

# FAIRMONT CITY COUNCIL AGENDA

## 1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

**MONDAY, SEPTEMBER 9, 2019**

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

## 2. ROLL CALL -

Mayor Foster

Councilors:

Cyphers

Hasek

Hawkins

Lubenow

Peters

## 3. DETERMINATION OF QUORUM -

## 4. PLEDGE OF ALLEGIANCE -

## 5. APPROVAL OF AGENDA -

## 6. READING OF MINUTES –

6.1 Minutes of Regular Meeting, August 26, 2019

**(01-03)**

## 7. OPEN DISCUSSION

**(04)**

## 8. RECOGNITIONS/PRESENTATIONS -

## 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 the Ribbon Cutting of the Fairmont Miniature Golf Course (05)
- 13.1a Permit Application (06-08)

**14. OLD BUSINESS –**

**15. NEW BUSINESS –**

- 15.1 Resolution Declaring Costs to be Assessed for 2019 Improvement Program and Ordering the Preparation of the Assessment Roll (09)
- 15.1a Resolution 2019-36 (10-12)
- 15.2 Call for Public Hearing on Proposed Assessments for the 2019 Improvement Program (13)
- 15.2a Resolution 219-37 (14-15)
- 15.2b Public Hearing Notice (16-18)
- 15.3 Multifamily Housing Tax Abatement Proposal (19)
- 15.3 Proposed multifamily housing tax abatement program (20-21)
- 15.4 State Grant Agreement for New T-hangar at Airport (22)
- 15.4a State Grant Agreement #1035127 (23-26)
- 15.4b Resolution 2019-38 (27)
- 15.5 Excess Inventory (28)
- 15.5a List of Excess Inventory (29)
- 15.5 KSTP Report (30)
- 15.6 Civil Legal Counsel (31)

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, August 26, 2019 at the City Hall Council Chambers.

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

Council Members Ruth Cyphers, Wayne Hasek, Tom Hawkins, Randy Lubenow and Bruce Peters were present. Also, in attendance: City Administrator Mike Humpal, Public Works Director/City Engineer Troy Nemmers, Finance Director Paul Hoye, City Clerk Patricia J. Monsen, Police Chief Mike Hunter and Interim City Attorney Erik Ordahl.

It was moved by Council Member Peters to approve the agenda as presented. Council Member Hasek seconded the motion and the motion carried.

It was moved by Council Member Cyphers, seconded by Council Member Hawkins and carried to approve the minutes of the City Council meeting held on August 12, 2019.

There was no open discussion.

Brigid Tuck of the University of Minnesota Extension, Mankato Regional Office presented a campground study of the potential economic contribution of a City-owned campground in the City of Fairmont.

Troy Nemmers gave a presentation on the City's existing metering infrastructure load management and lift station monitoring and a proposal to convert the City over to an AMI system.

Mayor Foster opened the public hearing on the proposed tax abatement request from CHS, Inc. for the \$100,000,000 expansion to their current facility. Jason Harris, Lynn Harris and Mike Borchardt all neighbors of CHS voiced their concerns regarding semi parking, safety and water issues. Brandon Nordstrom, Plant Manager and Tom Malecha, Senior Vice President of Processing and Food Ingredients for CHS, Inc. addressed the neighbor's concerns. Ralph McMillian of 983 Shoreacres Drive and Bruce Ehlers of 3708 Cedar Creek Court spoke in favor of the tax abatement. Council Member Peters made a motion to close the public hearing. Council Member Hasek seconded the motion and the motion carried. After much discussion by the council, Council Member Peters made a motion to approve **Resolution 2019-34** approving property tax abatement and authorizing execution of a tax abatement and business subsidy agreement. Council Member Hasek seconded the motion. On roll call: Council Members Lubenow, Peters, Cyphers, Hasek and Hawkins all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Hasek made a motion to approve the Event Permit for Grace Lutheran Church to block off Grant Street between Tilden and Webster Streets for an event to be held on September 8, 2019 from 9:30 a.m. – 1:00 p.m. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to approve an Event Permit for Fairmont United Methodist Church to hold a multi-block party at Veterans Park on September 4, 2019 from 5:00 p.m. – 8:00 p.m. Council Member Cyphers seconded the motion and the motion carried. Pastor Tony Fink spoke about the event.

Council Member Hasek made a motion to approve proposed **Resolution 2019-32** a resolution updating the City of Fairmont's Data Practices Policy, Records Retention and Appointing a Responsible Authority. Council Member Peters seconded the motion. Interim City Attorney Ordahl explained the reason for the update. On roll call: Council Members Hasek and Peters voted aye. Council Members Hawkins, Lubenow and Cyphers all voted nay. Mayor Foster declared said motion did not pass.

Council Member Lubenow made a motion to authorize the Mayor to sign Amendment #1 to Task Order #7 with KLJ for professional services at the airport. Council Member Peters seconded the motion and the motion carried.

Council Member Lubenow made a motion to authorize the Mayor and City Clerk to sign the Grant Agreement with the MN DNR for funding of a proposed project. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to approve **Resolution 2019-35**, a resolution stating the need for a variance from standard for state aid operation for Lake Avenue Reconstruction Project S.A.P. 123-111-010. Council Member Lubenow seconded the motion. On roll call: Council Members Peters, Cyphers, Hasek, Hawkins and Lubenow all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Cyphers made a motion to direct staff and legal counsel to determine the process of having an audit under Minnesota Statute 6.55, examination of records resolution of governing body. Council Member Lubenow seconded the motion and the motion carried.

Council Member Peters made a motion to approve the payment of the August 2019 bills in the amount of \$1,425,728.09. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins stated that he had received a call from a victim of abuse, whose alleged perpetrator was one of the cases which the County Attorney's Office received from the City Attorney's office and which prosecution was declined by the County Attorney's Office because the statute of limitations had passed. Council Member Hawkins asked city staff if they were aware of the cases being near or passed the statute of limitations. Humpal stated that he was not aware.

Council Member Lubenow reminded everyone of Grace Lutheran's event on September 8, 2019 and if anyone is in need of help, they should call the church.

Council Member Lubenow also advised of an incident involving Police, Sheriff and Ambulance at the 500 block of Blue Earth Avenue and he hopes that the Landlord is made aware of the event. Humpal stated that once a week the police calls for service are reviewed, and landlords are notified if it is warranted.

Council Member Cyphers asked where the checks and balances are for police reports which are sent to the City Attorney for review.

Mayor Foster read letters from the League of Minnesota Cities recognizing Representative Bob Gunther and Senator Julie A. Rosen for their contributions to Minnesota cities.

A motion was made by Council Member Peters, seconded by Hawkins and carried to adjourn the meeting at 7:19 p.m.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

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

**MEETING DATE:** September 9, 2019

**SUBJECT:** Open Discussion

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

**SUBJECT INITIATION BY:**

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

**INTRODUCED BY:** Mayor Deborah J. Foster

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

**MOTION:** None

**VOTE REQUIRED:**

**ATTACHMENTS:**

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

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

MEETING DATE: September 9, 2019

SUBJECT: Event Permit for the Ribbon Cutting of the Fairmont Miniature Golf Course

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
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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: Project 1590 – Kids Just Want to Have Fun is requesting an Event Permit to hold the ribbon cutting of the Fairmont Miniature Golf Course. The event is planned for Sunday, September 22, 2019 from 3:00-6:00 p.m.

MOTION: To approve the Event Permit for Project 1590 – Kids Just Want to hold the Ribbon Cutting of the Fairmont Miniature Golf Course.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Permit Application.

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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: Aug. 19, 2019

Permit Fee: \$15.00

Event: Ribbon Cutting of Fairmont Miniature Golf Course

Sponsoring entity: Project 1590 - Kids Just Want to Have Fun

Address: 702 Albion Ave., Fairmont MN 56031

Maximum estimated number of persons expected to attend at any one time: 50-100

Event coordinator(s): Laura Oisen

Contact Info: 712-209-0995 Phone # inman1107@hotmail.com E-mail

Primary contacts (during event): Name: Laura Oisen Name: Betsy Tino Cell#: 712-209-0995 Cell#: 507-236-8545 E-mail: inman1107@hotmail.com E-mail: dbtino@minutemanpress.com

Event Start: Day/Date Sunday Sept. 22, 2019 Time: 3:00
Event End: Day/Date Sunday Sept. 22, 2019 Time: 6:00
Setup: Day/Date Sunday Sept. 22 Start time: 1:30 End Time: 2:45
Teardown: Day/Date Sunday Sept. 22 Start time: 6:15 End Time: 7:30

1. Type and description of the event and a list of all activities to take place at the event. Grand opening and ribbon cutting event for Fairmont miniature golf course. Face painting, rock painting, free play of the course, informative booths of 1590 groups and projects, Baron Capital USA merchandise sales, waters donated by Fareway, Pizza Ranch by the slice, food vendors - D's Popcorn, Simply Cheesecakes and O'Scoops Ice Cream.

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. Grassy area and walking path near miniature golf course will need additional trash cans and park benches which have been requested and discussed with Troy Nemmers / Nick Lardy Bob's Biffy's will supply portable restroom - location TBD

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: 106.5 Lakes FM will be present with music and live advertisement
  
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).
  
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 Jawa Olson Title Chair woman Kids Just Want to Have Fun Date Aug. 19, 2019

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:	
Requires Council Approval	<input type="checkbox"/> Yes; <input type="checkbox"/> No	Council Meeting Date:	Action:
City Administrator Approval	Yes	No	Date

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



**CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 15.1**

**MEETING DATE:** September 9, 2019

**SUBJECT:** Resolution declaring costs to be assessed for 2019 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 timelines for the assessments of the 2019 Improvement Program, the Council must adopt a resolution calling for the preparation of the assessment roll.

**MOTION:** To adopt Resolution No. 2019-36, declaring costs for the 2019 Improvement Program and ordering the assessment roll to be prepared.

**VOTE REQUIRED:** Simple majority

**ATTACHMENTS:**

1. Resolution No. 2019-36 \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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

## RESOLUTION NO. 2019-36

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

### RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENTS FOR THE 2019 IMPROVEMENT PROGRAM

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

<u>Project No.</u>	<u>Description</u>
	<b><u>RECONSTRUCTION</u></b>
5719001	Winnebago Avenue: TH15 to Gravel Surface
	<b><u>RESURFACE</u></b>
6719001	Burton Lane: S. Perimeter Street to N. Perimeter Street
6719002	Lynn Street: Deadend to E. Interlaken Road
6719003	Parking Lot F
	<b><u>OVERLAY</u></b>
8719001	4 <sup>th</sup> Street: Prairie Avenue to TH15
8719002	Albion Avenue: Lake Aires Road to Interlaken Road
8719003	Day Farm Trail: Hengen Street to New Pavement
	<b><u>SEAL COAT</u></b>
7519001	E. 3 <sup>rd</sup> Street: Prairie Avenue to Deadend
7519002	W. 3 <sup>rd</sup> Street: Beach Street to Lake Avenue
7519003	Camelot Court: Home Street to Deadend
7519004	Cardinal Street: Charles Street to TH15
7519005	Charles Street: Deadend to Cardinal Street
7519006	Downtown Lot A
7519007	Elm Street: 1 <sup>st</sup> Street to Deadend
7519008	Eltinge Place: Deadend to Interlaken Road
7519009	Joe Burns Trail: Hall Street to Aquatic Park
7519010	Lair Road: Shoreacres Drive to Albion Avenue
7519011	North Avenue: Margaret Street to Bridge
7519012	Oxford Street: Victoria Street to Willow Street
7519013	Park Street: Budd Street to Blue Earth Avenue
7519014	Stade Lane: Deadend to Prairie Avenue
7519015	Steve Pierce Park
7519016	Summit Drive: Concrete to Woodland Avenue

**RESOLUTION NO. 2019-36, continued**

7519017                      Victoria Street: Albion Avenue to Cambridge Street  
7519018                      Water Plant  
7519019                      Webster Street: TH15 to Home Street

And the estimated contract price for such improvements are \$4,077,461.11 and the expenses incurred or to be incurred in the making of such improvements are estimated at \$815,492.22 so that the total cost of the improvement is estimated at \$4,892,953.33.

**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 2019 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 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 2020, 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:  
Absent:

Adopted by the Council this 9<sup>th</sup> day of September, 2019.

**RESOLUTION NO. 2019-36, continued**

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk  
(SEAL)

MEETING DATE: September 9, 2019

SUBJECT: Call for public hearing on proposed assessments for the 2019 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 2019 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. 2019-37, calling for a public hearing on proposed assessments for the 2019 Improvement Projects to be held on Monday, October 14, 2019 at 5:30 p.m. in the Fairmont City Hall Council Chambers.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2019-37
2. Public Hearing Notice
3. \_\_\_\_\_

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

**RESOLUTION NO. 2019-37**

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

**RESOLUTION CALLING FOR THE HEARING ON PROPOSED ASSESSMENTS OF  
THE 2019 IMPROVEMENT PROGRAM**

**WHEREAS**, by a resolution of the City Council passed on the 9<sup>th</sup> day of September, 2019, 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>
5719001	Winnebago Avenue: TH15 to Gravel Surface
	<b><u>RESURFACE</u></b>
6719001	Burton Lane: S. Perimeter Street to N. Perimeter Street
6719002	Lynn Street: Deadend to E. Interlaken Road
6719003	Parking Lot F
	<b><u>OVERLAY</u></b>
8719001	4 <sup>th</sup> Street: Prairie Avenue to TH15
8719002	Albion Avenue: Lake Aires Road to Interlaken Road
8719003	Day Farm Trail: Hengen Street to New Pavement
	<b><u>SEAL COAT</u></b>
7519001	E. 3 <sup>rd</sup> Street: Prairie Avenue to Deadend
7519002	W. 3 <sup>rd</sup> Street: Beach Street to Lake Avenue
7519003	Camelot Court: Home Street to Deadend
7519004	Cardinal Street: Charles Street to TH15
7519005	Charles Street: Deadend to Cardinal Street
7519006	Downtown Lot A
7519007	Elm Street: 1 <sup>st</sup> Street to Deadend
7519008	Eltinge Place: Deadend to Interlaken Road
7519009	Joe Burns Trail: Hall Street to Aquatic Park
7519010	Lair Road: Shoreacres Drive to Albion Avenue
7519011	North Avenue: Margaret Street to Bridge
7519012	Oxford Street: Victoria Street to Willow Street

**RESOLUTION NO. 2019-37, continued**

7519013	Park Street: Budd Street to Blue Earth Avenue
7519014	Stade Lane: Deadend to Prairie Avenue
7519015	Steve Pierce Park
7519016	Summit Drive: Concrete to Woodland Avenue
7519017	Victoria Street: Albion Avenue to Cambridge Street
7519018	Water Plant
7519019	Webster Street: TH15 to Home Street

**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 14, 2019, 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:  
Absent:

Adopted by the Council this 9<sup>th</sup> day of September, 2019.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk  
(SEAL)



## 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 14<sup>th</sup> day of October, 2019, 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>
5719001	Winnebago Avenue: TH15 to Gravel Surface
	<b><u>RESURFACE (\$54.00 per assessable front foot)</u></b>
6719001	Burton Lane: S. Perimeter Street to N. Perimeter Street
6719002	Lynn Street: Deadend to E. Interlaken Road
6719003	Parking Lot F
	<b><u>OVERLAY (\$32.00 per assessable front foot)</u></b>
8719001	4 <sup>th</sup> Street: Prairie Avenue to TH15
8719002	Albion Avenue: Lake Aires Road to Interlaken Road
8719003	Day Farm Trail: Hengen Street to New Pavement
	<b><u>SEAL COAT (\$2.50 per assessable front foot)</u></b>
7519001	E. 3 <sup>rd</sup> Street: Prairie Avenue to Deadend
7519002	W. 3 <sup>rd</sup> Street: Beach Street to Lake Avenue
7519003	Camelot Court: Home Street to Deadend
7519004	Cardinal Street: Charles Street to TH15
7519005	Charles Street: Deadend to Cardinal Street
7519006	Downtown Lot A
7519007	Elm Street: 1 <sup>st</sup> Street to Deadend
7519008	Eltinge Place: Deadend to Interlaken Road
7519009	Joe Burns Trail: Hall Street to Aquatic Park
7519010	Lair Road: Shoreacres Drive to Albion Avenue
7519011	North Avenue: Margaret Street to Bridge
7519012	Oxford Street: Victoria Street to Willow Street
7519013	Park Street: Budd Street to Blue Earth Avenue



7519014	Stade Lane: Deadend to Prairie Avenue
7519015	Steve Pierce Park
7519016	Summit Drive: Concrete to Woodland Avenue
7519017	Victoria Street: Albion Avenue to Cambridge Street
7519018	Water Plant
7519019	Webster Street: TH15 to Home Street

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 \$4,892,953.33.

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 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 9, 2019

Patricia J. Monsen  
City Clerk

To Be Published in the Fairmont Sentinel  
Wednesday, September 18, 2019  
Friday, September 20, 2019  
Wednesday, September 25, 2019

MEETING DATE: September 9, 2019

SUBJECT: Multifamily Housing Tax Abatement Proposal

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Linsey Preuss, Economic Development Coordinator

COUNCIL LIAISON: Bruce Peters and Tom Hawkins

TYPE OF ACTION:

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

RECOMMENED ACTION BY:

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

STATEMENT: City Staff has been working with the Fairmont Area Schools Superintendent and Martin County Coordinator in an effort to spur new multifamily housing. As a result, the FEDA board is recommending approval of a 10-year tax abatement program for multifamily housing.

MOTION: To approve a ten-year tax abatement program for new multifamily housing units through the year 2024.

VOTE REQUIRED:

ATTACHMENTS:

1. Proposed multifamily housing tax abatement program
2. \_\_\_\_\_
3. \_\_\_\_\_

\*\*\*\*\*

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

## City of Fairmont

### Proposed Multifamily Housing Tax Abatement Program

#### Intent:

In an effort to spur development of more housing options for our workforce, the City of Fairmont, Martin County and School District all agreed to abate property taxes for new construction of multifamily residential housing in Fairmont. Approved applicants for new housing between date approved and December 31, 2024 will have the taxes abated over ten years.

This effort is being made to provide incentives for construction of new owner occupied and rental residential housing units within the City of Fairmont. There is a shortage of housing options available for our current residents and those who are interested in relocating to Fairmont.

#### Eligibility

Eligibility includes any person or business who builds duplexes or multifamily complexes and who files application materials and seeks formal approval from appropriate local jurisdiction between **(insert date approved)** and December 31, 2024 may be eligible to receive 100% tax abatement of the City, County and School District's share of increased real estate taxes as a result of building newly constructed housing or a home, or a period of ten (10) years provided all of the following criteria are met:

1. The property is located within City of Fairmont and is zoned properly for the proposed development project.
2. The project is built to any and all applicable zoning and building codes adopted at the time the building/zoning permit is obtained.
3. Property taxes are current and paid on time and in full. Failure to keep property taxes current shall result in revocation of the tax abatement for each year taxes are not current.
4. Program approvals must be obtained prior to the start of construction of the new housing/home.

The real estate taxes to be abated shall be for up to the full amount of the real estate collected due to the added tax base of the newly constructed multifamily housing annually. The current value of the property is not eligible for the abatement, so it will not be abated as part of this program and is defined as the 'original value.' Any eligible abatement years are calculated on the tax increase due to the value increase on the original value.

Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years based on the taxable value of the property. This will be considered one of the ten years of the eligible abatement.

If the owner refuses access to County Assessor staff to perform an appraisal for tax assessment purposes, the tax abatement shall expire for the remaining term of the abatement period.

The abatement period will begin in the tax year the property realized a value increase over original value due to construction of the housing project. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.

This abatement will transfer with the sale of the property one time during the ten year abatement period.

This abatement will not include voter-approved property tax referendums.

This abatement does not apply to, or include, existing and/or new assessments to property.

The City shall provide the awarded abatement payment following the payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 30 for that calendar year.

Application:

Statute requires that City approve each abatement application. Thus, all applications will be considered on a "first come, first served" basis. The acceptance of new applications will be contingent upon available of funds and Council approval.

A complete application for abatement shall consist of the following:

- A letter requesting abatement for eligible project addressed to the Economic Development Coordinator, County Coordinator, and School Superintendent.
- Legal description of the subject property, including address and property identification number.
- A set of construction plans for the proposed project, including site plan
- Submission of a copy of the building/zoning permit once received
- Applicant shall sign a statement to the effect that no construction has started. For the purposes of this provision, construction shall be determined by the issuance of a building permit before approval of the City Council.

Upon submittal of a completed application, the City Council shall schedule a date to consider an application. The date shall not exceed 30 days from the date of submitted application. After consideration, the Council will adopt a resolution outlining the details of the abatement program.

Each taxing entity retains its individual authority on property tax abatements. The City is solely responsible for its share of property tax abatements and this policy does not allow the City to abate County, or School District property taxes.

MEETING DATE: September 9, 2019

SUBJECT: State Grant Agreement for new T-hangar at airport

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Troy Nemmers, PE, Director of Public Works/City Engineer

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

COUNCIL LIAISON: Councilor Cyphers

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

STATEMENT: The City has received a grant offer from the State for the construction of a new T-hangar at the airport. The City’s share of the \$980,000 project is \$49,100. This grant agreement is for the State portion of the project. Staff is recommending approval.

MOTION: To authorize the Mayor and City Clerk to sign the State Grant Agreement for construction of a new T-hangar at the airport.

VOTE REQUIRED: Simple majority – roll call

ATTACHMENTS:

1. State Grant Agreement #1035127
2. Resolution 2019-38
- 3.

\*\*\*\*\*

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

**GRANT AGREEMENT FOR AIRPORT IMPROVEMENT  
 EXCLUDING LAND ACQUISITION**

This Agreement is by and between the State of Minnesota acting through its Commissioner of Transportation (“State”), and the City of Fairmont (“Recipient”).

**WHEREAS**, the Recipient desires the financial assistance of the State for an airport improvement project (“Project”) as described in Article 2 below; and

**WHEREAS**, the State is authorized by Minnesota Statutes Sections 360.015 (subdivisions 13 & 14) and 360.305 to provide financial assistance to eligible airport sponsors for the acquisition, construction, improvement, or maintenance of airports and other air navigation facilities; and

**WHEREAS**, the Recipient has provided the State with the plans, specifications, and a detailed description of the airport improvement Project.

NOW, THEREFORE, it is agreed as follows:

1. This Agreement is effective upon execution by the Recipient and the State, and will remain in effect until 9/30/2023.
2. The following table provides a description of the Project and shows a cost participation breakdown for each item of work:

<u>Item Description</u>	<u>Federal Share</u>	<u>State Share</u>	<u>Local Share</u>
Construct 7-unit T-hangar (11,600 square feet, phase II)	90%	5%	5%

3. The Project costs will not exceed \$982,000.00. The proportionate shares of the Project costs are: Federal: \$883,800.00, State: \$49,100.00, and Recipient: \$49,100.00. This project is not expected to be completed this fiscal year. Any additional funds are not committed by the state. In the event federal reimbursement becomes available for this Project, the State will be entitled to recover from such federal funds an amount not to exceed the state funds advanced for this Project. No funds are committed under this Agreement until they are encumbered by the State. No more than 95% of the amount due under this Agreement will be paid by the State until the State determines that the Recipient has complied with all terms of this Agreement, and furnished all necessary records.
4. The Recipient will designate a registered engineer (the “Project Engineer”) to oversee the Project work. If, with the State’s approval, the Recipient elects not to have such services performed by a registered engineer, then the Recipient will designate another responsible person to oversee such work, and any references herein to the “Project Engineer” will apply to such responsible person.
5. The Recipient will complete the Project in accordance with the plans, specifications, and detailed description of the Project, which are on file with the State’s Office of Aeronautics and are incorporated into this Agreement by reference. Any changes in the plans or specifications of the Project after the date of this Agreement will be valid only if made by written change order signed by the Recipient, the Project Engineer, and the contractor. Change orders must be submitted to the State. Subject to the availability of funds the State may prepare an amendment to this Agreement to reimburse the Recipient for the allowable costs of qualifying change orders.
6. The Recipient will make payments to its contractor on a work-progress basis. The Recipient will submit requests for reimbursement of certified costs to the State on state-approved forms. The State will reimburse the Recipient for the state and federal shares of the approved Project costs.
  - a. At regular intervals, the Recipient or the Project Engineer will prepare a partial estimate in accordance with the terms of the contract, special provisions, and standard specifications for the Project(s). Partial estimates must be completed no later than one month after the work covered by the estimate is completed. The Project Engineer and the contractor must certify that each partial estimate is true and correct, and that the costs have not been included on a previous estimate.
  - b. Following certification of the partial estimate, the Recipient will make partial payments to the contractor in accordance

93.

with the terms of the contract, special provisions, and standard specifications for the Project(s).

- c. Following certification of the partial estimate, the Recipient may request reimbursement from the State for costs eligible for federal and state participation. A copy of the partial estimate must be included with the Recipient's request for payment. Reimbursement requests and partial estimates should not be submitted if they cover a period in which there was no progress on the Project.
  - d. Upon completion of the Project(s), the Recipient will prepare a final estimate in accordance with the terms of the contract, special provisions, and standard specifications for the Project(s). The final estimate must be certified by the Recipient, Project Engineer and the contractor.
  - e. Following certification of the final estimate, the Recipient will make final payment to the contractor in accordance with the terms of the contract, special provisions, and standard specifications for the Project(s).
  - f. Following certification of the final estimate, the Recipient may request reimbursement from the State for costs eligible for federal and state participation. A request for final payment must be submitted to the State along with those project records required by the State.
7. For a Project which involves the purchase of equipment, the Recipient will be reimbursed by the State in one lump sum after the Recipient: (1) has acquired both possession and unencumbered title to the equipment; and (2) has presented proof of payment to the State, and (3) a certificate that the equipment is not defective and is in good working order. The Recipient will keep such equipment, properly stored, in good repair, and will not use the equipment for any purpose other than airport operations.
  8. If the Project involves force-account work or project donations, the Recipient must obtain the written approval of the State and Federal Aviation Administration (FAA). Force-account work performed or project donations received without written approval by the State will not be reimbursed under this Agreement. Force-account work must be done in accordance with the schedule of prices and terms established by the Recipient and approved by the State.
  9. Pursuant to Minnesota Statutes Section 360.305, subdivision 4 (g) (1), the Recipient will operate its airport as a licensed, municipally-owned public airport at all times of the year for a period of 20 years from the date the Recipient receives final reimbursement under this Agreement. The Airport must be maintained in a safe, serviceable manner for public aeronautical purposes only. The Recipient will not transfer, convey, encumber, assign, or abandon its interest in the airport or in any real or personal property, which is purchased or improved with State aid funds without prior written approval from the State. If the State approves such transfer or change in use, the Recipient must comply with such conditions and restrictions as the State may place on such approval. The obligations imposed by this clause survive the expiration or termination of this Agreement.
  10. This Agreement may be terminated by the Recipient or State at any time, with or without cause, upon ninety (90) days written notice to the other party. Such termination will not remove any unfulfilled financial obligations of the Recipient as set forth in this Agreement. In the event of such a termination, the Recipient will be entitled to reimbursement for eligible expenses incurred for work satisfactorily performed on the Project up to the date of termination. The State may immediately terminate this Agreement if it does not receive sufficient funding from the Minnesota Legislature or other funding source, or such funding is not provided at a level sufficient to allow for the continuation of the work covered by this Agreement. In the event of such termination, the Recipient will be reimbursed for work satisfactorily performed up to the effective date of such termination to the extent that funds are available. In the event of any complete or partial state government shutdown due to a failure to have a budget approved at the required time, the State may suspend this Agreement, upon notice to the Recipient, until such government shutdown ends, and the Recipient assumes the risk of non-payment for work performed during such shutdown.
  11. Pursuant to Minnesota Rules 8800.2500, the Recipient certifies that (1) it presently has available sufficient unencumbered funds to pay its share of the Project; (2) the Project will be completed without undue delay; and (3) the Recipient has the legal authority to engage in the Project as proposed.
  12. Pursuant to Minnesota Statutes Section 16C.05, subdivision 5, the Recipient will maintain such records and provide such information, at the request of the State, so as to permit the Department of Transportation, the Legislative Auditor, or the State Auditor to examine those books, records, and accounting procedures and practices of the Recipient relevant to this Agreement for a minimum of six years after the expiration of this Agreement.
  13. The Recipient will save, defend, and hold the State harmless from any claims, liabilities, or damages including, but not

limited to, its costs and attorneys' fees arising out of the Project which is the subject of this Agreement.

14. The Recipient will not utilize any state or federal financial assistance received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Recipient from utilizing these funds to pay any party who might be disqualified or debarred after the Recipient's contract award on this Project.
15. All contracts for materials, supplies, or construction performed under this Agreement will comply with the equal employment opportunity requirements of Minnesota Statutes Section 181.59.
16. The amount of this Agreement is limited to the dollar amounts as defined in Article 3 above. Any cost incurred above the amount obligated by the State is done without any guarantee that these costs will be reimbursed in any way. A change to this Agreement will be effective only if it is reduced to writing and is executed by the same parties who executed this Agreement, or their successors in office.
17. For projects that include consultant services, the Recipient and its consultant will conduct the services in accordance with the work plan indicated in the Recipient's contract for consultant services, which shall be on file with the State's Office of Aeronautics. The work plan is incorporated into this Agreement by reference. The Recipient will confer on a regular basis with the State to coordinate the design and development of the services.
18. The parties must comply with the Minnesota Government Data Practices Act, as it relates to all data provided to or by a party pursuant to this Agreement.
19. Minnesota law, without regard to its choice-of-law provisions, governs this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.
20. For projects including federal funding, the Recipient must comply with applicable regulations, including, but not limited to, Title 14 Code of Federal Regulations, subchapter I, part 151; and Minnesota Rules Chapter 8800. The Catalog of Federal Domestic Assistance (CFDA) number for the federal Airport Improvement Program is 20.106.
21. For all projects, the Recipient must comply, and require its contractors and consultants to comply, with all federal and state laws, rules, and regulations applicable to the work. The Recipient must advertise, let, and award any contracts for the project in accordance with applicable laws. The State may withhold payment for services performed in violation of applicable laws.
22. Under this Agreement, the State is only responsible for receiving and disbursing federal and state funds. Nothing in this Agreement will be construed to make the State a principal, co-principal, partner, or joint venturer with respect to the Project(s) covered herein. The State may provide technical advice and assistance as requested by the Recipient, however, the Recipient will remain responsible for providing direction to its contractors and consultants and for administering its contracts with such entities. The Recipient's consultants and contractors are not intended to be third party beneficiaries of this Agreement.

**State Encumbrance Verification**

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

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

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

SWIFT Purchase Order: \_\_\_\_\_

**Recipient**

Recipient certifies that the appropriate person(s) have executed the Agreement on behalf of the Recipient as required by applicable resolutions, charter provisions or ordinances.

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

Title: \_\_\_\_\_

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

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

Title: \_\_\_\_\_

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

**Commissioner, Minnesota Department of Transportation**

By: \_\_\_\_\_  
Director, Office of Aeronautics

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

**Mn/DOT Grant Management Unit**

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

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

**Mn/DOT Contract Management**

as to form & execution

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

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

**RESOLUTION 2019-38**

**AUTHORIZATION TO EXECUTE  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
GRANT AGREEMENT FOR AIRPORT IMPROVEMENT  
EXCLUDING LAND ACQUISITION**

It is resolved by the City of Fairmont as follows:

1. That the state of Minnesota Agreement No. 1035127,  
"Grant Agreement for Airport Improvement Excluding Land Acquisition," for  
State Project No. A4601-55 at the Fairmont Municipal Airport is accepted.
2. That the Mayor and City Clerk are  
  
authorized to execute this Agreement and any amendments on behalf of the  
  
City of Fairmont.

**CERTIFICATION**

STATE OF MINNESOTA  
COUNTY OF MARTIN

I certify that the above Resolution is a true and correct copy of the Resolution adopted by the  
  
City of Fairmont  
  
at an authorized meeting held on the 9th day of September, 2019 as shown by the minutes of the  
meeting in my possession.

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

CORPORATE SEAL

/OR/

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 15.5**

**MEETING DATE:** September 9, 2019

**SUBJECT:** Excess Inventory

**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
<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:** Attached is a list of excess/obsolete property. The City will sell the excess property on the State of Minnesota’s minnbid.org website or use an on-site auction service.

**MOTION:** To declare the inventory reported as excess property.

**VOTE REQUIRED:** Simple majority

**ATTACHMENTS:**

1. List of excess property.
2. \_\_\_\_\_
3. \_\_\_\_\_

\*\*\*\*\*

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



Phone (507)238-9461

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

Fax (507)238-9469

**MEMO TO:** Troy Nemmers  
**MEMO FROM:** Nick Lardy  
**DATE:** 09/06/2019  
**SUBJECT:** Excess/Unused Inventory

.....  
Troy,  
Following is a list of items/equipment I would like to have the council declare excess inventory so I may sell it on minbid.org:

WATER/WASTEWATER

- 1967 Ford Boom Truck – Useful life exceeded and was replaced with another unit
- Atlas Copco GX7-125 Air Compressor that was replaced with new

Please contact me if you have any questions.

Nick Lardy

MEETING DATE: September 9, 2019

SUBJECT: KSTP Report

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input checked="" 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 type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input checked="" type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: Discussion of KSTP report and possible responsive action.

MOTION:

VOTE REQUIRED:

ATTACHMENTS:

- 1.
- 2.
- 3.

\*\*\*\*\*

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

MEETING DATE: September 9, 2019

SUBJECT: Civil Legal Counsel

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: Councilor 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 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: Council Member Tom Hawkins has requested that an individual city council member be given authority to engage the city attorney on any issue without having to wait for a council vote.

MOTION: To direct the city attorney to provide legal advice and guidance to any councilor upon a councilor’s request for the purpose of drafting or reviewing motions or resolutions to be considered by the city council or to determine the requirements or procedure for bringing a proposed action before the city council. A councilor can make a request no more than three times per month, limited to five hours per request and ten hours cumulative in any one month. The city attorney may, at its discretion, share the advice and guidance provided to the councilor with the mayor and the other councilors in accordance with relevant law and policy.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

- 1.
- 2.
- 3.

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

MEETING DATE: September 9, 2019

SUBJECT: Investigation

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: Council Member 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 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: Council Member Tom Hawkins has requested that the following motion be presented at the September 9, 2019 Council meeting.

MOTION: To authorize hiring the firm of Madden Galanter Hansen, LLP to conduct an investigation on why the city council was never made aware of aging criminal cases, including those that were expired due to statute of limitations. The firm will investigate who may or may not have known the age of these cases to determine proper notification of the council. The cost will be billed at \$200 per hour and council will be frequently updated to status and cost of investigation. Upon approval, Madden will provide an agreement to be signed by the mayor.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1.

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