



**AGENDA FOR  
REGULAR CITY COUNCIL MEETING  
TUESDAY, JUNE 4, 2024 – 5:00 P.M.**

1. **Pledge of Allegiance**
2. **Call to Order**
  - Roll Call and Establishment of Quorum
3. **Approval of Agenda**
  - Council Changes
  - Staff Changes
4. **Approval of Minutes**
  - A. May 21, 2024
5. **Audience Participation** (10-minute time limit for items not on the agenda)
6. **Consent Agenda**
  - A. Approve City Assistance with Celebrate Redwood Falls Summer Splash Event
  - B. Approve Parade Permit for Celebrate Redwood Falls Summer Splash Event
  - C. Declare Street Equipment Surplus Property and Authorize Sale
7. **Scheduled Public Hearings**
8. **Old Business**
9. **Regular Agenda**
  - A. Minnesota Property Assessed Clean Energy Program Joint Powers Agreement (Res. #33)
  - B. Accounts Payable/Payroll Coordinator Position
10. **Other Items and Communications**
  - A. Council Items
  - B. Staff Items
11. **Paid Bills and Claims – For Informational Purposes**
  - A. City of Redwood Falls Accounts Payable Summary
12. **Adjournment**

**MINUTES  
REGULAR COUNCIL MEETING  
CITY OF REDWOOD FALLS, MINNESOTA  
TUESDAY, MAY 21, 2024**

Pursuant to due call and notice thereof, a regular meeting of the Redwood Falls City Council was called to order in the Municipal Chambers on Tuesday, May 21, 2024, at 5:00 p.m.

Roll call indicated Mayor Tom Quackenbush and Council Members Matt Smith, Jim Sandgren, Larry Arentson, and John T. Buckley were present, constituting a quorum. Council Member Denise Kerkhoff was absent.

Also present were City Administrator Keith Muetzel, Finance Director Kari Klages, City Attorney Trenton Dammann, Public Works Project Coordinator Jim Doering, and Deputy City Clerk Caitlin Kodet.

A motion was made by Council Member Smith and seconded by Council Member Arentson to approve the agenda. Motion passed by unanimous vote.

A motion was made by Council Member Sandgren and seconded by Council Member Buckley to approve the May 7, 2024, minutes as presented. Motion passed by unanimous vote.

Council Member Denise Kerkhoff arrived at 5:02 p.m.

City Attorney Dammann introduced Ordinance No. 90, Fourth Series – An Ordinance Adopting the Unified Development Ordinance with Amendments as Provided in §14.02 of the Redwood Falls City Code.

Mr. Dammann stated the proposed Ordinance was introduced at the April 16, 2024, City Council Meeting. Staff is proposing changes to the Unified Development Ordinance (UDO). The current UDO was approved in 2014 and recently City Staff has identified a few areas that need to be updated. The first proposed change in Section 7.18 - Residential Accessory Buildings, modifies Table 7.1 and allows for increased accessory structure square footage based on the size of the lot. The setback requirements and total lot coverage requirements will remain the same. With the addition of 1-acre and 1.5-acre lots in the Reflection Prairie subdivision, staff feels it is important to allow for larger accessory buildings where residents have the space available.

Mr. Dammann stated the second proposed change is in Section 7.20 - Private Swimming Pools. The only requested change is to remove the wording, “and have a have a capacity of 1,000 gallons or more.” It is difficult for Staff to calculate the total number of gallons a pool can hold based on a site inspection. For better enforcement, Staff is requesting to remove that requirement and allow for enforcement of private pools when they are capable of holding water at a depth of more than 24”. This change also harmonizes the UDO with pool regulations found in the current property maintenance code.

Mr. Dammann stated the final proposed change is to Section 7.24 Solar Energy Systems. Due to changes and advancements with solar energy systems since 2014, and the complexity of the section, Staff is proposing to remove all of Section 7.24 except subdivision (A) and replace it with new language for the entire section. Staff feel the new language and layout of the revised section better fits the current standards for solar energy systems. The most significant change is the removal of the Conditional Use Permit requirement for all rooftop solar systems over 120 sq. ft. All rooftop mounted systems would be allowed so long as they meet the required standards and approval process. All solar energy systems would still require a building permit and approval from the Building Official as well as approval from the Public Utilities Department. A conditional use permit would still be required for ground mounted solar energy systems.

Mr. Dammann stated on April 9, 2024, a public hearing was held by the Planning Commission to discuss Ordinance No. 90, Fourth Series. After the hearing, the Planning Commission recommended approval of Ordinance No. 90 with two amendments to Table 7.1, increasing the maximum height allowed from 16 feet to 20 feet for detached accessory structures in R1 and R2 Zones on parcel sizes of 1 acre or greater. The remainder of the text within 7.18 was added to the Ordinance, with renumbering to correct a previous typo. Titles have been added to Sections 1 through 5 for easier use in summary publication, Findings were added in Section 2, and Section 8 was modified to ensure that Chapter 15 remains reserved.

Mr. Dammann further stated State law requires that all ordinances adopted be published prior to becoming effective. Ordinance No. 90, Fourth Series is lengthy and authorizes a change to Table 7.1 located in Section 7.18 of the Unified Development Ordinance. However, Minnesota Statutes, Section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps. Staff has prepared Resolution No. 27 of 2024 and Exhibit A, which contains the summary of Ordinance No. 90 for publication.

A motion was made by Council Member Buckley and seconded by Council Member Arentson to approve Ordinance No. 90, Fourth Series – An Ordinance Adopting the Unified Development Ordinance with Amendments as Provided in §14.02 of the Redwood Falls City Code. Motion passed by the following roll call vote:

AYE: Council Members Smith, Kerkhoff, Sandgren, Smith, Buckley, and Arentson  
NO: None

City Administrator Muetzel introduced Ordinance No. 91, Fourth Series – An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for the City of Redwood Falls.

Mr. Muetzel stated the proposed Ordinance was introduced at the May 7, 2024, City Council Meeting. As part of the City's Supplement Service Plan with American Legal Publishing Corporation for the Codification Services Agreement, the Thirteenth Supplement to the Code of Ordinances has been received. Ordinances No. 82-89, Fourth Series, and other amendments have now been incorporated into the code and are ready for adoption.

A motion was made by Council Member Smith and seconded by Council Member Sandgren to approve Ordinance No. 91, Fourth Series – An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for the City of Redwood Falls. Motion passed by the following roll call vote:

AYE: Council Members Smith, Kerkhoff, Sandgren, Smith, Buckley, and Arentson  
NO: None

City Attorney Dammann introduced Resolution No. 27 of 2024 – A Resolution of the City of Redwood Falls Providing for the Summary Publication of Ordinance No. 90, Fourth Series, An Ordinance Adopting the 2014 Unified Development Ordinance with Amendments as Provided in §14.02 of the Redwood Falls City Code.

Mr. Dammann stated State law requires that all ordinances adopted be published prior to becoming effective. Ordinance No. 90, Fourth Series is lengthy and authorizes a change to Table 7.1 located in Section 7.18 of the Unified Development Ordinance. However, Minnesota Statutes, Section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps. Staff have prepared Resolution No. 27 of 2024 and Exhibit A, which contains the summary of Ordinance No. 90 for publication. Exhibit A was changed since Council received the first version to now include a more detailed description of the proposed changes.

A motion was made by Council Member Kerkhoff and seconded by Council Member Buckley to waive the reading of Resolution No. 27 of 2024 – A Resolution of the City of Redwood Falls Providing for the Summary Publication of Ordinance No. 90, Fourth Series, An Ordinance Adopting the 2014 Unified Development Ordinance with Amendments as Provided in §14.02 of the Redwood Falls City Code. Motion passed by unanimous vote.

A motion was made by Council Member Sandgren and seconded by Council Member Smith to approve Resolution No. 27 of 2024 – A Resolution of the City of Redwood Falls Providing for the Summary Publication of Ordinance No. 90, Fourth Series, An Ordinance Adopting the 2014 Unified Development Ordinance with Amendments as Provided in §14.02 of the Redwood Falls City Code. Motion passed by unanimous vote.

Public Works Project Coordinator Jim Doering introduced the 2024 Solid Waste Collection RFP.

Mr. Doering stated the City of Redwood Falls Solid Waste Franchise Agreement with West Central Sanitation ends on September 22, 2024. By approving this RFP, it will allow the City to receive timely and competitive bids. The RFP would be due on June 25, 2024, at 11:00 a.m. for the Public Works Committee and Staff to summarize the quotes and present the recommendation to award by July 16, 2024. This will allow time for the awarded hauler to coordinate with the current franchise holder to ensure a smooth transition. This will also allow for an RFP required public informational meeting to be held prior to the transition in order to introduce the awarded hauler and review Chapter 3, Section 3.20 of the Redwood Falls City Code with the residents of Redwood Falls.

Mr. Doering stated City Staff is recommending the approval of the “Residential Solid Waste Collection” RFP to be publicly advertised with direct notification to Olson Sanitation, Waste Management, West Central Sanitation, Southwest Sanitation, and Sweetman Sanitation. The RFP request includes a five-year contract with the option to extend it for another five years. The liability insurance requirements have been increased and the low-volume option has been removed since the last RFP request was made in 2014.

Don Williamson, owner of West Central Sanitation was present to address Council as the current Solid Waste Franchise Agreement holder.

A motion was made by Council Member Kerkhoff and seconded by Council Member Smith to approve the 2024 Solid Waste Collection RFP. Motion passed by unanimous vote.

City Administrator Muetzel introduced Resolution No. 29 of 2024 – A Resolution Approving the Purchase of Certain Real Property Located in Redwood Falls, MN.

Mr. Muetzel stated the Runnings retail store was developed in 2014. To facilitate the Runnings project, the City of Redwood Falls partnered with MnDOT and Redwood County to develop a 4-way traffic light at the MN Highway 19/71 and County Road 101 intersection. One of the City’s roles was to acquire the public right-of-way needed to develop a 4-way traffic light at this location. This was accomplished by acquiring a portion of the former Eastwood Estates Mobile Home Park property to allow for the construction of Union Drive which is the access road serving Runnings and the former mobile home park. In 2021, Redwood Falls Industries, in partnership with West Lake Properties, acquired the Eastwood Estates Mobile Home Park. In July of 2023, the mobile home park closed, and the ownership group subdivided the property. As a result of the property spilt, Redwood Falls Industries owns the west 3.55 acres of the parcel which aligns with the north and south segments of Union Drive.

Mr. Muetzel stated Redwood Falls Industries is proposing to sell their portion of the property to the City which will allow for the future construction of Union Drive as a through street. The development of Union Drive as a through street accomplishes one of the City of Redwood Falls’ long-term transportation goals and creates development opportunities for the remaining portion of the former mobile home site. The proposed purchase price is \$177,500.00 for the 3.55-acre parcel. The proposed purchase price equates to \$50,000 per acre which is comparable to a recent land sale in the Ponderosa Business Park and the asking price for land in the Reflection Ridge Business Park. To complete the extension of Union Drive, the City will need to apply for State Aid funds and coordinate with MnDOT for a potential project in 2029.

A motion was made by Council Member Buckley and seconded by Council Member Arentson to waive the reading of Resolution No. 29 of 2024 – A Resolution Approving the Purchase of Certain Real Property Located in Redwood Falls, MN. Motion passed by unanimous vote.

A motion was made by Council Member Kerkhoff and seconded by Council Member Sandgren to approve Resolution No. 29 of 2024 – A Resolution Approving the Purchase of Certain Real Property Located in Redwood Falls, MN. Motion passed by unanimous vote.

Public Works Project Coordinator Jim Doering introduced Resolution No. 30 of 2024 – Authorization to Execute Agreement for Services.

Mr. Doering stated Resolution No. 30 executes the Firm Gas Service Extension Agreement with Great Plains Natural Gas Co. A Division of Montana-Dakota Utilities Co. This agreement will allow for the extension of natural gas mains and services to Reflection Prairie Addition. This is in accordance with the Firm Gas Service Extension Policy effective date of April 1, 2021. Per the Company's policy, it has been determined that cost participation is required and calculated to be \$298,630.00. Cash funds that have already been designated for the project will be the revenue source used to cover this expense.

A motion was made by Council Member Buckley and seconded by Council Member Kerkhoff to waive the reading of Resolution No. 30 of 2024 – Authorization to Execute Agreement for Services. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Smith to approve Resolution No. 30 of 2024 – Authorization to Execute Agreement for Services. Motion passed by unanimous vote.

City Administrator Muetzel introduced the open Accountant Position.

Mr. Muetzel stated the City received 10 applications for the advertised Accountant Position. One of the applicants was an internal candidate, current Payroll and AP Coordinator Rachel Viergutz. Interviews were completed by Finance Director Klages, HR Coordinator Sheila Stage, and City Administrator Muetzel. Staff is proposing to move Ms. Viergutz from her current position into the Accountant position as a lateral transfer, with no change to the current pay grade and classification. Ms. Viergutz has the qualifications and meets the requirements to fill the position. The current Payroll and AP Coordinator position will then be posted.

A motion was made by Council Member Kerkhoff and seconded by Council Member Arentson to approve the transfer of Rachel Viergutz to the Accountant Position with no changes to the pay grade and classification. Motion passed by unanimous vote.

City Administrator Muetzel introduced Resolution No. 31 of 2024 – A Resolution Setting and Adopting Updated 2024 Pay Plans and Pay Step Structure for Part-Time & Seasonal Non-Union Employees.

Mr. Muetzel stated on December 6, 2023, when the pay plan was originally approved, the Library employed a custodian as an Independent Contractor. After reviewing the City's Independent Contractor positions and performing the newly provided Department of Labor analysis on them, Staff is recommending that the Library's custodian position should no longer be an Independent Contractor and that the position should be filled by an employee. Therefore, it is recommended that the 2024 Non-Union City of Redwood Falls Pay Plan for Part-time and Seasonal employees be adjusted to show an After-Hours Building Custodian with a salary range of \$20.00 - \$30.00/hourly.

A motion was made by Council Member Smith and seconded by Council Member Sandgren to waive the reading of Resolution No. 31 of 2024 – A Resolution Setting and Adopting Updated 2024 Pay Plans and Pay Step Structure for Part-Time & Seasonal Non-Union Employees. Motion passed by unanimous vote.

A motion was made by Council Member Arentson and seconded by Council Member Buckley to approve Resolution No. 31 of 2024 – A Resolution Setting and Adopting Updated 2024 Pay Plans and Pay Step Structure for Part-Time & Seasonal Non-Union Employees. Motion passed by unanimous vote.

Library Director Connie Lechner was present to introduce Resolution No. 32 of 2024 – A Resolution Accepting A Donation To The City.

Ms. Lechner stated Resolution 32 of 2024 is to accept a Donation of \$1,168.79 from the Friends of the Library. At the last meeting on May 6, the Friends of the Library unanimously approved funding the purchase of two book carts and microphones for the meeting room. A couple of library carts are not very sturdy, and Staff really become short on carts on delivery days, during book sales, and when children's events require taking several books to the meeting room or outside. Library Staff have had many requests for a microphone for the meeting room. When the room is near full capacity, those in the back struggle with hearing the presenter in the front of the room. Staff is requesting approval to accept the financial donation from Friends of the Library to purchase book carts, microphones, and stand.

A motion was made by Council Member Arentson and seconded by Council Member Buckley to waive the reading of Resolution No. 32 of 2024 – A Resolution Accepting A Donation To The City. Motion passed by unanimous vote.

A motion was made by Council Member Kerkhoff and seconded by Council Member Smith to approve Resolution No. 32 of 2024 – A Resolution Accepting A Donation To The City. Motion passed by unanimous vote.

Public Works Project Coordinator Doering stated the new fishing pier at Lake Redwood was installed and ready for use on Wednesday, May 8, 2024.

Mayor Quackenbush stated the Veteran's Cemetery will be hosting a Memorial Day service on Sunday, May 26, 2024 at 2:00 p.m.

City Administrator Muetzel stated the Red Skye Lofts will be hosting an open house on May 23, 2024, from 4:30 p.m. to 6:00 p.m. to tour newly renovated apartment units.

Bills and Claims were presented to the Council for informational purposes. No questions, comments or concerns were raised.

There being no further business, a motion was made by Council Member Kerkhoff and seconded by Council Member Buckley to adjourn the meeting at 5:58 p.m. Motion passed by unanimous vote.

ATTEST:

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Keith Muetzel  
City Administrator

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Tom Quackenbush  
Mayor



Ross Nachreiner  
 Redwood Falls Parks & Rec Director  
 Phone: 507-616-7444  
 Fax: 507-644-2199  
 rnachreiner@ci.redwood-falls.mn.us

**Council Meeting:** Tuesday, June 4<sup>th</sup>, 2024

**Agenda Item:** Celebrate Redwood Falls – Summer Splash 2024

**Date:** Thursday, May 30<sup>th</sup>, 2024

**Summary/Overview:**

The Celebrate Redwood Falls Committee will be hosting the annual Summer Splash Event on Friday, June 21<sup>st</sup> & Saturday, June 22<sup>nd</sup>, 2024, at Memorial Athletic Complex.

City of Redwood Falls staff have met and will continue to meet with the Celebrate Redwood Falls Committee as they plan for these community events.

Staff is recommending to the City Council the following assistance and waiving of rental fees for the Celebrate Redwood Falls events:

**Community Parade: Friday, June 21<sup>st</sup>, 2024: Starting at 7:00 p.m.**

- Similar route as in the past except they will be using 5<sup>th</sup> St. vs. 4<sup>th</sup> St. due to construction project. See attached. Use of barricades and staff to set-up prior to event and tear down when event is over.
- Use of Memorial Park to include the Pryor Pavilion and open green space for inflatables, games/activities and a movie.

**Summer Splash: Saturday, June 22<sup>nd</sup>, 2024**

- Annual Pool Party from 4:00 p.m. - 7:00 p.m. – (waiving the fee of the pool party as well as any individual usage fees during that time).
- Use of Memorial Athletic Complex for fireworks (10 p.m.).
- Use of Memorial Park to include the Pryor Pavilion and open green space for inflatables & games/activities.
- Use of City owned cones, barricades, & picnic tables.

The activities listed above are ones that reflect usage of City property. The committee has other events planned during the Summer Splash celebration weekend and can be found on their website and Facebook page.

Attachments: *Parade Route & Schedule of Events*

**Friday, June 21**

## Memorial Athletic Complex

6:00pm

Food Stand

7:00pm

**Redwood Falls Community Parade**

7:30pm

**Family Fun Night**

Food & Music

St John's Free Root Beer Floats

All Ages Inflatables

Mini-Golf & Bean Bag



**Saturday, June 22**

## Memorial Athletic Complex

4:00pm

City of Redwood Falls Free Pool Party at the

**Redwood Falls Aquatic Center**

6:00pm

**Fun In The Sun**

Food & Music

Archery Tag

Inflatables for all ages

Mini-Golf & Bean Bag

10:00pm

Ball Field Blast Fireworks sponsored by

**Jackpot Junction Casino & Hotel** at the

**Memorial Athletic Complex**

**Sunday, June 23**

## Redwood Falls Municipal Airport

8:00am

**Rotary Fly-In Pancake Breakfast**



## AGENDA RECOMMENDATION

**Meeting Date:** June 4, 2024

**Agenda Item:** Parade Permit for the Celebrate Redwood Falls Summer Splash Event

**Recommendation/Action Requested:**

Celebrate Redwood Falls has completed the necessary application process and submitted an approved parade route. The parade will be part of this year's annual Redwood Falls community events. The parade will be starting on Friday, June 21, 2024, at 7:00 p.m. Staff recommends approval.

**Attachment:** Parade Route

# 38th Annual Redwood Falls Community Parade Friday, June 21, 2024 - 7:00PM



6:00pm parade check in begins at the library

For more information:  
Cindy LaBrie (425) 941-0197  
[contactus@celebratedredwoodfalls.com](mailto:contactus@celebratedredwoodfalls.com)



Keith Muetzel  
City Administrator  
Phone: 507-616-7400  
Fax: 507-637-2417

kmuettel@ci.redwood-falls.mn.us

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**Meeting Date: June 4, 2024**

**AGENDA RECOMMENDATION**

**Agenda Item:** Declare Street Equipment as Surplus Property and Authorize Sale

**Recommendation/Action Requested:** Staff recommends declaring the following equipment as surplus property and authorizing sale:

Hypertherm Power Max 1000 Plasma Cutter  
Sheepsfoot Roller (unknown make/model)

**Attachments:** None

**Meeting Date: June 4, 2024**

**AGENDA RECOMMENDATION**

**Agenda Item:** Minnesota Property Assessed Clean Energy Program (MinnPACE) Joint Powers Agreement – Resolution #33

**Recommendation/Action Requested:** Read the Resolution or make a motion to waive the reading of the Resolution. Discuss the proposed Resolution. If there are no concerns, adopt the proposed Resolution by motion in accordance with Chapter 4 of the City Charter.

**Summary/Overview:** The State of Minnesota offers financing for the construction and installation of energy efficiency and conservation improvements through the Minnesota Property Assessed Clean Energy Program (MinnPACE). For eligible properties to access the funding program, a local municipality must enter into a Joint Powers Agreement authorizing the implementation and administration of the program within the boundaries of the City.

The MinnPACE program provides energy efficiency loan funds that are repaid solely from special assessments levied by the City against the benefiting property. Under this repayment arrangement, the City agrees to collect the assessments representing the loan repayments and remit those payments to the lender. The energy efficiency loans do not constitute a liability or indebtedness of the City and the City has no repayment obligation.

The developers of the Red Skye Lofts Project desire to access funding from the MinnPACE Program and are requesting approval of the attached Joint Powers Agreement. The adoption of the attached agreement also makes this funding program available to any other eligible properties in Redwood Falls.

**Attachments:** Joint Powers Agreement  
Resolution Approving Joint Powers Agreement

**Port Authority of the City of Saint Paul  
Property Assessed Clean Energy Program  
(MinnPACE)  
JOINT POWERS AGREEMENT**

Port Authority of the City of Saint Paul  
Treasure Island Center  
400 Wabasha Street North, Suite 240  
Saint Paul, MN 55102  
(651) 224-5686  
[www.sppa.com](http://www.sppa.com)

Revised 10/2023

## JOINT POWERS AGREEMENT

This Joint Powers Agreement (the “Agreement”), made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between the Port Authority of the City of Saint Paul (the “Port Authority”), a body corporate and politic, and the City of Redwood Falls, Minnesota, a municipal corporation (the “City”), provides as follows:

WHEREAS, the Port Authority has been engaged in governmental programs for providing financing throughout the State of Minnesota (the “State”) by making loans evidenced by various financing leases and loan agreements, and in the process of operating these programs the Port Authority has developed a high degree of financial expertise and strength;

WHEREAS, Minnesota Statutes, Sections 216C.435 and 216C.436 and Chapter 429 and 471.59 (collectively the “Act”) authorize the City to provide for the financing of the acquisition and construction or installation of energy efficiency and conservation improvements (the “Cost Effective Energy Improvements” as defined in the Act or “Improvements”) on “Qualifying Real Properties” as defined in the Act (the “Properties” or “Property”) located within the boundaries of the City through the use of special assessments;

WHEREAS, the Act authorizes the City to designate a local government unit other than the City to implement the program under the Act on behalf of the City;

WHEREAS, the City has one or more projects (a “Project”) within the boundaries of the City that have Improvements in need of financing, and has adopted its Resolution No. 33 of 2024 (a copy of which is attached hereto as Exhibit A) to designate the Port Authority to implement and administer a program on behalf of the City to finance such Improvements;

WHEREAS, the Port Authority has created a program under the Act known as the Property Assessed Clean Energy Program (“MinnPACE”) for purposes of implementing and administering the activities described in the Act, and the Port Authority is willing to implement and administer that program on behalf of the City as requested herein;

WHEREAS, the City has expressed a desire to make energy improvement financing programs of the kind managed by the Port Authority available for improvements of eligible properties within its boundaries, including but not limited to the Energy Savings Partnership, Trillion BTU and MinnPACE, and a joint powers agreement is required between the City and the Port Authority for MinnPACE; and

WHEREAS, the Improvements will serve citizens of the City and the State of Minnesota.

NOW THEREFORE, in consideration of the mutual covenants herein made, the parties to this Agreement hereby agree as follows:

1. The Port Authority will exercise the powers of the Act on behalf of the City to provide financing for Improvements located within the boundaries of the City. Except as otherwise

provided in this Agreement, the Port Authority shall be solely responsible for the implementation and administration of MinnPACE and the financing of the Improvements.

2. In connection with its implementation and administration of MinnPACE, and its financing of the Improvements located within the boundaries of the City, it is anticipated that the Port Authority will enter into various agreements with persons wishing to obtain financing for Improvements located within the boundaries of the City as well as with sources of financing for such Improvements (collectively the “Program Documents”).

3. The Port Authority may and is permitted to charge fees for its implementation and administration of MinnPACE, which fee will be described in, and payable under, the Program Documents.

4. As between the City and the Port Authority, the Port Authority will have the sole duty and responsibility to comply with or enforce covenants and agreements contained in the Program Documents. This power specifically includes the responsibility for monitoring and enforcing compliance with the provisions of the Program Documents to the extent required by the Port Authority thereunder.

5. Either the Port Authority or a lending institution (the “Lender”) will use its own financial resources to finance the Improvements (the “Loan”), or a taxable special assessment revenue bond(s) (the “Bond(s)”) issued by the Port Authority in favor of the Lender will be used to finance the Improvements. Regardless of the financing mechanism, the Lender will advance funds under the Program Documents to be paid from levied special assessments.

6. The Loan(s) or Bond(s) must be a special/limited obligation of the Port Authority, payable solely from special assessments levied by the City as provided herein. The Loan(s) or Bond(s) and interest thereon must neither constitute nor give rise to a general indebtedness or pecuniary liability, or a general or moral obligation, or a pledge or loan of credit of the Port Authority, the City, the City of Saint Paul or the State of Minnesota, within the meaning of any constitutional or statutory provision. To that end, the Port Authority hereby agrees to indemnify and hold harmless the City from and against any claims or losses arising out of the failure of the Port Authority to provide for the payment of principal of, and the interest or any premium on the Loan(s) or Bond(s), from special assessment payments actually paid to and received by the Port Authority by the City. This indemnity must not, however, be construed to relate to any claims or losses which might arise by virtue of the exercise, by the City, of its governmental powers in connection with the Project, or by virtue of the failure of the City to levy and collect special assessments with respect to the Improvements or promptly remit such special assessment payments to the Port Authority as provided in the Program Documents.

7. As and for its contribution to the financing of the Improvements, and as provided in the Act, the City must impose and collect special assessments necessary to pay debt service on that portion of the Loan(s) or Bond(s) attributable to the Improvements located within the boundaries of the City. Evidence that the City has imposed such special assessments is a precondition to the Port Authority’s obligation to provide financing to any Improvements located within the boundaries of the City in accordance with the following process:

A. The Port Authority shall provide to City an application (“Application”) from an applicant (“Applicant”) under the MinnPACE program, which includes the following documentation:

1) A copy of the Application containing the legal name of the Applicant, its legal status, its legal address, a description of the Project, the cost of the Improvements, the total amount to be assessed against the Property and the address, legal description and tax identification code for the Property upon which the Improvements are to be constructed or installed.

2) A statement from the Port Authority that the proposed Project as described in the Application qualifies under the requirements of the Act and the Port Authority.

3) A fully-executed copy of the Applicant’s Petition and Assessment Agreement suitable for evidencing, and recording if necessary, Applicant’s agreement to be assessed for the amount of the Improvements.

B. Upon receipt of the documentation described in Subparagraph A above, City agrees that it will levy an assessment against the Property for the amount to be assessed as set forth in Section 7.A. above.

C. Evidence that the City has imposed such special assessments is a precondition to the Port Authority’s obligation to provide financing to any Improvements located within the boundaries of the City.

D. In the event that, after the City levies an assessment against the Property for the costs of the Improvements and related costs as provided for in Subparagraph B above, the Port does not fund the cost of the Improvements as contemplated by this Agreement, the Port shall promptly notify City that it has not and will not fund the costs of the Improvements under the Program and the City shall thereafter inform the County Auditor to remove the subject assessment from the Property.

8. Once the City has imposed special assessments to finance Improvements located within the boundaries of the City, the City must collect and transfer all collections of the assessments received by it upon receipt to the Port Authority for application to the payment of the applicable Loan(s) or Bond(s). The City will take all actions permitted by law for the recovery of the assessments, including without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. Section 429.071, Subd. 4. The City has no obligation to make any payment on the applicable Loan(s) or Bond(s) other than by the imposition and collection of special assessments pursuant to the Act. The City acknowledges that the Lender is a third-party beneficiary of the City’s covenants herein with respect to the imposition and transfer of special assessments described herein.

9. Unless otherwise provided by mutual written agreement of the Port Authority and the City, this Agreement will terminate upon a 30-day’s advanced written termination notice to the other Joint Powers Agreement partner or upon the retirement or defeasance of all Loan(s) or



Bond(s), whichever is later; and notwithstanding any other provisions, this Agreement may not be terminated in advance of such retirement or defeasance.

10. This Agreement may be amended by the Port Authority and the City, at any time, by an instrument executed by both of them. The Port Authority or the City may not amend this Agreement, however, if the effect of the amendment would impair the rights of the holder of the Loan(s) or Bond(s), unless the holder has consented to the amendment.

11. The parties agree that the electronic signature of a party to this Agreement shall be as valid as an original signature of such party and shall be effective to bind such party to this Agreement. The parties further agree that any document (including this Agreement and any attachments or exhibits to this Agreement) containing, or to which there is affixed, an electronic signature shall be deemed (i) to be “written” or “in writing,” (ii) to have been signed and (iii) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. For purposes hereof, “electronic signature” also means a manually signed original signature that is then transmitted by any electronically scanned and transmitted version (e.g., via PDF) of an original signature. Any party’s failure to produce the original signature of any electronically transmitted signature shall not affect the enforceability of this Agreement.

12. This Agreement may be executed in any number of counterparts, each of which when taken together will constitute a single agreement.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the Port Authority and the City have caused this Agreement to be executed on their behalf, by their duly authorized officers, as of the day and year first above written.

PORT AUTHORITY OF THE  
CITY OF SAINT PAUL

By: \_\_\_\_\_  
Its: President

By: \_\_\_\_\_  
Its: Chief Financial Officer or Controller

Reviewed and Approved as to Form:

By \_\_\_\_\_  
General Counsel of the Port Authority

CITY OF REDWOOD FALLS, MINNESOTA

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

EXHIBIT A

Extract of Minutes of Meeting of the  
City Council of the City of Redwood Falls, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Redwood Falls (the “City”), was duly held at City Hall in the City, on June 4, 2024, at 5:00 P.M.

The following members were present:

and the following were absent:

\* \* \* \* \*

The Mayor announced that the next order of business was consideration of the designation of the Port Authority of the City of Saint Paul to implement and administer a program under Minnesota Statutes, Sections 216C.435 and 216C.436 and Chapter 429 and 471.59 on behalf of the City.

Member \_\_\_\_\_ introduced the following resolution and moved its adoption, the reading of which had been dispensed with by unanimous consent:

RESOLUTION NO. 33 of 2024

RESOLUTION DESIGNATING THE PORT AUTHORITY TO IMPLEMENT AND ADMINISTER A PROPERTY ASSESSED CLEAN ENERGY IMPROVEMENT FINANCING ON BEHALF OF THE CITY, AND PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS AS NEEDED IN CONNECTION WITH THAT PROGRAM

**BE IT RESOLVED** by the City Council of the City of Redwood Falls (the “City”), as follows:

1. The Port Authority of the City of Saint Paul (the “**Port Authority**”) has established the Property Assessed Clean Energy Program (“**MinnPACE**”) to finance the acquisition and construction or installation of energy efficiency and conservation improvements (the “**Improvements**”), on properties located throughout the State of Minnesota through the use of

special assessments pursuant to Minnesota Statutes Sections 216C.435 and 216C.436 and Chapter 429 and 471.59 (the “Act”).

2. In order to finance the Improvements, the City hereby determines that it is beneficial to participate in MinnPACE, and to designate the Port Authority as the implementor and administrator of that program on behalf of the City for purposes of financing Improvements located within the City.

3. The City understands that the Port Authority may obtain funding from designated lending institutions or may issue its MinnPACE special assessment revenue bond(s) to finance the Improvements, and that the sole security for the loan(s) or bond(s) will be special assessments imposed by the governmental entity participating in MinnPACE.

4. To facilitate and encourage the financing of Improvements located within the City, the City covenants to levy assessments for said Improvements on the property so benefitted, in accordance with the Application and Petition for Special Assessments received from the owner(s) of the Property and approved by the Port Authority. The interest rate on the Special Assessments shall be the interest rate on the Loan(s) or Bond(s), and may include additional interest.

5. After imposition of the special assessments, the City shall collect such assessments and remit them to the Port Authority for use in the repayment of the Loan(s) or Bond(s). The City will take all actions permitted by law to recover the assessments, including without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. Section 429.071, Subd. 4.

6. The Mayor and City Administrator are authorized to execute on behalf of the City, any documents, certificates or agreements necessary to implement the program authorized by this resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Member

\_\_\_\_\_ upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

ATTEST:

\_\_\_\_\_  
Keith Muetzel  
City Administrator

\_\_\_\_\_  
Tom Quackenbush  
Mayor

(City Seal)

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA            )  
COUNTY OF REDWOOD         ) SS.  
CITY OF REDWOOD FALLS        )

I, the undersigned, being the duly qualified and acting City Administrator of the City of Redwood Falls, hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of the City Council of said City held June 4, 2024, with the original thereof on file and of record in my office and the same is a full, true and complete transcript therefrom.

**WITNESS** My hand officially and the seal of the City this 4<sup>th</sup> of June, 2024.

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City Administrator  
City of Redwood Falls

(Seal)

**Meeting Date: June 4, 2024**

**AGENDA RECOMMENDATION**

**Agenda Item:** Accounts Payable/Payroll Coordinator Position

**Recommendation/Action Requested:** Staff will present a recommendation at the June 4 meeting.

**Summary/Overview:**

The reassignment of Rachel Viergutz creates an accounts payable/payroll coordinator position vacancy. The vacancy was posted internally one application was received. The hiring committee is scheduled to reconvene and will provide a recommendation to the City Council on June 4.

**Attachments:** None