustee who was elected by the membership may be removed with or without cause by a simple majority vote of the Active Members in any subsequent annual, regular or special meeting.

If allowed by the Board of Trustees under Section 4.5, a proxy/absentee ballot may be used to perform "runoff voting" if there are more than two candidates for any Trustee position up for election and Active Members must rank candidates by order of preference. See Section 4.5 for counting ballots.

7.3 Officer Terms. The offices of President, Vice President, Secretary, and Treasurer shall be elected to two-year terms, and begin their individual terms on February 1 following the meeting.

The offices of President and Secretary shall be nominated and elected separately to a two-year staggered term in odd numbered years.

The offices of Vice President and Treasurer shall be nominated and elected separately to a two-year staggered term in even numbered years.

7.4 Voting on Officers. Officers are elected by the Active Members each year at the annual meeting of the Association from among the elected Trustees. Each position will be nominated and elected separately at this meeting. All votes unless specified prior to the vote, shall be conducted by a voice vote. A simple majority is needed for an officer to be elected. If a majority cannot be determined by voice vote, the officer in charge of the vote shall ask for a show of hands or for a secret ballot. Voting by proxy/absentee ballot will be allowed under Section 4.5. An officer may be removed with or without cause by a simple majority vote of the Active Members in any subsequent annual, regular or special meeting.

No individual may hold more than one (1) officer position at one (1) time.

7.5 Trustee Vacancies. In the case of death, resignation or removal from office for any elected officer or Trustee of the Association, except a Municipal Trustee, the vacancy shall be filled by vote of the Active Members at a special meeting duly called for the purpose of filling out this term.

ARTICLE VIII MEETINGS

8.1 Annual Meeting of the Members. The annual (regular) meeting of the members shall be held on second Monday in January except that if that day is a holiday, said meeting shall be held on the next succeeding Monday. The place of the meeting shall be designated and may be changed from time to time by the Board of Trustees.

8.2 Regular Meetings of the Members. Other regular meetings of the members shall be held on second Monday of each month except if that day is a holiday, said meeting shall be held on the next succeeding Monday. The place of the meeting shall be designated and may be changed from time to time by the Board of Trustees. The schedule of the regular meetings on file at primary offices is sufficient for notice unless time or location is changed.

8.3 Special Meetings of the Members. Special meetings of the members may be called at any time upon the written order of the President and one (1) other member of the Board of Trustees, or thirty (30) percent of the voting members of the Association. The place of the meeting shall be designated and may be changed from time to time by the Board of Trustees.

8.4 Notice of Meetings of the Members. A notice of every annual and any special meetings of the members shall include the date, time, place and purpose of the meeting and be *posted* on the bulletin board of the Association, or if no bulletin board, on the door of its usual meeting room; *and* in accord with Minnesota Statutes, Section 317A.433 Subd 4, business at a special membership meeting must be limited to the stated purpose; *and further* in accord with Minnesota Statutes Section 317A.435, each voting member shall be *provided* at least five (5), but not more than sixty (60) days, before the meeting, (excluding the date of the meeting) with notice setting forth the date, time, place, and purpose of the meeting.

8.5 Member Quorum. Forty (40) percent of the Active Members of the Association shall constitute a quorum for the transaction of business at their meetings.

8.6 Member Voting. Each Active Member present at the meeting shall be entitled to one (1) vote. All votes, unless specified prior to the vote, shall be conducted by a voice vote. If a majority cannot be determined by voice vote, the officer in charge of the vote shall ask for a show of hands or for a secret ballot. Voting by proxy/absentee ballot will be allowed under Section 4.5. A voting “majority” is majority of the quorum, not majority of the entire association membership.

8.7 Regular Meetings of the Board of Trustees. Meetings of the Board of Trustees shall be held on second Monday of February and August except if that day is a holiday, said meeting shall be held on the next succeeding Monday. Meetings of the Board of Trustees shall be held at the Fire Station unless noticed for another place within the City as designated by the Board.

8.8 Special Meetings of the Board of Trustees. Special meetings of the Board of Trustees may be called at any time upon the written order of the President and one (1) other member of the Board of Trustees. The meeting shall be held at the Fire Station unless noticed for another place within the City as designated by the Board.

8.9 Notice of Meetings of the Board of Trustees. The association is governed by Minnesota Statutes, Section 13D.01 which requires that all meetings of the Association’s Board of Trustees be open to the public with rare exceptions. All notices provided for in this Article shall comply with Minnesota Statutes, Section 13D.04 which requires at a minimum that:

- (a) a schedule of any regular meetings of the Board of Trustees be kept on file at the Association offices, and
- (b) for special meetings, a notice stating the date, time, place and purpose of the meeting be *posted* on the bulletin board of the Association, or if no bulletin board, on the door of its usual meeting room; *and* in accord with Minnesota Statutes, Section 317A.231, each Trustee shall be *provided* at least three (3), but not more than sixty (60) days, before the meeting, (excluding the date of the meeting) with notice setting forth the date, time, place, and purpose of the meeting.

8.10 Board Quorum. A majority of the Board of Trustees then in office shall constitute a quorum for the transaction of business at its meetings.

8.11 Board Voting. Unless the Articles or Bylaws specify otherwise, an action of the Board shall be effected by a majority vote of the Trustees present and eligible to vote once a quorum has been achieved. The officer in charge of a vote shall ask for a show of hands *but shall not allow* for a secret ballot *nor proxy*, and each vote shall be recorded in a public journal. No action shall be considered once a quorum has been lost.

8.12 Electronic Meeting Prohibited. Any meeting of the Board of Trustees or the membership by solely electronic means (e.g., e-mail, simulchat or phone conference) that is not accessible to the public at a set meeting location is prohibited.³⁵

8.13 Order of Business. At any annual, regular and all special meetings, the order of business shall be as follows:

- (a) Call to order by the President
- (b) Roll call (verify quorum)
- (c) Secretary's Report (reading of previous minutes)
- (d) Treasurer's Report
- (e) Report of the Board (member meeting)
- (f) Report of other committees (Board or member meeting)
- (g) Election of Trustees and Officers, if applicable (annual member meeting)
- (h) Old Business
- (i) New Business
- (j) Adjournment

ARTICLE IX FIDUCIARY RESPONSIBILITY

9.1 Board of Trustees. Each member of the Board of Directors, also acts as a trustee of the Special Fund. The Board of Directors therefore also acts as the Board of Trustees. The Board of Trustees is charged with administering retirement and ancillary benefits under the Special Fund, and the Trustees are fiduciaries subject to the standard of care set forth in Minnesota Statutes, Section 11A. 09 and Section 356A.04. This includes specifically assuming such additional duties as may be described in Association policies and procedures or required by state law, including:

- (a) adopting an investment policy;
- (b) providing written investment restrictions to brokers;
- (c) securing certificates of insurance; and
- (d) establishing a continuing education plan in order to keep abreast of their fiduciary responsibilities.

9.2 Prohibited Transactions. No fiduciary of the Association shall cause the Association to engage in a transaction if the fiduciary knows or should know that a transaction constitutes one (1) of the following direct or indirect transactions:

- (a) sale or exchange or leasing of any real estate between the Association and a Board member;
- (b) lending of money or other extension of credit between the Association and a Board member or member of the Association;
- (c) furnishing of goods, services, or facilities between the Association and a Board member;

- (d) transfer to a Board member, or use by or for the benefit of a Board member, of any assets of the Association. Transfer of assets does not mean the payment of Association benefits or administrative expenses permitted by law; or
- (e) sale, exchange, loan, or lease of any item of value between the Association and a fiduciary of the Association other than for a fair market value and as a result of an arm's-length transaction.

9.3 Fiduciary Responsibilities Apart from the Special Fund. Although the title "Trustee" is applied to members of the Board of Directors of the Association, the fiduciary standard that Directors are subject to is two-tiered as a matter of State law. With respect to the Association's Special Fund, Trustees are required to meet a standard of care that applies to fiduciaries under Minnesota Statutes, Section 11A.09 and Section 356A.04, as described above. With respect to business and management decisions not including decisions related to the Special Fund, all Trustees are required to meet a standard of care that applies to nonprofit corporation Directors under Minnesota Statutes, Section 317A.251. These decisions include, but are not limited to, business decisions regarding fund-raising activities, and disposition of and management of the General Fund. Accordingly, in their decision-making and management, Trustees must discharge the duties of their position in good faith, in a manner the Director reasonably believes to be in the best interests of the Association, and with the care an ordinarily prudent person in a like position would exercise under similar circumstances. Directors are not, in accord with that same statutory section, considered "Trustees" with respect to the Association or with respect to property held or administered by the Association.

9.4 Conflict of Interest Procedures. When a member(s) of the Board of Directors has a conflict:

- (a) Each member of the Board of Directors, whether acting as a Director or as an Officer of the Association, has a duty to disclose to the Board (or to any committee of the Board) the material facts of any proposed transaction or action of the Association in which they or a Relative have a Material Financial Interest.
- (b) The disclosure required under (a) (above) ***must be made, to the extent possible, prior to any consideration of such proposed transaction or action*** by the Board of Directors or by any applicable committee of the Board of Directors. If a Board member does not recognize the existence of a conflict prior to the Board of Director's decision regarding the transaction, that person has a duty to disclose the material facts of the conflict as soon as the conflict is recognized.
- (c) The Board member having a conflict shall not participate in the deliberation or decision regarding the matter under consideration and shall leave the room during deliberations except when he or she has been invited by the Board or committee to participate, after consideration of the significance to the Association of the disclosed conflict. The Board of Directors or committee may also request that he or she provide the Association with any relevant information known to the Board member regarding the matter.

- (d) Any proposed transaction or action in which the Board of Directors has determined that a Director has a conflict of interest that is not “de minimis” is to be approved by a majority of all the Board of Directors then-serving who would be entitled to vote and who are not interested Board members at a meeting at which a quorum is present (i.e., by a Supermajority of the entire Board of Directors not including a Board member(s) who has a conflict of interest), even though the non-conflicted directors may constitute less than a quorum). Deliberations by the Board of Directors regarding the conflict shall be documented in Board minutes no later than 60 days following the subject meeting. The votes of each Board member in support or in opposition to the transaction or action shall be noted.
- (e) All Board members are obligated to notify the Board of Directors if they believe another Board member has failed to disclose a conflict, and this procedure shall be followed by the Board of Directors in all such instances.

ARTICLE X FUNDS

10.1 Funds. All money received by the Association shall be kept in three (3) separate funds, the General Fund, the Charitable Gambling Fund and the Special Fund. Disbursements from the funds shall be in accordance with Minnesota Statutes and Rules and the Bylaws of the Association.

10.2 General Fund. The funds received by this Association from: dues, donations, fines, initiation fees, entertainment revenues and any moneys donated for unspecified uses shall be kept in the General Fund and may be disbursed upon a majority vote of the membership or of the Board of Trustees for any purpose reasonably suited to promote the welfare of the Association and its members. All expenses shall be paid out of the General Fund, except as specifically authorized to be disbursed from the Charitable Gambling Fund or the Special Fund. These records shall be open for inspection by any member of the relief association at reasonable times and places.

10.3 Charitable Gambling Fund. At all times that the organization holds funds received from activities undertaken by a license issued under Minnesota Statutes, Chapter 349, a separate bank account shall be maintained to hold and disburse such funds. This account shall be administered as the Association’s Charitable Gambling Fund in accord with Minnesota Statutes, Chapter 349 and all rules promulgated under its sections.

10.4 Special Fund. All funds received by this Association from any tax sources and other money that may be directly donated or transferred to said funds, shall be kept in a separate account on the books of the Treasurer known as the Special Fund and shall be disbursed only for the following purposes:

- (a) Payment of members' service pension benefits in accordance with these Bylaws,
- (b) Payment of ancillary benefits in accordance with these Bylaws,
- (c) Payment of fees, dues and assessments to the Minnesota State Fire Department Association and to the Minnesota Area Relief Association Coalition,
- (d) Payment of insurance premiums to the Volunteer Firefighters Benefit Association, or an insurance company licensed by the State of Minnesota offering casualty insurance, and
- (e) All administrative expenses authorized under Minnesota Statutes, Section 69.80.

These records shall be public and open for inspection by any member of the relief association, any officer or employee of the state or municipality, or any member of the public, at reasonable times and places.

10.5 Deposits. All money belonging to this Association shall be deposited to the credit of the Association in such banks, trust companies, or other depositories as the Board of Trustee may designate. Board of Trustees shall make deposits in conformance with Minnesota Statutes, the Bylaws and the investment policy.

ARTICLE XI APPENDICES INCORPORATED IN BYLAWS

The following appendices attached hereto are expressly incorporated herein as a component of these Bylaws, with the same legal force and effect of Bylaws.

Appendix A: Bylaw Amendment History.

Appendix B: Milaca Firefighters Relief Association Defined Benefit Lump Sum Retirement Plan.

Appendix C: Benefit Levels.

ARTICLE XII AMENDMENTS

12.1 Amendment of Articles of Incorporation by Members. Amendments to the Articles of Incorporation must be approved by a majority of the Board of Trustees and by a majority of the Active Members. The exception is changing the relief association's physical address; in that case, the Board of Trustees may amend the Articles of Incorporation without member approval. If an amendment is initiated by the Directors, proper notice of the proposed amendment must precede a meeting of the members at which the amendment will be considered and must include the substance of the proposed amendment. If an amendment is proposed, the members may demand a meeting of the Board of Trustees within 60 days for consideration of the proposed amendment if a regular meeting of the Board would not occur within 60 days.

12.2 Amendment of Articles of Incorporation by Board when Authorized by Members. When authorized by Active Members, the Articles of Incorporation may be amended by the Board of Trustees by the affirmative vote of a majority of the Trustees then in office, at a meeting for which notice of the meeting and the proposed amendment have been given. The members may prospectively revoke the authority of the Board to exercise the power of the members to amend the Articles, with the exception of amending the relief association's physical address, which the Board can amend without member approval. Nothing in this Section shall be construed to permit the Board to adopt, amend, or repeal provisions in the Articles that would alter the rights of the membership.

12.3 Amendment of Bylaws by Board. The Bylaws of the Association may be amended by the Board at any regular or special meeting of the Board by a vote of the majority present and voting, provided that a quorum is present; and provided further that a notice of date, time, place, purpose of the meeting and proposed amendment be *posted* on the bulletin board of the Association, or if no bulletin board, on the door of its usual meeting room, *and* in accord with Minnesota Statutes, Section 317A.231, each Trustee has been *provided* at least three (3), but not more than sixty (60) days, before the meeting, (excluding the date of the meeting) with notice setting forth the date, time, place, purpose of the meeting and proposed amendment.

Board Limitations of Bylaw Amendments. Nothing in this section shall be construed to permit the Board to adopt, amend or repeal provisions regarding:

- (a) Amending in any way the definition of "Active Service" set forth in the Plan attached hereto
- (b) Decreasing any benefit level set forth in the Plan attached hereto
- (c) Changing the deferred interest percentage set forth in the Plan attached hereto
- (d) Changing the vesting schedule set forth in the Plan attached hereto
- (e) Membership (Article IV)
- (f) Compensation (Section 6.8)
- (g) Elections (Article VII)
- (h) Member Quorum (Section 8.5)
- (i) Revise the number of Members required to amend the Bylaws (Section 12.4)
- (j) or limit the right of at least ten percent of the membership to propose a resolution for action by the members to adopt, amend, or repeal Bylaws that the Board has taken action to adopt, amend or repeal pursuant to this section.

12.4 Amendment of Bylaws by Members. The Bylaws of the Association may be amended at any regular or special meeting by a vote of two-thirds of the Active Members present and voting, provided that a quorum is present; and provided further that notice of any proposed amendment(s) shall be given by posting or reading the same at any regular or special meeting not more than thirty-one (31) days preceding that upon which such amendment(s) are to be acted upon (excluding the date of the meeting).

12.5 Ratification of Amendments by Municipality. If the Association amends its bylaws to affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or ancillary benefits or disbursements other than administrative expenses, it may be necessary to obtain ratification of the amendment by the Municipality as described in Section 8.1 of Appendix B.

APPENDIX B

MILACA FIREFIGHTERS RELIEF ASSOCIATION
DEFINED BENEFIT LUMP SUM RETIREMENT PLAN

These model documents are drafted to conform to Minnesota state laws relating to relief association pension plans for volunteer firefighters. The model documents are not drafted to meet the requirements of tax-qualified retirement plans under the Internal Revenue Code, and it is doubtful that the model documents can meet those requirements. **Minnesota Firefighter Pension Consultants, LLC (MNFPC, LLC) makes no representation regarding the status of the plans under federal or state tax laws. MNFPC, LLC recommends that Relief Associations consult their own tax advisors regarding the treatment of the plan and distributions from the plan under state and federal tax laws.**

MNFPC, LLC is not a law firm. We recommend review by your legal counsel of model documents before adoption.

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MILACA FIREFIGHTERS RELIEF ASSOCIATION
DEFINED BENEFIT LUMP SUM RETIREMENT PLAN

The Board of Trustees of the Relief Association amends and restates its existing defined benefit pension plan in its entirety for the benefit of its eligible members.

ARTICLE I
NAMES, PURPOSE AND OTHER GENERAL INFORMATION

- 1.1 Name of Municipality: City of Milaca
- 1.2 Name of Fire Department: Milaca Fire Department
- 1.3 Name of Relief Association: Milaca Firefighters Relief Association
Address: 1005 Central Avenue North
Milaca, MN 56353
- 1.4 Federal Taxpayer Identification Number: 41-6041958
- 1.5 Name of Plan: Milaca Firefighters Relief Association Defined Benefit Lump Sum Retirement Plan
- 1.6 Original Effective Date of Plan: October 5, 1908
- 1.7 Purpose. The purpose of the Plan is to provide benefits to eligible members of the Relief Association (Participants) and their lawful Beneficiaries.

ARTICLE II
DEFINITIONS AND INTERPRETATION

- 2.1 General Definitions. The following words and phrases when used herein shall have the following meanings except as otherwise required by the context in which they are used:
- (a) **“Accrued Benefit”** of a Participant shall mean the benefit determined under the terms of the Plan, as of a specified date.
 - (b) **“Active Service”** shall mean active service as defined by the Fire Department, as stated in its policies and procedures.
 - (c) **“Alternate Payee”** shall mean a spouse or former spouse of a Participant who is recognized by a Domestic Relations Order as having a right to receive all, or a portion of, a Participant’s Beneficial Interest under the Plan, pursuant to Minnesota Statutes, Section 518.58, Subd. 4.

- (d) **“Beneficial Interest”** shall mean the amount of a Participant’s Accrued Benefit that is distributable to the Participant or the Participant’s Beneficiary in accordance with the terms of the Plan.
- (e) **“Beneficiary”** shall mean any person entitled to receive benefits that may be payable upon or after a Participant’s death.
- (f) **“Board of Trustees”** or **“Board”** shall mean the Board of Trustees of the Relief Association.
- (g) **“Break in Service”** shall mean a period as defined by the Fire Department in its policies and procedures, during which the Participant does not meet Active Service requirements. However, service restored pursuant to the uniformed services provisions of Article VII shall be considered Active Service and shall not be considered a Break in Service.
- (h) **“Bylaws”** shall mean the duly adopted bylaws of the Relief Association.
- (i) **“Code”** shall mean the Internal Revenue Code of 1986, and amendments thereto.
- (j) **“Disability”** or **“Disabled”** shall mean the inability of a Participant to engage in the performance of his or her duties by reason of a medically determinable physical or psychological impairment that can be expected to last for a continuous period of not less than twelve months or can be expected to result in death. Disability must have arisen out of or have been causally connected with an act of duty or a service related injury incurred while on leave for uniformed services under Article VII. A Participant’s Disability shall be determined by the Board in its sole discretion.
- (k) **“Disability Benefit”** shall mean the benefit, if any, paid to a Participant in lieu of a Retirement Benefit, pursuant to Section 4.4.
- (l) **“Domestic Relations Order”** shall mean any judgment, decree or order (including approval of a property settlement agreement) that complies with the provisions of Minnesota Statutes Sections 518.58 or 518.581.
- (m) **“Effective Date”** of the Plan shall be the effective date referenced on the first page of the Bylaws.
- (n) **“Entry Date”** shall mean the date of hire as defined in the Fire Department policies and procedures.
- (o) **“Participant”** shall mean a member of the Relief Association who has accrued or is accruing benefits under the Plan.
- (p) **“Plan Year”** shall mean the calendar year.

(q) **“Qualification Procedures”** shall mean written procedures adopted by the Board of Trustees to:

- (i) determine whether a Domestic Relations Order may be honored under the law and the terms of the Plan; and
- (ii) to administer distributions under such orders.

The procedures shall be implemented within a reasonable time after receipt of a domestic relations order by the Board of Trustees. Qualification Procedures must permit an Alternate Payee to designate a representative for receipt of copies of notices sent to the Alternate Payee with respect to a Qualified Domestic Relations Order.

(s) **“Qualified Recipient”** shall mean an individual who receives a lump sum distribution of pension or retirement benefits, including disability benefits, from the Relief Association for service performed as a Volunteer Firefighter, as it relates to Section 4.7 herein.

(t) **“Resumption of Active Service Requirement”** shall mean the period of time equal to the period of time that elapsed between the Participant’s Separation Date and return to Active Service pursuant to Section 4.2.

(u) **“Retirement Benefit”** shall mean the benefit payable to a Participant pursuant to Section 4.1, but only after the Participant has met all eligibility requirements of Section 4.1.

(v) **“Separation Date”** shall mean the date of retirement or termination as defined in the Fire Department policies and procedures.

(w) **“Special Fund”** shall mean the fund established pursuant to Minnesota Statutes, Section 424A.05 used to fund benefits under the Plan and for other purposes permitted by statute. The assets of the Special Fund shall be invested only in securities authorized by Minnesota Statutes, Section 69.775.

(x) **“Supplemental Benefit”** shall mean the benefit paid to a Qualified Recipient pursuant to Minnesota Statutes, Section 424A.10, Subd. 2(a), as described in Section 4.7.

(y) **“Supplemental Survivor Benefit”** shall mean the benefit, if any, paid to a Surviving Spouse or minor Surviving Children pursuant to Minnesota Statutes, Section 424A.10, Subd. 2(b), as described in Section 4.8.

(z) **“Surviving Children”** shall mean any unmarried person under the age of 18 who is a natural or adopted child of a deceased Participant. The term also includes any child of the Participant who was conceived during the lifetime of, and who was born after the death of the Participant.

- (aa) **“Surviving Spouse”** shall mean the spouse of a deceased Participant who was legally married to the Participant at the time of death.⁶
- (bb) **“Survivor Benefit”** shall mean the benefit paid to a Participant’s Beneficiary pursuant to Section 4.5.
- (cc) **“Volunteer Firefighter”** shall mean any person who:
 - (i) is engaged in providing emergency response services or delivering fire education or prevention services as a firefighter for the Fire Department or Municipality;
 - (ii) is trained in or is qualified to provide fire suppression duties or to provide fire prevention duties under Minnesota Statutes, Section 424A.001, Subd. 8; and
 - (iii) meets any other minimum firefighter and service standards established by the Fire Department or Municipality.
- (dd) **“Year of Active Service”** shall mean each 12-month period of Active Service commencing with a Participant’s Entry Date or anniversary thereof reduced by the Participant’s Break(s) in Service. This definition shall be used for the purposes of calculating the minimum funding requirements and computing benefits or service pensions payable. Service pensions will not be prorated monthly for fractional Years of Active Service pursuant to Minnesota Statutes, Section 424A.02, Subd. 1.

2.2 Interpretation. The words defined in this Article 2 shall have the meanings assigned to them except where specified otherwise in this instrument. Whenever appropriate, words used herein in the singular shall include the plural, the plural may be read as the singular, and the masculine shall include the feminine.

ARTICLE III
VESTING

3.1 Full Vesting of Accrued Benefit. A Participant shall have a fully vested and non-forfeitable interest in the Participant’s Accrued Benefit upon completion of 20 Years of Active Service.

3.2 Partial Vesting of Accrued Benefit. The following vesting schedule shall apply to a Participant with fewer than 20 Years of Active Service:

<u>Years of Active Service</u>	<u>Vested Percentage</u>
5 but less than 6	40%
6 but less than 7	44%
7 but less than 8	48%

8 but less than 9	52%
9 but less than 10	56%
10 but less than 11	60%
11 but less than 12	64%
12 but less than 13	68%
13 but less than 14	72%
14 but less than 15	76%
15 but less than 16	80%
16 but less than 17	84%
17 but less than 18	88%
18 but less than 19	92%
19 but less than 20	96%
20 or more	100%

3.3 Determining Years of Active Service for Vesting. All Years of Active Service shall be taken into account for purposes of determining a Participant's vested Accrued Benefit, including Years of Active Service with the Fire Department prior to the Effective Date.

ARTICLE IV
BENEFITS

4.1 Retirement Benefit. (a) *Eligibility.* To be eligible to receive a Retirement Benefit a Participant must satisfy each of the following requirements:

- (i) Have retired or ceased Active Service with the Fire Department;
- (ii) Be at least 50 years of age;
- (iii) Have been a Volunteer Firefighter in the Fire Department;
- (iv) Have been a member in the Relief Association; and
- (v) Have the minimum Years of Active Service required for a non-forfeitable interest (vested) in the Participant's Accrued Benefit.

(b) *Amount.* If so provided in Section 3.2, a Participant's Retirement Benefit shall be determined as follows:

Years of Active Service credited to Participant	multiplied by	Benefit level in effect for Participant	multiplied by	Vesting percentage for completed Years of Active Service
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The benefit level is set forth in Appendix C. The Participant's benefit level will be the benefit level in effect at the Participant's Separation Date. However, if the Participant had a Break in Service, the Participant's benefit level shall be determined as described in Section 4.2.

Subject to the provisions of Section 8.1 of this Appendix B, benefit levels are subject to increase and shall be effective as of the agreed upon effective date, provided that such increase shall not apply to any Participant who ceased Active Service before the effective date of the increase.

Such Retirement Benefit shall not be paid before the later of the Participant's Separation Date or the date the Participant attains age 50. The Retirement Benefit shall be paid at the time requested by the Participant in a properly completed and accepted Retirement Benefit Payment Request Form.

4.2 Return To Service. (a) *Return to Service Before Payment of Retirement, Disability or Survivor Benefit.* If a Participant:

- (i) Ceases Active Service with the Fire Department (incurs a Separation Date),
- (ii) Has not received a Retirement Benefit distribution from the Plan of the Participant's vested Accrued Benefit, and
- (iii) Subsequently returns to Active Service after at least 60 days have elapsed, the Participant shall qualify for increases in the benefit level implemented during or after the Separation Date from Active Service and additional Years of Active Service only if the Participant remains in Active Service for the Resumption of Active Service Requirement. If the Participant has not met this requirement by the time of the Participant's later Separation Date, the Participant's benefit shall be the benefit level and Years of Active Service in effect at the time of the Participant's prior Separation Date.

A Participant whose period of Break in Service does not exceed 365 consecutive days is exempt from the minimum period of Resumption of Active Service Requirement.

(b) *Return to Service After Payment of Retirement Benefit.* If a Participant:

- (i) Ceases Active Service with the Fire Department (incurs a Separation Date)
- (ii) Receives a Retirement Benefit distribution from the Plan of the Participant's vested Accrued Benefit,
- (iii) Subsequently returns to Active Service after at least 60 days have elapsed, the Participant shall be credited with additional Years of Active Service. A Participant's Retirement, Disability or Survivor Benefit at the Participant's later Separation Date shall be determined as follows:

Years of <i>Additional</i> Active Service credited to Participant after the return to service	multiplied by	Benefit level in effect for Participant as of the subsequent Separation Date	multiplied by	Vesting percentage for completed <i>Additional</i> Years of Active Service
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No Participant may be paid a service pension twice for the same period of Active Service.

4.3 Deferred Interest.

The Board of Trustees shall not add interest or otherwise adjust a Participant's unpaid Retirement Benefit amount.

4.4 Disability Benefit. A Participant who becomes Disabled while in Active Service may be eligible for a Disability Benefit in lieu of a Retirement Benefit. A Participant who becomes Disabled while on leave for uniformed services under Article VII shall be deemed to have become Disabled while in Active Service. A Participant's Disability Benefit shall be determined as follows:

Years of Active Service credited to Participant	multiplied by	Benefit level in effect when Participant becomes Disabled
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The benefit level is set forth in Appendix C. Subject to the provisions of Section 8.1 of this Appendix B, such dollar amount is subject to increase and shall be effective as of the agreed upon effective date, provided that such increase shall not apply to any Participant who ceased Active Service before the effective date of the increase.

Any Disability Benefit paid in accordance with this Section 4.4 shall be in lieu of all rights to further service pension and survivors benefits.

The Participant shall be eligible to receive the Disability Benefit upon approval of the Board of Trustees. A written report of a physician of the Participant's choice shall be required for payment of a Disability Benefit. The report shall set forth the diagnosis and prognosis of the Disability, disease or injury of the Participant and its probable duration of permanence. A Participant's statement as to pain or other symptoms will not alone be conclusive evidence of Disability.

A Disability Benefit Payment Request form shall be submitted to the Board of Trustees within six months after such Participant's Separation Date with the Fire Department. The form shall describe the nature and cause of such Disability. The form shall be under oath by the Participant or his/her immediate family. The determination of Disability shall be tabled until the next Board meeting so that a physician of the Participant's choice may examine the Participant. The Board of Trustees has the discretion to request that another doctor, selected by the Board of Trustees, examine the Participant. Final determination of Disability will be based on the reports of at least one doctor, and shall be determined by the Board of Trustees at the subsequent Board meeting.

If the Participant who applied for a Disability Benefit disagrees with the Board's determination, the Participant may, within sixty (60) days from notice of such action of the Board of Trustees, file a written appeal of the Board of Trustees' determination. The appeal will be decided under the appeal procedures described in Article V.

4.5 Survivor Benefit. (a) *Eligibility*. For a Participant's Beneficiary to be eligible to receive a Survivor Benefit, the Participant must have satisfied the following requirements:

- (i) Have died in Active Service with the Fire Department; or
- (ii) Have died prior to receiving his Retirement Benefit.

A Participant who dies while on leave for uniformed service under Article VII shall be deemed to have died while in Active Service.

(b) *Amount*. If a Participant in Active Service dies, the Participant's Beneficiary shall receive a lump sum payment equal to 100% of the Participant's Accrued Benefit.

If a Participant who has retired from or ceased Active Service dies, the Participant's Beneficiary shall receive a lump-sum Survivor Benefit determined as follows:

Years of Active Service credited to Participant	multiplied by	Benefit level in effect for Participant	multiplied by	Vesting percentage for completed Years of Active Service
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The Survivor Benefit level will be the benefit level in effect at the Participant's Separation Date. However, if the Participant had a Break in Service, the Survivor Benefit level shall be determined as described in Section 4.2.

Such Survivor Benefit shall be paid to the Participant's Beneficiary as soon as administratively feasible following the Participant's death and the approval of the Survivor Benefit Payment Request form.

A Participant's Beneficiary shall be as follows:

- (i) the Participant's Surviving Spouse; or
- (ii) if no Surviving Spouse, the Participant's Surviving Children or if so designated as a Beneficiary by the Participant, a trust for the benefit of the Participant's Surviving Children created under Chapter 501B; or
- (iii) if no Surviving Spouse or Surviving Children, the Participant's designated Beneficiary or Beneficiaries. To designate a Beneficiary, the Participant shall complete, sign and file with the Relief Association a designation of Beneficiary on a form to be provided by the Relief Association or by other written form acceptable to the Relief Association. On said form, the Participant shall designate a Beneficiary, which must be a natural person,

or a designated trust created under Chapter 501B of the Minnesota Statutes that shall be paid any sum that may be payable on account of the Participant's death (reserving, however, to the Participant the power to change the designation of Beneficiary using the Change of Beneficiary Designation form); or

- (iv) if no designated Beneficiary or Beneficiaries, to the estate of the Participant.

If there is a Surviving Spouse, but no Surviving Children, the Surviving Spouse may waive in writing all or a part of the Survivor Benefit otherwise payable to the Surviving Spouse, in which event, the Survivor Benefit waived shall be paid as if the spouse had predeceased the Participant.

4.6 **Funeral Benefit.** No Funeral Benefit shall be paid under this Plan.

4.7 **Supplemental Benefit.** Upon payment of a lump sum distribution, the Relief Association must pay a Supplemental Benefit to the Qualified Recipient. The Supplemental Benefit may be paid from the Special Fund. The amount of the Supplemental Benefit equals ten percent of the lump sum distribution, excluding any interest paid during a period of deferral, but in no case may the Supplemental Benefit exceed \$1,000.

4.8 **Supplemental Survivor Benefit.** Upon payment of a Survivor Benefit, the Relief Association must pay a Supplemental Survivor Benefit to the Surviving Spouse, or, if none, the Surviving Child(ren) of a Participant who had at least one (1) month of Active Service. The Supplemental Survivor Benefit shall be paid in lieu of the Supplemental Benefit and shall be paid from the Special Fund. The amount of the Supplemental Survivor Benefit equals twenty (20) percent of the lump sum distribution, but in no case may the Supplemental Survivor Benefit exceed \$2,000.

4.9 **Benefit Payment Requests.** Requests for benefit payment shall be in writing and filed with the Relief Association not less than 180 days prior to the next Board meeting, unless permitted earlier by the Board. Such request shall be made on the appropriate form described below:

<u>Requested Benefit</u>	<u>Required Benefit Form</u>
Retirement	Retirement Benefit Payment Request
Survivor	Survivor Benefit Payment Request
Disability	Disability Benefit Payment Request (if applicable)

Requests for Plan benefits shall be considered valid when approved by the Board. Upon approval of the request, the Board shall pay the Participant within 180 days and provide notices

to the Participant as required by state or federal law with respect to pension or benefit payments, including, if required, the Special Tax Notice Regarding Plan Payments.

4.10 Forms of Payment. Plan benefits payable to a Participant or Beneficiary shall be made in single lump sum payment. The Participant shall specify that the payment be made in the manner of:

- (a) a check payment payable to the Participant or Beneficiary, subject to federal income tax withholding, as may be required; or
- (b) a direct rollover to an individual retirement account described in Section 408(a) of the Code to the extent permitted by law.

No other forms of distributions are allowed under the Plan.

4.11 Maximum Limitation on Benefits. Notwithstanding any provision of the Plan to the contrary, a Participant's benefit under the Plan shall not exceed the maximum amount permitted under Section 415 of the Code. Service pensions shall be further limited to the maximum amounts payable pursuant to Minnesota Statutes, Section 424A.02, Subd. 3.

4.12 Required Distributions. Notwithstanding any provision of the Plan to the contrary, a Participant's benefit shall be paid to the Participant by April 1 of the calendar year following the later of the calendar year in which the Participant attains age 70½ or ceases Active Service. Such distributions shall be determined and made in accordance with Section 401(a)(9) of the Code and regulations promulgated there under, including the minimum distribution incidental benefit requirement of Treasury Reg. Section 1.401(a)(9)-2, the provisions of which are incorporated herein by reference.

4.13 Abandoned Benefits. In the event the Relief Association is unable with reasonable effort to locate a Participant, Beneficiary or Alternate Payee entitled to a distribution under the Plan, the benefit distributable to such Participant, Beneficiary or Alternate Payee shall be forfeited and will be credited to the Special Fund. Such forfeiture shall occur no earlier than six (6) months after the Relief Association's efforts to locate such Participant, Beneficiary or Alternate Payee began or, if later, the earliest date permitted under Minnesota Statutes, Section 356.65.

If a Participant, Beneficiary or Alternate Payee whose benefit has been forfeited pursuant to this Section later makes a claim for the forfeited benefit, such forfeited amount shall be restored, unadjusted for any gains or losses occurring subsequent to the date of the forfeiture. A claim for a forfeited benefit must be made by a Participant within five (5) years after the last contribution was made for the Participant (or, in the case of a Beneficiary of a deceased Participant, within five (5) years after the Participant's date of death; or in the case of an Alternate Payee, within five (5) years of the date that the Domestic Relations Order was determined to be qualified, or if later, within five (5) years after the last contribution was made for the Participant). If the forfeited benefit amount exceeds \$25 and the inactive or former member again becomes a member of the Relief Association, the forfeited amount will be restored to the credit of the person.

ARTICLE V
APPEALS PROCEDURE

5.1 **Right of Appeal.** In the event the Board of Trustees denies a written request for a Retirement, Disability or Survivor Benefit, the Participant or Beneficiary whose request was denied (a "claimant") shall be entitled to appeal the determination.

5.2 **Denial of Benefits.** If a written request is not approved, the Board shall return the form to the claimant within 30 days, noting which requirements the claimant does not meet. Thereafter, the claimant shall be furnished with the opportunity to be heard by the Board, on the question of whether the claimant meets all of the eligibility requirements. A claimant who intends to appeal must furnish the Board with a written notice of appeal within 30 days of receiving an adverse determination.

5.3 **Review Procedure.** Upon receipt of the written notice of appeal, the Board of Trustees shall hold a special meeting within 60 days. Timely notice of the meeting shall be given to the claimant at least 15 days prior to the special meeting. The claimant shall have the reasonable opportunity to be heard by the Board of Trustees at the special meeting with regard to the negative determination. The Board shall decide the appeal and shall give the claimant written notice of its decision.

The exhaustion of these claims procedures is mandatory for resolving every claim and dispute arising under these Bylaws. Any legal action to recover benefits or to enforce or clarify rights under the Bylaws must be commenced in the proper forum within 120 days after the claimant has exhausted the claims procedures. For all purposes, knowledge of all facts that the Participant knew or reasonably should have known shall be imputed to every claimant who is or claims to be a beneficiary of the Participant or otherwise claims to derive an entitlement by reference to the Participant. The Board has full discretion to determine benefit claims under the Bylaws. Any interpretation, determination or other action of the Board shall be subject to review only if it is arbitrary or capricious or otherwise an abuse of discretion. Any review of a final decision or action of the Board shall be based only on such evidence presented to or considered by the Board at the time it made the decision that is the subject of review.

ARTICLE VI
CLAIMS AGAINST BENEFICIAL INTEREST

6.1 **Nonassignability.** No Participant or Beneficiary shall have any transmissible interest in the Plan or in the Participant's separate Beneficial Interest therein, either before or after the vesting thereof, or in any of the assets comprising the same prior to actual payment and distribution thereof, and shall have no power to alienate, dispose of, pledge or encumber the same, while in the possession or control of the Plan, nor shall the Plan recognize any assignment thereof, either in whole or in part, nor shall the interest of any Participant or Beneficiary be subject to attachment, garnishment, execution or other legal process while in the hands of the Plan, except as provided in Minnesota Statutes, Section 518A.53 or as otherwise provided herein.

6.2 Charge for Litigation. In the event that any Participant or any person claiming by or through a Participant should commence any equitable or legal proceedings against the Relief Association, the result of which is adverse to the plaintiff, or in the event that the Relief Association should find it necessary to commence any such proceeding against any Participant or any person claiming by or through a Participant, the result of which is adverse to the defendant, the cost to the Relief Association of defending or bringing the proceeding, as the case may be, shall be charged, to the extent possible and permitted by law, to the Accrued Benefit of the Participant and only the excess of such cost over the amount of the Participant's Accrued Benefit shall be included as an expense of administration.

6.3 Domestic Relations Orders. Notwithstanding any provision to the contrary herein, the Board of Trustees may assign the interest of a Participant in the Plan to an Alternate Payee pursuant to a Domestic Relations Order. In the event the Plan receives a Domestic Relations Order with respect to a Participant's Beneficial Interest in the Plan, the following provisions shall apply:

- (a) The Board shall promptly give written notification to the Participant and to the Alternate Payee of receipt of a domestic relations order and of Plan Qualification Procedures. The Board shall then proceed with Qualification Procedures to determine whether the order is a Domestic Relations Order and can be honored. The Board shall then notify the Participant and Alternate Payee (or the Alternate Payee's designated representative) of its determination.
- (b) Disputed funds shall be disposed of as follows:
 - (i) During the period in which the Qualification Procedures are in progress, the Board shall separately account for any amounts that would be payable to an Alternate Payee if the Domestic Relations Order can be honored.
 - (ii) If it is determined the Domestic Relations Order can be honored within the 18-month period commencing on the date payments are to begin under the order, the Board shall pay the amounts designated in the order, including any interest, to the Alternate Payee.
 - (iii) If the Board determines that the Domestic Relations Order cannot be honored or if the 18-month period described in (ii) above elapses and the qualification dispute has not been resolved, the Board shall pay the segregated amounts, together with earnings or losses, if required, to the persons who would have received the amounts if the order had not been issued.
 - (iv) If an order is qualified after expiration of the 18-month period described in (ii) above, payment of benefits to an Alternate Payee shall proceed prospectively and the Plan shall not be liable to an Alternate Payee for benefits attributable to the period prior to qualification.

- (c) Payment of benefits pursuant to a Domestic Relations Order shall be made only as permitted under the Plan. Payment to an Alternate Payee may not commence until the Participant submits a valid Retirement Benefit Payment Request form and the Participant's benefit becomes payable.
- (d) If a Domestic Relations Order does not address and determine the payment of the Supplemental Benefit payable under Section 4.7 in connection with the payment of a Retirement Benefit, the Supplemental Benefit shall be divided between the Participant and the Alternate Payee in the same proportion as the Retirement Benefit is so divided. In addition, the Board cannot honor a Domestic Relations Order requiring that Supplemental Survivor Benefits be paid to anyone other than the persons listed in Section 4.8 in the order there listed.
- (e) To the extent permitted by law and except as otherwise provided under a Domestic Relations Order, the Board may, on a uniform basis, charge the reasonable and necessary expenses associated with the review of a Domestic Relations Order and the implementation of a Domestic Relations Order to the accounts of the Participant and Alternate Payee.

ARTICLE VII
UNIFORMED SERVICE (MILITARY SERVICE)

Subject to restrictions stated in this section, a Participant who is absent from firefighting service due to service in the uniformed services, as defined in the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), will be granted Active Service credit under the Plan for the period of the uniformed service, not to exceed five years, unless a longer period is required under USERRA.

To be eligible for such credit, the Participant must return to firefighting service with coverage by the Relief Association (or by the successor to the Relief Association) upon discharge from service in the uniformed service within the time frame required in USERRA. However, Active Service credit is not authorized if the Participant separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions.

Active Service credit is not authorized if the Participant fails to provide notice to the Fire Department that the Participant is leaving to provide service in the uniformed service, unless it is not feasible to provide that notice due to the emergency nature of the situation.

If the Participant does not return to Active Service with the Fire Department within the time frame required in USERRA, then except as otherwise provided in the following sentence, it shall be conclusively presumed that the Participant's Active Service terminated as of the date that the leave for uniformed services began. A Participant who dies or becomes Disabled while the Participant is on leave for uniformed services shall be deemed to have returned to Active Service and shall be deemed to have accrued years of Active Service during the period of leave for uniformed services.

ARTICLE VIII
RIGHT TO AMEND, DISCONTINUE OR TERMINATE

8.1 Amendment. Except as herein otherwise limited, the Relief Association shall have the right to amend this Plan, pursuant to Section 12.3 of the Bylaws, at any time to any extent that it may deem advisable. Such amendment will be stated in an instrument in writing executed by the Relief Association. Upon adoption and execution of such instrument, this Plan shall be deemed to have been amended in the manner therein set forth, and Participants shall be bound thereby.

If the Special Fund does not have a surplus over full funding pursuant to Minnesota Statutes, Section 69.772, Subd. 3, clause (b), or Minnesota Statutes 69.773, Subd. 4, and if the Municipality is required to provide financial support to the Special Fund pursuant to Minnesota Statutes, Section 69.772 or 69.773, no amendment that would affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or ancillary benefits or disbursements other than administrative expenses authorized pursuant to Minnesota Statutes 69.80 payable from the Special Fund shall be effective until it has been ratified by the governing body or bodies of the Municipality.

If the Municipality is not required to provide financial support to the Special Fund, the Relief Association may adopt an amendment of the Plan that increases or otherwise affects the service pensions or ancillary benefits payable from the Special Fund without municipal ratification so long as the changes do not cause the amount of the resulting increase in the accrued liability of the Special Fund to exceed 90 percent of the amount of the prior surplus over full funding and the changes do not result in the financial requirements of the Special Fund exceeding the expected amount of the future fire state aid to be received by the Relief Association.

The financial requirements are to be determined by the Board of Trustees following the preparation of an estimate of the expected increase in the accrued liability and annual accruing liability of the Relief Association attributable to the change. If the Relief Association adopts or amends the Plan without municipal ratification, and, subsequent to the amendment or adoption, the financial requirements of the Special Fund are such so as to require financial support from the Municipality, the provision that was implemented without municipal ratification shall no longer be effective without municipal ratification, and any service pensions or ancillary benefits payable with respect to the unapproved increase shall no longer be effective as of the January 1 of the year for which the Schedules I and II for the municipal contribution became due, and as of that January 1, service pensions or ancillary benefits shall be paid only in accordance with provisions of the Plan as amended or adopted with municipal ratification.

8.2 Consolidation and Plan Benefits. The Relief Association has not been consolidated with another relief association pursuant to Minnesota Statutes, Section 424B.02.

8.3 Termination of Plan. Upon dissolution of the Relief Association, after the settlement of nonbenefit legal obligations of the Special Fund, the Board shall transfer the remaining assets of the Special Fund, as securities or in cash, as applicable, to the chief financial official of the Municipality. The Board shall also compile a schedule of Participants to whom a service pension is or will be owed, any Beneficiary to whom a benefit is owed, the amount of the service pension or benefit payable based on the Bylaws and state law and the service rendered to the date

of the dissolution, and the date on which the pension or benefit would first be payable under the Bylaws and state law.

The Municipality receiving the remaining assets of the Special Fund shall establish a separate account in the municipal treasury to function as a trust fund for Participants and their Beneficiaries eligible for Plan benefits. Upon submission of the proper form, on or after the initial date on which the service pension or benefit is payable, the municipal treasurer shall pay the pension or benefit due, based on the schedule described above and the other records of the dissolved Relief Association. The trust fund must be invested and managed consistent with Minnesota Statutes Section 69.775 and Chapter 356A. Upon payment of the last service pension or benefit due and owing, any remaining assets in the trust fund may be transferred to the general fund of the municipality. If the Special Fund had an unfunded actuarial accrued liability upon dissolution, the Municipality is liable for that unfunded actuarial accrued liability.

ARTICLE IX MISCELLANEOUS

9.1 Governing Law. This Plan shall be construed, administered, and governed in all respects under the laws of the State of Minnesota, except as preempted by federal law.

If any Minnesota laws are applicable solely to the Relief Association, then an Appendix F will be included to describe such laws.

9.2 Binding Effect. This Plan shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of any and all of the parties hereto.

9.3 Effective Date Application. If a member's Separation Date is prior to the Effective Date, the member's status and benefit under the Plan, if any, attributable to Active Service, shall be determined and paid in accordance with the provisions of the Plan in effect at the Separation Date.

If a member had a Separation Date prior to the Effective Date, but returns to complete a Year of Active Service that ends after the Effective Date, the member's status and benefits under the Plan for all Active Service shall be determined in accordance with the provisions of the Plan in effect at the subsequent Separation Date.

9.4 Authority of Board of Trustees. The Board of Trustees shall have full power, authority and discretion to do each and every act and thing which it is specifically required or permitted to do under the provisions of the Plan and to determine conclusively for all parties all questions arising in the interpretation or administration of the Plan.