

# FAIRMONT CITY COUNCIL AGENDA

## 1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

**MONDAY, APRIL 9, 2018**

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. READING OF MINUTES –

6.1 Minutes of Regular Meeting, March 26, 2018

**(01-02)**

## 7. OPEN DISCUSSION

## 8. RECOGNITIONS/PRESENTATIONS -

## 9. SCHEDULED HEARINGS –

**10. ADMINISTRATIVE APPEALS –**

**11. FINANCIAL REPORTS –**

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

**13. LICENSES AND PERMITS –**

**14. OLD BUSINESS –**

**15. NEW BUSINESS –**

- |       |  |         |
|-------|--|---------|
| 15.1  | Resolution to Apply to Participate in National Flood Insurance Program | (03)    |
| 15.1a | Resolution 2018-11   | (04-05) |
| 15.2  | Railroad Quiet Zone Discussion   | (06)    |
| 15.2a | Mike Humpal, CEcD, City Administrator Memo dated April 4, 2018         | (07-08) |
| 15.3  | Presentation on the City's ADA transition plan process                 | (09)    |
| 15.4  | ENRTF Grant Application  | (10)    |
| 15.4a | Resolution 2018-13   | (11-12) |
| 15.4b | Project map  | (13)    |

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

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

**18. ADJOURNMENT –**

**ADDITIONAL ATTACHMENTS –**

The minutes of the Fairmont City Council meeting held on Monday, March 26, 2018 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, Bruce Peters and Jim Zarling were present. 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 Peters to approve the agenda with the addition of the control sheet for item 16.1 Accounts Payable. Council Member Hasek seconded the motion and the motion carried.

It was moved by Council Member Cyphers, seconded by Council Member Hasek and carried to approve the minutes of the regular City Council meeting of March 12, 2018.

Members of the Fairmont Soccer Association updated the City Council on the Soccer Association's activities and its value to the City. Kristin Thingstad, Chris Johnston, Mike Dietz, and Matt Tennyson all spoke. The Association made a plea to volunteers to help staff a Director's position for summer recreational soccer.

Mayor Foster opened the public hearing on proposed **Ordinance 2018-12**, Restrictive Floodplain Management Ordinance. There was no public comment. Council Member Zarling made a motion to close the public hearing. Council Member Hawkins seconded the motion and the motion carried. Council Member Peters made a motion to approve **Ordinance 2018-12**. Council Member Hawkins seconded the motion. On roll call: Council Members Hawkins, Hasek, Peters, Zarling and Cyphers all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Cyphers made a motion to approve the event permit for Interlaken Heritage Days to be held June 8-10, 2018. Council Member Hasek seconded the motion and the motion carried.

Marlys Brummond and Rachel Greely, Committee Members of Interlaken Heritage Days gave a presentation to the Council and requested funding. Council Member Peters made a motion to approve \$6,000.00 in funding to the Interlaken Heritage Days Committee for the 2018 community festival. Council Member Zarling seconded the motion and the motion carried.

William Douglass, P.E. from Bolton & Menk, Inc. gave a presentation on the Eastside (Burton Lane) Stormwater Study.

Council Member Peters made a motion to approve the signing of the Ratification Statement by the Mayor and City Clerk to reaffirm the City's participation in the Minnesota Counties Computer cooperative. Council Member Hasek seconded the motion and the motion carried.

Council Member Zarling made a motion to approve the payment of the March 2018 bills in the amount of \$554,476.30. Council Member Peters seconded the motion and the motion carried.

Mayor Foster reported on the first "Saturday with the City," which took place at the Knights of Columbus Hall on Saturday, March 17<sup>th</sup>. The next meeting is scheduled for May 5<sup>th</sup> at Cedar Creek Park.

A motion was made by Council Member Zarling, seconded by Council Member Cyphers and carried to adjourn the meeting at 6:40 p.m.

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Deborah J. Foster  
Mayor


ATTEST:

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Patricia J. Monsen, City Clerk

MEETING DATE: April 9, 2018

SUBJECT: Resolution to Apply to Participate in National Flood Insurance Program

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY: Mike Humpal, CEcD, City Administrator

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input checked="" 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: Councilor Tom Hawkins

**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 type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input 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 process for the City of Fairmont to participate in the National Flood Insurance Program, the City Council needs to pass a resolution of intent.

MOTION: To approve Resolution 2018-11, a resolution to apply to participate in the National Flood Insurance Program

VOTE REQUIRED: Simple majority – Roll call.

**ATTACHMENTS:**

1. Resolution 2018-11
- 2.

\*\*\*\*\*

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

**RESOLUTION 2018-11**

**RESOLUTION TO APPLY TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM**

**WHEREAS**, certain areas of the city of Fairmont are subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and,

**WHEREAS**, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and,

**WHEREAS**, it is the intent of the Fairmont City Council to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and,

**WHEREAS**, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Minnesota Statutes Chapters 103F and 462.

**NOW, THEREFORE, BE IT RESOLVED, that the Fairmont City Council hereby:**

1. Assures the Federal Emergency Management Agency that it will enact as necessary in those areas having flood or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions, including:

a. Require permits for all proposed construction or other development in the community so that it may determine whether such construction or other development is proposed with the floodplain.

b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law.

c. Review and maintain all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

d. Review and maintain all permit applications to ensure that any development activities are consistent with criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations.

2. Vests the Community Development Director with the responsibility, authority and means to:

a. Assist the FEMA Administrator, at his request, in his delineation of the limits of the area having special flood or flood-related erosion hazards.

b. Provide such information as the FEMA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.

c. Cooperate with federal, state and local agencies and private firms which undertake a study, survey, map and identify floodplain or flood-related erosion areas and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation or existing hazards.

d. Submit on the anniversary date of the community's initial eligibility an annual report to the FEMA Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

e. Upon occurrence, notify the FEMA Administrator, in writing, whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Rate Maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

f. Ensure that the community's Flood Insurance Rate Maps are maintained and kept current by providing the Federal Emergency Management Agency with any new or updated flood risk data or any modified date reflecting natural or man-made changes to the floodplain.

3. Appoints the Community Development Director to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures and include whether or not such structures contain a basement, and if the structure as been flood proofed the elevation (in relation to mean sea level) to which the structure was floodproofed.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

PASSED, APPROVED AND ADOPTED, this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

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Deborah J. Foster, Mayor

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Patricia J. Monsen, City Clerk

MEETING DATE: April 9, 2018

SUBJECT: Railroad Quiet Zone

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input checked="" 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 type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: Discussion regarding Railroad Quiet Zone.

MOTION:

VOTE REQUIRED:

ATTACHMENTS:

1. Mike Humpal, CEcD, City Administrator Memo dated April 4, 2018
2. \_\_\_\_\_
3. \_\_\_\_\_

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






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

Phone (507) 238-9461

Fax (507) 238-9469

MEMO

DATE: April 4, 2018  
TO: Mayor and City Council  
FROM: Mike Humpal, CEcD, City Administrator   
RE: Railroad Quiet Zone

Councilor Hawkins had a request from a citizen for Fairmont to research Quiet Zones. A Quiet Zone is an area of, or the entire community which prohibits the use of train whistles as a warning sign. This issue has come up several times over the years, most recently I addressed the City Council in 2015.

My contact at Mn/DOT is Dennis Williams, Project Manager Rail Administrator. The short answer that I received was that for Fairmont to adopt a Quiet Zone, we must place crossing gates at each grade crossing within Fairmont City Limits. Indus Street, Prairie Avenue, Pioneer Drive and Fairlakes would all require a Midian System and Gates (crossing arms). In 2015, Crossing gates cost approximately \$250,000 per crossing. Median Construction per crossing is an additional \$40,000 for a total of \$290,000, multiplied by four is \$1,160,000.

Quiet Zones are the result of an action from the Community and not the railroad or the State. Therefore, there are no state or federal funds available to off-set the cost to the City. Of the 853 cities in Minnesota, 27 have Quiet Zones.

There is some discussion at Mn/DOT that Prairie Avenue could have an Average Daily Traffic Count high enough to warrant crossing gates. Mn/DOT would pay 100% if the traffic counts warrant.

The other issue raised lately concerning the railroad are the long delays. This is a problem as trains can be a mile long. Minn. Stat. 219.383, Subd. 3 prohibit the railroad from allowing a train to block a grade crossing for longer than ten minutes, a moving train is exempt. The difficulty here is if the City wants to issue a citation, it must be issued to the company not the locomotive Engineer. Further, cities have minimal authority to regulate railroad and or their action and operation.

Memo – April 4, 2018  
Railroad Quiet Zone  
Page 2


I am teaming up with Mayo to cooperatively address the issue of train delays to the Union Pacific Railroad Management. I will keep you posted as to our progress.

Do not hesitate to contact me with questions. I am also happy to address Quiet Zones at a City Council meeting.

MH:pm

MEETING DATE: April 9, 2018

SUBJECT: Presentation on the City's ADA transition plan process

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, PE, Director of Public Works/City Engineer

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

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
<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 City will need to have an ADA transition plan adopted to qualify for federal funds beginning in FY 2019. City staff is preparing this document and will be presenting some background information on the need for the plan and how it will be implemented.

MOTION: None required

VOTE REQUIRED: N/A

ATTACHMENTS:

- 1.
- 2.

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

MEETING DATE: April 9, 2018

SUBJECT: ENRTF Grant Application

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, PE, Director of Public Works/City Engineer

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

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
<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: City staff is requesting to apply for grant funds from the Environment and Natural Resources Trust Fund (ENRTF) to construct a water quality pilot system on City-owned property west of Hall Lake. This project would treat a portion of the runoff from the Dutch Creek Watershed. This watershed is currently being monitored for high nitrate levels and this pilot project would be completed to evaluate the overall function of water quality treatment system. Successful results may lead to implementation of a larger treatment system or many smaller ones within this watershed. Staff is requesting the Council approve this support resolution to be submitted with the application.

MOTION: To approve Resolution 2018-13.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution 2018-13
2. Project map

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

RESOLUTION 2018-13

2019 Environment and Natural Resources Trust Fund (ENRTF) Grant Application to the  
Legislative-Citizen Commission on Minnesota Resources (LCCMR)

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

BE IT RESOLVED that the City of Fairmont act as legal sponsor for the project contained in the ENRTF grant application to be submitted on April 11, 2018 and that Troy Nemmers, City Engineer, is hereby authorized to apply to the LCCMR for funding of this project on behalf of the City of Fairmont.

BE IT FURTHER RESOLVED that the proposed project consists of constructing a water quality feature within the Dutch Creek watershed to assist in the removal of nitrates prior to entering Hall Lake.

BE IT FURTHER RESOLVED that the City of Fairmont supports the proposed project identified on the ENRTF application.

BE IT FURTHER RESOLVED that the City of Fairmont has the legal authority to apply for financial assistance, and 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 owns the property and will not require acquisition of any fee title or permanent easement over the land described in the site plan included in the application.

BE IT FURTHER RESOLVED that, the City of Fairmont certifies that it will comply with all applicable laws and regulations pertaining to this grant application.

NOW, THEREFORE BE IT RESOLVED that the City of Fairmont is hereby authorized to submit such application to the LCCMR as necessary to meet the application deadlines.

Motion by:  
Second by:  
All in favor:  
All opposed:  
Abstained:  
Absent:

Adopted this 9<sup>th</sup> day of April, 2018

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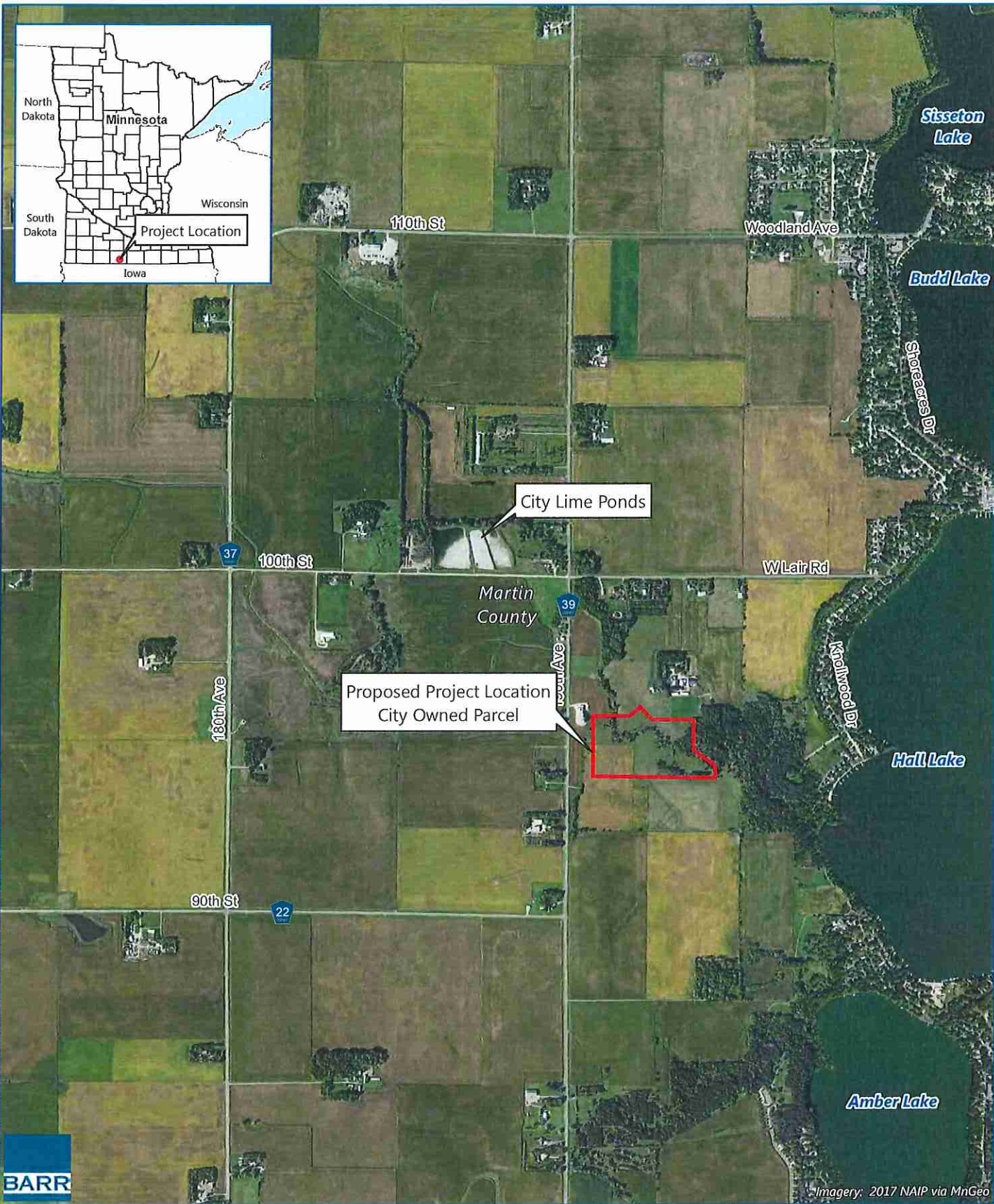
Deborah J. Foster  
Mayor

ATTEST:


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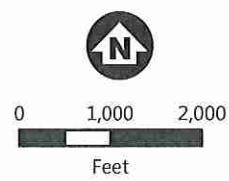
Patricia J. Monsen  
City Clerk





Imagery: 2017 NAIP via MnGeo

 City Owned Parcel  
Boundary (Approximate)



**PROPOSED SITE LOCATION**  
LCCMR Project  
City of Fairmont, MN  
**FIGURE 1**