

# FAIRMONT CITY COUNCIL AGENDA

## 1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

**MONDAY, SEPTEMBER 11, 2017**

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

## 2. ROLL CALL -

Mayor Foster

Councilors:

Cyphers

Hawkins

Hasek

Peters

Zarling

## 3. DETERMINATION OF QUORUM -

## 4. PLEDGE OF ALLEGIANCE

## 5. APPROVAL OF AGENDA

## 6. READINGS OF MINUTES -

6.1 Minutes of Regular Meeting, August 28, 2017 (01-02)

## 7. OPEN DISCUSSION

7.1 Fairmont Area Kinship (03)

## 8. RECOGNITIONS/PRESENTATIONS -

8.1 Community Center Committee Presentation (04)

8.2 Fairmont Area Life Update (05)

**9. SCHEDULED HEARINGS –**

**10. ADMINISTRATIVE APPEALS –**

**11. FINANCIAL REPORTS –**

**12. REPORTS OF BOARDS, COMMITTEES, AND  
DEPARTMENT HEADS –**

**13. LICENSES AND PERMITS –**

- 13.1 Event Permit for Homecoming Parade (06)
- 13.1a Permit Application (07-08)

**14. OLD BUSINESS –**

**15. NEW BUSINESS –**

- 15.1 Resolution declaring costs to be assessed for 2017 Improvement Program and ordering the preparation of the assessment roll (09)
- 15.1a Resolution 2017-26 (10-11)
- 15.2 Call for public hearing on proposed assessments for the 2017 Improvement Program (12)
- 15.2a Resolution 2017-27 (13-14)
- 15.2b Public Hearing Notice (15-17)
- 15.3 Conditional Use Permit for MVAC Head Start (18)
- 15.3a Hearing Notice, Staff Review, Site Plan (19-25)
- 15.3b Planning Commission Minutes, August 1, 2017 (26-27)

15.4	2018 Proposed Budget and Tax Levy	(28)
15.4a	Resolution 2017-30	(29)
15.4b	Resolution 2017-31	(30)
15.4c	Proposed Budget for 2018	(31-43)
15.5	Joint Powers Agreement, South Central MN Computer Consortium	(44)
15.5a	South Central MN Computer Consortium Joint Powers Agreement	(45-52)

**16. REGULAR AND LIQUOR DISPENSARY BILLS –**

**17. STATUS REPORTS/COUNCIL/STAFF INFORMATION**

**\*\*\*\*\*CLOSED SESSION\*\*\*\*\***

Closed pursuant to Minn. Stat. 13D.03  
Labor Negotiations

**18. ADJOURNMENT –**

**ADDITIONAL ATTACHMENTS –**

The minutes of the Fairmont City Council meeting held on Monday, August 28, 2017 at the City Hall Council Chambers.

Mayor Deborah Foster called the meeting to order at 5:30 p.m.

Mayor Deborah Foster, Council Members Ruth Cyphers, Tom Hawkins, Wayne Hasek, and Jim Zarling were present. Council Member Bruce Peters was absent. Also in attendance: City Administrator Mike Humpal, Public Works Director/City Engineer Troy Nemmers, Finance Director Paul Hoye, City Attorney Elizabeth W. Bloomquist and Chief of Police Mike Hunter.

It was moved by Council Member Zarling to approve the agenda with the removal of Open Discussion item 7.1, which was removed at the request of Susan Krueger. Council Member Hasek seconded the motion and the motion carried.

It was moved by Council Member Hawkins, seconded by Council Member Hasek and carried to approve the minutes of the regular City Council meeting of August 14, 2017.

Mayor Foster opened the public hearing on proposed **Ordinance 2017-08**, an ordinance changing the current code voting requirements of two-thirds of all the city council members to a majority of all the city council members, as required by state law. No comment was received at the public hearing. Council Member Zarling made a motion to close the public hearing. Council Member Hawkins seconded the motion and the motion carried. Council Member Cyphers made a motion to approve **Ordinance 2017-08**. Council Member Hawkins seconded the motion. On roll call: Council Members Hawkins, Zarling, Cyphers and Hasek all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Hasek made a motion to approve an Event Permit for Grace Lutheran Church's block party in front of the church on September 10, 2017 from 10:30 a.m. to 2:00 p.m. The event will close a portion of Grant Street, between Webster and Tilden Streets. Council Member Hawkins seconded the motion and the motion carried.

Council Member Cyphers made a motion to approve **Resolution 2017-29**, authorization for the Mayor and City Clerk to execute Minnesota Department of Transportation Airport Maintenance and Operation Grant Contract. Council Member Hasek seconded the motion. On roll call: Council Members Zarling, Cyphers, Hasek and Hawkins all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Zarling made a motion to approve a list of vehicles and equipment from the Fire Department as excess property. Council Member Hawkins seconded the motion and the motion carried.

Council Member Zarling made a motion to approve the appointment of Rich Wolf to the Board of Zoning Appeals. Council Member Hasek seconded the motion and the motion carried.

Council Member Zarling made a motion to approve the payment of the August bills in the amount of \$1,681,352.99. Council Member Hawkins seconded the motion and the motion carried.

Humpal invited the press to join the council and staff in walking through the Street and Park Department building after the council meeting.

A motion was made by Council Member Hawkins, seconded by Council Member Hasek and carried to adjourn the meeting at 6:38 p.m.

ATTEST:

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Deborah J. Foster  
Mayor

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Patricia J. Monsen, City Clerk

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

**MEETING DATE:** September 11, 2017

**SUBJECT:** Fairmont Area Kinship

**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 type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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:** Fairmont Area Kinship will be making a presentation to give updates and basic information about the Fairmont Area Kinship program.

**MOTION:**

**VOTE REQUIRED:**

**ATTACHMENTS:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

MEETING DATE: September 11, 2017

SUBJECT: Community Center Committee Presentation

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 type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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: The Community Center Committee will be giving a presentation.

MOTION:

VOTE REQUIRED:

ATTACHMENTS:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

MEETING DATE: September 11, 2017

SUBJECT: Fairmont Area Life Update

REVIEWED BY: Mike Humpal, CEcD, City Administrator *WA*

SUBJECT INITIATION BY: Linsey Preuss, Economic Development Coordinator

<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 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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: In 2015, the City of Fairmont was awarded a grant from Southern Minnesota Initiative Foundation to launch the Fairmont Area Life Campaign. Linsey Preuss and Margaret Dillard of the Fairmont Area Chamber of Commerce worked together along with a committee of public and private organizations to implement the campaign. This presentation will inform the Council on the work that has taken place during the grant cycle.

MOTION:

VOTE REQUIRED:

ATTACHMENTS:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 13.1**

**MEETING DATE:** September 11, 2017

**SUBJECT:** Homecoming Parade Permit

**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 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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:** Application has been received for a permit for the homecoming parade. The parade is scheduled for Friday, September 29, 2017 beginning at 4:00 p.m.

**MOTION:** To approve a parade permit for the homecoming parade on September 29, 2017.

**VOTE REQUIRED:** Simple majority

**ATTACHMENTS:**

1. Permit application
2. \_\_\_\_\_
3. \_\_\_\_\_

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_



# EVENT APPLICATION/PERMIT

This form must be filed with the City at least thirty (30) days in advance of the event. The City will review the application in accordance with the permitting process outlined in the City Code, Chapter 18. Attach additional sheets, maps, etc. if necessary. For events which include overnight camping a separate addendum must be included with the event application.

Date: 9/7/17

Permit Fee: \$15.00

Event: FHS Homecoming Parade

Sponsoring entity: Student Council - FHS

Address: 900 Johnson St.

Maximum estimated number of persons expected to attend at any one time: 100-300

Event coordinator(s): Callie Wille

Contact Info: 507-995-1597 Phone #

Wille-C@fairmont.k12.mn.us E-mail

Primary contacts (during event): k12.mn.us

Name: Callie Wille

Cell#: 507-995-1597 Cell#

E-mail: Wille-C@Fairmont.k12.mn.us E-mail:

Event Start: Day/Date Friday, Sept. 29<sup>th</sup> Time: 3:30

Event End: Day/Date Friday, Sept. 29<sup>th</sup> Time: 4:00/4:30

Setup: Day/Date \_\_\_\_\_ Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

Teardown: Day/Date \_\_\_\_\_ Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

1. Type and description of the event and a list of all activities to take place at the event.

Homecoming parade to celebrate homecoming activities of FHS. Different activities & sports teams will walk in the parade.

2. Proposed location of event, including a site plan or diagram of the proposed area to be used showing the location of any barricades, perimeter/security fencing, fire extinguishers, safety or first aid stations, entertainment, stages, restrooms or portable toilets, parking areas, ingress and egress routes, signs, special lighting, trash containers and any other items related to the event.

The route will be the same as previous years. Lineup will take place at Ward Park at 3:30 pm. The parade will proceed north on Downtown Plaza, ending at Fourth Street.

3. Will outside drinking water or waste collection systems be supplied?  Yes;  No  
If yes, supply public health plans, including the number of toilet facilities that will be available.
  
4. Will the event be providing: fire prevention, emergency medical service, security and severe weather shelter.  Yes;  No  
If yes, provide the written plans.
  
5. Will organizers allow outside food wagon/vendors at the event?  Yes;  No  
If yes, all food wagons/vendors must complete a Food Wagon/Vendor Permit and submit payment.
  
6. Will camping or temporary overnight lodging be included for the event? (allowed only at Cedar Creek Park and Winnebago Sports Complex):  Yes;  No  
If yes, event coordinator must complete temporary overnight camping permit and submit payment.
  
7. Will the event be using any sound amplification, public address system or will there be any live performances of any music or musical instruments?  Yes;  No  
If yes, please describe: High School pep band
  
8. Will the event restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns?  Yes;  No  
If yes, provide a detailed description of all public rights of way and private streets for which the applicant requests the city to restrict or alter traffic flow. (Please attach a detailed map).  
*same route as in previous years*
  
9. Will you be providing shuttle service?  Yes;  No  
If yes, provide offsite parking locations, shuttle routes, types of vehicles that will be used for shuttling passengers, hours of operation and frequency of shuttle service.

I affirm that I am authorized to execute this application on behalf of the applicant and that the statements contained therein are true and correct to the best of my knowledge. If the special event requires special services provided by the City of Fairmont, the applicant agrees to indemnify, defend and hold the City of Fairmont, its officials, employees, and agents harmless from any claim that arises in whole or in part out of the special event, except any claims arising solely out of the negligent acts or omissions of the City of Fairmont, its officials, employees and agents. The applicant agrees to pay all fees and meet all City Code requirements.

Signature Colleen Wilts Title Teacher / Student Council Advisor Date 9/7/17

If you would like your event published on the City's website/Community Calendar, please indicate:  Yes;  No

Office Use Only			
\$15.00 Fee Paid	Date:	Received by: <u>Patty Jensen</u>	
Requires Council Approval	<input checked="" type="checkbox"/> Yes; <input type="checkbox"/> No	Council Meeting Date:	Action:
City Administrator Approval	<input checked="" type="checkbox"/> Yes	No	Date

- Permit distribution:
- City
  - Applicant
  - Police
  - Parks/Streets
  - Other

MEETING DATE: September 11, 2017

SUBJECT: Resolution declaring costs to be assessed for 2017 Improvement Program and ordering the preparation of the assessment roll

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, Director of Public Works/City Engineer

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

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 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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: In order to meet time lines for the assessments of the 2017 Improvement Program, the Council must adopt a resolution calling for the preparation of the assessment roll.

MOTION: To adopt Resolution No. 2017-26, declaring costs for the 2017 Improvement Program and ordering the assessment roll to be prepared.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2017-26 \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

## RESOLUTION NO. 2017-26

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

### RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENTS FOR THE 2017 IMPROVEMENT PROGRAM

WHEREAS, estimated costs have been determined for the improvement of:

<u>Project No.</u>	<u>Description</u>
<b><u>RECONSTRUCTION</u></b>	
5717001	Margaret Street: N. North Avenue to TH15
5717002	10th Street: George Lake to N. North Avenue
5717003	11th Street: George Lake to N. North Avenue
<b><u>RESURFACE</u></b>	
6717001	Camelot Court: Home Street to Deadend
6717002	Cardinal Street: Charles Street to TH15
6717003	Charles Street: Blue Jay Blvd to Cardinal Street Parking Lot C: 3rd Street/Park Street
<b><u>OVERLAY</u></b>	
8717001	Stade Lane: Sylvia Street to Prairie Avenue
8717002	Summit Drive: Concrete to Woodland Avenue Prairie Dog Exhibit Parking Lot Day Farm Bike Trail: Bridge to Lake Avenue
<b><u>SEAL COAT</u></b>	
7517001	Albion Avenue: W Belle Vue Road to Lair Road
7517002	Cedar Creek Court: Lake Aires Road to W Amber Lake Dr
7517003	Stella Street: De Lu Street to Government Street
7517004	Ward Street: Prairie Avenue to Hampton Street
7517005	Cedar Park Road: Lake Aires Road to Arthur Street
7517006	Cedar Park Road: Arthur Street to Cedar Creek Park
7517007	Woodland Avenue: Fairlakes Avenue to Lake Park Blvd
7517008	Southwood Drive
7517009	Roland Avenue: Interlaken Road to Dorothy Street
7517010	Cardinal Street: Charles Street to Prairie Avenue Winnebago Avenue Sports Complex Parking Areas Jeffery Kot Soccer Fields Parking Lot Albion Avenue Bike Trail: Hall Street to Aquatic Park
8517011	<b><u>Mowing/Miscellaneous Assessments (charges vary)</u></b>

**RESOLUTION NO. 2017-26, cont.**

And the estimated contract price for such improvements are \$5,100,305 and the expenses incurred or to be incurred in the making of such improvements are estimated at \$963,000, so that the total cost of the improvement is estimated at \$6,063,305.00.

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

1. The portion of the cost to be assessed against benefiting property owners for the 2017 projects shall be, per assessable foot, \$80.00 for reconstruction projects, \$54.00 for resurfacing projects, \$32.00 for overlay projects and \$2.50 for seal coat projects.
2. Assessments shall be payable in equal annual installments for projects as follows:
  - Reconstruction and resurfacing projects – 15 years
  - Overlay projects – 10 years
  - Sealcoat and miscellaneous projects – 3 yearsAssessments for other miscellaneous projects shall be payable in equal annual installments over the time period outlined in the project's assessment agreement. The first installment is payable on or before the first Monday in January, 2018, and shall bear interest at the rate of four percent (4%) per year from the date of adoption of the assessment resolution. Interest and payment term may vary for mowing and miscellaneous assessments.
3. The City Clerk, with the assistance of the City Engineer, shall calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and the Clerk shall file a copy of such proposed assessments in the Clerk's office for public inspection.
4. The City Clerk shall upon completion of such proposed assessment, notify the Council thereof.

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

Adopted by the Council this 11<sup>th</sup> day of September, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
(SEAL)

MEETING DATE: September 11, 2017

SUBJECT: Call for public hearing on proposed assessments for the 2017 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, Director of Public Works/City Engineer

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

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 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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 assessment rolls for the 2017 Improvement Program have been completed. The Council needs to set a date for the public hearing on the proposed assessments.

MOTION: To adopt Resolution No. 2017-27, calling for a public hearing on proposed assessments for the 2017 Improvement Projects to be held on Monday, October 9, 2017 at 5:30 p.m. in the Fairmont City Hall Council Chambers.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2017-27
2. Public Hearing Notice
3. \_\_\_\_\_

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

## RESOLUTION NO. 2017-27

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

### RESOLUTION CALLING FOR THE HEARING ON PROPOSED ASSESMENTS OF THE 2017 IMPROVEMENT PROGRAM

**WHEREAS**, by a resolution of the City Council passed on the 11<sup>th</sup> day of September, 2017, the City Clerk was directed to prepare a proposed assessment of the cost of improving:

<u>Project No.</u>	<u>Description</u>
<b><u>RECONSTRUCTION</u></b>	
5717001	Margaret Street: N. North Avenue to TH15
5717002	10th Street: George Lake to N. North Avenue
5717003	11th Street: George Lake to N. North Avenue
<b><u>RESURFACE</u></b>	
6717001	Camelot Court: Home Street to Deadend
6717002	Cardinal Street: Charles Street to TH15
6717003	Charles Street: Blue Jay Blvd to Cardinal Street Parking Lot C: 3rd Street/Park Street
<b><u>OVERLAY</u></b>	
8717001	Stade Lane: Sylvia Street to Prairie Avenue
8717002	Summit Drive: Concrete to Woodland Avenue Prairie Dog Exhibit Parking Lot Day Farm Bike Trail: Bridge to Lake Avenue
<b><u>SEAL COAT</u></b>	
7517001	Albion Avenue: W Belle Vue Road to Lair Road
7517002	Cedar Creek Court: Lake Aires Road to W Amber Lake Dr
7517003	Stella Street: De Lu Street to Government Street
7517004	Ward Street: Prairie Avenue to Hampton Street
7517005	Cedar Park Road: Lake Aires Road to Arthur Street
7517006	Cedar Park Road: Arthur Street to Cedar Creek Park
7517007	Woodland Avenue: Fairlakes Avenue to Lake Park Blvd
7517008	Southwood Drive
7517009	Roland Avenue: Interlaken Road to Dorothy Street
7517010	Cardinal Street: Charles Street to Prairie Avenue Winnebago Avenue Sports Complex Parking Areas

Jeffery Kot Soccer Fields Parking Lot  
Albion Avenue Bike Trail: Hall Street to Aquatic Park

8517011

**Mowing/Miscellaneous Assessments (charges vary)**

**AND WHEREAS**, the City Clerk has notified the City Council that such proposed assessment has been completed and filed in the City Clerk's office for public inspection.

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

1. A hearing shall be held on October 9, 2017, in the Fairmont City Hall Council Chambers, 100 Downtown Plaza, at 5:30 p.m. to pass upon such proposed assessments and all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk is hereby directed to publish a notice of the hearing on the proposed assessment once in the official newspaper at least two weeks prior to the hearing and the City Clerk shall state in the notice the total cost of the services. The City Clerk shall also mail notices to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

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

Adopted by the Council this 11<sup>th</sup> day of September, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
(SEAL)



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

Phone (507) 238-9461

Fax (507) 238-9469

## City of Fairmont

### Notice of Hearing on Proposed Assessment

#### TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council will meet at 5:30 p.m. on the 9<sup>th</sup> day of October, 2017, 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>
	<b><u>RECONSTRUCTION (\$80.00 per assessable front foot)</u></b>
5717001	Margaret Street: N. North Avenue to TH15
5717002	10th Street: George Lake to N. North Avenue
5717003	11th Street: George Lake to N. North Avenue
	<b><u>RESURFACE (\$54.00 per assessable front foot)</u></b>
6717001	Camelot Court: Home Street to Deadend
6717002	Cardinal Street: Charles Street to TH15
6717003	Charles Street: Blue Jay Blvd to Cardinal Street Parking Lot C: 3rd Street/Park Street
	<b><u>OVERLAY (\$32.00 per assessable front foot)</u></b>
8717001	Stade Lane: Sylvia Street to Prairie Avenue
8717002	Summit Drive: Concrete to Woodland Avenue Prairie Dog Exhibit Parking Lot Day Farm Bike Trail: Bridge to Lake Avenue
	<b><u>SEAL COATS (\$2.50 per assessable front foot)</u></b>
7517001	Albion Avenue: W Belle Vue Road to Lair Road
7517002	Cedar Creek Court: Lake Aires Road to W Amber Lake Dr
7517003	Stella Street: De Lu Street to Government Street
7517004	Ward Street: Prairie Avenue to Hampton Street
7517005	Cedar Park Road: Lake Aires Road to Arthur Street
7517006	Cedar Park Road: Arthur Street to Cedar Creek Park
7517007	Woodland Avenue: Fairlakes Avenue to Lake Park Blvd
7517008	Southwood Drive
7517009	Roland Avenue: Interlaken Road to Dorothy Street
7517010	Cardinal Street: Charles Street to Prairie Avenue Winnebago Avenue Sports Complex Parking Areas



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Jeffery Kot Soccer Fields Parking Lot  
Albion Avenue Bike Trail: Hall Street to Aquatic Park

8517011

**Mowing/Miscellaneous Assessments (charges vary)**

Benefiting property includes property abutting or property near to said improvements which utilize the improvements for access or for utility service.

The proposed assessment is on file for public inspection at the City Clerk's office. The total amount of the proposed improvements for all projects is \$6,063,305.00.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the Clerk prior to the hearing or presented to the presiding officer at the hearing. The Council may, upon such notice, consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its' evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the City's witnesses will be followed with the objection's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the Council as to the weight of items, evidence or testimony presented to the Council.
5. The entire proceedings will be tape recorded.
6. At the close of the presentation of evidence, the objector may make a final presentation to the Council based on the evidence and the law. No new evidence may be presented at this point.

An owner may appeal an assessment to district court pursuant to Minnesota Statute Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or City Clerk; however, no appeal may be taken as to the amount of any individual assessment unless a written objection signed by the affected property owner is



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filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the hearing.

Under Minnesota Statutes, Sections 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment based on one of the following:

- 1) any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make payments.
- 2) persons retired as a result of a permanent and total disability.
- 3) undeveloped property.

When deferment of the special assessment has been granted and is terminated for any reason provided in the law, all amounts accumulated plus applicable interest becomes due. Any assessed property owner meeting the requirements of this law and the resolution adopted under it may, within thirty days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for such deferral of payment of this special assessment on his/her property.

BY ORDER OF THE FAIRMONT CITY COUNCIL  
September 11, 2017

Patricia J. Monsen  
City Clerk

To Be Published in the Fairmont Sentinel  
Wednesday, September 20, 2017  
Friday, September 22, 2017  
Wednesday, September 27, 2017

C I T Y O <sup>17.F</sup> L A K E S

MEETING DATE: September 11, 2017

SUBJECT: Conditional Use Permit for MVAC Head Start

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: Tom Hawkins

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 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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 checked="" 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 Fairmont Planning Commission held a public meeting on August 1, 2017 on the request for a conditional use permit for a nursery school in a B-1 Zone. The Planning Commissioners voted unanimously in support of the Conditional Use Permit. MVAC will be renting space in the church at 625 Johnson Street. The state agencies and others have approved the location.

MOTION: To approve a conditional use permit for MVAC for a nursery school at 625 Johnson Street.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

- Hearing notice, staff review, site plan
- Planning Commission Minutes, August 1, 2017

\*\*\*\*\*

Council Action: \_\_\_\_\_ Date: \_\_\_\_\_



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Phone (507)238-9461

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

Fax (507)238-9469

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## PUBLIC HEARING NOTICE

The Fairmont Planning Commission will hold a public hearing on **Tuesday, August 1, at 5:30 pm** in the City Hall Council Chambers to consider the following application:

Minnesota Valley Action Council seeks a Conditional Use Permit to operate a nurse school at the Christian Church of Fairmont in a Neighborhood Business (B-1) zone **to be located at 625 Johnson Street.**

Persons wishing to be heard on this application are requested to be present at this hearing. You may also express your opinion in writing to the Fairmont Planning Commission if you are unable to attend. Any such correspondence should be dropped off at City Hall or be addressed and mailed to:

Fairmont Planning Commission  
Attn: Megan Boeck  
100 Downtown Plaza  
Fairmont, MN 56031

**You are receiving this notice by mail as a neighboring property owner who could be affected by the proposed request.**

425 Johnson Street

SCHOOL DISTRICT #2752  
714 VICTORIA ST SUITE 103  
FAIRMONT, MN 56031

NAWROCKI, MARY JANE (LE) ET AL  
LIFE ESTATE  
1011 S ORIENT ST  
FAIRMONT, MN 56031

LIDKE, ELOISE A  
1109 S PRAIRIE AVE  
FAIRMONT, MN 56031

SUMEY, STEVEN W & DEBORAH L  
203 WOODLAND AVE  
FAIRMONT, MN 56031

JOHNSON, DAVID E  
1312 S STATE ST  
FAIRMONT, MN 56031

WITTMUS, TIMOTHY J & JILL K  
1318 S STATE ST  
FAIRMONT, MN 56031

REITER, LORRAINE J  
1324 S STATE ST  
FAIRMONT, MN 56031

THE GRANDGENETT FAM REV LIV TS  
% DONALD & LOIS GRANDGENETT TT  
520 WATER ST  
FAIRMONT, MN 56031

WENDEL, BOBBY & MAURINE  
% LARRY WENDEL AND K KUISLE  
514 WATER ST  
FAIRMONT, MN 56031

OLSON, CRAIG K & PAMELA A  
1019 HOLDEN PL  
FAIRMONT, MN 56031

PRUETT FAMILY REV LIV TRUST  
% WESLEY L & BARBRA K PRUETT  
1330 S STATE ST  
FAIRMONT, MN 56031

HARGAN, HAROLD L  
1336 S STATE ST  
FAIRMONT, MN 56031

REITER, MARK E & ILENE K  
1342 S STATE ST  
FAIRMONT, MN 56031

MALO, BRADLEY W & JANET R  
1348 S STATE ST  
FAIRMONT, MN 56031

MADSEN, MICHAEL D & BRENDA  
1360 S STATE ST  
FAIRMONT, MN 56031

NOWAK, FRANK P TRUST AGMT  
% FRANK P NOWAK TTEE  
1117 S PRAIRIE AVE  
FAIRMONT, MN 56031

JENSEN, JAMES A & SHEILA F  
1123 S PRAIRIE AVE  
FAIRMONT, MN 56031

PEYMAN, WILLIAM & JOYCE  
1125 S PRAIRIE AVE  
FAIRMONT, MN 56031

JAQUA, JAN A & ANN L  
1024 HOLDEN PL  
FAIRMONT, MN 56031

DENTON, DAROLD D & VIVIAN M  
528 WATER ST  
FAIRMONT, MN 56031

CHRISTIAN CHURCH OF FAIRMONT  
625 JOHNSON ST  
FAIRMONT, MN 56031

CHURCH OF JESUS CHRIST OF  
LATTER DAY SAINTS-LDS CHURCH A  
50 E NORTH TEMPLE  
RE: FILE #540-5386  
SALT LAKE CITY, UT 84150

FAIRMONT COMM HOSP ASSN  
% MAYO CLINIC HEALTH SYSTEMS FMT  
800 MEDICAL CENTER DR  
PO BOX 800  
FAIRMONT, MN 56031

FAIRMONT COMM HOSP ASSN  
% MAYO CLINIC HEALTH SYSTEMS FMT  
800 MEDICAL CENTER DR  
PO BOX 800  
FAIRMONT, MN 56031

**CITY OF FAIRMONT**  
**Planning & Zoning**  
**Application Form**

**NOTE TO APPLICANT:** This is a comprehensive application form. Only those items related to your specific type of development are to be completed. All items applicable must be included prior to acceptance of the application.

Name of Applicant: Minnesota Valley Action Council Address: 706 N. Victory Dr. Phone#: 507-345-6822  
 (Christine Marben) Mankato, MN <sup>56001</sup>

Street Address of Proposal: 625 Johnson Street, Fairmont 56031

Legal Description of Property: Christian Church of Fairmont

Existing Use of Property: Church

Proposed Use of Property: Rule 3 Licensed Child care center - HeadStart  
in one portion of building Program

Type of Application	Fee	Submission Requirements (Attached)
<input type="checkbox"/> Appeal/Code Amendment	\$150.00	7
<input type="checkbox"/> Administrative Appeal	50.00	8
<input checked="" type="checkbox"/> Conditional Use Permit	150.00	4, 6(d-g)
<input type="checkbox"/> Home Occupation Permit	30.00	9
<input type="checkbox"/> Minor Plat	90.00	2(a), 5 (a-b)
<input type="checkbox"/> Planned Unit Development	150.00	1, 4, 6(d-g)
<input type="checkbox"/> Preliminary Plat	150.00	5 (b), 6
<input type="checkbox"/> Rezoning	150.00	1
<input type="checkbox"/> Variance	90.00	2,3

I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Glen M. Bensonius  
 Owner's Name (Printed) Owner's Signature

Minnesota Valley Action Council, Inc. Christine Marben  
 Applicant's Name (Printed) Applicant's Signature

City Staff Use Only
DATE FILED: _____
DATE FEE PAID: _____
MEETING DATE: _____
NOTICES SENT (DATE): _____
NOTIFICATION OF EXTENSION (LETTER SENT): _____

1. A map drawn to scale of at least 100 feet to an inch portraying the land in question with the length and location of each boundary thereof.
2.
  - a) A legal description and registered survey of the property indicating current building setbacks, existing easements, the length and width of parcel, and location of property lines and pins.
  - b) A detailed and legible site plan of the proposal requiring the variance.
3.
  - a) Statement of how the proposed variance is:
    - i. In harmony with the general purposes and intent of the City's code.
    - ii. Consistent with the City's Comprehensive plan.

Both documents can be found for review on the City's web site: [www.fairmont.org](http://www.fairmont.org)

    - iii. Meets the requirements of "Practical Difficulties," set forth in Minn. Stat. 462.357 Subd. 6, Appeals and Adjustments.

MN Stat. 462.357 Subd. 6 Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

4. A complete site plan, including but not limited to: Location and elevation of proposed structures, driveways, parking and loading areas, topography and site drainage, improvements, architectural plans.
5.
  - a) A certified document from the Martin County Auditor stating that all assessments on the proposed minor subdivision would be redivided proportionately on the subdivided parcels.
  - b) Martin County Ditch Assessment Division Agreement (attached).
6. Six (6) copies of the plat will be submitted containing the following information:
  - a) Legal description of property to be platted.
  - b) Name of proposed plat, name and address of owners, registered engineer or surveyor, owners of adjacent property, zoning, date, approximate north point, and graphic scale not less than 1" - 100'.
  - c) A vicinity sketch of not more than 1" - 200', showing all existing subdivisions, streets and tract lines of acreage parcels, together with parcels of land within 300 feet of the outer boundaries of the proposed subdivision.
  - d) Contours at an interval of two (2) feet. If natural contours are to be changed more than two (2) feet, a grading plan should be submitted indicating approximate final elevations.

# Minnesota Valley Action Council



Opportunities  
for people and communities

July 5, 2017

City of Fairmont  
Planning & Zoning  
100 Downtown Plaza  
Fairmont, MN 56031

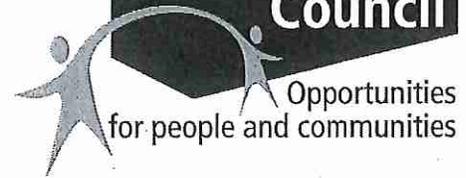
To Whom it May Concern,

Minnesota Valley Action Council, Inc.(MVAC) is requesting a Conditional Use Permit –Nursery School B-1 for the Christian Church of Fairmont located at 625 Johnson Street. MVAC will be renting the church space for Head Start preschool programming services for the school year beginning Sept. 11, 2017. We request the Planning & Zoning committee review our request at the August 1, 2017 Planning Commission monthly meeting.

If you have any questions regarding this letter, please contact me, the Head Start Director, at 507-345-0449.

Sincerely,

Christine Marben  
Child Development Services Director  
507-345-0449  
[cmarben@mnavac.org](mailto:cmarben@mnavac.org)



July 11, 2017

City of Fairmont Planning & Zoning Submission – Conditional Use Permit

4. & 6. Site Plan:  
Address located at 625 Johnson Street, Fairmont MN 56031 – Christian Church of Fairmont.  
Minnesota Valley Action Council, Inc. (MVAC) will be renting the church for the purpose of providing Head Start comprehensive preschool services on a yearly basis. Head Start will utilize the left half of the church for classroom, storage and offices and will access the left exterior door and rear yard door for entrance & exit. Bathrooms and the kitchen will also be used by Head Start. The driveway & gravel parking lot in the front of the building, facing Johnson Street will be used for parking for the Head Start bus, staff vehicles and client vehicles. MVAC will be installing a playground in the rear green space of the church, facing Adams Avenue. It will include a fence around the playground that should be completed by September 1, 2017. Children and families will arrive for services by September 11, 2017.

A Fire Marshal inspected the facility on June 2, 2017 as per requirements of MN Dept of Human Services (DHS) Rule 3 Childcare Center Licensing & Statutes. Items addressed were that the church must ensure the fire alarms are tested annually and to repair the exit signs main & battery back-up. The Fire Marshal gave the clearance for MVAC to occupy the facility for childcare.

A local Building Inspector is scheduled to view the facility as per requirements of MN Dept of Human Services (DHS) Rule 3 Childcare Center Licensing & Statutes. We have not been notified as of yet to that inspection date.

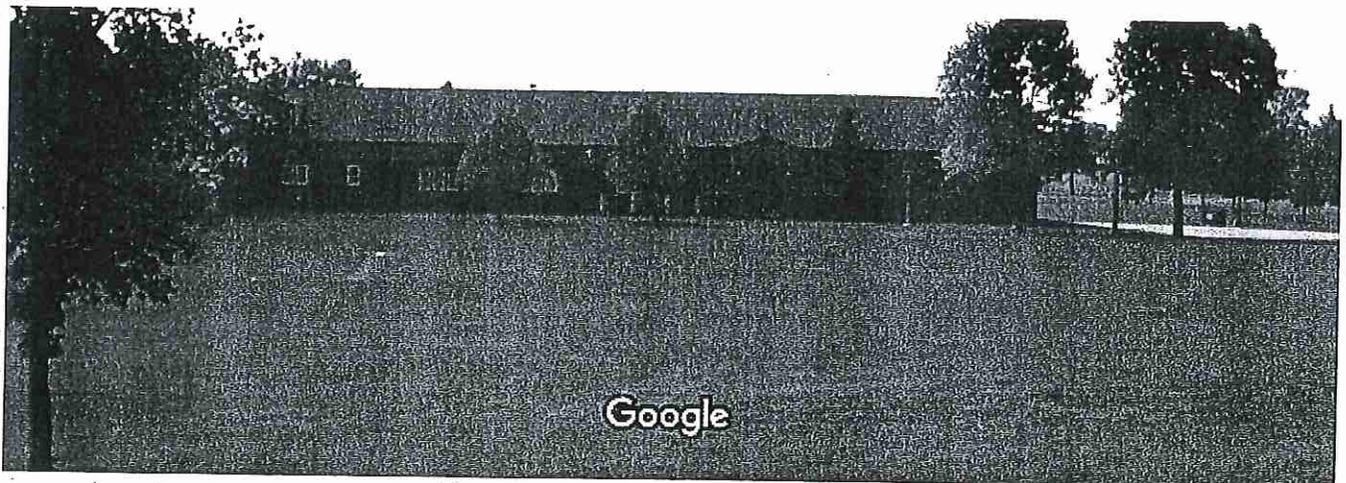
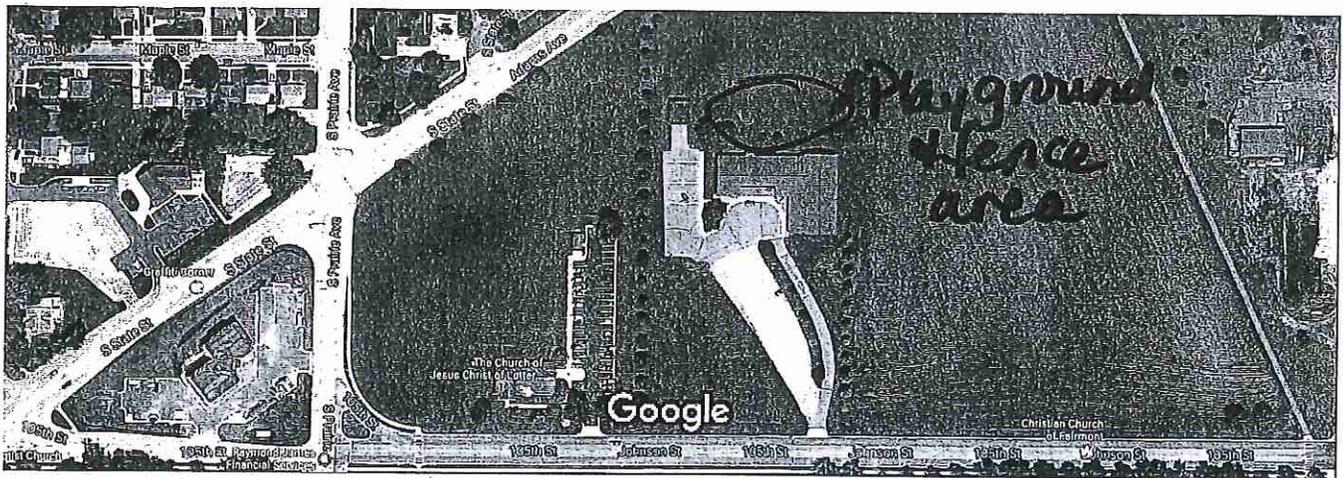
MN DHS requires a site floor plan to be submitted and change of address form for their licensing requirements. Paperwork has been submitted, awaiting approval from Licensor. The Licensor will also schedule a visit to inspect the facility for final approval. Date has not been set as of yet.

The church owners painted the interior of the church in the spaces MVAC would occupy. No other improvements, structural changes or architectural plans required for occupancy.

# Go gle Maps 625 Johnson Street, Fairmont



# Go gle Maps Driveway and parking lot



# Rear yard for playground + fence 25.

## MINUTES OF THE FAIRMONT PLANNING COMMISSION

### Regular Meeting

August 1, 2017

5:30 p.m. City Hall Council Chambers

**Members present:** Margaret Dillard, Chris Pierce, Jenny Trushenski, Ed Willett, Ian Bents and Scott Unke. Also presented was Council liaison Tom Hawkins.

**Members absent:** None.

**Others present:** City Administrator Mike Humpal and Planner/Code Enforcement Technician Megan Boeck

Chairman Pierce called the meeting or order at 6:05 pm.

**Agenda Approval:** Motion by Unke and second by Dillard to approve the August 1, 2017 meeting agenda as presented. Motion carried.

**Minutes:** Motion by Trushenski and second by Dillard to approve the June 27, 2017 meeting minutes with one correction. Motion carried.

### **Public Hearing – Conditional Use Permit for a Planned Unit Development at 445 Lake Ave:**

Chairman Pierce opened the hearing to the public. Humpal stated that a Planned Unit Development is a conditional use permit under section 26-276 and section 26-524 in the shoreland management district. Humpal also stated that these type of developments are intended to encourage efficient use of land and public services and often times occur on vacant land or in developed areas that require rehabilitation. In addition, Humpal stated that the proposed location is zoned B-3 which allows planned unit developments and single or multi-family housing. Lastly, Humpal stated that staff has extensively reviewed the project concepts, site plan, building and floor plans and finds them consistent with the requirements of city code.

Hearing no other comments, chairman Pierce closed the hearing to the public.

Motion by Bents and second by Trushenski to approve the Conditional Use Permit for a Planned Unit Development at 445 Lake Ave. Unke abstained from the discussion and vote. Motion carried.

### **Public Hearing – Conditional Use Permit for a nurse school (MVAC) at 625 Johnson Street:**

Chairman Pierce opened the hearing to the public. Boeck stated that section 26-156 allows day cares and nurseys provided that:

- 1) only the rear yard is used as a play area and that the play area be fenced
- 2) The site is a minimum of 10,000 square feet
- 3) Adequate off-street parking exists

Boeck also stated that classes are slated to begin on September 11, 2017 and that the required property alterations will be completed by September 1, 2017. Hearing no other comments from the public, Chairman Pierce closed the hearing to the public.

Hearing no other comments, chairman Pierce closed the hearing to the public.

Motion by Dillard and second by Bents to approve the Conditional Use Permit for 625 Johnson Street. Motion carried.

**Old Business:** None.

**New Business:** None.

**Adjournment:** Motion by Unke and second by Dillard to adjourn the meeting at 6:30 pm. Motion carried.

Respectfully submitted,

Megan Boeck  
Planner/Code Enforcement Technician

MEETING DATE: September 11, 2017

SUBJECT: 2018 Proposed Budget and Tax Levy

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: Mike Humpal, CEcD, City Administrator

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 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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: Information on the proposed budget and tax levy for 2018 will be discussed. The Council is required to establish the proposed tax levy and budget and submit the information to the County Auditor by September 29, 2017.

MOTION #1: To adopt Resolution 2017-30, Adopting the Proposed Tax Levy for 2018

MOTOIN #2: To adopt Resolution 2017-31, Adopting the Proposed Budget for 2018

VOTE REQUIRED: Simple majority – roll call

ATTACHMENTS:

1. Resolution 2017-30
2. Resolution 2017-31
3. Proposed Budget for 2018

\*\*\*\*\*

Council Action: \_\_\_\_\_ Date: \_\_\_\_\_



RESOLUTION NO. 2017-30

STATE OF MINNESOTA )

SS:

COUNTY OF MARTIN )

**A RESOLUTION ADOPTING THE 2018 PROPOSED PROPERTY TAX LEVY AND ORDERING ITS CERTIFICATION TO THE MARTIN COUNTY AUDITOR**

WHEREAS, Minnesota State Statutes require that the proposed property tax levy for the coming year be certified to the County Auditor by September 29.

NOW THEREFORE, BE IT RESOLVED, that the following proposed property tax levy be certified to the Martin County Auditor:

Non-Debt Levy	\$3,470,372
Debt Service Levy	<u>1,067,495</u>
Total <u>Proposed</u> Property Tax Levy	<u>\$4,537,867</u>

BE IT FURTHER RESOLVED, that the above named mentioned total tax levy be established in the following breakdown:

1. General Operations	\$3,470,372
2. Special Assessment Debt	<u>1,067,495</u>
TOTAL <u>PROPOSED</u> TAX LEVY	<u>\$4,537,867</u>

Motion by:  
Seconded by:  
All in Favor:  
Opposed:  
Abstained:  
Absent:

**PASSED, APPROVED AND ADOPTED** this 11th day of September, 2017.

\_\_\_\_\_  
Deborah J. Foster, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Monsen, City Clerk

City Of



**Proposed Budget  
2018**

**September 11, 2017**

# Adopted Budget Overview 2018

## Revenue

State Aid	4,244,846	32%
Federal Aid	90,000	1%
Taxes	5,329,993	40%
Assessments	473,000	4%
GO Bonds	0	0%
Charges For Services	1,260,006	9%
Miscellaneous	192,550	1%
Transfers	1,713,919	13%
<b>Total Revenue</b>	<b>13,304,314</b>	<b>100%</b>

## Expenditures

General Government	1,466,452	11%
Public Safety	3,486,741	26%
Public Works	2,189,563	17%
Parks & Recreation	2,647,400	20%
Economic Development	230,300	2%
SMEC	87,419	1%
Airport	918,675	7%
Lake Restoration	48,120	0.4%
Debt Service	1,807,018	14%
Capital Improvements	100,000	1%
Transfers	258,787	2%
<b>Total Expenditures</b>	<b>13,240,475</b>	<b>100%</b>

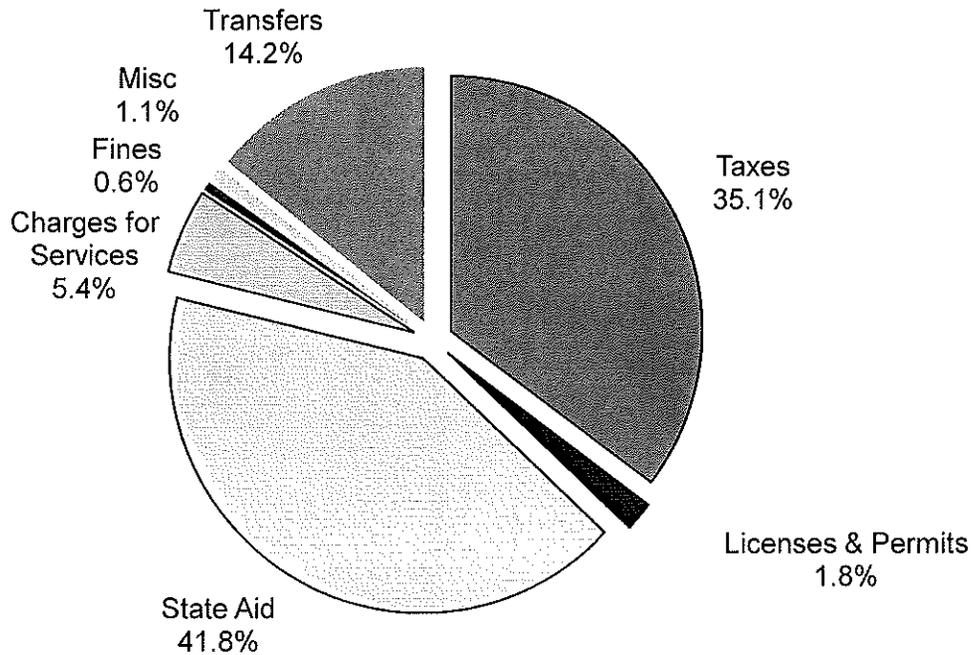
\* \$400,000 General Fund Reserves for Street/Park Building

\* \$180,000 General Fund Reserves for Cedar Creek Park Trail

# General Fund Revenue Source

	<u>2017</u>	<u>2018</u>
Taxes	2,893,535	3,270,372
Licenses & Permits	169,875	172,600
State Aid	3,698,784	3,882,346
Charges For Services	434,175	497,406
Fines	59,000	54,000
Misc	101,300	98,300
Transfers	1,047,132	1,315,132
<b>Total Sources</b>	<b>8,403,801</b>	<b>9,290,156</b>

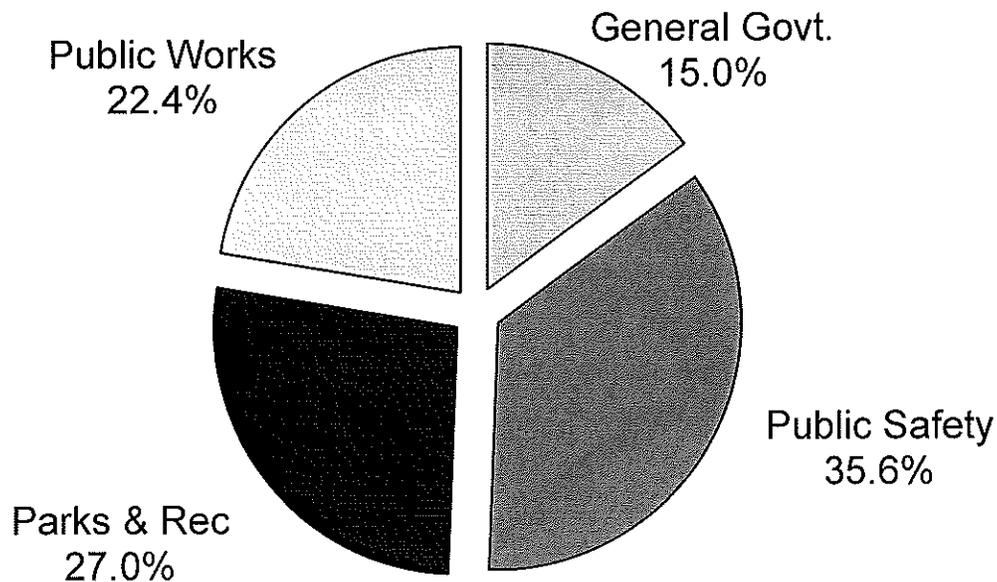
## 2018 Budget



# General Fund Expenditures

	<u>2017</u>	<u>2018</u>
General Gov't	1,255,194	1,466,452
Public Safety	3,550,980	3,486,741
Public Works	1,920,388	2,189,563
Parks & Rec	1,938,886	2,647,400
Transfers	35,000	80,000
<b>Total Expenditures</b>	<b>8,700,448</b>	<b>9,870,156</b>

## 2018 Budget



## General Fund Expenditure Detail

	<u>2017</u>	<u>2018</u>
Mayor and Council	34,759	70,434
City Administrator	119,687	142,899
City Clerk	89,109	108,737
Finance	303,297	331,021
Capital	-	-
City Attorney	168,073	176,817
Planning & Zoning	139,605	152,948
Gen. Govt. Bldgs.	137,354	139,286
Capital	22,500	62,000
Library	71,060	77,560
Capital	9,000	7,000
Other General Govt.	160,750	197,750
<b>Total General Govt.</b>	<b>1,223,694</b>	<b>1,397,452</b>
<b>Capital</b>	<b>31,500</b>	<b>69,000</b>
Police Department	2,405,190	2,518,377
Capital	67,400	109,600
Fire Department	461,132	453,164
Capital	275,000	31,000
Inspection Depts.	212,494	236,841
Capital	-	-
Civil Defense	950	825
Capital	-	-
Animal Control	128,814	136,934
<b>Total Public Safety</b>	<b>3,208,580</b>	<b>3,346,141</b>
<b>Capital</b>	<b>342,400</b>	<b>140,600</b>

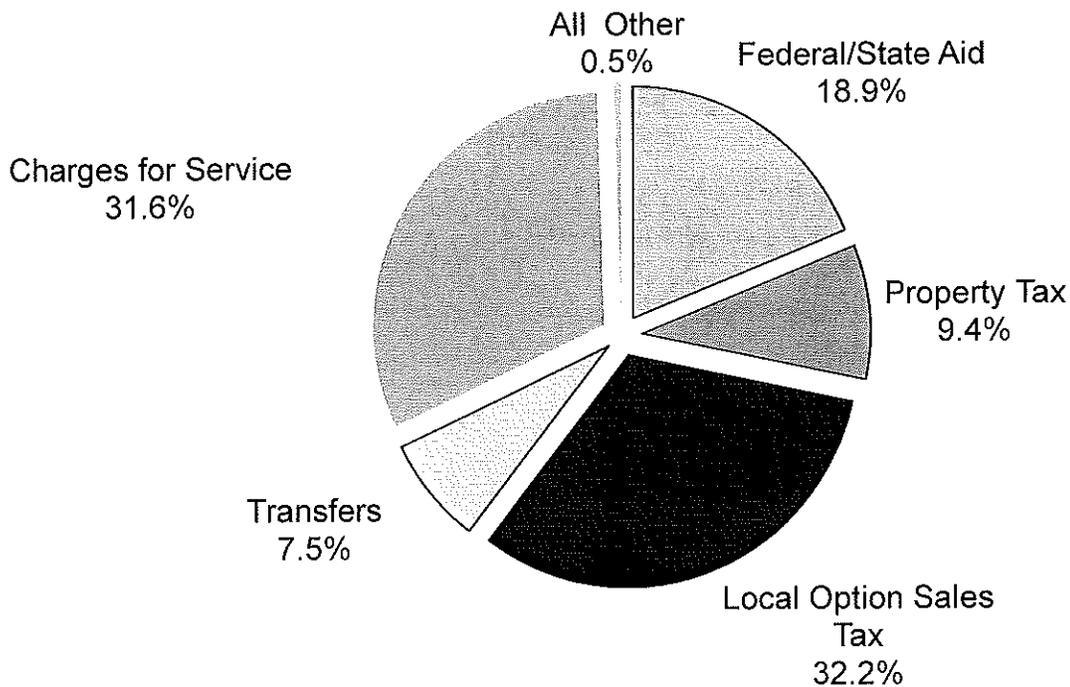
## General Fund Expenditure Detail

	<u>2017</u>	<u>2018</u>
Streets	1,167,360	1,320,185
Capital	233,000	396,000
Engineering	349,999	349,085
Capital	47,500	2,000
Health & Sanitation	122,529	122,293
<b>Total Public Works</b>	<b>1,639,888</b>	<b>1,791,563</b>
<b>Capital</b>	<b>280,500</b>	<b>398,000</b>
Parks	984,717	1,080,949
Capital	503,000	1,025,000
Aquatic Park	417,669	422,451
Capital	33,500	119,000
<b>Total Parks &amp; Recreation</b>	<b>1,402,386</b>	<b>1,503,400</b>
<b>Capital</b>	<b>536,500</b>	<b>1,144,000</b>
<b>Operations</b>	<b>7,474,548</b>	<b>8,038,556</b>
<b>Capital</b>	<b>1,190,900</b>	<b>1,751,600</b>
<b>Transfers</b>	<b>35,000</b>	<b>80,000</b>
<b>Total General Fund</b>	<b>8,700,448</b>	<b>9,870,156</b>

# Special Revenue Funds Revenue Sources

	<u>2017</u>	<u>2018</u>
Federal/State Aid	105,000	352,500
Property Tax	175,000	175,000
Local Option Sales Tax	0	600,000
Transfers	140,000	140,000
Charges for Service	584,000	590,000
All Other	5,750	8,500
<b>Total Sources</b>	<b>1,009,750</b>	<b>1,866,000</b>

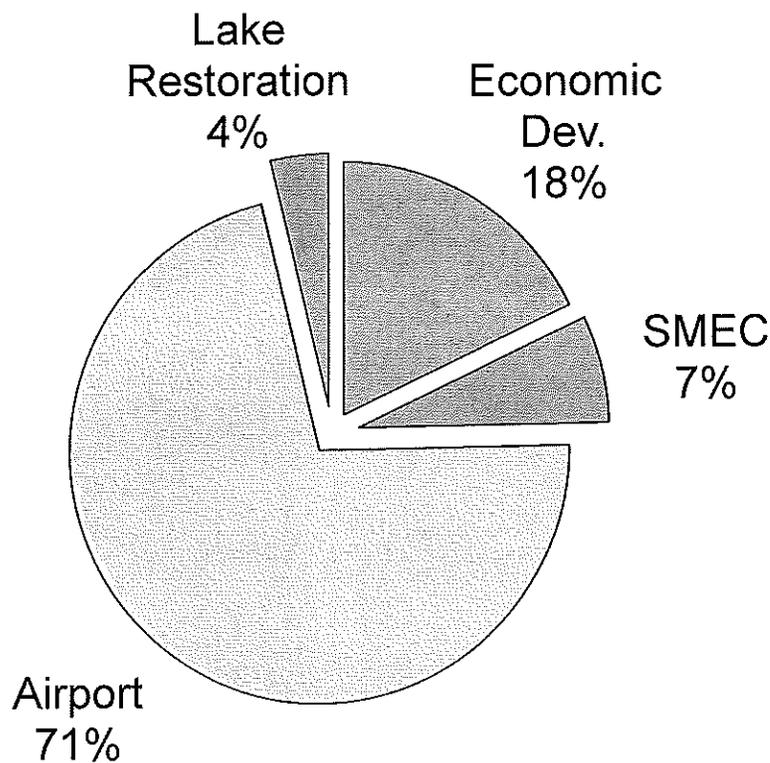
## 2018 Budget



# Special Revenue Funds Expenditures

	<u>2017</u>	<u>2018</u>
Economic Dev.	230,500	230,300
SMEC	86,019	87,419
Airport	623,275	918,675
Lake Restoration	129,020	48,120
<b>Total</b>	<b>1,068,814</b>	<b>1,284,514</b>

## 2018 Budget



# Debt Service Budget

## Revenues

	<u>2017</u>	<u>2018</u>
Taxes - General	1,017,495	1,132,495
Taxes - Tax Increment	120,302	152,126
Assessments	404,000	473,000
Transfers In	35,000	258,787
Other	37,000	31,750
<b>Total</b>	<b>1,613,797</b>	<b>2,048,158</b>

## Expenditures

	<u>2017</u>	<u>2018</u>
Improvement Proj.	1,713,622	1,654,892
Tax Increment Proj.	120,302	152,126
G.O. Proj.	-	-
Transfers Out	-	178,787
<b>Total</b>	<b>1,833,924</b>	<b>1,985,805</b>

## 2018 Capital Expenditures

### Departmental Capital

General Gov't	62,000
Library	7,000
Police	109,600
Fire	31,000
Streets	396,000
Engineering	2,000
Aquatic Park	119,000
Parks	1,025,000
Airport	375,000
Lake Restoration	35,000
	<hr/>
	<b>2,161,600</b>

### Improvement Projects

2018 Street Improvements	100,000
	<hr/>
	<b>100,000</b>

### Improvement Project Revenue Sources

State Aid	100,000
	<hr/>
	<b>100,000</b>

### Liquor Store Project Funding

Net Income Before Transfers	516,716
SMEC	(40,000)
Pioneer Bridge	(225,000)
Winnebago Ball Diamonds	(30,000)
Veterans Park Resurface	(50,000)
Adventure Playground	(150,000)
Refurbish Pool Slides	(83,000)
	<hr/>
Draw from Reserves	<b>(61,284)</b>

## 2018 Departmental Capital Project List

### General Gov't

Demolish Glows Building (426 Winnebago)	\$35,000
Senior Center Roof Repair	\$25,000
Senior Center Lighting Upgrade	\$2,000
	<u>\$62,000</u>

### Library

Windows	\$5,000
Furniture	\$2,000
	<u>\$7,000</u>

### Police

Squad Lightbar	\$2,600
10 AED's	\$20,000
Squad Radar	\$3,500
Office Furniture	\$3,000
K-9 (Dog, School, Lodging etc.)	\$30,000
4 Tasers	\$4,500
Computer Replacement	\$16,000
Replace Squad 2	\$30,000
	<u>\$109,600</u>

### Fire

50 Helmets	\$17,500
5 Sets of Bunker Gear	\$13,500
	<u>\$31,000</u>

### Streets

Plow/Dump Truck	\$170,000
Skid Loader Trailer	\$6,000
Skid Loader Blade	\$10,000
Street/Park Building	\$200,000
Contingency	\$10,000
	<u>\$396,000</u>

### Engineering

Street Rating Software	\$2,000
	<u>\$2,000</u>

### Aquatic Park

Refurbish 3 Pool Slides	\$83,000
Replace Splash Pool Heater	\$30,000
Chemtrol Automatic Control System	\$6,000
	<u>\$119,000</u>

### Parks

72" Deck Mower	\$20,000
Ditch Mower	\$10,000
Veterans Park Resurface	\$50,000
Pioneer Bridge	\$225,000
Cedar Creek Park Trail	\$330,000

Winnebago Ball Diamonds	\$30,000
Street/Park Building	\$200,000
Adventure Playground	\$150,000
Contingency	\$10,000
	<u>\$1,025,000</u>

**Airport**

Runway, Taxiway and Apron crack and seal repair	\$275,000
Design new T-Hangar/Taxilanes	\$100,000
	<u>\$375,000</u>

**Lake Restoration**

Boat Landing Repair	15,000
Invasive Species Projects	20,000
	<u>35,000</u>

# Proposed Property Tax Levy Increase

2017 Levy	Debt Service	1,017,495
	Operations	3,031,535
	<b>Total</b>	<b>4,049,030</b>
2018 Levy	Debt Service	1,067,495
	Operations	3,470,372
	<b>Total</b>	<b>4,537,867</b>
Levy Increase:	\$488,837	12.1%

2018 Property Tax Impact - Will be provided at the December Budget Meeting

	Residential Property		
	\$95,000	\$150,000	\$250,000
2018 City Tax			
2017 City Tax	<u>479.79</u>	<u>757.57</u>	<u>1,262.62</u>
	-479.79	-757.57	-1,262.62
	Commercial/Industrial Property		
	\$500,000	\$1,000,000	\$2,000,000
2018 City Tax			
2017 City Tax	<u>4,671.71</u>	<u>9,722.21</u>	<u>19,823.21</u>
	-4,671.71	-9,722.21	-19,823.21

\* With a 12.1% levy increase, we will need to use \$578,000 in Liquor Store funds for capital projects which will lower our reserves by \$61,284.

\*If we continue to fund our Housing Demo Program with Liquor Store funds, we could lower our levy \$75,000 dropping the levy increase to 10.2%. We would need to lower our Liquor Store reserves by \$136,284 in order to do this.

MEETING DATE: September 11, 2017

SUBJECT: Joint Powers Agreement, South Central MN Computer Consortium

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 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> 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 type="checkbox"/>	Approval	<input checked="" 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 South Central MN Computer Consortium is the partnership group that is made up of southern MN law enforcement agencies who use the records software from the vendor Computer Information Systems (CIS). The Consortium is looking to have its membership approve the formal joint powers agreement.

MOTION: To authorize the Mayor and City Clerk to sign the Joint Powers Agreement for the South Central MN Computer Consortium.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. South Central MN Computer Consortium Joint Powers Agreement

\*\*\*\*\*

Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

**JOINT POWERS AGREEMENT  
SOUTH CENTRAL MN COMPUTER CONSORTIUM**

1. **Name.** The parties hereby establish the South Central MN Computer Consortium which shall be governed by the Joint Powers Board pursuant to Minnesota Statutes Section 471.59.
2. **Parties.** The parties to this agreement shall consist of as many of the following entities that approve this agreement and execute a separate signature page to become parties:

Blue Earth County Sheriff's Office	Blue Earth Police Department
Faribault County Sheriff's Office	Eagle Lake Police Department
Martin County Sheriff's Office	Fairmont Police Department
Waseca County Sheriff's Office	Janesville Police Department
Lake Crystal Police Department	Madison Lake Police Department
Mankato Department of Public Safety	St. Peter Police Department
Waseca Police Department	Wells Police Department
Winnebago Police Department	Mapleton Police Department
New Richland Police Department	Sherburne/Welcome Police Dept.
Tri-City Police Department	Trimont Police Department
Truman Police Department	

New parties may be added following the creation of this organization by following these same steps. This Agreement superseded any and all prior agreements.

3. **Purpose.** The purpose of this agreement is to provide for the joint exercise of the parties' powers requiring coordination to plan for the needs of the South Central MN Computer Consortium. The joint exercise of the parties' powers pursuant to this agreement is intended to supplement and complement but not supplant the parties' joint and individual powers of planning and coordination, costs incurred to plan, implement and maintain a Records Management System (RMS), Computer Aided Dispatch (CAD) system, Jail Management System (JMS), and Mobile Computer System (MCS).

4. **Representation and Governance.** Each party to this agreement is entitled to a representative at all Board meetings. Voting on items of interest (as outlined in section 3) will be held at Board meetings, as outlined in the By-laws. Board members will perform governance functions, as outlined in the By-laws.

*4.1. Governing Board.* The governing board formed pursuant to this Joint Powers Agreement shall be known as the Board.

*4.1.1. Membership and Representation.* The Board shall be constituted as follows: one (1) member designated by each party. Each party shall appoint one member and one alternate. Each party shall be

responsible for appointing replacements as consistent with their administrative appointment policies.

4.1.2. *Documentation.* Resolutions or other documentation of designation shall be filed with the individual parties as well as with the Board.

4.1.3. *Members not Employees.* Members of the Board shall not be deemed to be employees of the Board and will not be compensated for serving on the Board. For all purposes, including workers compensation, each member of the Board shall be considered to be an employee of the party who appointed the member.

4.1.4. *Ex Officio Members.* The Board may designate ex officio members to serve on the Board. Such members shall be non-voting, will not be counted for quorum purposes, will not be eligible to serve as an officer of the Board and are ineligible to attend any Board meeting closed pursuant to Minn. Stat. Ch. 13D (Open Meeting Law).

4.1.5. *Ad Hoc or Sub-committees.* The South Central MN Computer Consortium may request as necessary party representatives to form ad hoc, sub-Board and/or oversight committees. The Board shall have the authority to appoint such committee members as it deems necessary to fulfill the purpose of this agreement. Ad hoc or sub-committees will be used solely as advisory groups to the Board to determine action, votes or direction for the Board. Ad hoc or sub-committees may be asked to work with contractors in advisory roles for the Board.

4.1.6. *Meetings.* The Board shall comply with the requirements of Minn. Stat. Ch. 13D. The Board shall have regular meetings at such times and places as the Board shall determine and shall give notice pursuant to Minn. Stat. section 13D.04, subd. 1. Special meetings may be held on reasonable notice by the Board pursuant to Minn. Stat. section 13D.04, subd. 2. Emergency meetings may be held and notice given pursuant to Minn. Stat. section 13D.04, subd. 3.

4.1.7. *Quorum and Voting.* A quorum shall consist of no less than 51% of members or alternates eligible to vote. No action may be taken unless a quorum is present. Board action shall be determined by a majority of the votes cast at the meeting.

4.2. *By-Laws.* The Board may adopt By-laws to govern its operation. Such By-laws shall be consistent with this agreement and applicable laws.

5. **Duties of the Board.** The Board shall formulate a program to carry out its purposes pursuant to section 3.

6. **Reservation of Authority.** All responsibilities not specifically set out to be jointly exercised by the Board under this agreement are hereby reserved to the parties and each of them. Nothing in this agreement shall act as a waiver by a participating party of its individual power and legal authority to provide the services contemplated for this agreement as outlined in the Purpose section 3 above.

7. **Powers of the Board.**

7.1. *General Powers.* The Board is hereby authorized to exercise such authority and powers common to the parties as is necessary and proper to fulfill its purposes and perform its duties. All powers granted herein shall be exercised by the Board in a fiscally responsible manner and in accordance with the requirements of law. Such authority shall include the specific powers enumerated in paragraph 7.2.

7.2. *Specific Powers.*

7.2.1. *Contracts.* The Board may enter into any contract necessary or proper for the exercise of its powers or the fulfillment of its duties and enforce such contracts to the extent available in equity or at law. Contracts let and purchases made pursuant to this agreement shall conform to the requirements applicable to contracts and purchases of the fiscal agent of the Board. The Board may approve any contract relating to this agreement up to the amounts of the grant agreements and may authorize the Chair or Vice Chair to execute those contracts.

7.2.2. *Funds.* The Board may disburse funds in a manner that is consistent with this agreement and with the method provided by law for the disbursement of funds. All funds shall be accounted for according to generally accepted accounting principles.

7.2.3. *Gifts and Grants.* The Board may apply for and accept gifts, grants or other property or assistance from the United States government, the State of Minnesota, any tribal government, or any person, association, or agency for any of its purposes; enter into any agreement in connection therewith; and hold, use and dispose of such money or other property and assistance in accordance with the terms of the gift or grant relating thereto, and in accordance with all applicable laws, rules and regulations relating to the acceptance of gifts or grants by the parties.

7.2.4. *Fiscal Agent.* The Board may contract with any of its parties, to act as fiscal agent, to provide any and all budgeting and accounting services necessary or convenient for the Board. The chief

financial officer of the party so selected shall act as comptroller for the Board and shall draw warrants to pay demands against the Board when the demands have been approved by the Board pursuant to paragraph 7.2.1 above. The fiscal agent shall not advance pass through or expense reimbursement grant funds to any parties. The parties acknowledge that if grant terms require provision of documentation by the fiscal agent for any purpose including securing reimbursement from the grantor, the receiving party must provide the documentation to the fiscal agent on the schedule established by the fiscal agent so that sufficient processing time is available to pass the information through to the grantor. The fiscal agent will make reasonable efforts to gather and pass on required documentation, but staff absences or work load may delay this process. The fiscal agent will not be responsible for any interest or fees due to delayed pass through of funds which result from receiving party's failure to provide documentation on a timely basis. The fiscal agent will be not responsible for requesting, editing, reviewing, changing, or verifying any information provided to it by a receiving party for a grant unless agreed to in writing in advance by the fiscal agent.

7.2.5. *Legal Authority.* The Board may contract with any of its parties to serve as legal authority for the Board and act as advisor for contracts and grant matters for the Board

7.2.6. All powers granted herein shall be exercised by the Board in a fiscally responsible manner and in accordance with the requirements of law.

## 8. **Budgeting and Funding.**

8.1. *Expenses, Dues, Accountability.* The parties understand and acknowledge that the activities and duties of the Board are to be funded first by grant monies from the federal government, state government or other associations and agencies. Dues may be assessed on new parties, or as outlined in the By-laws. All funds shall be accounted for according to generally accepted accounting principles. A report of all receipts and disbursements shall be forwarded to the parties prior to the quarterly board meetings and on an annual basis. The Board shall review and approve the financials at the Board meetings.

8.2. *Federal and State Grant Funds Available to Parties.* The parties understand and acknowledge that federal and state grant funds may be made available for the purposes of improving and enhancing local government units' RMS, CAD system, JMS, and MCS. The parties further understand and acknowledge that some such federal and state grant funds may be made available directly to county parties with the intention that the funds be expended for the benefit also of jurisdictions within the county. The Board will expend any such funds only in accordance with the terms of any

applicable grant agreement, approved budget, laws and rules. This paragraph does not prohibit any party from unilaterally applying for, receiving and expending grant funds made available for the purposes identified in this paragraph.

**9. Liability, Indemnification and Hold Harmless, and Insurance.** This section shall survive termination of this agreement or a party's withdrawal from the agreement.

*9.1. Applicability.* The SOUTH CENTRAL MN COMPUTER CONSORTIUM shall be considered a separate and distinct public entity to which the parties have transferred all responsibility and control for actions taken pursuant to this agreement. The SOUTH CENTRAL MN COMPUTER CONSORTIUM shall comply with all laws and rules that govern a public entity in the State of Minnesota and shall be entitled to the protections of Minn. Stat. Ch. 466.

*9.2. Indemnification and Hold Harmless.* The SOUTH CENTRAL MN COMPUTER CONSORTIUM shall fully defend, indemnify and hold harmless the parties against all claims, losses, liability, suits, judgments, costs and expenses by reason of the action or inaction of the Board and/or employees and/or the agents of the SOUTH CENTRAL MN COMPUTER CONSORTIUM. This agreement to indemnify and hold harmless does not constitute a waiver by any party of limitations on liability provided under Minn. Stat. section 466.04.

To the full extent permitted by law, actions by the parties pursuant to this agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the parties that they shall be deemed a single governmental unit for the purpose of liability, as set forth in Minn. Stat. section 471.59, subd. 1a(b). Pursuant to that statute, the parties to this agreement expressly decline responsibility for and are not liable for the acts or omissions of the other parties to this agreement except to the extent to which they have agreed in writing to be responsible for acts or omissions of the other parties, subject to the sole exception set forth below.

Any party who receives grant dollars passed through by the fiscal agent, agrees to save and hold harmless the fiscal agent's party for any determinations by any granting authority that grant dollars used by or received by the party were used **for an illegal or unauthorized purpose** and **therefore** must be repaid to the State or Federal government granting authority. In that event, the party agrees to pay any necessary amounts, including any penalties, interest, or fees of any kind, on the time schedule determined by the State or Federal government to the payee determined by the State or Federal government. If the fiscal agent, solely in its own discretion, agrees to be an intermediary in any repayments for a party in this

situation, that party agrees to cooperate fully with the fiscal agent and to not delay any necessary payments. The party agrees to reimburse the fiscal agent for any reasonable costs incurred by the fiscal agent related to assisting the party or caused by complying with the requests of the granting authority related to funds received by the party.

9.3. *Insurance.* The Board shall obtain such insurance it deems necessary to indemnify the Board and its members for actions of the Board and its members arising out of this agreement, distinct from insurance which may be provided by each party, and consistent with the risk exposure of the Board under the state tort liability limits found in Minn. Stat. Ch. 466.

9.4. *Property Insurance.* The Board may obtain insurance covering any property acquired by the Board which is not subsequently passed through to the parties.

10. **Term.** The Board shall be constituted and the term of this agreement shall commence upon approval and signature of a majority of the entities listed in section 2. The agreement shall be in effect only with respect to the parties who have approved and signed it.

11. **Withdrawal and Termination.**

11.1. *Withdrawal.* Any party may withdraw from this agreement upon ninety (90) days written notice to the other parties. Withdrawal by any party shall not terminate this agreement with respect to any parties who have not withdrawn. Withdrawal shall not discharge any liability incurred by any party prior to withdrawal. Such liability shall continue until discharged by law or agreement.

11.2. *Termination.* This agreement shall terminate upon the occurrence of any one of the following events: (a) when necessitated by operation of law or as a result of a decision by a court of competent jurisdiction; or (b) when a majority of parties agree to terminate the agreement upon a date certain.

11.3. *Effect of Termination and Withdrawal.* Termination shall not discharge any liability incurred by the Board or by the parties during the term of this agreement. Upon termination, property or surplus money held by the Board shall then be distributed to the parties in proportion to contributions of the parties. Financial obligations shall continue until properly discharged, discharged by law, this Agreement or any other Agreement. Upon termination by a party, the party may retain personal property, software and hardware it has received and owns, but shall forfeit any unexpended funds it has contributed to the consortium. The RMS, CAD, JMS, Mobile Computer System, its hardware and software, is owned by the consortium

and may be disbursed by agreement of all parties or upon final termination of all parties to this agreement.

**12. Miscellaneous.**

*12.1. Amendments.* This agreement may be amended only in writing and upon the written consent of the governing bodies of all of the parties.

*12.2. Review.* The parties agree to review the terms of the agreement every five (5) years after the commencement of this agreement.

*12.3. Records, Accounts and Reports.* The books and records of the Board shall be subject to the provisions of Minn. Stat. Ch. 13 and Minn. Stat. section 16C.05, subd. 5.

*12.4. Counterparts.* This agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Counterparts shall be filed with the Board Chair.

*12.5. Merger.* This agreement constitutes the entire agreement between the parties as to the matters addressed in this agreement. No waiver, consent, modification, or change of terms of this agreement shall bind any party unless in writing and signed by all parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement other than those contained in any By-laws which may be adopted by the Board intended to help carry out the terms of this agreement.

*12.6. Waiver.* The failure of any party to enforce any provision of this agreement shall not constitute a waiver by that party of that or any other provision.

*12.7. Assignment.* No party may assign its interest in this agreement.

*12.8. Applicable law.* This agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

*12.9. Concurrence.* By executing this agreement, the parties acknowledge that they: (a) enter into and execute this agreement knowingly, voluntarily and willingly of their own volition with such consultation with legal counsel as they deem appropriate; (b) have had a sufficient amount of time to consider this agreement's terms and conditions, and to consult an attorney before signing this agreement; (c) have read this agreement, understand all of its terms, appreciate the significance of those terms and have made the decision to

accept them as stated herein; and (d) have not relied upon any representation or statement not set forth herein.

**JOINT POWERS AGREEMENT  
SOUTH CENTRAL MN COMPUTER CONSORTIUM**

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed by the persons authorized to act for their respective Parties on the date shown below.

Approved as to form(ADOPTED):

JURISDICTION OF FAIRMONT POLICE DEPARTMENT

By: \_\_\_\_\_  
Legal Authority

By: \_\_\_\_\_  
Board/Council Chairperson  
Deborah J. Foster, Mayor

Date: \_\_\_\_\_

Date: 9/11/17

Attest: \_\_\_\_\_  
City Clerk/County Auditor  
Patricia J. Monsen, City Clerk  
Date: 9/11/17