

FAIRMONT CITY COUNCIL AGENDA

1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

MONDAY, MARCH 9, 2015

at **5:30 p.m.** in the City Hall Council Chambers.

2. ROLL CALL -

Mayor Quiring
Councilors: Anderson
Askeland
Clerc
Peters
Zarling

3. DETERMINATION OF QUORUM -

4. PLEDGE OF ALLEGIANCE

5. READINGS OF MINUTES -

5.1 Minutes of Regular Meeting, February 23, 2015 (01-02)

6. OPEN DISCUSSION -

6.1 Open Discussion (03)

7. RECOGNITIONS/PRESENTATIONS -

- 7.1 Proclaim the month of March as Heaven's Table Food Shelf Month **(04)**
 - 7.1a Proclamation **(05)**
- 7.2 Proclaim March 8-14, 2015 as Girl Scout Week **(06)**
 - 7.2a Proclamation **(07)**

8. SCHEDULED HEARINGS –

- 8.1 Public Hearing on Proposed Leasing or Selling of City Owned Property for Lake Access Boat Lifts and Docks **(08)**
 - 8.1a City Staff Recommendations **(09-10)**
 - 8.1b Public Notice of Hearing **(11)**
- 8.2 Public Hearing – 2015 Improvement Program **(12)**
 - 8.2a Public Hearing Notice **(13-14)**
 - 8.2b Ordinance 2015-06 **(15-16)**

9. ADMINISTRATIVE APPEALS -

10. FINANCIAL REPORTS –

11. REPORTS OF BOARDS, COMMITTEES, AND DEPARTMENT HEADS –

12. LICENSES AND PERMITS –

- 12.1 Transient Merchant License – TNT Fireworks **(17)**
 - 12.1a Application **(18-19)**

12.2 Applications for Temporary On-Sale Liquor License	(20)
12.2a Applications	(21)
12.3 Renewal of Consumption & Display (Set-Up) Permits	(22)
13. OLD BUSINESS -	
14. NEW BUSINESS –	
14.1 Fairmont Local Board of Appeals & Equalization	(23)
14.1a Dan Whitman Letter, dated January 27, 2015	(24-25)
14.2 Cooperative Agreement between the State of Minnesota and City of Fairmont	(26)
14.2a Cooperative Agreement	(27-31)
14.3 Police Commission Appointment	(32)
14.4 Emergency Response Unit Mutual Aid Agreement	(33)
14.4a 28E Agreement for Sharing of Law Enforcement Officers and Providing Emergency Response Assistance (H.E.A.T. Tactical Team)	(34-40)
14.4b Memo from City Attorney	(41)
14.4c Memo from Chris Smith, LMC Risk Management Attorney	(42)
14.5 Year End Fund Balance Designations	(43)
14.5a Resolution 2015-07	(44-45)
14.6 Interfund Transfers	(46)
14.6a 2014 Interfund Transfers	(47)

14.7	Call for a Public Hearing on Ordinance 2015-03 Amending Fairmont City Code Article VIII. Off Street Parking & Loading, Division 2. Off Street Parking, Section 26-653 Location.	(48)
14.7a	Public Hearing Notice, Staff comments	(49-50)
14.7b	Planning Commission Minutes, March 3, 2015	(51-52)
14.7c	Draft Ordinance No. 2015-03	(53-54)
14.8	Engineering contract for TH 15 intersection analysis	(55)
14.8a	Aerial location maps (2)	(56-57)
15.	REGULAR AND LIQUOR DISPENSARY BILLS –	
16.	STATUS REPORTS/ORAL	
17.	<u>ADJOURNMENT</u> –	
	<u>ADDITIONAL ATTACHMENTS</u> –	

The minutes of the Fairmont City Council meeting held on February 23, 2015 at the City Hall Council Chambers.

Mayor Randy Quiring called the meeting to order at 5:30 p.m.

Council Members Chad Askeland, Bruce Peters and Jim Zarling were present. Council Members Terry Anderson and Wes Clerc were absent. Also in attendance: City Administrator Mike Humpal, City Attorney Elizabeth W. Bloomquist, Public Works Director/City Engineer Troy Nemmers, Finance Director Paul Hoyer, City Clerk Patricia Monsen and Officer Craig Fowler.

It was moved by Council Member Askeland, seconded by Council Member Peters and carried to approve the minutes of the regular City Council meeting of February 9, 2015.

During open discussion, Mike Humpal stated that he received an email today from Dave Ternberg, Director of Buildings and Grounds for the School District. The email addressed concerns regarding people illegally parking along Johnson Street. The City painted the curbs and placed signs in this area, however it still has not solved the problem. The school asked that the City send police to enforce the rules. Humpal stated that this was done today and encourages citizens to adhere to the no parking signs.

Michael Klujeske, Treasurer for Interlaken Heritage Days Committee, addressed the Council advising that there is a new committee in charge of IHD. Klujeske stated that all bills from past years have been paid and outlined what plans they have for 2015. Council Member Askeland made a motion to approve \$6,000.00 in funding to IHD for the 2015 community festival. Council Member Zarling seconded the motion and the motion carried.

Mayor Quiring opened the public hearing on the proposed expansion of Development District #1 to add TIF #24, Albion Avenue and State Street Development. No one spoke at the public hearing. Council Member Peters made a motion to close the public hearing. Council Member Askeland seconded the motion and the motion carried. Council Member Zarling made a motion to adopt **Resolution 2015-03** enlarging Development District No. 1 and approving the amended Development Program, establishing Tax Increment Financing District No. 24 and approving the Tax Increment Financing Plan and authorizing execution of a Development Agreement. Council Member Askeland seconded the motion. On roll call: Council Members Peters, Zarling and Askeland all voted aye. No one voted nay. Mayor Quiring declared said motion passed.

Mayor Quiring opened the public hearing on the proposed amendment to the Rural and Urban Service Districts for the City. No one spoke at the public hearing. Council Member Askeland made a motion to close the public hearing. Council Member Peters seconded the motion and the motion carried. Council Member Zarling made a motion to approve **Ordinance 2015-02**, amending **Ordinance 2014-03**, relating to the Rural and Urban Service Districts. Council Member Askeland seconded the motion. On roll call: Council Members Askeland, Peters and Zarling all voted aye. No one voted nay. Mayor Quiring declared said motion passed.

Mayor Quiring opened the public hearing on the proposed amendment to **Ordinance 2013-02**, calling for an increase to the City Wide Cleanup Rate. No one spoke at the public hearing. Council Member Askeland made a motion to close the public hearing. Council Member Peters seconded the motion and the motion carried. Council Member Zarling made a motion to approve

Ordinance 2015-04, increasing the City Wide Cleanup Rate. Council Member Askeland seconded the motion. On roll call: Council Members Peters, Zarling and Askeland all voted aye. No one voted nay. Mayor Quiring declared said motion passed.

Council Member Zarling made a motion to set a public hearing for March 9, 2015 at 5:30 p.m. to receive citizen input on City Staff's recommendations for City owned lake property. Council Member Peters seconded the motion and the motion passed.

Council Member Peters made a motion to approve the payment of the February, 2015 bills in the amount of \$982,619.96. Council Member Askeland seconded the motion and the motion carried.

A motion was made by Council Member Zarling, seconded by Council Member Askeland and carried to adjourn the meeting at 5:50 p.m.

ATTEST:


Randy J. Quiring
Mayor

Patricia J. Monsen, City Clerk

CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 6.1

MEETING DATE: March 9, 2015

SUBJECT: Open Discussion

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND:

INTRODUCED BY: Mayor Randy Quiring

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input checked="" type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: Prior to regular business, is there any open discussion?

MOTION: None

VOTE REQUIRED:

ATTACHMENTS:


1. _____
2. _____
3. _____

Council Action: _____ Date: _____

CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 7.1

MEETING DATE: March 9, 2015

SUBJECT: Proclaim the month of March as Heaven's Table Food Shelf Month

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input checked="" type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mayor Randy J. Quiring

INTRODUCED BY: Mayor Randy J. Quiring

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input checked="" type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: Mayor Randy J. Quiring will proclaim the month of March as Heaven's Table Food Shelf Month.

MOTION: N/A

VOTE REQUIRED: N/A

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

Council Action: _____ Date: _____





Phone (507) 238-9461

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
www.fairmont.org

Fax (507) 238-9469

PROCLAMATION

WHEREAS, Heaven's Table Food Shelf was established in 2012 to help feed hungry people in Fairmont and the surrounding communities in Martin County, and;

WHEREAS, March is Minnesota Food Share Month in Minnesota, and;

WHEREAS, the annual meeting and volunteer recognition for Heaven's Table took place on March 7, 2015.

NOW THEREFORE, I, Randy J. Quiring, by virtue of the authority vested in me as Mayor of the City of Fairmont, do hereby proclaim the month of March, 2015, as:

Heaven's Table Food Shelf Month

in the City of Fairmont.




Randy J. Quiring, Mayor
City of Fairmont

C I T Y O F L A K E S

CITY OF FAIRMONT-----AGENDA CONTROL SHEET-----AGENDA ITEM NO. 7.2

MEETING DATE: March 9, 2015

SUBJECT: Proclaim March 8-14, 2015 as Girl Scout Week

REVIEWED BY: Mike Humpal, CECd, City Administrator 

SUBJECT INITIATION BY:

<input checked="" type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mayor Randy J. Quiring

INTRODUCED BY: Mayor Randy J. Quiring

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input checked="" type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: Mayor Randy J. Quiring will proclaim March 8-14, 2015 as Girl Scout Week in the City of Fairmont.

MOTION: N/A

VOTE REQUIRED: N/A

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

Council Action: _____ Date: _____

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PROCLAMATION

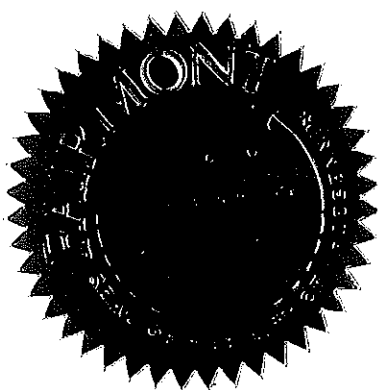
WHEREAS, Monday, March 9, 2015, marks the 103rd Anniversary of the founding of Girl Scouts of the U.S.A., founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of character, conduct and patriotism; and,

WHEREAS, through the Girl Scout leadership experience girls develop the skills and lessons that will serve them a lifetime; and,


WHEREAS, through Girl Scouting, girls demonstrate courage, character, and confidence in ways that have made, and will continue to make, important contributions to the life of this, our own home community.

NOW THEREFORE, I, Randy J. Quiring, by virtue of the authority vested in me as Mayor of the City of Fairmont, do proclaim March 8-14, 2015, as Girl Scout Week in the City of Fairmont, and thus, do urge the citizens of Fairmont to support the activities and endeavors of Girl Scouts.



Randy J. Quiring, Mayor
City of Fairmont

C I T Y O F L A K E S

CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 8.1**MEETING DATE:** March 9, 2015**SUBJECT:** Public Hearing – Lake Access Boat Lifts and Docks**REVIEWED BY:** Mike Humpal, CEcD, City Administrator **SUBJECT INITIATION BY:**

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator**INTRODUCED BY:** Mike Humpal, CEcD, City Administrator**COUNCIL LIAISON:****TYPE OF ACTION:**

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input checked="" type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: The Council will take public input on the issue of leasing or selling City owned property to individuals for lake access boat lifts and docks.**MOTION 1:** To close Public Hearing**VOTE REQUIRED:** Simple majority**MOTION 2:** To approve City Staff recommendations and move forward to lease and or sell Properties listed.**VOTE REQUIRED:** Simple majority**ATTACHMENTS:**

1. City Staff Recommendations
2. Public Notice of Hearing

Council Action: _____ Date: _____


City Staff Final Recommendations for Lake Shore Property Lease

1. The City should maintain ownership of all the property owned as street right of way with the exception of West Eighth Street. There is an ownership issue not related to lake access that should be taken care of apart from this discussion.
2. The City should not sell off any portion of any existing park.
3. City staff is recommending that property leased for boat docking be priced at \$500.00 per year, per boat lift, which is consistent with private sector dock leases within Fairmont.
4. Staff recommends that the leases are for a term of five years. This term takes into consideration the investment of dock and lift which in many cases could be \$4,000 to \$10,000 dollars.
5. Everyone will be required to have liability insurance with the City named as second insured party.
6. Allow City access for any type of maintenance.
7. City staff to develop property leases.
8. Accept and process applications by April 15th.
9. City staff will identify and mark each spot to be leased.

- Location A Take out of consideration, or allow abutting property owners to lease and stay 50' from boat ramp.
- Location B Available to those in first block. Stairs to be constructed by the lessee.
- Location C Available to those in first block. Stairs to be constructed by the lessee.
- Location D Available to those in first block. Stairs to be constructed by the lessee.
- Location E Eighth Street, take out of consideration.
- Location E.1 Allow those that abut to lease access.
- Location F Allow those that abut if not for Lake Park Boulevard and 260 feet into Wards Park to lease. This is an area where parking could be a real problem if allowing non-abutting residents to lease.
- Location G Allow four spots for those that would abut, if not for Woodland Avenue. From North property line South for 250 feet. Need to allow for navigation coming out from under the bridge on the south 250 feet.
- Location H Deed restricted. Take off the list.
- Location I Take off the list. No parking, very congested area both on the street side and lake side with docks and lifts.
- Location J Available to those in the first block. Narrow 33'.
- Location K Available to those in the first block. Narrow 33'.
- Location L Take off the list – Let's Go Fishing Dock Lift. Large community wide benefit. They move all equipment in and out. No neighborhood problems, they have used the site for at least six years. Was also used by the City for years to park the dredge.
- Location M Taken off the list. The DNR is selling this property to interested parties in the area.

PUBLIC NOTICE

The Fairmont City Council will take public comment and discuss the possibility of leasing city owned property to individuals for lake access boat lifts and docks at its March 9, 2015, 5:30 p.m., City Council meeting. Specific site location maps and city staff recommendations can be picked up at City Hall. For additional information, contact Mike Humpal, City Administrator at 238-3936.

CITY OF FAIRMONT-----AGENDA CONTROL SHEET-----AGENDA ITEM NO. 8.2**MEETING DATE:** March 9, 2015**SUBJECT:** Public Hearing – 2015 Improvement Program**REVIEWED BY:** Mike Humpal, CEcD, City Administrator **SUBJECT INITIATION BY:**

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Troy Nemmers, P.E., Public Works Director/City Engineer**INTRODUCED BY:** Mike Humpal, CEcD, City Administrator**COUNCIL LIAISON:** None**TYPE OF ACTION:**

<input type="checkbox"/>	Motion (Voice Vote)	<input checked="" type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input checked="" type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENDED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: Information will be presented regarding the 2015 Improvement Program. Following the presentation, affected residents will be provided an opportunity to question and comment. After the hearing, the City Council will consider final approval for the proposed 2015 Improvement Program.

MOTION #1: To close the Public Hearing.**VOTE REQUIRED:** Simple majority.**MOTION #2:** To adopt Resolution 2015-06, Ordering Improvement and Preparation of Plans.**VOTE REQUIRED:** Four-fifths majority**ATTACHMENTS:**

1. Public Hearing Notice
2. Resolution 2015-06

Council Action: _____ Date: _____





CITY OF FAIRMONT – P.O. Box 751 – 100 Downtown Plaza – Fairmont, MN 56031

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City of Fairmont

Notice of Hearing on 2015 Improvements

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council will meet at 5:30 p.m. on the 9th day of March, 2015, at City Hall, 100 Downtown Plaza, to pass upon the proposed assessment against benefiting property for the improvement of:

<u>Project No.</u>	<u>Description</u>
	<u>RECONSTRUCTION (\$80.00 per assessable front foot)</u>
5715001	Third Street; Prairie Avenue to dead end
5715002	Victoria Street; Albion Avenue to Park Street
5715003	Oxford Street; Victoria Street to Willow Street
	<u>NEW CONSTRUCTION (100% of construction cost)</u>
4016001	Elsinore Avenue; Spruce Street to Horatio
	<u>RESURFACE (\$54.00 per accessible front foot)</u>
6715001	Third Street; Beach Street to Lake Avenue
6715002	Victoria Street; Park Street to Cambridge Street City Parking Lot A; Second & Main
	<u>OVERLAY (\$32.00 per accessible front foot)</u>
8715001	Eltinge Street; East Amber Lake Drive to dead end
8715002	Webster Street; TH 15 to Home Street
	<u>SEAL COATS (\$2.50 per assessable front foot)</u>
7515001	Johnson Street; Prairie Avenue to TH 15
7515002	Sylvan Drive; Cottage Street to Interlaken Road
7515003	East Belle Vue Road; Stade Lane to Prairie Avenue
7515004	Becky Lane; Lynn Street to dead end
7515005	Second Street; Lake Avenue to Main Street
7515006	Main Street; First Street to Second Street
7515007	Goemann Road; TH 15 to Hi-Line Drive
7515008	Gemini Street; Goemann Road to dead end
7515009	Hi-Line Drive; 135 th Street to Goemann Road
7515010	Center Creek Drive; TH 15 to TH 15

C I T Y O F L A K E S



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7515011	Hodgeman Avenue; Dead end to Albion Avenue
7515012	Homewood Drive; Albion Avenue to Woodland Avenue
7515013	Budd Lake Drive East; Dead end to Homewood Drive
7515014	Indus Street; Eighth Street to Winnebago Avenue
7515015	Lake Street; Dead end to Albion Avenue
7515016	Oak Beach Drive; Gomsrud Park (dead end) to Albion Avenue
7515017	TH 15 Service Road; Dead end
7515018	Fairlakes Avenue; Lake Avenue to cemetery entrance Waste Water Treatment Plant Site

Said improvements are to be considered pursuant to Minnesota Statutes, Sections 429.011 to 429.111 (Laws 1953, for Chapter 398, as amended). The area proposed to be assessed for such improvement is the property abutting or benefiting from said improvements. A reasonable estimate of the impact of the assessments will be available at the hearing.

The estimated cost of all improvements is \$2,744,256.15. People who wish to be heard concerning the proposed improvements will be heard at 5:30 pm on March 9, 2015.

Patricia J. Monsen
City Clerk

NOTE:

Property owners interested in reading the 2015 improvement program summary report, can access it on the City of Fairmont website at: www.fairmont.org.

Property owners interested in discussing any of these projects with the City Engineer, Troy Nemmers, can call 507-238-3942 or send an email to tnemmers@fairmont.org. Staff in the engineering department will also be available to assist with questions Monday through Friday from 8:00 a.m. to 4:30 p.m.

C I T Y O F L A K E S

RESOLUTION NO. 2015-06

STATE OF MINNESOTA }
COUNTY OF MARTIN } SS
CITY OF FAIRMONT }

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a resolution of the City Council adopted the 9th day of February, 2015 fixes a date for a Council hearing on the proposed improvement of:

<u>Project No.</u>	<u>Description</u>
<u>RECONSTRUCTION</u>	
5715001	Third Street; Prairie Avenue to dead end
5715002	Victoria Street; Albion Avenue to Park Street
5715003	Oxford Street; Victoria Street to Willow Street
<u>RESURFACE</u>	
6715001	Third Street; Beach Street to Lake Avenue
6715002	Victoria Street; Park Street to Cambridge Street City Parking Lot A; Second & Main
<u>OVERLAY</u>	
8715001	Eltinge Street; East Amber Lake Drive to dead end
8715002	Webster Street; TH 15 to Home Street
<u>SEAL COATS</u>	
7515001	Johnson Street; Prairie Avenue to TH 15
7515002	Sylvan Drive; Cottage Street to Interlaken Road
7515003	East Belle Vue Road; Stade Lane to Prairie Avenue
7515004	Becky Lane; Lynn Street to dead end
7515005	Second Street; Lake Avenue to Main Street
7515006	Main Street; First Street to Second Street
7515007	Goemann Road; TH 15 to Hi-Line Drive
7515008	Gemini Street; Goemann Road to dead end
7515009	Hi-Line Drive; 135 th Street to Goemann Road
7515010	Center Creek Drive; TH 15 to TH 15
7515011	Hodgeman Avenue; Dead end to Albion Avenue
7515012	Homewood Drive; Albion Avenue to Woodland Avenue
7515013	Budd Lake Drive East; Dead end to Homewood Drive
7515014	Indus Street; Eighth Street to Winnebago Avenue
7515015	Lake Street; Dead end to Albion Avenue

RESOLUTION NO. 2015-06, cont.

SEAL COATS, continued

7515016	Oak Beach Drive; Gomsrud Park (dead end) to Albion Avenue
7515017	TH 15 Service Road; Dead end
7515018	Fairlakes Avenue; Lake Avenue to cemetery entrance
	Waste Water Treatment Plant Site

AND WHEREAS, ten days mailed and published notice of the hearing was given, and the hearing was held thereon the 9th day of March, 2015 at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRMONT, MINNESOTA:

1. Such improvement is hereby ordered as proposed in the Council resolution adopted the 9th day of March, 2015.
2. Troy Nemmers, Public Works Director/City Engineer, is hereby designated as the engineer for this improvement. He shall prepare, or have prepared by others, plans and specifications for the making of such improvement.

Motion by: Council member

Seconded by: Council member

All in favor:

Opposed:

Abstained:

Adopted by the Council this 9th day of March, 2015.


Mayor

ATTEST:

City Clerk
(SEAL)

MEETING DATE: March 9, 2015

SUBJECT: Transient Merchant License – TNT Fireworks

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input checked="" type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENDED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: TNT Fireworks has applied for a transient merchant's license to sell fireworks at the Wal-Mart parking lot, 1250 Goemann Road. They have had a location at Wal-Mart the past four years. They will be selling fireworks between June 21, 2015 and July 6, 2015. TNT Fireworks has paid the license fee of \$150.00 for a one month license and provided liability insurance documentation. A police investigation has been completed.

MOTION: To approve the transient merchant license for TNT Fireworks from Fargo, North Dakota.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Application

2. _____

3. _____

Council Action: _____ Date: _____

CITY OF FAIRMONT
PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANT APPLICATION

APPLICANT:

Christopher Jon Ulmer 10-25-1982
FIRST NAME MIDDLE NAME LAST NAME DATE OF BIRTH

PERMANENT ADDRESS:

2109 59th Avenue South, Fargo ND 58104 701-400-7661
TELEPHONE NO.

TEMPORARY ADDRESS:

TELEPHONE NO.

DRIVER'S LICENSE #: STATE: U.S. CITIZEN

ULM-82-7341 ND yes

NAME AND ADDRESS OF ORGANIZATION/COMPANY/BUSINESS YOU ARE REPRESENTING:

TNT Fireworks - 2109 59th Avenue South, Fargo, ND 58104

PREVIOUS NAME AND ADDRESS OF ORGANIZATION/COMPANY/BUSINESS (Last 10 years)

LIST FULL NAMES AND DATE OF BIRTH OF PRINCIPAL OFFICERS/MANAGERS AND ADDRESS IF APPLICANT IS NOT AN INDIVIDUAL:

Tommy Glasgow - 4511 Helton Drive, Florence, AL 35630

METHOD OF SALE:

1. PEDDLER. Resident or non-resident who goes house to house, place to place, street to street conveying or transporting goods, wares or merchandise for sale. (Milk, bakery, grocery vendors on established routes are exempt.)
2. SOLICITOR. Resident or non-resident who goes from house to house, place to place, street to street taking orders for merchandise or services for future delivery. Also includes taking orders from any building, motor vehicle, hotel room etc. May or may not display samples. Includes soliciting for charitable, religious, patriotic or philanthropic purposes.
- X 3. TRANSIENT MERCHANT. Resident or non-resident who engages in temporary selling of merchandise from any structure, motor vehicle, etc.

GOODS TO BE SOLD: MN State-approved Fireworks

LOCATION OF SALE (if from stationary location): Walmart parking lot - 1250 Goemann Road

MINNESOTA TAX ID# 6862737

IF SOLICITING FUNDS, HOW WILL RECEIPTS BE USED: _____

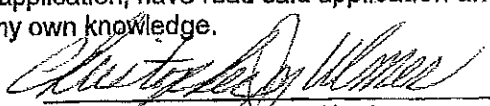
DATES OF SALE/SOLICITATION: 6/21 - 7/6

LICENSE REQUIRED: X TEMPORARY _____ ANNUAL

HAVE YOU EVER BEEN CONVICTED OF A FELONY OR MISDEMEANOR (excluding traffic)? IF YES, LIST DATE, PLACE AND NATURE OF OFFENSE: NO

LIST ONE TO THREE MUNICIPALITIES WHERE YOU HAVE RECENTLY CONDUCTED BUSINESS:
Buffalo Maplewood Thief River Falls

Christopher Jon Ulmer, applicant, being duly sworn on oath that I am the person who made and signed the foregoing application, have read said application and know the contents thereof and that the same is true of my own knowledge.


APPLICANT'S SIGNATURE

2/13/15
DATE

=====

APPLICATION FEE: \$ _____ DATE: _____

LICENSE FEE: \$ 150⁰⁰ DATE: pl 2/20/15

DATE

CITY CLERK

Investigation has been conducted by the Fairmont Police Department.

COMMENTS: *Crim History ok, destroyed 2-23-15

*CID OK

*BBB OK

2/23/15
DATE



CHIEF OF POLICE

COMMITTEE APPROVAL: _____ (date)

CITY COUNCIL APPROVAL: _____ (date)

MEETING DATE: March 9, 2015

SUBJECT: Martin County Preservation Association - Temporary On-Sale Liquor License

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input checked="" type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENDED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: The Martin County Preservation Association is asking for two Temporary On-Sale Liquor Licenses for two separate events that will take place at the Red Rock Center on April 17, 2015 and April 18, 2015; and on May 8, 2015. The Temporary On-Sale Liquor Licenses will allow wine and beer to be served at fundraisers they have planned.

MOTION: To approve the two applications for Temporary On-Sale Liquor Licenses for the Martin County Preservation Association for April 17 and 18, 2015 and for May 8, 2015.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Applications

2. _____

Council Action: _____ Date: _____





Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar Street Suite 222, St. Paul MN 55101-5133
(651) 201-7507 Fax (651) 297-5259 TTY (651) 282-6555
WWW.DPS.STATE.MN.US



APPLICATION AND PERMIT
FOR A 1 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <u>Martin Co Preservation Assoc.</u>		DATE ORGANIZED <u>2005</u>	TAX EXEMPT NUMBER <u>38202</u>	
STREET ADDRESS <u>222 E Blue Earth Ave.</u>		CITY <u>Fairmont</u>	STATE <u>MN</u>	ZIP CODE <u>56031</u>
NAME OF PERSON MAKING APPLICATION <u>Senja Fortune</u>		BUSINESS PHONE <u>507-235-9262</u>		HOME PHONE ()
DATES LIQUOR WILL BE SOLD <u>4/17/15 + 4/18/15</u>		TYPE OF ORGANIZATION <u>CLUB</u> CHARITABLE RELIGIOUS OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME <u>Sandy Meschke</u>		ADDRESS <u>1105 Albion Ave, Fmt</u>		
ORGANIZATION OFFICER'S NAME <u>John Edman</u>		ADDRESS <u>818 Albion Ave, Fmt</u>		
ORGANIZATION OFFICER'S NAME <u>John Rehling</u>		ADDRESS <u>18 Carol Ln, Fmt</u>		
Location license will be used. If an outdoor area, describe <u>Red Rock Center (indoors) wine & beer only</u>				
Will the applicant contract for intoxicating liquor service? If so, give the name and address of the liquor licensee providing the service. <u>no</u>				
Will the applicant carry liquor liability insurance? If so, please provide the carrier's name and amount of coverage. <u>yes West Bend (Peterson Anthony Ins) \$1,000,000</u>				

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL & GAMBLING ENFORCEMENT

CITY/COUNTY Fairmont

DATE APPROVED _____

CITY FEE AMOUNT \$25.00

LICENSE DATES _____

DATE FEE PAID 3/3/15

SIGNATURE CITY CLERK OR COUNTY OFFICIAL _____

APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT _____

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the License for the event

PS-09079 (12/09)



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar Street Suite 222, St. Paul MN 55101-5133
(651) 201-7507 Fax (651) 297-5259 TTY (651) 282-6555
WWW.DPS.STATE.MN.US



APPLICATION AND PERMIT
FOR A 1 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <u>Martin Co Preservation Assoc.</u>		DATE ORGANIZED <u>8005</u>	TAX EXEMPT NUMBER <u>38202</u>	
STREET ADDRESS <u>222 E Blue Earth Ave.</u>		CITY <u>Fairmont</u>	STATE <u>MN</u>	ZIP CODE <u>56031</u>
NAME OF PERSON MAKING APPLICATION <u>Sanja Fortune</u>		BUSINESS PHONE <u>(507) 235-9262</u>		HOME PHONE <u>()</u>
DATES LIQUOR WILL BE SOLD <u>5/8/15</u>		TYPE OF ORGANIZATION <u>CLUB</u> CHARITABLE RELIGIOUS OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME <u>Sandy Meschke</u>		ADDRESS <u>1105 Albion Ave, Fmt</u>		
ORGANIZATION OFFICER'S NAME <u>John Edman</u>		ADDRESS <u>818 Albion Ave, Fmt</u>		
ORGANIZATION OFFICER'S NAME <u>John Rehling</u>		ADDRESS <u>18 Carol Ln, Fmt</u>		
Location license will be used. If an outdoor area, describe <u>Red Rock Center (indoors) Wine & Beer only</u>				
Will the applicant contract for intoxicating liquor service? If so, give the name and address of the liquor licensee providing the service. <u>NO</u>				
Will the applicant carry liquor liability insurance? If so, please provide the carrier's name and amount of coverage. <u>yes West Bend (Peterson Anthony Ins.) \$1,000,000</u>				

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL & GAMBLING ENFORCEMENT

CITY/COUNTY Fairmont

DATE APPROVED _____

CITY FEE AMOUNT \$25.00

LICENSE DATES _____

DATE FEE PAID 3/3/15


SIGNATURE CITY CLERK OR COUNTY OFFICIAL _____

APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT _____

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the License for the event

MEETING DATE: March 9, 2015

SUBJECT: Renewal of Consumption & Display (Set-Up) Permits

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY: Mike Humpal, CEcD, City Administrator

<input checked="" type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: The Chain of Lakes Yacht Club and the Fraternal Order of Eagles #3394 have applied for renewal of their State and City Consumption & Display (Set-Up) permit applications. They have both paid their City application fee of \$37.50. City Council approval of these renewal applications is recommended.

MOTION: To approve renewal of the Consumption & Display (Set-Up) license applications for the Chain of Lakes Yacht Club and the Fraternal Order of Eagles #3394.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. _____
2. _____
3. _____

Council Action: _____ Date: _____



CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 14.1**MEETING DATE:** March 9, 2015**SUBJECT:** Fairmont Local Board of Appeals and Equalization**REVIEWED BY:** Mike Humpal, CEcD, City Administrator **SUBJECT INITIATION BY:**

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator**INTRODUCED BY:** Mike Humpal, CEcD, City Administrator**COUNCIL LIAISON:****TYPE OF ACTION:**

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input checked="" type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: The Board of Appeal and Equalization meeting is set for Wednesday, April 22, 2015 at 9:00 a.m. at City Hall Council Chambers.**MOTION:** None**VOTE REQUIRED:** N/A**ATTACHMENTS:**

1. Letter dated January 27, 2015 from Dan Whitman, Martin County Assessor.

2. _____

3. _____

Council Action: _____ Date: _____



Martin County Assessors Office

Dan Whitman, S.A.M.A.

County Assessor

dan.whitman@co.martin.mn.us

201 Lake Ave., Room 326 Fairmont, MN 56031
Phone (507) 238-3210 Fax (507) 238-4601

DEPUTY ASSESSOR
Mike Sheplee, SAMA

APPRAISERS
Deb Eversman, CMA
Joyce Eisenmenger, CMA
Jeanne Runge, CMA

TECHNICAL
Norma Padgett, CMA

January 27, 2015

Patricia Monsen
Clerk of City of Fairmont
100 Downtown Plaza
Fairmont MN 56031

RE: 2015 Fairmont Local Board of Appeal and Equalization

Dear Local Board Officials,

A tentative date for your 2015 Local Board of Appeal and Equalization or Local Open Book Meeting for your jurisdiction is listed below. Please review this and contact our office to confirm the kind of meeting you would like to have and to confirm or change the date. You may also e-mail your response to dan.whitman@co.martin.mn.us. If no contact is made we will assume the date, time and location listed below is acceptable.

EVENT: City of Fairmont Local Board of Appeal and Equalization
DATE: Wednesday, April 22
TIME: : 9:00 a.m.
LOCATION: Council Chambers

For jurisdictions having a Board of Appeal just a reminder that there must be at least 1 Board member trained within the past 4 years present.

In recent years we have published a general notice of all of the Boards of Appeal and Equalization for Martin County. This effort continues to be very well received so we will continue with this service. A draft of that notice is enclosed. We will be publishing this notice in all newspapers in Martin County. By publishing this we are fulfilling your meeting notice publication requirement for these meetings, thus saving you the cost and effort. We will run this notice at the end of March to meet the 10-day requirement for the first meetings in April.

If you have any questions please feel free to contact our office at any time.

Sincerely,

Dan Whitman, SAMA
Martin County Assessor

<http://www.co.martin.mn.us/>
An Equal Opportunity Employer

MAAO



24.


2015 BOARDS OF APPEAL AND EQUALIZATION NOTICE TO PROPERTY OWNERS

The following is a schedule of the 2015 Boards of Appeal and Equalization or Open Book Meetings for the jurisdictions in Martin County. Should you have any questions about the assessment of your property it is recommended that you or your agent contact the assessor's office. If you are unable to resolve your concern you should appear in person or by letter at the scheduled Township or City Board of Appeal and Equalization where individual assessments will be reviewed at that time. All persons who fail to appear at the particular Board of Appeal and Equalization cannot, by statute, appear before the County Board of Appeal and Equalization or the Small Claims Division of the Minnesota Tax Court. If your jurisdiction holds an open book meeting all residents automatically qualify to appear before the County Board Appeal and Equalization.

<u>DAY</u>	<u>DATE</u>	<u>TOWNSHIP/CITY</u>	<u>TIME</u>	<u>LOCATION</u>
Wednesday	April 1	Fairmont Township(open book)	6:00 PM	5 Lakes Elem Media Center
Wednesday	April 1	Silver Lake Township	7:30 PM	Randy Musser Home
Thursday	April 2	Fraser Township	7:00 PM	John Garbers Home
Thursday	April 2	Pleasant Prairie Township	7:30 PM	Town Hall
Monday	April 6	Lake Fremont Township	8:30 AM	Grader Shed, Dunnell
Monday	April 6	Fox Lake Township	10:00 AM	Town Hall
Monday	April 6	Rutland Township	7:30 PM	Township Hall
Tuesday	April 7	Lake Belt Township	10:00 AM	Town Hall Grader Shed
Tuesday	April 7	Cedar Township (open book)	7:00 PM	Town Hall
Tuesday	April 7	Jay Township	7:00 PM	Town Hall
Tuesday	April 7	Elm Creek Township	7:30 PM	Trimont Fire Hall
Thursday	April 16	Center Creek Twnsp(open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Ceylon City (open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Dunnell City (open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	East Chain Township(open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Galena Township (open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Granada City (open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Manyaska Twnshp (open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Nashville Township (open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Rolling Green Twnshp(open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Tenhassen Twnsp (open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Waverly Township(open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Westford Township (open book)	5:00 PM	Martin County Courthouse
Thursday	April 16	Trimont City	7:00 PM	Trimont City Hall
Monday	April 20	Sherburn City (open book)	5:00 PM	Sherburn City Hall
Monday	April 20	Truman City	5:30 PM	Truman City Hall
Tuesday	April 21	Welcome City	6:00 PM	Welcome City Hall
Tuesday	April 21	Northrop City	7:00 PM	Northrop City Hall
Wednesday	April 22	Fairmont City	9:00 AM	Fairmont City Hall
Tuesday	June 16	Martin County Board of Appeal & Equalization	6:30 PM	Commissioners Room

MEETING DATE: March 9, 2015

SUBJECT: Cooperative Agreement between the State of Minnesota and City of Fairmont

REVIEWED BY: Mike Humpal, CECD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CECD, City Administrator

INTRODUCED BY: Mike Humpal, CECD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENDED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: The State of Minnesota will place a fishing pier on Budd Lake for public water access. The State requires the City to enter into a cooperative agreement regarding the care of the fishing pier.

MOTION: To authorize the Mayor and City Clerk to sign the Budd Lake Public Fishing Pier Land Use, Operations and Maintenance Cooperative Agreement between The State of Minnesota and the City of Fairmont.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Cooperative Agreement
- 2.

Council Action: _____ Date: _____

26.

**BUDD LAKE PUBLIC FISHING PIER
LAND USE, OPERATIONS AND MAINTENANCE COOPERATIVE AGREEMENT
BETWEEN
THE STATE OF MINNESOTA AND THE CITY OF FAIRMONT**

This Agreement, between the State of Minnesota, acting by and through the Commissioner of the Department of Natural Resources, hereinafter referred to as the "State" and the City of Fairmont hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Commissioner of Natural Resources has the authority, duty, and responsibility under Minnesota Statutes Section 97A.141 to provide public access sites on lakes and rivers where access is inadequate; and

WHEREAS, the State and the City are authorized under Minnesota Statutes Section 471.59 to enter into agreements to jointly or cooperatively exercise common powers; and

WHEREAS, the City and the State have determined this Fishing Pier improvement on Budd Lake is of high priority under the state public water access program; and

WHEREAS, the City of Fairmont owns land described as: Section 17, Township 102N, Range 30W, Martin County, which is attached and incorporated into this agreement as Exhibit A; and

WHEREAS, the State is willing to place a Fishing Pier on Budd Lake; and

WHEREAS, the City will operate and maintain the Fishing Pier located on Budd Lake , hereinafter referred to as "Facilities"; and

WHEREAS, a resolution or copy of the City board meeting minutes authorizing the City to enter into this agreement is attached and incorporated into this agreement as Exhibit B; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the public bodies hereto and for the benefit of the general public, the parties agree as follows:

I. STATE'S DUTIES AND RESPONSIBILITIES

- a. The State will encumber funds for the facility through the standard internal purchasing process including, but not limited to, a separate requisition request.
- b. The State shall provide technical expertise and equipment, when feasible, and assistance with the installation of the fishing pier..
- c. The State will provide and install the appropriate signage for the site, which indicates that the City and the Department of Natural Resources cooperatively provided the Fishing Pier.
- d. The State shall retain ownership of the Fishing Pier and retains the authority to relocate and/or remove the Fishing Pier if the Site is determined to be inadequate or if the City fails to comply with the terms of the Agreement. Before such removal or relocation, the State shall consult with the City.
- e. The State shall assist the City with major structural repairs subject to the availability of funding according to the provisions of Article III.
- f. The State reserves the right to inspect the premises at all times to insure that the City is in compliance with the terms of this Agreement.

II. CITY'S DUTIES AND RESPONSIBILITIES

- a. The City shall be responsible for the installation of the new Fishing Pier structure. The City shall notify the State's representative as to when this activity will take place.
- b. The City will ensure that a concrete footing and approach connecting the gangway to shore and the accessible sidewalk/path connecting the Fishing Pier to an accessible parking space meets or exceeds the ADA requirements of a 5% gradient and 2% cross slope will be completed within one year of the effective date of this agreement.
- c. The City shall comply with all local, state and federal laws, regulations, rules and ordinances, which may apply to the management, operation, and maintenance of said premises. The City shall obtain any permit or license which may be required for the Fishing Pier.
- d. The Fishing Pier may only be used for fishing, observation and other compatible uses.
- e. The Fishing Pier and related facilities shall be free and remain open every day during open water season in conjunction with the City's established hours for a facility of this type. The City may close the Fishing Pier for emergencies, or for other reasons, without prior written consent of the State. The City shall notify the State within 48 hours of the closing of the Fishing Pier for emergency reasons or if the facility will remain closed longer than 24 hours.
- f. Free and adequate parking within the vicinity of the Site will be provided for the Fishing Pier. The closest, prudent and most feasible location should be used for the designated accessible space which meets or exceeds ADA requirements.
- g. The City shall provide police protection and patrols for the Fishing Pier in accordance with the City's established police department policies for a facility of this type.
- h. The City shall maintain the facilities and keep them in good and sanitary order in accordance with the City's established practices for maintenance of City park facilities. Additionally, the City shall provide all necessary routine maintenance and minor repairs including, but not limited to, the repair or replacement of decking and railings.
- i. The City shall take necessary action no earlier than October 15th of each year to protect the Fishing Pier from damage caused by ice action. The City shall detach the gangway from shore, lift the anchor poles and move the fishing pier to a protected bay or other area where the pier is protected from ice push damage. Additionally, the City shall return the Fishing Pier to its original location, the Site, no later than May 1st of each year.

III. FUNDING

The State shall provide funding for its responsibilities under Article I (a) and (c) above through the standard internal purchasing process including, but not limited to, a separate requisition in which funds will be encumbered. The total obligation of the State for the facility under Article I (a) is limited to the amount of funds legislatively appropriated and administratively allocated to this project.

IV. LIABILITY

Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by the law and shall not be responsible for the acts of the other party and the results thereof. The State's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, and other applicable law. The City's liability shall be governed by Minnesota Statutes Sections 466.01-466.15, and other applicable law.

V. TERM

- a. *Effective Date: July 1, 2015*, or the State obtains all required signatures under Minnesota Statutes

Section 16C.05, Subdivision 2, whichever is later. The City shall not begin work under this Agreement until it is fully executed and the City has been notified by the State's authorized representative to begin the work.

- b. *Expiration Date:* **December 31, 2040**, for a period of twenty five (25) years except as otherwise provided herein or agreed to in writing by both parties. This agreement can be extended with a written amendment as agreed upon and signed by both parties per article XI.

VI. AUDIT

Under Minnesota Statutes Section 16C.05, sub. 5, the books, records, documents and accounting procedures and practices of the City relevant to the agreement shall be subject to examination by the Commissioner of Natural Resources, the Legislative Auditor and the State Auditor for a minimum of six years from the end of this agreement.

VII. ANTITRUST

The City hereby assigns to the State any and all claims for overcharges as to goods and/or services provided in connection with this Agreement resulting from antitrust violations that arose under the antitrust laws of the United States and the antitrust laws of the State of Minnesota.

VIII. CANCELLATION

This Agreement may be cancelled by the State at any time with cause or as necessary as provided in Article III, upon thirty (30) days written notice to the City.

This Agreement may also be cancelled by the State if it does not obtain funding from the Minnesota Legislature, or other funding sources, or if funding cannot be continued at a level sufficient to allow for services covered under this agreement. The State will notify the City by written notice. The State will not be obligated to pay for services provided after the notice is given and the effective date of cancellation. The State will not be assessed any penalty if the agreement is cancelled because of a decision of the Minnesota Legislature, or other funding source, not to appropriate the necessary funds. The State shall provide the City notice of lack of funding within a reasonable time of the State's receiving that notice.

IX. GOVERNMENT DATA PRACTICES

The City and the State must comply with the Minnesota Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this agreement. The civil remedies of Minn. Stat. 13.08 apply to the release of the data referred to in this clause by either the City or the State.

X. PUBLICITY AND ENDORSEMENT

Any publicity regarding the subject matter of this agreement must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the City individually or jointly with others, or any subcontractors, with respect to the program and services provided from this agreement.

XI. COMPLETE AGREEMENT

This Agreement, and amendments, constitutes the entire agreement between the parties. Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

XII. OTHER TERMS AND CONDITIONS

NOTICES: Any notice, demand or communication under this Agreement by either party to the other shall be deemed to be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid to:

The State

Minnesota Department of Natural Resources
Division of Parks and Trails, Area 4B Supervisor
175 County Rd. 26
Windom, MN 56101

The City

City of Fairmont
City Administrator
100 Downtown Plaza
Fairmont, MN 56031

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed intending to be bound thereby.

DEPARTMENT OF NATURAL RESOURCES

By: _____

Title: _____

Date: _____

DEPARTMENT OF ADMINISTRATION

Delegated to Materials Management Division

By: _____

Title: _____

Date: _____

(Effective Date)

CITY OF FAIRMONT

By: _____

Title: _____

Date: _____

CITY OF FAIRMONT

By: _____

Title: _____

Date: _____

STATE ENCUMBERANCE VERIFICATION

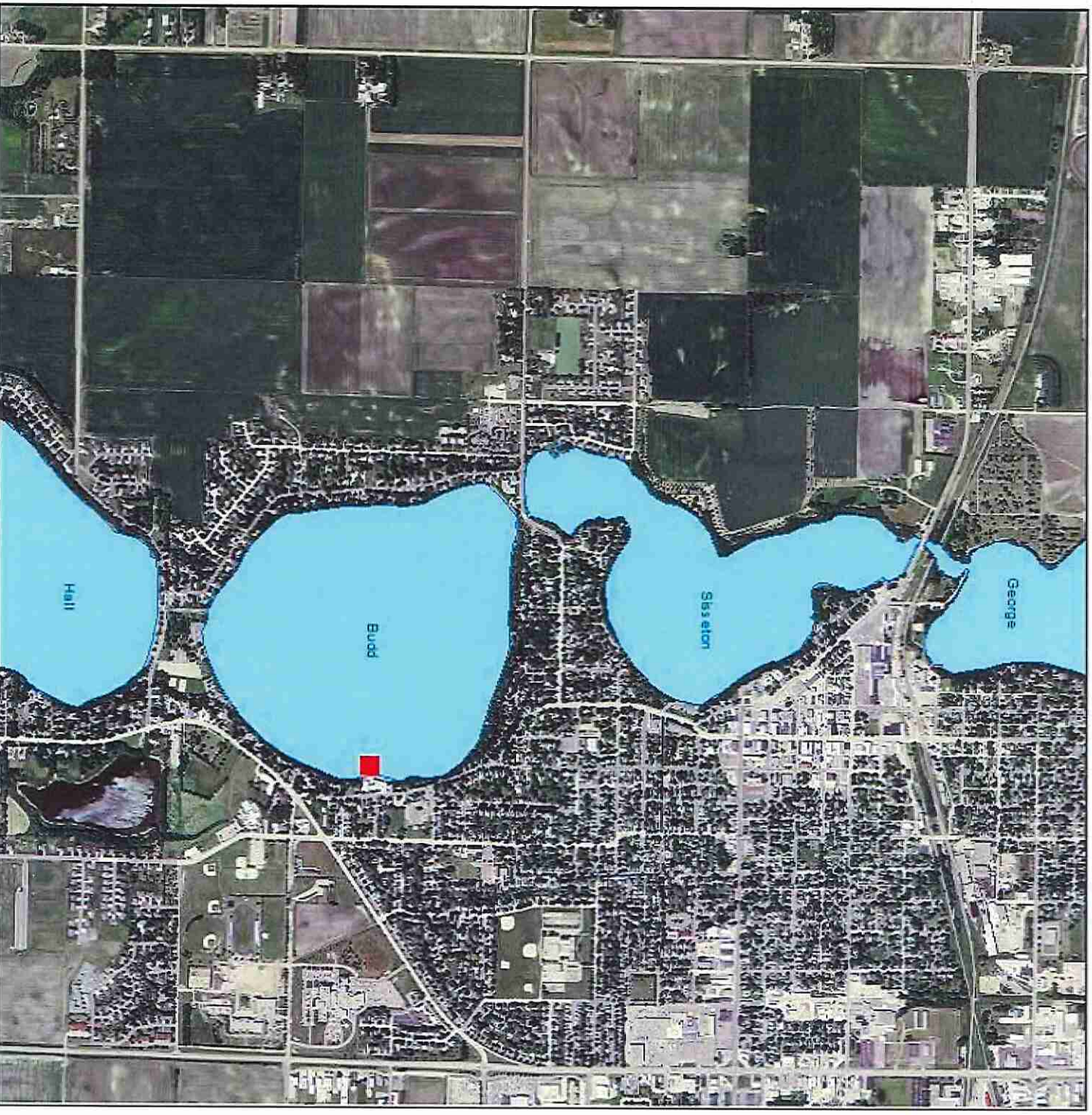
Individual certifies that funds have been encumbered
as req. by Minn. Stat. 16A.15 and 16C.05.

Signed: _____

Date: _____

Contract: _____

City of Fairmont Fishing Pier



CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 14.3

MEETING DATE: March 9, 2015

SUBJECT: Board and Commission Appointment

REVIEWED BY: Mike Humpal, CEcD, City Administrator

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
--------------------------	----------	--------------------------	-------	--------------------------	-------	--------------------------	---------	--------------------------	------------	--------------------------	-----------

SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON: None

TYPE OF ACTION:

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: The Mayor is seeking approval to appoint Dan Thiesse to the Police Commission.

MOTION 1: To approve the appointment of Dan Thiesse to the Police Commission.

VOTE REQUIRED: Simple majority.


ATTACHMENTS:

1. _____
2. _____
3. _____

Council Action: _____ Date: _____

MEETING DATE: March 9, 2015

SUBJECT: Emergency Response Unit Mutual Aid Agreement

REVIEWED BY: Mike Humpal, CECD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Chief Greg Brolsma, Fairmont Police Chief

INTRODUCED BY: Mike Humpal, CECD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: On January 13, 2014 the Fairmont City Council approved the Emergency Response Unit Joint Powers Agreement. Since that time the Agreement was revised by the Office of the Attorney General of Iowa. The attached memo explains the changes. The changes were significant and therefore require the Council to approve the new agreement.

MOTION: To approve the 28E Agreement For Sharing of Law Enforcement Officers and Providing Emergency Response Assistance (H.E.A.T. Tactical Team)

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. 28E Agreement For Sharing of Law Enforcement Officers and Providing Emergency Response Assistance (H.E.A.T. Tactical Team)
2. Memo from City Attorney
3. Memo from Chris Smith, LMC Risk Management Attorney

Council Action: _____ Date: _____



**28E AGREEMENT FOR SHARING OF LAW ENFORCEMENT OFFICERS
AND PROVIDING EMERGENCY RESPONSE ASSISTANCE
(H.E.A.T. TACTICAL TEAM)**

THIS JOINT POWERS AGREEMENT is made and entered into by and between the Clay County, Iowa Sheriff's Office, the Armstrong, Iowa Police Department, the Arnolds Park, Iowa Police Department, the Okoboji, Iowa Police Department, the Cottonwood County, Minnesota Sheriff's Office, the Dickinson County, Iowa Sheriff's Office, the Estherville, Iowa Police Department, the Fairmont, Minnesota Police Department, the Jackson County, Minnesota Sheriff's Office, the Martin County, Minnesota Sheriff's Office, the Milford, Iowa Police Department, the Mountain Lake, Minnesota Police Department, the Pipestone County, Minnesota Sheriff's Office, the Rock County, Minnesota Sheriff's Office, the Spencer, Iowa Police Department, the Spirit Lake, Iowa Police Department, the St. James, Minnesota Police Department, the Truman, Minnesota Police Department, the Watonwan County, Minnesota Sheriff's Office, the Westbrook, Minnesota Police Department, the Windom, Minnesota Police Department, and the Lakefield, Minnesota Police Department and Sherburn/Welcome Police Department acting by and through their governing bodies.

WITNESSETH THAT:

WHEREAS, the above listed law enforcement agencies and their governmental units recognize that there are circumstances where the assistance of the law enforcement departments of other governmental units would be important in protecting the health, safety and welfare of the public including apprehending criminals; and;

WHEREAS, to provide such protection it is necessary that neighboring governmental units provide for the sharing of their respective sources;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the undersigned units of government do covenant and agree pursuant to Minnesota Statutes 471.59 and 626.77, and Iowa Statutes 804.7B (House File 2262) and Chapter 28E as follows:

1. PURPOSE.

The purpose of this Agreement is to provide law enforcement assistance to governmental units, which are a party to this Agreement, in circumstances where such assistance would enable a governmental unit to more adequately deal with situations involving public health, safety and welfare. Such situations include but are not limited to:

- A. Major disasters where keeping the public peace is necessary.
- B. Crimes in progress or criminals in flight in a governmental unit where the assistance of law enforcement from other governmental units would be helpful in apprehending the criminals.

2. METHOD.

The purpose of this Agreement shall be fulfilled through the provision of law enforcement assistance by parties to this Agreement.

Law Enforcement personnel may enter the jurisdiction of a governmental unit of a party to this Agreement and may exercise all powers as allowed pursuant to Iowa Code

Section 804.7B, including the power of arrest, in the following circumstances and under the following conditions:

A. In circumstances described in paragraph one, the following procedure shall be followed:

i. The unit of government which requires law enforcement assistance (hereinafter called "requesting party"), through its chief law enforcement officer, or designee, may, at its discretion, call upon any other party to this Agreement (hereinafter called the "responding party"), through its chief law enforcement officer, or designee, to furnish such assistance to the requesting party and to request for that purpose: personnel; equipment; and supplies from the responding party.

ii. The responding party reserves the right to retain for its own use such personnel, equipment, and supplies as, in its discretion may be necessary for its proper and adequate protection. In the event an emergency arises within the jurisdiction of the responding party while the equipment, personnel and supplies of that governmental unit are engaged by the requesting party, the responding party may, in its discretion, recall such equipment, personnel and supplies.

iii. The requesting party's personnel shall be in command of the mutual aid incident. However, the personnel and equipment of the responding party shall remain under the direction and control of the responding party.

iv. No provisions set forth within this agreement shall act to suggest or imply that any officers or personnel of the responding party are in any manner employees or agents of the requesting party, the State of Iowa, or any political subdivision thereof.

B. If a crime is in progress or criminals are in flight in the jurisdiction of a party to this Agreement, law enforcement personnel, from a different party, may upon being informed of such an occurrence by the Central Communications or other law enforcement official, enter the jurisdiction of the other party. Upon the resolution of the situation which occasioned the responding personnel to enter a requesting party's jurisdiction, the responding personnel shall immediately return to their jurisdiction.

2 sentence removed.

3. EXPENSES.

The responding party shall be responsible for the expenses associated with its personnel, equipment, and supplies; including the payment of its personnel's wages and the cost of supplies expended, used or damaged while so engaged. Equipment and supplies shall be returned to the responding party upon the return of the personnel to the responding unit.

4. LIMITATION.

In the event weather, road conditions or other circumstances are such that, in the discretion of the responding party, equipment, personnel, and supplies cannot be furnished to the requesting party with reasonable safety, the responding party may refuse to authorize and direct assistance to the requesting party. The decision of the responding party as to what assistance shall be furnished and whether assistance shall

be withheld or withdrawn, as provided herein, shall be final and conclusive, and shall give rise to no liability on the part of the responding party for failure to furnish assistance.

5. LIABILITY.

A. Worker's Compensation Coverage: Each party will maintain worker's compensation insurance or self-insurance coverage, covering its own personnel while they are providing assistance pursuant to this Agreement.

B. Each party agrees to indemnify and hold harmless any other party from and against third party claims arising out of the indemnifying party's performance under this Agreement, to the extent allowed by law.

C. Automobile Liability Coverage: Each participating party is responsible for complying with the motor vehicle financial responsibility laws of the State of the participating party. It is understood that a participating party may include in the emergency response volunteer agencies or individuals that have motor vehicles titled in the name of the volunteer agency or individual. It is the responsibility of the participating agency to determine if the volunteer agency or individual has automobile liability coverage as required by law.

D. General liability, Public Officials Liability, and Law Enforcement Liability: Officers or law enforcement personnel making arrests or conducting law enforcement activities as part of this 28E Agreement, shall not be considered, implied or deemed to

be employees or agents of the requesting party, the State of Iowa, or any political subdivision of the State of Iowa. To the extent permitted by law, the employing agency or appointing agency of any police officers or law enforcement personnel outside the State of Iowa, whether the responding party or requesting party, and any out of state peace officers are liable for any acts or omissions which arise out of the arrest or law enforcement activities of any out of state police officer. However, any out of state peace officer who acts in accordance with this 28E Agreement, shall have the same immunity from suit in this state as a peace officer as defined in Iowa Code Section 801.4.

E. The execution of this Agreement shall not give rise to any liability or responsibility for failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

6. EFFECTIVE DATE.

This Agreement shall be effective when approved and executed by two or more of the participating law enforcement agencies to this Agreement and their respective governing bodies. Additional law enforcement agencies and their governing bodies may join this Agreement through proper execution of this Agreement and this Agreement shall be effective as to such parties upon execution.

7. TERMINATION AND WITHDRAWAL.

Any law enforcement agency that is part of this Agreement may withdraw from this Agreement upon thirty (30) days written notice delivered to the chief law

enforcement officers of all other law enforcement agencies that are parties to this Agreement. Such withdrawal shall not terminate this Agreement except as to such party and this Agreement shall continue unless and until there is only one remaining party.

8. DIVISION OF ASSETS.

If the Emergency Response Unit dissolves, any assets held by the Emergency Response Unit shall be divided between any law enforcement agencies remaining in the Emergency Response Unit at the time of the dissolution. Said assets will be divided as those remaining law enforcement agencies see fit.

IN WITNESS WHEREOF, the undersigned have executed this Agreement pursuant to the authorization of their governing bodies.

IN WITNESS WHEREOF, this Agreement has been executed and approved and is effective and operative as to each of the parties provided herein.

CLAY COUNTY, IOWA SHERIFF'S OFFICE

BY _____

Dated

This Agreement has been approved by the Clay County, Iowa Board of Supervisors this _____ day of _____, 2014.

Chair

M E M O

DATE: March 4, 2015
TO: Fairmont City Council
FROM: Elizabeth W. Bloomquist, Fairmont City Attorney
RE: Emergency Response Mutual Aid Agreement

On January 13, 2014 the Fairmont City Council approved the Emergency Response Unit Joint Powers Agreement. Since that time the Agreement was revised by the Office of the Attorney General of Iowa. The revisions made brought the agreement into conformity with Iowa statutes regarding the allocation of liability. These changes were significant in that the prior agreement placed liability for certain damages incurred during the emergency upon the Requesting Agency. The new agreement leaves this liability with all of the individual entities. What this means is that the City of Fairmont will have potential liability exposure when it responds to requests for assistance from any of the other municipalities in the agreement. While this is not an ideal arrangement the involvement of the multiple municipalities in a mutual aid agreement is so important that the staff is recommending approval of the agreement in its current form.

I have been in contact with Chris Smith, League of Minnesota Cities' Risk Management Attorney. I have attached his analysis to this memo. He confirms that the City of Fairmont's liability insurance would cover our police officers' actions while they are in Iowa. The ERU/ H.E.A.T. Tactical Team is a highly trained and effective law enforcement tool. It is important to the law enforcement efforts of the municipalities in our area that Fairmont remain a member of the team.

Libby Bloomquist

From: Smith, Chris <CSmith@lmc.org>
Sent: Wednesday, March 04, 2015 8:58 AM
To: Libby Bloomquist
Subject: RE: Iowa Attorney General's opinion on ERU Agreement

Libby,

Based on the Iowa statutory language in Section 804.7B(2) (b), it is clear that a Minnesota police officer acting in Iowa cannot be considered an employee or agent of Iowa or one of its political subdivisions.

More importantly, the statute states that the employing agency of the out-of-state peace officer and the peace officer "are liable for any acts which arise out of the arrests or law enforcement activities of the out-of-state peace officer."

The statute does not specifically state an Iowa political subdivision cannot assume the liability of a Minnesota political subdivision, but I think that would be a reasonable interpretation.

Obviously, Fairmont cannot insist on an agreement that would violate Iowa law.

In any event, as I have noted before, Fairmont's LMCIT coverage extends to any actions that occur in Iowa. So from a liability perspective, the city is protected up to the amount of its insurance which I believe is \$3 million per occurrence.

I have not looked at the Iowa tort cap law but I doubt it protects a Minnesota political subdivision acting in Iowa. Also, most claims against a police officer would be brought in federal court where there is no tort cap protection.

The end result, is that Fairmont could have a claim that exceeds its insurance. In practice, that seems unlikely, but it is a possibility.

Ultimately, it does seem that Iowa political subdivisions cannot agree to the liability provisions that LMCIT suggests in our model mutual aid agreement.

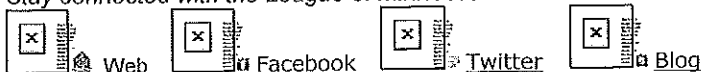
I would like to thank you for bring this matter to our attention. I see that there are other Minnesota cities to this agreement and none of them have approached LMCIT about coverage under the agreement.

Chris

Christopher Smith | Risk Management Attorney
Tel: (651) 281-1269 | Fax: (651) 281-1296
csmith@lmc.org | www.lmc.org
League of Minnesota Cities
145 University Ave. West | St. Paul, MN 55103

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MEETING DATE: March 9, 2015

SUBJECT: Year End Fund Balance Designations

REVIEWED BY: Mike Humpal, CECD, City Administrator

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Paul Hoye, Finance Director

INTRODUCED BY: Paul Hoye, Finance Director

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input checked="" type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENDED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: For many years, the City has been designating the general fund balance at the end of the year. The December 31, 2014 unrestricted general fund balance of \$5,120,217.02 is 66.26% of general fund operating expenditures for 2015, which is just over the 55-65% range established by the City's fund balance policy.

MOTION: To adopt Resolution No. 2015-07 designating fund balances for specific purposes.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution 2015-07
2. _____

Council Action: _____ Date: _____

RESOLUTION FOR COMMITTING FUND BALANCE

RESOLUTION NO. 2015-07

COMMITTING FUND BALANCES FOR SPECIFIC PURPOSES

WHEREAS, the City Council of the City of Fairmont, Minnesota, does hereby find as follows:

WHEREAS, the Governmental Accounting Standards Board's Statement No. 54 defines committed fund balance as amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the Council,

WHEREAS, Council action is required before year end to formalize the commitment of fund balance to specified purposes,

WHEREAS, those committed amounts cannot be used for any other purpose unless the City removes or changes the specified use by taking the same type of action it employed to previously commit those amounts.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the City, that the specific portions of fund balance in the identified funds are committed as follows:

City of Fairmont				
General Fund Balance				
12/31/2014				
	Balance 1-31-13	Additions	Deletions	Balance 12-31-14
<u>Restricted</u>				
Fire Dept Capital	110,500.00	15,000.00		125,500.00
Citizens Square Clock	-			-
Library Operations	12,614.41		12,614.41	-
Comm Center Study	3,035.69			3,035.69
Dog Park	2,028.00		2,028.00	-
Focus on Fairmont	1,275.00		1,275.00	-
LaFrance Restoration	4,172.50			4,172.50
Bike Trails	1,950.00			1,950.00
	135,575.60	15,000.00	15,917.41	134,658.19
<u>Assigned</u>				
Police Equipment	37,066.48	35,000.00	36,343.45	35,723.03
Police Social Services	10,000.00			10,000.00
Police - Drug Enforcement	14,801.99	2,864.70	7,000.00	10,666.69
Civil Defense Sirens	25,480.42		25,480.42	-
Fire Truck	25,000.00			25,000.00
Building Inspection	11,143.00			11,143.00
Engineering Equipment	110,596.47	20,000.00	7,796.20	122,800.27
Park Equipment	115,477.61	25,000.00	27,625.55	112,852.06
Aquatic Park	29,847.72			29,847.72
Cash Flow	3,000,000.00			3,000,000.00
Housing Demolition	10,388.40	42,500.00	5,175.65	47,712.75
Street Land & Bldg.	36,237.00			36,237.00
Park Land & Bldg.	86,280.44			86,280.44
Gen. Govt Land & Bldg.	109,583.02	20,000.00	27,757.15	101,825.87
Street - Capital Outlay	178,267.61	75,000.00	132,387.59	120,880.02

Finance Dept. Equip.	161,665.61	50,000.00	16,298.78	195,366.83
Planning & Zoning Equip.	20,000.00			20,000.00
FAYC	7,566.79		7,566.79	-
	3,989,402.56	270,364.70	293,431.58	3,966,335.68
Unassigned				
Unassigned	430,034.36			1,153,881.34
	4,555,012.52	285,364.70	309,348.99	5,254,875.21

The foregoing resolution was passed by the City Council of the City of Fairmont this 9th day of March, 2015.

Randy J. Quiring, Mayor

ATTEST:

Patricia J. Monsen, City Clerk

Motion by:
Seconded by:
All in favor:
Opposed:
Abstained:

MEETING DATE: March 9, 2015

SUBJECT: Interfund Transfers

REVIEWED BY: Mike Humpal, CECd, City Administrator

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Paul Hoyer, Finance Director

INTRODUCED BY: Paul Hoyer, Finance Director

COUNCIL LIAISON:

TYPE OF ACTION:

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENDED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: As a part of the budget process, certain interfund transfers are budgeted. During the course of the year, other transfers are required for the sound operation of the City. These transfers must be approved by the City Council.

MOTION: To approve the interfund transfers for 2014 as listed on the attached schedule.

VOTE REQUIRED: Simple majority.

ATTACHMENTS:

1. 2014 Interfund Transfers

2. _____

3. _____

Council Action: _____ Date: _____

He.

City Of Fairmont
Interfund Transfers
12/31/2014

FROM				TO
216 Non-reportable Loan Fund	MN Community Cap Fund		25,000.00	217 Micro Loan Fund
323 Prior Years Debt Service	Called 2005B GO Bonds		215,336.72	349 2005B GO Bonds
323 Prior Years Debt Service	To cover bond payments		53,195.00	373 2013A GO Bonds
601 Water	Payment in Lieu of Taxes		106,990.10	101 General
601 Water	Payment in Lieu of Taxes		11,151.51	210 Economic Dev
602 Sewer	Payment in Lieu of Taxes		86,044.06	101 General
602 Sewer	Payment in Lieu of Taxes		8,968.32	210 Economic Development
604 Electric	Payment in Lieu of Taxes		584,097.85	101 General
604 Electric	Payment in Lieu of Taxes		60,880.17	210 Economic Development
609 Liquor Store	Housing Demo		42,500.00	101 General
609 Liquor Store	Ward Park Playground		30,000.00	101 General
609 Liquor Store	Ball Diamond Irrigation		70,000.00	101 General
609 Liquor Store	Street/Park Bldg Plan		15,000.00	101 General
609 Liquor Store	To fund deficit		30,000.00	212 SMEC
			1,339,163.73	
File Name: PHCIF.xls				

MEETING DATE: March 9, 2015 SCHEDULED TIME: 5:30 p.m.

SUBJECT: Call for a Public Hearing on Ordinance No. 20115-03 Amending Fairmont City Code Article VIII. Off Street Parking & Loading. Division 2. Off Street Parking. Section 26-653. Location.

REVIEWED BY: Mike Humpal, CECD, City Administrator

SUBJECT INITIATION:

<input type="checkbox"/>	By Petition	<input type="checkbox"/>	By Board	<input type="checkbox"/>	By Staff	<input type="checkbox"/>	By Council	<input checked="" type="checkbox"/>	By Commission	<input type="checkbox"/>	By Committee
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SUBJECT BACKGROUND: Mike Humpal, CECD, City Administrator

INTRODUCED BY: Mike Humpal, CECD, City Administrator

COUNCIL LIAISON: Terry Anderson

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll call)	<input type="checkbox"/>	Discussion
<input checked="" type="checkbox"/>	Ordinance 1st Reading (Introduction Only)	<input checked="" type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2nd Reading (Roll call)	<input type="checkbox"/>	Hold public hearing (Motion to close)	<input type="checkbox"/>	Budget Amendment

RECOMMENDED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No Recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No Action Needed	<input type="checkbox"/>	

STATEMENT: The Fairmont Planning Commission held a public hearing on March 3, 2015 to review and take public input on amending Article VIII. Offstreet Parking & Loading. Division 2. Off Street Parking. Section 26-653. Location.

All accessory off-street parking facilities shall be located and restricted as follows: (4) In a residential zone all zoning districts, vehicle parking shall not be permitted within any residential use's front yard, corner yard or side yard that abuts a street, except upon a properly surfaced driveway. The driveway width may not extend more than twelve (12) feet past the end of the garage or dwelling, if there is no garage.

There was no public input at the meeting. The Planning Commission unanimously recommended to the City Council adopting Ordinance No. 2015-03.

MOTION #1: Call for a public hearing on March 23, 2015 on Ordinance No. 2015-03 amending Section 26.653. regarding off street parking.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Public hearing notice, staff comments
2. Planning Commission Minutes, March 3, 2015
3. Draft Ordinance No. 2015-03

Council Action: DATE:



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
www.fairmont.org

Phone (507) 238-9461

Fax (507) 238-9469

PUBLIC HEARING NOTICE

YOUR ATTENTION is called by the Planning Commission to a Public Hearing to be held on **March 3, 2015 at 5:30 P.M. at the City Hall Council Chambers, 100 Downtown Plaza, in the City of Fairmont** to consider:

THE CITY CODE REQUIRES: . . . **Section 26-38. Public hearing.** The Planning Commission shall hold at least one (1) public hearing on the request for an amendment to this chapter or the official zoning map.

YOU ARE HEREBY FURTHER NOTIFIED, that your presence at this hearing is not mandatory, but it may be in your best interest to attend. This is a courtesy notice to said hearing according to Section 26-79 of the Fairmont City Code; which states: at least one (1) public hearing shall be held affording an opportunity for all parties interested to be heard.

CITY STAFF IS REQUESTING CONSIDERATION OF THE FOLLOWING TO THE ABOVE REQUIREMENTS: . . . amending as follows:

Article VIII. Off street parking and loading. Division 2. Off street parking.
Section 26-653 Location.

All accessory off-street parking facilities shall be located and restricted as follows:

- (4) In a ~~residential zone~~ all zoning districts, vehicle parking shall not be permitted within any residential use's front yard, corner yard or side yard that abuts a street, except upon a properly surfaced driveway. The driveway width may not extend more than twelve (12) feet past the end of the garage or dwelling, if there is no garage.

Applicant: City of Fairmont

Address: 100 Downtown Plaza
Fairmont MN 56031

C I T Y O F L A K E S



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
www.fairmont.org

Phone (507) 238-9461

Fax (507) 238-9469

MEMO TO: Fairmont Planning Commission

FROM: Community Development Staff

DATE: February 18, 2015

SUBJECT: **Public hearing to review proposed Ordinance 2015-03 which would amend Fairmont's Zoning Code Article VIII. Off street parking and loading. Division 2. Off street parking. Section 26-653. Location.**

Staff Review/Background/Recommendation: The code was amended in 2008 to restrict parking within any residential zones on the front yard, corner yard or side yards abutting a street unless a properly surfaced driveway. Concerns have been expressed regarding vehicles parked in front yards along Blue Earth Avenue. This area is zoned B-3 general business. Community Development staff is recommending a code amendment not allowing parking in the front yard, corner yard or side yard that abuts a street, except upon a properly surfaced driveway for a residential use in all districts not just in residential districts.

Action: The Planning Commission has the following options:

1. Recommend approval of the code amendment to the City Council with any changes deemed necessary.
2. Recommend denial by stating the reasons for denial.
3. Table this matter for more information and continue the public hearing at the April Planning Commission meeting.

CDS/lz

MINUTES OF THE FAIRMONT PLANNING COMMISSION

Regular Meeting

March 3, 2015

5:30 p.m. – Fairmont City Hall Council Chambers

Members present: Scott Unke, Chris Pierce, Ed Willett

Members absent: Ian Bents, Wendy Emler, Jenny Trushenski

Others present: Councilor Anderson and Leanne Zarling

Chairman Pierce called the meeting to order at 5:30 p.m.

Agenda: The agenda was accepted as presented on a motion by Willett, seconded by Unke and carried.

Minutes: The minutes of the February 3, 2015 meeting were approved as presented on a motion by Willett, seconded by Unke and carried.

Annual Reviews: Leanne Zarling reviewed the two (2) home occupations. Both have been in existence for a long time and are in compliance with the standards. Staff recommends approval for another year. Unke made the motion to renew the permits presented for another year. The motion was seconded by Willett and carried.

Public Hearings:

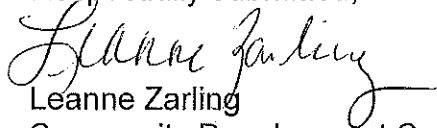
- * A. The public hearing was opened by Chairman Pierce at 5:35 p.m. for review of a code amendment amending Article VIII. Offstreet Parking & Loading. Division 2. Off Street Parking. Section 26-653. Location. Zarling noted that the City Code was amended in 2008 to restrict parking within any residential zones on the front yard, corner yard or side yards abutting a street unless a properly surfaced driveway. Concerns have been expressed regarding vehicles parked in front yards along Blue Earth Avenue. This area is zoned B-3 general business. Staff recommends amending the code as follows: All accessory off-street parking facilities shall be located and restricted as follows: (4) In a ~~residential zone~~ all zoning districts, vehicle parking shall not be permitted within any residential use's front yard, corner yard or side yard that abuts a street, except upon a properly surfaced driveway. The driveway width may not extend more than twelve (12) feet past the end of the garage or dwelling, if there is no garage. The Commission discussed if boats and trailers were considered vehicles. Hearing no public input Willett made the motion to close the public hearing at 5:37 p.m. The motion was seconded by Unke. Unke made the motion to recommend approval of the code amendment to the City Council for their approval and adoption of draft Ordinance 2015-03. The motion was seconded by Willett and carried.

Old Business: None

New Business: None

There being no further business, Unke made the motion to adjourn the meeting at 5:40 p.m.
The motion was seconded by Willett and carried.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Leanne Zarling".

Leanne Zarling

Community Development Coordinator

DRAFT

STATE OF MINNESOTA)
COUNTY OF MARTIN) SS
CITY OF FAIRMONT)

**ORDINANCE NO. 2015-03
AMENDING FAIRMONT CITY CODE ARTICLE VIII. OFF STREET
PARKING & LOADING. DIVISION 2. OFF STREET PARKING.
SECTION 26-653. LOCATION.**

WHEREAS, the Community Development Staff has received complaints/concerns expressed about parking vehicles in the front yards along Blue Earth Avenue, and;

WHEREAS, staff noted the code only restricts parking in front yards in residential zones, and;

WHEREAS, the Planning Commission of the City of Fairmont has examined Section 26-653. (4) In a residential zone, vehicle parking shall not be permitted within any residential front yard, corner yard or side yard that abuts a street, except upon a properly surfaced driveway. The driveway width may not extend more than twelve (12) feet past the end of the garage or dwelling, if there is no garage; and has determined that it should be changed not to allow for residential uses in any of the zoning districts; and

WHEREAS, the City Council of the City of Fairmont agrees the code should be amended.

WHEREAS, after a public hearing the Fairmont City Council finds that it is in the best interest of the City of Fairmont to amend Section 26-653. Location (off street parking).

NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN, the
Fairmont City Code amendment to **Sec. 26-653. Location.**

All accessory off-street parking facilities shall be located and restricted as follows:

(4) In ~~a residential zone~~ all zoning districts, vehicle parking shall not be permitted within any residential use's front yard, corner yard or side yard that abuts a street, except upon a properly surfaced driveway. The driveway width may not extend more than twelve (12) feet past the end of the garage or dwelling, if there is no garage.

PASSED, APPROVED AND ADOPTED, this _____ day of _____,
2015.

Randy Quiring, Mayor

Attest:

Patricia Monsen, City Clerk

Readings:
Adoption:
Published:

MEETING DATE: March 9, 2015

SUBJECT: Engineering contract for TH 15 intersection analysis

REVIEWED BY: Mike Humpal, CEcD, City Administrator

SUBJECT INITIATION BY:

	Petition		Board		Staff		Council		Commission		Committee
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SUBJECT BACKGROUND: Troy Nemmers, PE, Director of Public Works/City Engineer

INTRODUCED BY: Troy Nemmers, PE, Director of Public Works/City Engineer

COUNCIL LIAISON:

TYPE OF ACTION:

X	Motion (Voice Vote)		Resolution (Roll Call)		Discussion
	Ordinance 1 st Reading (Introduction only)		Set Public Hearing (Motion)		Information Only
	Ordinance 2 nd Reading (Roll call)		Hold Public Hearing (Motion to close)		

RECOMMENDED ACTION BY:

	City Staff		Board		Commission		Committee
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	Issuance		Approval		Authorization		No recommendation
	Denial		Rejection		No action needed		

STATEMENT: MNDOT is planning to rehabilitate TH 15 in 2017 from Johnson Street to Goemann Road. This project will include mill and overlay of existing pavement, implementation of new ADA standards, updating of traffic signals, limited storm sewer improvements, and minor curb and gutter repairs. Based on accident history, MNDOT's scope of work does not include major improvements to any of the intersections along this corridor. City staff is recommending that two of these intersections be investigated further to possibly include in the MNDOT project in 2017. **Johnson Street** - There have been previous discussions about this intersection with TH 15 where the Council reviewed a potential roundabout at this location. An Intersection Control Evaluation (ICE) was completed in 2010 to evaluate this location. At that time it was decided that the City's share in the cost of a roundabout was not feasible. **Margaret Street** - The City is planning to upgrade Margaret Street from North Ave. to TH 15 in 2017 as well. This intersection has experienced increased traffic volumes with the addition of Center Creek Commons east of TH 15. The potential for further development in this area may provide the warrants to upgrade this intersection from its current configuration. A proposal from Bolton & Menk will be reviewed to complete an ICE study for both of these locations. This information will be used to evaluate traffic warrants and provide recommendations for upgrades at these locations. If the Council is in support of any of these upgrades the City would need to get MNDOT approval and then coordinate with MNDOT on a cost share agreement to get that work included in the 2017 scope of work.

MOTION: To approve engineering agreement with Bolton & Menk to complete evaluations of TH 15 intersections at Johnson and Margaret Street.

VOTE REQUIRED: Majority

ATTACHMENTS:

1. Aerial location maps (2)

Council Action: _____ Date: _____

