

FAIRMONT CITY COUNCIL AGENDA

1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

MONDAY, FEBRUARY 8, 2016

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, January 25, 2016 (01-02)

6. OPEN DISCUSSION -

6.1 Open Discussion (03)

7. RECOGNITIONS/PRESENTATIONS -

7.1 Proclaim February 13, 2016 Kids Against Hunger Day (04)

7.1a Proclamation (05)

7.2	Proclaim February 15-19, 2016 School Board Recognition Week	(06)
	7.2a Proclamation	(07)
7.3	Proclaim February 7-14, 2016 as Congenital Heart Defect Awareness Week	(08)
	7.3a Proclamation	(09)
8.	SCHEDULED HEARINGS –	
8.1	Public Hearing – Small Cities Development Program Application	(10)
	8.1a Public Hearing Notice	(11)
	8.1b Citizen Participation Plan	(12-13)
	8.1c Resolution 2016-03	(14)
9.	ADMINISTRATIVE APPEALS –	
10.	FINANCIAL REPORTS –	
11.	REPORTS OF BOARDS, COMMITTEES, AND DEPARTMENT HEADS –	
12.	LICENSES AND PERMITS –	
13.	OLD BUSINESS –	
14.	NEW BUSINESS –	
14.1	Airport Grant Agreement	(15)
	14.1a Resolution 2016-04	(16)
	14.1b State Grant Agreement	(17-21)

15. REGULAR AND LIQUOR DISPENSARY BILLS –

16. STATUS REPORTS/ORAL

17. ADJOURNMENT –

ADDITIONAL ATTACHMENTS –

The minutes of the Fairmont City Council meeting held on Monday, January 25, 2016 at the City Hall Council Chambers.

Mayor Quiring was absent. Mayor Protem Wes Clerc called the meeting to order at 5:30 p.m.

Council Members Terry Anderson, Chad Askeland, Bruce Peters and Jim Zarling were present. Also in attendance: City Attorney Elizabeth W. Bloomquist, Finance Director Paul Hoye, Chief Greg Brolsma and City Clerk Patricia Monsen.

It was moved by Council Member Peters, seconded by Council Member Askeland and carried to approve the minutes of the regular City Council meeting of January 11, 2016.

During open discussion, Tim McConnell of 922 North North Avenue gave an update on the Reuse Re-imagine subcommittee of the 1590 group. The committee has completed their windshield survey of the City and will be working with the City to enter the information into a searchable data base for further use. If anyone in the community is interested in helping, they should contact Tim.

Councilor Askeland asked about the 506 Canyon Drive house the City purchased. The City is taking bids on the house until February 16th at 1:00 p.m. Appointments to see the house can be made with the City's building department.

Councilor Zarling asked City Attorney Bloomquist where the City was in the process with the Unruh properties. Bloomquist stated that she is waiting for the court to schedule a hearing date.

Jeremy Manahan, Transit Director for Prairie Lakes Transit updated the Council and citizens on the changes to the public transit system.

Chief Brolsma presented the 2015 Fairmont Police Department Valor Award to Officer James Tietje for his actions in the High Risk Entry and Response Team operation in Westbook, MN on March 13, 2015.

Mayor Protem Clerc opened the public hearing to adopt **Ordinance 2016-01**, increasing softened water service rates. There was no citizen input at the hearing. There was much discussion on how to keep costs down for citizens of Fairmont. Council Member Zarling made a motion to close the public hearing. Council Member Anderson seconded the motion and the motion carried. Council Member Zarling made a motion to approve **Ordinance 2016-01**, amending **Ordinance 2013-02**, relating to softened water service rates. Council Member Askeland seconded the motion. On roll call: Council Members Askeland, Clerc, Peters and Zarling all voted aye. Council Member Anderson voted nay. Mayor Protem Clerc declared said motion passed.

Finance Director Hoye presented the December 31, 2015 Investment Report for the City.

Council Member Peters made a motion to approve the 2016 Pay Equity Report for the City of Fairmont. Council Member Zarling seconded the motion and the motion carried.

Council Member Anderson made a motion to schedule a public hearing for February 8, 2016 on Fairmont's Small Cities Development Program application. Council Member Peters seconded the motion and the motion carried.

Council Member Peters made a motion to approve the payment of the bills for the month of January, 2016 in the amount of \$634,580.87. Council Member Zarling seconded the motion and the motion carried.

A motion was made by Council Member Anderson, seconded by Council Member Peters and carried to adjourn the meeting at 6:30 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: February 8, 2016

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: February 8, 2016

SUBJECT: Proclaim February 13, 2016 Kids Against Hunger Day

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 February 13, 2016 as Kids Against Hunger Day in the City of Fairmont.

MOTION: N/A

VOTE REQUIRED: N/A

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

Council Action: _____ Date: _____

PROCLAMATION

WHEREAS, *there is an increasing awareness of hunger in the United States and worldwide; and*

WHEREAS, *there are more than 795 million people around the world who do not have enough food to eat; over 21,000 people die every day from hunger related causes; and*

WHEREAS, *lack of adequate nutrition affects the cognitive and behavioral development of children; and*

WHEREAS, *one in every 9 people on our planet go to bed hungry each night; and*

WHEREAS, *every 10 seconds a child dies because of hunger-related causes; and*

WHEREAS, *the poverty rate for children 18 and under is 15% in Minnesota and 19% in Martin County making them part of the 14.5% of American households who struggle to put food on the table; and*

WHEREAS, *the "Kids Against Hunger" scientifically developed food packet is a rice/soy nutritionally fortified meal that can be made by just adding water to feed a family of six for less than \$2 (or 23 cents per serving); and*

WHEREAS, *Martin County volunteers have organized the Eighth Annual Martin County Kids Against Hunger Pack for Saturday, February 13, 2016, 9:00 am – 4:00 pm, at the Fairmont Armory with the goal of packing 100,000 meals; and*


WHEREAS, *volunteers of all ages are encouraged to participate or donate and make a difference in the lives of many children and families in Martin County and around the world.*

NOW, THEREFORE, I, Randy J. Quiring, Mayor of the City of Fairmont, County of Martin, Minnesota, do hereby proclaim Saturday, February 13, 2016, as:

Kids Against Hunger Day


and call upon all Fairmont and Martin County citizens to recognize and support the efforts of Martin County Kids Against Hunger in packing life-saving meals for local food shelves and Mission-Haiti.




Randy J. Quiring, Mayor

MEETING DATE: February 8, 2016

SUBJECT: Proclamation – School Board Recognition 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 Quiring

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: Mayor Randy Quiring will proclaim February 15 – 19, 2016 as School Board Recognition Week in the City of Fairmont.

MOTION: N/A

VOTE REQUIRED: N/A

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

Council Action: _____ Date: _____

PROCLAMATION

WHEREAS, the City of Fairmont recognizes the importance of public education in our community; and,

WHEREAS, the City of Fairmont appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and,

WHEREAS, school board members serve as a voice that enables our community to preserve local management and control of our public schools; and,

WHEREAS, school board members are charged with representing our local education interests to state and federal government and ensuring compliance with state and federal law; and,

WHEREAS, school board members selflessly devote their knowledge, time and talents as advocates for our schoolchildren; and,

WHEREAS, local school board members are strong advocates for public education and responsible for communicating the needs of the school district to the public and the public's expectations to the district.

NOW THEREFORE, I, Randy J. Quiring, Mayor of the City of Fairmont, do hereby proclaim February 15-19, 2016 as

SCHOOL BOARD RECOGNITION WEEK

and encourage all Minnesotans to join me in this special observance.




Randy J. Quiring

Mayor Randy J. Quiring

MEETING DATE: February 8, 2016

SUBJECT: Proclamation – Congenital Heart Defect Awareness 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 Quiring

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
<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 Quiring will proclaim February 7 – 14, 2016 as Congenital Heart Defect Awareness Week in the City of Fairmont.

MOTION: N/A

VOTE REQUIRED: N/A

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

Council Action: _____ Date: _____



PROCLAMATION

WHEREAS, the health and well-being of our children is of paramount importance; and,

WHEREAS, each year in the United States, more than 40,000 babies are born with a congenital heart defect; and,

WHEREAS, the medical community has identified congenital heart defects as the leading cause of birth defect-related deaths; and,

WHEREAS, medical research can provide more identifiable means of the origins and symptoms of congenital heart defect; and,

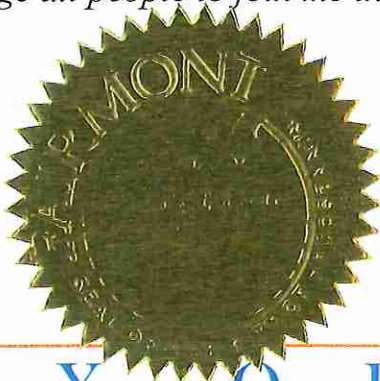
WHEREAS, it is crucial that parents, pediatricians, and all those in the health profession have a greater awareness of the potential for congenital heart defects among newborns and children; and,

WHEREAS, Congenital Heart Defect Awareness Week provides the opportunity for families and patients affected by these conditions to share their experiences and knowledge with the public, so that we all may be made more aware of how this defect affects all our lives.

NOW THEREFORE, I, Randy J. Quiring, do hereby proclaim February 7-14, 2016 as

CONGENITAL HEART DEFECT AWARENESS WEEK

and encourage all people to join me in this special observance.



Randy J. Quiring
Randy J. Quiring, Mayor

MEETING DATE: February 8, 2016 SCHEDULED TIME: _____

SUBJECT: Hold Public Hearing on City of Fairmont Small Cities Development Program Application; Local Government Resolution for Application to DEED for Small Cities Development Program 2016 Funding; Citizen Participation Plan

REVIEWED BY: Mike Humpal, CECD, City Administrator

SUBJECT INITIATION:

<input type="checkbox"/>	By Petition	<input type="checkbox"/>	By Board	<input checked="" type="checkbox"/>	By Staff	<input type="checkbox"/>	By Council	<input type="checkbox"/>	By Commission	<input type="checkbox"/>	By Committee
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SUBJECT BACKGROUND: Linsey Preuss, Economic Development Coordinator

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

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: As part of the 2016 Small Cities Development Program application the City is taking public input on the program application to continue with the rehabilitation of owner-occupied residential homes for LMI households. Adopting Resolution 2016-03 will authorize the Mayor and City Clerk to execute documents on behalf of the City and adopt the Citizen Participation Plan.

MOTION #1: Adoption of Resolution No. 2016-03 adopting the Citizen Participation Plan and authorizing the Mayor and City Clerk to execute documents for applying to DEED for 2016 SCDP funds.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Public hearing notice
2. Citizen Participation Plan
3. Resolution No. 2016-03

Council Action: _____ DATE: _____

Page No. _____



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

Phone (507) 238-9461

Fax (507) 238-9469

**OFFICIAL PUBLICATION
NOTICE OF HEARING**

**NOTICE OF PUBLIC HEARING ON APPLICATION FOR COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM FOR THE CITY OF FAIRMONT**

NOTICE IS HEREBY GIVEN that on February 8, 2016 in the Fairmont City Hall Council Chambers the Fairmont City Council will hold a public hearing concerning an application to the Department of Employment and Economic Development for Small Cities Development Program grant funds. This grant is available to local governments for community development activities.

The Fairmont City Council is requesting funds to continue with the rehabilitation of owner-occupied residential homes for LMI households.

All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the grant application. Written testimony will also be accepted at the public hearing scheduled for 5:30 p.m., **February 8, 2016**, 100 Downtown Plaza, Fairmont, Minnesota. Written comments addressed to: Linsey Preuss, Economic Development Coordinator at 100 Downtown Plaza, Fairmont, MN 56031 will be accepted if received on or before February 8, 2016.

BY ORDER OF THE CITY OF FAIRMONT

/s/ Patricia Mosen

City Clerk

Citizen Participation Plan

Pursuant to Section 104(a)(3) of the Housing and Community Development Act of 1974, as amended, this Citizen Participation Plan is hereby adopted to ensure that the citizens of **the City of Fairmont** (hereinafter referred to as the Applicant), particularly persons of low and moderate income residing in slum and blight areas and in areas in which CDBG funds are proposed to be used, are encouraged to participate in the planning and implementation of CDBG-funded activities.

A public hearing or public hearings will be the primary means of obtaining citizen views and responding to proposals and questions related to community development and housing needs, proposed CDBG activities and past CDBG performance. Prior to submitting a CDBG application to the State of Minnesota, the Applicant will need to conduct at least one public hearing to identify community development and housing needs, including the needs of very low and low income persons, as well as other needs in the community that might be addressed through the CDBG program. At the hearing, the Applicant must also, at minimum, review the proposed CDBG activities, their benefiting location(s), overall cost and proposed financing, and the implementation schedule. In addition, the past performance of the Applicant in carrying out CDBG responsibilities should be reviewed. Compliance with historic requirements of the CDBG program must be discussed, including whether there are/may be any historic or potentially historic buildings in the target area, and how the Applicant intends to address compliance with federal regulations governing the "Protection of Historic Properties." Formal notice of the public hearing must be provided, which follows the posting/publication requirement(s) of the Applicant. A public notice will also be posted in places frequented by the public, especially low and moderate income persons benefiting from or affected by proposed CDBG activities. As circumstances warrant and as the Applicant determine necessary or appropriate, participation may additionally be specifically solicited from persons of low and moderate income, those benefiting from or affected by CDBG activities and/or representatives of such persons. Hearings will be held at times and in locations convenient to potential and actual beneficiaries and with accommodation for the handicapped. In case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate, arrangements will be made to have an interpreter present. Citizens must be provided the opportunity to comment upon the original Citizen Participation Plan and on substantial amendments to it, or to the activities for which CDBG funds will be used.

Public information and records information and records regarding the proposed and past use of CDBG funds will be available at **Fairmont City Hall, 100 Downtown Plaza, Fairmont MN** during regular office hours. The public will be so informed of this by public notice. Special communication aids can be made available to persons upon request.

The Applicant will respond to written complaints and grievances, in writing, in a timely manner. When at all possible, such written responses shall be made within fifteen (15) working days.

City of Fairmont
(applicant)

Mayor Signature

RESOLUTION NO. 2016-03
Local Government Resolution
City of Fairmont

BE IT RESOLVED that the City of Fairmont act as the legal sponsor for the project contained in the Application to be submitted on February 25, 2016 and that the Mayor and City Clerk are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Fairmont.

BE IT FURTHER RESOLVED that the City of Fairmont has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Fairmont has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, the City of Fairmont may enter into an agreement with the State of Minnesota for the approved project, and that the City of Fairmont certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

BE IT FURTHER RESOLVED that the Citizen Participation Plan is adopted by the City of Fairmont.

NOW, THEREFORE BE IT RESOLVED that the Mayor and the City Clerk, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the Applicant.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2016.

Randy Quiring, Mayor

ATTEST:

Patricia Monsen, City Clerk

MEETING DATE: February 8, 2016

SUBJECT: Airport Grant Agreement

REVIEWED BY: Mike Humpal, CEcD, City Administrator



SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input checked="" 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, PE, Director of Public Works/City Engineer

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

COUNCIL LIAISON: Councilor Anderson

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"/>	

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 City has received a grant offer (#1000977) from the State of MN for \$135,184.00 for airport maintenance and operation funds for fiscal years 2016 and 2017. Accepting this grant enables the City to receive the funds from the State of Minnesota.

MOTION: To authorize the Mayor and City Clerk to sign the state grant agreement for design of the hangar area pavement project.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution 2016-04
2. State Grant Agreement

Council Action: _____ Date: _____

RESOLUTION 2016-04

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

It is resolved by the City of Fairmont as follows:

- 1. That the state of Minnesota Contract Number 1000977, "Airport Maintenance and Operation Grant Contract," at the Fairmont Municipal Airport is accepted.
2. That the Mayor and City Clerk are authorized to execute this Contract and any amendments on behalf of the City of Fairmont.

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF MARTIN

I certify that the above Resolution is a true and correct copy of the Resolution adopted by the City of Fairmont (Name of the Recipient)

at an authorized meeting held on the 8th day of February, 2006 as shown by the minutes of the meeting in my possession.

Signature: (Clerk or Equivalent)

CORPORATE SEAL

/OR/

NOTARY PUBLIC

My Commission Expires:



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

State Project Number (S.P.): A4601-MO16

State Project Number (S.P.): A4601-MO17

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

RECITALS

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

CONTRACT TERMS

1. Term of Contract and Survival of Terms

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

2. Recipient's Duties

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

3. Recipient's Assurances

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

4. Third-Party Contracting

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

5. Consideration and Payment

- 5.1 **Consideration.** State will pay for all eligible maintenance and operation costs incurred by Recipient under this Contract as follows:
 - 5.1.1 **Basis.** Recipient will be paid for 75% of the eligible maintenance and operation costs not reimbursed by any other source, not to exceed **\$67,592.00** ("Base Amount") of state aid for each state fiscal year.
 - 5.1.2 **Total Obligation.** The total obligation of State for all compensation and reimbursements to Recipient under this contract will not exceed **\$135,184.00** [Total for both fiscal years] (**\$67,592.00** for FY2016 and **\$67,592.00** for FY2017).

5.2 Payment

- 5.2.1 The Recipient must submit a reimbursement request of its eligible costs to the Director of the Office of Aeronautics on a quarterly basis. The State's Office of Aeronautics will supply the reimbursement request forms which Recipient must submit. Reimbursement requests must be submitted according to the following schedule:
 - In October, **No later than November 15**, for the period July 1 through September 30.
 - In January, **No later than February 15**, for the period October 1 through December 31.
 - In April, **No later than May 15**, for the period January 1 through March 31.
 - In July, **No later than August 15**, for the period April 1 through June 30.The State reserves the right to reject items that may not be eligible for reimbursement.

6. Conditions of Payment

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

7. Authorized Representatives

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

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

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

Mayor Randy J. Quiring
100 Downtown Plaza, Fairmont, MN 56031
(507) 238-9461
rquiring@fairmont.org

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

8. Assignment, Amendments, Waiver and Contract Complete

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

9. Indemnification

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

10. State Audits

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

11. Government Data Practices

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

12. Workers' Compensation

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

13. Governing Law, Jurisdiction and Venue

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

14. Data Disclosure

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

15. Termination and Suspension

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

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

16. Discrimination Prohibited by Minnesota Statutes §181.59

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

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STATE ENCUMBRANCE VERIFICATION

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

Signed: _____

Date: _____

SWIFT Contract (SC) ID No. _____

Purchase Order (PO) ID No. _____

DEPARTMENT OF TRANSPORTATION

By: _____
(with delegated authority)

Title: _____

Date: _____

RECIPIENT

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

By: _____

Title: _____

Date: _____

MnDOT CONTRACT MANAGEMENT

By: _____

Date: _____

By: _____

Title: _____

Date: _____