

# FAIRMONT CITY COUNCIL AGENDA

## 1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

**MONDAY, OCTOBER 14, 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, September 23, 2019

**(01-03)**

6.2 Minutes of Special Meeting, September 30, 2019

**(04)**

## 7. CELEBRATION TIME

**(05)**

## 8. OPEN DISCUSSION

**(06)**

**9. RECOGNITIONS/PRESENTATIONS -**

- 9.1 Proclaim October 15, 2019 to be Pregnancy and Infants Loss Remembrance Day in the City of Fairmont (07)
- 9.1a Proclamation (08)
- 9.2 Introduction of Peter Bode (09)

**10. SCHEDULED HEARINGS –**

- 10.1 2019 Improvement Program Assessment Hearing (10)
- 10.1a Public Hearing Notice (11-13)
- 10.1b Resolution 2019-39 (14-16)
- 10.2 Public Hearing – Ordinance 2019-16, LOST Ordinance Update & Replacement (17)
- 10.2a Hearing Notice (18)
- 10.2b Ordinance 2019-16 (19-22)

**11. ADMINISTRATIVE APPEALS –**

**12. FINANCIAL REPORTS –**

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

**14. LICENSES AND PERMITS –**

**15. OLD BUSINESS –**

- 15.1 Investigation Update (23)

**16. NEW BUSINESS –**

- 16.1 Multifamily Housing Tax Abatement Proposal (24)
  - 16.1a Proposed multifamily housing tax abatement program (25-26)
- 16.2 Gemini Studios Services (27)
  - 16.2a City Contract Proposal from Gemini Studios (28)
- 16.3 Resolution Appointing a City Insurance Agent (29)
  - 16.3a Resolution 2019-46 (30-31)
- 16.4 Assessments Write-offs (32)
  - 16.4a List of Deferred Assessments requesting to be written off (33)
- 16.5 Board and Commission Appointments (34)
- 16.6 Order Preparation of Unpaid and Delinquent City Services Charges Assessments Roll and Call for a Public Hearing on such Assessments (35)
  - 16.6a Resolution 2019-48 (36-37)
  - 16.6b Resolution 2019-49 (38)
- 16.7 Request for City Assistance with Housing Demolition (39)
  - 16.7a Application (40)
  - 16.7b Property Information and Photos (41-46)
- 16.8 Sale of Tax Forfeited Property (47)
  - 16.8a County Notice (48)
  - 16.8b Resolution 2019-50 (49)
  - 16.8c Parcel Information (50-60)
- 16.9 Forensic Audit (61)

16.10 Professional Services Agreement for Lake Avenue  
Reconstruction – Phase 2 (62)

16.10a Professional Services Agreement – Phase 2 (63-73)

17. REGULAR AND LIQUOR DISPENSARY BILLS –

18. STATUS REPORTS/COUNCIL/STAFF INFORMATION

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

Closed pursuant to MN Stat 13D.05, Subd. 3(a)  
City Administrator Performance Evaluation

19. ADJOURNMENT –

ADDITIONAL ATTACHMENTS –

The minutes of the Fairmont City Council meeting held on Monday, September 23, 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 Captain Eric Tonder and Interim City Attorney Erik Ordahl.

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

It was moved by Council Member Peters, seconded by Council Member Hasek and carried to approve the minutes of the City Council meeting held on September 9, 2019.

During celebration time, Humpal commented on the new MRI machine at Mayo Clinic, a two-million-dollar investment in health care for our community. He reported that the old Iron Grill demolition is nearing completion. Humpal also reported that next week is Minnesota Manufacturing Week and the City of Fairmont has local businesses participating in a regional tour of manufacturing. 3M, Zierke Manufacturing, Kahler Automation and Valero are all participating and will have open house tours on October 3, 2019 from 9:00 a.m. – 3:00 p.m. Also, open Saturday, October 5, 2019 will be Kahler Automation from 9:00 a.m. – 11:00 a.m. and Valero from 9:00 a.m. – 1:00 p.m.

There was no open discussion.

Blake Potthoff gave a brief overview of the Opera House and requested funding in the amount of \$10,000.00.

Council Member Hasek made a motion to approve an event permit for the homecoming parade scheduled for October 4, 2019. Council Member Hawkins seconded the motion and the motion carried.

Council Member Cyphers made a motion to adopt **Resolution 2019-43**, as amended, authorizing the City Clerk to complete and file a petition requesting the State Auditor's Office examine the books, records, accounts and affairs of the City of Fairmont for the time period of January 2002 to January 2019. Council Member Hawkins seconded the motion. There was much discussion. On roll call vote: Council Members Hawkins, Lubenow, Peters and Cyphers all voted aye. Council Member Hasek voted nay. Mayor Foster declared said motion passed.

Officer Colin Hagert and Deputy Chad Schlichte gave a presentation and requested authorization to enter into a grant agreement with Minnesota Department of Public Safety for traffic safety "Toward Zero Deaths" projects from October 1, 2019 through October 30, 2020. Council Member Hawkins made a motion to approve **Resolution 2019-42**. Council Member Cyphers seconded the motion. On roll call: Council Members Hasek, Hawkins, Lubenow, Peters and Cyphers all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Hawkins made a motion to approve **Resolution 2019-41**, approving the County classification of non-conservation lands for sale as tax forfeited property. Council Member Peters seconded the motion. On roll call: Council Members Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters all voted aye. Council Member Lubenow voted nay. Mayor Foster declared said motion passed.

Council Member Hasek made a motion to close Woodland Avenue from Albion Avenue to Lake Park Boulevard to automobile traffic on October 31, 2019 from 4:30 p.m. to 7:30 p.m. Council Member Lubenow seconded the motion and the motion carried.

Council Member Lubenow made a motion to direct City Administrator Mike Humpal, Council Members Lubenow and Cyphers to begin discussions for a long-term contract with the County Attorney for criminal prosecution. Council Member Peters seconded the motion and the motion carried.

Hoye presented the 2020 Proposed Budget and Tax Levy. Council Member Peters made a motion to approve **Resolution 2019-44**, adopting the proposed tax levy for 2020. Council Member Hawkins 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 Cyphers made a motion to approve **Resolution 2019-45**, adopting the proposed budget for 2020. Council Member Peters 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 Peters made a motion to authorize the Mayor and City Clerk to sign the Master Collocation Agreement and the Supplemental Agreements with Minnesota Energy Resources for the three locations and giving Nemmers the latitude to negotiate a higher fee. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to set a public hearing for October 14, 2019 at 5:30 p.m. to consider proposed **Ordinance 2019-16**, which effectively deletes **Ordinance 2017-06** and replaces it with language recommended by the Minnesota Department of Revenue. Council Member Peters seconded the motion and the motion carried.

At the September 9, 2019 city council meeting, Council voted to move forward with an investigation with Flaherty & Hood facilitating. Flaherty & Hood sent an attorney-client privileged memorandum to the city council. After discussion, Council Member Cyphers made a motion that Councilor Hawkins and Mayor Foster and legal counsel be authorized to retain Jardine, Logan & O'Brien, PLLP – Joseph E. Flynn on behalf of the City and consult with the investigator to facilitate the completion of an investigation into criminal matters presented by law enforcement to the City Attorney for prosecution in which the statute of limitations passed and those individuals officially involved in the matters or aware of the matters and the extent of involvement and awareness during the dates of January 2012 through May 2019. Council Member Lubenow seconded the motion. On roll call: Council Members Cyphers, Hawkins and Lubenow all voted aye. Council Members Hasek and Peters voted nay. Mayor Foster declared said motion passed.

Council Member Hawkins made a motion to approve the payment of the September 2019 bills in the amount of \$953,126.18. Council Member Cyphers seconded the motion. Council Member

Lubenow asked Hoye how vendors were set up, who approved them and who approves the invoices. Hoye answered the question. The motion passed.

Mayor Foster announced that there was an opening on the Airport Advisory Board and that anyone interested should contact the City. The Mayor would like to appoint a replacement member at the October 14<sup>th</sup> council meeting.

Council Member Peters congratulated Project 1590 – Kids Just Want to Have Fun on the new Miniature Golf Course and ribbon cutting.

Council Member Cyphers relayed a concern from Betty Scheff regarding truck traffic on Falcon Drive. Humpal stated that staff will talk with Goldfinch about the concerns.

Council Member Lubenow asked Nemmers if there was a chance that Fourth Street construction would start soon. Nemmers responded affirmatively.

A motion was made by Council Member Peters, seconded by Cyphers and carried to adjourn the meeting at 8:06 p.m.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

The minutes of the Special Fairmont City Council meeting held on Monday, September 30, 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 Captain Eric Tonder and by telephone connection Interim City Attorney Brandon Fitzsimmons.

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

Council Member Peters made a motion that Councilor Tom Hawkins and Mayor Deborah J. Foster and legal counsel be authorized to retain Michelle M. Soldo with Soldo Consulting, P.C. on behalf of the City and consult with the investigator to facilitate the completion of an investigation into criminal matters presented by law enforcement to the City Attorney for prosecution in which the statute of limitations passed and those individuals officially involved in the matters. Council Member Hasek seconded the motion. On roll call: Council Members Cyphers, Hawkins and Lubenow voted aye. Council Members Hasek and Peters voted nay. Mayor Foster declared said motion passed.

A motion was made by Council Member Lubenow, seconded by Cyphers and carried to adjourn the meeting at 5:45 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:** October 14, 2019

**SUBJECT:** Celebration Time

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

**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:** 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:** This is a time to talk about and celebrate good things happening in the community.

**MOTION:** None

**VOTE REQUIRED:**

**ATTACHMENTS:**

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

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

**CITY OF FAIRMONT---AGENDA CONTROL SHEET---AGENDA ITEM NO. 8.1**

**MEETING DATE:** October 14, 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: October 14, 2019

SUBJECT: Proclaim October 15, 2019 Pregnancy and Infants Loss Remembrance Day

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

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: Mayor Deborah J. Foster will proclaim October 15, 2019 to be Pregnancy and Infants Loss Remembrance Day in the City of Fairmont.

MOTION: N/A

VOTE REQUIRED:

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

\*\*\*\*\*

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



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

Phone (507) 238-9461

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## PROCLAMATION

**WHEREAS**, Infants Remembered In Silence, Inc. (IRIS) and many other nonprofit organizations work with thousands of parents all over Minnesota and across the United States who have experienced the death of a child during pregnancy through early childhood; and,

**WHEREAS**, many of these parents live in, deliver in, have a child die in, or bury a child in our community; and,

**WHEREAS**, Infants Remembered In Silence (IRIS) a 501(c)(3) nonprofit organization was founded in 1987, 32 years ago, to support parents whose child/children died from miscarriage, ectopic pregnancy, molar pregnancy, stillbirth, neo-natal death, birth defects, sudden unexplained death of a child (SUDC), sudden infant death syndrome (SIDS), illness, accidents and all other types of infants and early childhood death; and,

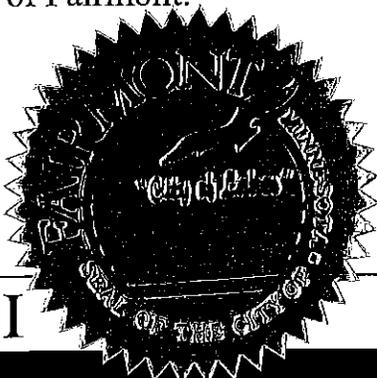
**WHEREAS**, bereaved parents around the world remember their children annually on October 15 with a candle lighting at 7 p.m. Some will remember their child/children in their homes while others will remember them in small gatherings around the state, across the nation and around the world; unifying these parents in tribute to their children; and,

**WHEREAS**, in 1988, President Ronald Reagan proclaimed October as National Pregnancy and Infant Loss Awareness month.

**NOW THEREFORE**, in honor of the thousands of children that die each year in Minnesota, I, Deborah J. Foster, Mayor of the City of Fairmont, do hereby proclaim October 15, 2019 to be:

### PREGNANCY AND INFANTS LOSS REMEMBRANCE DAY

in the City of Fairmont.



*Deborah J. Foster*  
Deborah J. Foster

C I T Y O F F A I R M O N T

MEETING DATE: October 14, 2019

SUBJECT: Introduction of Peter Bode

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
<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: Introduction of Peter Bode the new Planner/Code Enforcement Technician for the City of Fairmont.

MOTION: N/A

VOTE REQUIRED:

ATTACHMENTS:

- 1.
- 2.
- 3.

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

**CITY OF FAIRMONT---AGENDA CONTROL SHEET---AGENDA ITEM NO. 10.1**

**MEETING DATE:** October 14, 2019

**SUBJECT:** 2019 Improvement Program Assessment Hearing

**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, Public Works Director/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 checked="" type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

**RECOMMENED ACTION BY:**

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

**STATEMENT:** As a part of the special assessment process, the City Council is required to hold a public hearing on the projects. Following the public hearing, the Council needs to take action on the proposed assessments.

**MOTION #1:** To close the public hearing.

**VOTE REQUIRED:** Simple majority

**MOTION #2:** To adopt Resolution No. 2019-39, adopting special assessments for the 2019 improvement projects.

**VOTE REQUIRED:** Simple majority – roll call

**ATTACHMENTS:**

1. Public Hearing Notice
2. Resolution No. 2019-39

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



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

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## 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

C I T Y O F L A K E S

# FAIRMONT

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

C I T Y O F L A K E S



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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

C I T Y O F L A K E S

## RESOLUTION NO. 2019-39

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

### RESOLUTION ADOPTING ASSESSMENTS 2019 IMPROVEMENTS

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed assessment of the following improvements:

<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

**Resolution 2019-39, continued**

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

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessment levied against it.
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 yearsThe first installment is payable on or before the first Monday in January 2020, and shall bear interest at the rate of 4% per year from the date of adoption of the assessment resolution (October 14, 2019). Interest and payment term may vary for mowing and miscellaneous assessments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole amount of the assessment on such property, with interest accrued to the date of payment to the City of Fairmont, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he or she may thereafter pay to the Martin County Treasurer the installment and interest in process of collection of the current tax list, and he or she may pay the remaining principal balance of the assessment to the City of Fairmont. Future payments must be made before November 1, or interest will be charged through December of the next succeeding year.
4. The City Clerk shall file the assessment rolls pertaining to this assessment in the Clerk's office and shall certify annually to the County Auditor on or before December 1 of each year the total amount of installments and interest which are to become due in the following year on the assessment on each parcel of land included in the assessment roll.

**Resolution 2019-39, continued**

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

Adopted by the Council this 14<sup>th</sup> day of October 2019.

---

Deborah J. Foster, Mayor

ATTEST:

---

Patricia J. Monsen, City Clerk  
(SEAL)

MEETING DATE: October 14, 2019

SUBJECT: Public Hearing – Ordinance 2019-16, LOST Ordinance Update & Replacement

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

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

RECOMMENED ACTION BY:

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

STATEMENT: The Minnesota Department of Revenue has requested cities who have a sales and use tax ordinance currently in place to update their sales and use tax ordinance to aid the Department of Revenue in more effectively collecting the taxes generated by the sales and use tax.

MOTION #1: To close Public Hearing

VOTE REQUIRED MOTION #1: Simple majority

MOTION #2: To approve Ordinance No. 2019-16

VOTE REQUIRED MOTION #2: Simple majority – Roll Call

ATTACHMENTS:

- Hearing Notice
- Ordinance 2019-16

\*\*\*\*\*

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

OFFICIAL PUBLICATION

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Fairmont will hold a public hearing to consider proposed Ordinance 2019-16, an Ordinance replacing Ordinance 2017-06 and replacing it with language recommended by the Minnesota Department of Revenue.

A complete copy of proposed Ordinance 2019-16 can be viewed on the City of Fairmont's website or at the City Clerk's Office.

**You are further notified** said hearing will be held in the **City Council Chambers of City Hall**, 100 Downtown Plaza, Fairmont, Minnesota on Monday, October 14, 2019 at 5:30 p.m.

BY ORDER OF THE CITY OF FAIRMONT

/s/ Patricia J. Monsen  
Patricia J. Monsen, City Clerk

**ORDINANCE NO. 2019-16**

**AN ORDINANCE TO DELETE AND REPLACE IN ITS ENTIRETY ORDINANCE NO. 2017-06, ADOPTING A ONE-HALF PERCENT SALES AND USE TAX FOR THE CITY OF FAIRMONT, MINNESOTA**

**WHEREAS**, the Minnesota Legislature has, by Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 5, Section 19, authorized the City of Fairmont to impose a one-half percent sales and use tax for the City of Fairmont; and,

**WHEREAS**, the one-half percent sales and use tax was approved by the City in accordance with applicable law, and by a majority of the voters at the November 8, 2016 general election; and,

**WHEREAS**, the Fairmont City Council adopted Ordinance No. 2017-06 authorizing the adoption of a one-half percent sales and use tax for the City of Fairmont on June 26, 2017; and,

**WHEREAS**, the Minnesota Department of Revenue has requested cities who have a sales and use tax ordinance currently in place to update their sales and use tax ordinance to aid the Department of Revenue in more effectively collecting the taxes generated by the sales and use tax.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that City of Fairmont Ordinance No. 2017-06 be deleted in its entirety and replaced as follows:

**Section 1.**

**LOCAL SALES AND USE TAX**

**Section 1. Authority.** Pursuant to Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 5, Section 19, the Minnesota Legislature has authorized the City of Fairmont to impose a local sales and use tax to provide revenues to pay the costs of collecting and administering the tax to the commissioner of revenue of the state of Minnesota and to finance the capital and administrative costs related to the funding of designated projects as defined in Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 5, Section 19, Subdivision 2, and approved by a majority of the voters at the November 8, 2016 general election.

**Section 2. Definitions.** For purposes of this chapter, the following words, terms, and phrases have the meanings given them in this section unless the language or context clearly indicates a different meaning is intended.

(a) **City.** “City” means the City of Fairmont, Minnesota.

(b) **Commissioner.** “Commissioner” means the commissioner of revenue of the state of Minnesota or a person to whom the commissioner has delegated functions.

(c) **Designated projects.** “Designated projects” means the constructing and funding of recreational amenities, a trail system, and a community center, as authorized by the Minnesota Legislature in Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 5, Section 19, Subdivision 2 and approved by the voters at the November 8, 2016 general election.

(d) **State sales and use tax laws and rules.** “State sales and use tax laws and rules” means those provisions of the state revenue laws applicable to state sales and use tax imposition, administration, collection, and enforcement, including Minnesota Statutes, chapters 270C, 289A, 297A, and Minnesota Rules, chapter 8130, as amended from time to time.

**Section 3. Local sales and use tax imposed; amount of tax; coordination with state sales and use tax laws and rules.** A local sales tax is imposed in the amount of one-half percent on the gross receipts from sales at retail sourced within city limits which are taxable under the state sales and use tax laws and rules. A local use tax is imposed in the amount of one-half percent on the storage, use, distribution or consumption of goods or services sourced within city limits which are taxable under the state sales and use tax laws and rules. All of the provisions of the state sales and use tax laws and rules apply to the local sales and use tax imposed by this chapter. The local sales and use tax imposed by this chapter shall be collected and remitted to the commissioner on any sale or purchase when the state sales tax must be collected and remitted to the commissioner under the state sales and use tax laws and rules and is in addition to the state sales and use tax.

**Section 4. Effective date of tax; transitional sales.** Except as otherwise provided herein, the local sales and use tax imposed by this chapter shall apply to sales and purchases made on or after October 1, 2019. The local sales and use tax imposed by this chapter shall not apply to:

(a) The gross receipts from retail sales or leases of tangible personal property made pursuant to a bona fide written contract, which unconditionally vests the rights and obligations of the parties thereto, provided that such contract was enforceable prior to October 1, 2019, and that delivery of the tangible personal property subject thereto is made on or before October 1, 2019.

(b) The gross receipts from retail sales made pursuant to a bona fide lump sum or fixed price construction contract, which unconditionally vests the rights and obligations of the parties thereto and which does not make provision or allocation of future taxes, provided that such contract was enforceable prior to October 1, 2019, and that delivery of the tangible personal property used in performing such construction contract is made before April 1, 2020.

(c) The purchase of taxable services, including utility services, if the billing period includes charges for services furnished before and after October 1, 2019, but the local sales and

use tax imposed by this chapter shall apply on the first billing period not including charges for services furnished before October 1, 2019.

(d) Lease payments for tangible personal property and motor vehicles that includes a period before and after October 1, 2019, but the local sales and use tax imposed by this chapter shall apply on a prorated basis to lease payment amounts attributable to that portion of the lease payment period on or after October 1, 2019 and on the entire lease payment for all lease payment periods thereafter.

**Section 5. Tax Clearance; Issuance of Licenses.**

(a) The city may not issue or renew a license for the conduct of a trade or business within the city if the commissioner notified the licensing division of the city that the applicant owes delinquent city taxes as provided in this chapter, or penalties or interest due on such taxes.

(1) City taxes include sales and use taxes provided in this article. Penalties and interest are penalties and interest due on taxes included in this definition.

(b) Delinquent taxes does not include a tax liability if: (i) an administrative or court action which contests the amount or validity of the liability has been filed or served, (ii) the appeal period to contest the tax liability has not expired, or (iii) the applicant has entered into a payment agreement and is current with the payments.

(c) Applicant means an individual if the license is issued to or in the name of an individual or the corporation or partnership if the license is issued to or in the name of a corporation or partnership.

(1) A copy of the notice of delinquent taxes given to the licensing division of the city shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests in writing, within 30 days of receipt of the notice of hearing, then, a contested hearing shall be held under the same procedures as provided in Minn. Stat. 270A for the state sales and use tax imposed under Minn. Stat. 297A; provided further that if a hearing must be held on the state sales and use tax, hearings must be combined.

**Section 6. Deposit of revenues; costs of administration; termination of tax.**

(a) All of the revenues, interest, and penalties derived from the local sales and use tax imposed by this chapter collected by the commissioner and remitted to the city shall be deposited by the city finance director in the city treasury and shall be credited to the fund established to pay the costs of collecting the local sales and use tax imposed by this chapter and to finance the capital and administrative costs directly related to completing the designated projects.

(b) The local sales and use tax imposed by this chapter shall terminate at the earlier of: (1) twenty-five (25) years after the Fairmont Sales and Use Tax is first imposed; or (2) when the City Council determines that fifteen million dollars (\$15,000,000.00), plus an amount sufficient to pay the costs related to issuing bonds and interest on the bonds has been received from the local sales and use tax imposed by this chapter to pay for all the capital and administrative costs directly related to completing the designated projects. Any funds remaining after payment of all such costs and retirement or redemption of the bonds shall be placed in the general fund of the city. The local sales and use tax imposed by this chapter may terminate at an earlier time if the City Council so determines by ordinance.

**Section 7. Agreement with the commissioner.** The city may enter into an agreement with the commissioner regarding each party's respective roles and responsibilities related to the imposition, administration, collection, enforcement, and termination of the local sales and use tax imposed by this chapter. Any such agreement shall not abrogate, alter, or otherwise conflict with the state sales and use tax laws and rules, this ordinance, or Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 5, Section 19.

**Section 8. Summary publication.** The following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance pursuant to Minnesota Statutes section 412.191:

Pursuant to a voter-approved referendum, the city is authorized to and will impose a local sales and use tax of one-half percent on retail sales made after October 1, 2019 to be used to fund certain designated projects related to the constructing and funding of recreational amenities, a trail system, and a community center.

**Section 9.** This Ordinance shall be in full force and effect from and after its passage and publication.

PASSED, APPROVED AND ADOPTED this 14th day of October 2019.

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

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Deborah J. Foster, Mayor

ATTES:

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Patricia J. Monsen, City Clerk

MEETING DATE: October 14, 2019

SUBJECT: Investigation Update

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: Mayor Deborah J. Foster

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
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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: Mayor Foster will give an update on the Investigation.

MOTION:

VOTE REQUIRED:

ATTACHMENTS:

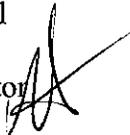
1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

\*\*\*\*\*

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

MEETING DATE: October 14, 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: October 14, 2019

SUBJECT: Gemini Studios Services

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 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: Gemini provides broadcast services for the City of Fairmont’s city council meetings. To ensure service and equipment reliability, Gemini is requesting to enter into a contract for these services. In the past, the City has paid a very minimal amount for these services. With the internet and live streaming, the commitment of time has become much greater.

MOTION: To authorize the Mayor and City Clerk to enter into a contract with Gemini Studios for the oversight of audio and video services.

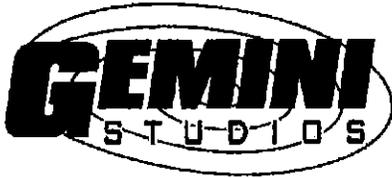
VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. City Contract Proposal from Gemini Studios
2. \_\_\_\_\_
3. \_\_\_\_\_

\*\*\*\*\*

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



FAIRMONT • MINNESOTA

205 Downtown Plaza

[geministudiosmn@gmail.com](mailto:geministudiosmn@gmail.com)

507-235-5190

### City Contract Proposal

1. Oversee operation of audio and video broadcast equipment. Duties to include:
  - a. TV video signal to Midco
  - b. Audio signal to Midco
  - c. Burn DVD of meetings for city Channel #13
  - d. Backup HD copies on Tricaster
  - e. Setup live streams to Boxcast streaming service provider
  - f. Work with public regarding broadcast issues
  - g. Scan public access channel #13 to help city personnel correct problems in a timely manner
  - h. Work with Mayor, council & staff for DVD or requested streaming work
  - i. Watch as many council/school board meeting as possible to insure trouble shooting with onsite PA/Video person. Insure any repairs and/or adjustments are made as soon as possible
  - j. If live stream is interrupted or lost, Gemini will re-upload the meeting from DVD or Tricaster in a timely manner
  - k. John Duderstadt will be assisting in maintenance and broadcasts
  - l. Scan website comments and remove inappropriate and improper comments

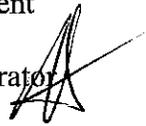
**Proposed Contract Cost: \$5400.00/year paid in monthly installments of \$450.00/month**

\*Contract is annual, involves labor only – Any equipment repair or replacement to be provided by the City.

\*\*Note: The City is currently using Gemini Studios' Boxcast live streaming service saving the City \$1,200.00/per year.

MEETING DATE: October 14, 2019

SUBJECT: Resolution Appointing a City Insurance Agent

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: 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: On August 15, 2019, the City requested proposals from insurance agents for the City’s property/liability insurance coverage. The City received four proposals. City Staff is recommending that it enter into a Service Agreement with Profinium Insurance.

MOTION: To approve Resolution 2019-46 Appointing Profinium Insurance as its insurance agent for property/liability insurance.

VOTE REQUIRED: Simple majority – roll call

ATTACHMENTS:

1. Resolution 2019-46
2. \_\_\_\_\_
3. \_\_\_\_\_

\*\*\*\*\*

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

**RESOLUTION NO. 2019-46**

**RESOLUTION APPOINTING A CITY INSURANCE AGENT**

WHEREAS, the League of Minnesota Cities Insurance Trust (LMCIT) requires cities to use the services of an agent in order to participate in the LMCIT property/casualty program; and,

WHEREAS, the City Council has reviewed and considered the written materials from LMCIT discussing the agent's role and compensation in LMCIT; and,

WHEREAS, Profinium Insurance has agreed that they are willing to provide to the city the services listed below under the terms and conditions listed below.

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

1. The City of Fairmont hereby appoints Profinium Insurance as its agent for purposes of the City's participation in the LMCIT property/casualty program.
2. This appointment shall remain effective until October 14, 2022.
3. As compensation for the services provided to the city as described in Paragraph 4 below, the city will pay to the agent a fee of \$6,000.00 annually. The city hereby directs LMCIT not to include any allowance for an agent's fee in quoting and billing the city's premium for property, liability and automotive coverage.
4. The agent will perform the following services:
  - a. Advise and assist the city in assembling and accurately reporting underwriting data, including updating property values, for rating purposes.
  - b. Advise and assist the city in evaluating and selecting among coverage alternatives such as deductibles, limits, optional coverages, alternative coverage forms, etc.
  - c. Review coverage documents and invoices to assure coverage has been correctly issued and billed.
  - d. Advise the city on potential gaps or overlaps in coverages.
  - e. Assist as requested with safety and loss control activities.
  - h. Assist the city in identifying risk exposures and developing appropriate strategies to address those exposures.

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

ADOPTED by the City Council of Fairmont, Minnesota, this 14<sup>th</sup> day of October 2019.

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

ATTEST:

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

MEETING DATE: October 14, 2019

SUBJECT: Assessments Write-offs

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 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: The City has miscellaneous deferred assessments on record dating from 1995-2013 that it would like to write-off. All but one of these agreements were not recorded at the Martin County Recorder's Office and therefore were not flagged when the property changed hands. These agreements were done using our old deferral agreement form that did not have any repayment language included. Staff is requesting authorization to write off these deferred assessment balances.

MOTION: To authorize the write-off of the listed deferred assessments totaling \$48,342.25, as identified on attachment number 1.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. List of Deferred Assessments requesting to be written off
2. \_\_\_\_\_
3. \_\_\_\_\_

\*\*\*\*\*

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

Parcel	Assm't No.	Principal	Deferral Customer	Assm't Date	Information
232810370	8703004-0-0040	\$1,095.20	Slater	1/1/2003	Old agreement contains no language on repayment & no documentation recorded
231990160	5705001-0-0014	\$1,787.50	Van Note	1/1/2005	Old agreement contains no language on repayment & no documentation recorded
231370020	5796006-0-0002	\$2,968.50	Heidecker	1/1/1996	Old agreement contains no language on repayment & no documentation recorded
230400050	6703003-0-0005	\$2,000.00	Diaz	1/1/2003	Old agreement contains no language on repayment & no documentation recorded
232560030	5709001-0-0003	\$3,750.00	Hanson	1/1/2009	Old agreement contains no language on repayment & no documentation recorded
231220350	5706001-0-0018	\$3,900.00	Mattoon	1/1/2006	Old agreement contains no language on repayment & no documentation recorded
232180270	7503001-0-0001	\$80.25	Risher	10/13/2003	Old agreement contains no language on repayment & no documentation recorded
231220570	6702002-0-0010	\$2,526.42	Graif	1/1/2002	Owner deceased - Old agreement contains no language on repayment & no documentation recorded
232590070	5709002-0-0025	\$2,626.50	Thate	1/1/2009	Property has changed ownership. Additionally, old agreement contains no language on repayment & no documentation recorded
231820240	8704001-0-0004	\$2,200.00	Saxton	1/1/2004	Property has changed ownership. Additionally, old agreement contains no language on repayment & no documentation recorded
231800020	5704002-0-0012	\$3,250.00	Havel	1/1/2004	Property has changed ownership. Additionally, old agreement contains no language on repayment & no documentation recorded
232110390	4995001-0-0001	\$3,411.25	Kesler	10/23/1995	Property has changed ownership. Additionally, old agreement contains no language on repayment & no documentation recorded
232070010	5797002-0-0025	\$2,911.48	Schroeder	1/1/1997	Property has changed ownership. Additionally, old agreement contains no language on repayment & no documentation recorded
232440420	5708001-0-0030	\$3,600.00	Clark	1/1/2008	Property has changed ownership. Additionally, old agreement contains no language on repayment & no documentation recorded
232370070	8706001-0-0004	\$1,841.15	Nordhausen	1/1/2006	Property has changed ownership. Additionally, old agreement contains no language on repayment & no documentation recorded
231621630	5703001-0-0011	\$3,029.00	Gronewald	1/1/2003	Property has changed ownership. Additionally, old agreement contains no language on repayment & no documentation recorded
230400470	5713001-0-0010	\$3,900.00	Havel	10/28/2013	Property has changed ownership (now in State of MN).
231880060	6704004-0-0032	\$3,465.00	Austin	1/1/2004	No agreement or supporting documentation.

MEETING DATE: October 14, 2019

SUBJECT: Board and Commission Appointments

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

**SUBJECT INITIATION BY:**

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON: None

**TYPE OF ACTION:**

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <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 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: Mayor Foster is seeking approval of appointing Paula Eppens to the Police Commission and Paul Determan to the Housing & Redevelopment Authority.

MOTION 1: To approve the appointment of Paula Eppens to the Police Commission.

VOTE REQUIRED: Simple majority.

MOTION 2: To approve the appointment of Paul Determan to the Housing & Redevelopment Authority.

VOTE REQUIRED: Simple majority.

**ATTACHMENTS:**

1. \_\_\_\_\_

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

MEETING DATE: October 14, 2019

SUBJECT: Order Preparation of Unpaid and Delinquent City Services Charges Assessments Roll and Call for a Public Hearing on such Assessments.

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: None

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input checked="" type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <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: Pursuant to City Charter, State law and City Code, City staff is seeking Council authorization to assess unpaid and delinquent City services charges to attempt collection through the assessment process and certification to the Martin County Auditor/Treasurer of such unpaid charges. (Accounts will also remain submitted to the MN Department of Revenue Program as an additional means to obtain payment and will be updated as payments are received.) To declare the unpaid service charges to be assessed, order preparation of the unpaid and delinquent service charges assessment roll and call for a public hearing, City staff recommends the following motions.

MOTION: To adopt Resolution 2019-48: Declaring Unpaid and Delinquent Charges for City Services to be Assessed and Ordering Preparation of Proposed Assessment Roll.

MOTION: To adopt Resolution 2019-49: Calling for a Public Hearing Declaring Delinquent Unpaid and Delinquent Charges for City Services to be Assessed.

VOTE REQUIRED: Simple majority – Roll call

ATTACHMENTS:

1. Resolution 2019-48
2. Resolution 2019-49

\*\*\*\*\*

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

# RESOLUTION NO. 2019-48

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

## RESOLUTION DECLARING UNPAID AND DELINQUENT CHARGES FOR CITY SERVICES TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL

WHEREAS, various charges to provide municipal services to residents/property owners have not been paid after being properly billed and attempts at collection have been made; and,

WHEREAS, Minnesota Statutes, sections 366.012, 415.01, 429.101, 444.075 and 514.67; the City of Fairmont Charter, sections 8.01, 8.02 and 8.05; and the City Code of the City of Fairmont, sections 10-2, 17-2, 23-3, 25-303, 25-907, and 25-1005, respectively, provide that the City may collect unpaid charges incurred by the City for services rendered by the City on behalf of benefited real property; and,

WHEREAS, pursuant to the forgoing authority, the City may assess such unpaid service charges against the real property benefited and certify the same to the Martin County Auditor/Treasurer's Office on the annual property tax roll to the property receiving the benefit of said services in the same manner as property taxes and other assessments and collected by the County Auditor/Treasurer and paid to the City along with other assessments.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fairmont, Minnesota that:

1. The cost for unpaid charges imposed by the City of Fairmont shall be assessed against the property/property owner(s) incurring such costs.
2. The Finance Director will calculate the delinquent unpaid charges due to the City of Fairmont for services rendered by the City and file a copy of the proposed assessments in the City Clerk's Office for public inspection.

PASSED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of October 2019.

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

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

# RESOLUTION NO. 2019-49

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

## RESOLUTION CALLING FOR A PUBLIC HEARING DECLARING UNPAID AND DELINQUENT CHARGES FOR CITY SERVICES TO BE ASSESSED

WHEREAS, pursuant to Resolution No. 2019-48 adopted on the 14<sup>th</sup> day of October 2019, the Finance Director shall prepare a proposed assessment of the unpaid and delinquent charges for services provided by the City to various properties in the City; and,

WHEREAS, the Finance Director has notified the City Council that such proposed assessments have been completed and filed with the City Clerk for inspection.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fairmont, Minnesota that:

1. The City Council will consider the assessment of twelve (12) unpaid and delinquent accounts as of October 10, 2019 at an estimated amount of \$13,730.40.
2. A public hearing shall be held on such proposed assessments on the 18<sup>th</sup> day of November 2019, in the Council Chambers of City Hall at 5:30 p.m; and at such time persons owing such unpaid charges proposed to be assessed to property owned by such persons shall be given an opportunity to be heard.
3. The City Clerk is hereby directed to give mailed and published notice of such hearing and assessment as required by law.

PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of October 2019.

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

---

Deborah J. Foster, Mayor

ATTEST:

---

Patricia J. Monsen, City Clerk

MEETING DATE: October 14, 2019

SUBJECT: Request for City Assistance with Housing Demolition

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: There is a house at 721 – 723 Albion Avenue. The foundation has failed, and the property is no longer habitable. The Owner is requesting demolition assistance from the City Grant Program

MOTION: To approve or deny a grant application for 50% of the demolition cost or \$5,000.00 dollars, which ever is less, for the property at 712 - 723 Albion Ave

VOTE REQUIRED:

ATTACHMENTS:

1. Application for City Assistance with Housing Demolition Retaining Ownership of the Property.
2. Property Information and Photos

\*\*\*\*\*

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

Application for City Assistance with Housing Demolition Retaining Ownership of the Property	
Name	Michael & MaryJo Kerekes
Address	410 N. ORIENT Street
Phone #	507-848-6698
Address of building to be demolished	721-723 Albion Avenue
Current year assessed market value	\$29,300.-
Year built	1915
Year last building permit issued; for what purpose	UNKNOWN
Is the building vacant	<input checked="" type="radio"/> Yes <input type="radio"/> No
Is the building uninhabitable based on safety inspection	<input type="radio"/> Yes <input checked="" type="radio"/> No
Are the property taxes current	<input checked="" type="radio"/> Yes <input type="radio"/> No
What is the estimated cost of rehabilitation to make the property habitable	\$100,000 +
Explain the reuse of the property post demolition	Buildable Lot
City cost share requested	\$5000.-

Attachments:

- Pictures: front/back/side
- Proof property taxes are paid
- Proof of ownership-deed
- Environmental inspection

FOR CITY USE

Demolition cost estimates	
Date application received:	
Date presented to City Council:	
Council action:	<input type="checkbox"/> Approve <input type="checkbox"/> Deny
If approved, date demolition permit issued:	



**Summary**

Parcel ID 232700440  
 Property Address 721 ALBION AVE (Primary)  
 723 ALBION AVE  
 FAIRMONT  
 Sec/Twp/Rng N/A  
 Brief Tax Description WOLLASTON'S W160' OF N25' OF LOT 1 & W160' OF 2 BLK 4 (EXE 23')  
 (Note: Not to be used on legal documents)  
 Deeded Acres 0.00  
 Class 206 - (NON-HSTD) RES 1-3 UNITS  
 District (2301) FAIRMONT CTY-454  
 School District 2752  
 Neighborhood 2315.6 - BUDD/HAMPTON/WTR/ALB  
 Contact Appraiser: Jessica Laue  
 Creation Date 07/07/1989



**Owner**

Primary Taxpayer  
 Michael J & Mary Jo Kerekes  
 410 N Orient St  
 Fairmont, MN 56031

**Land**

Seq	Code	CER	Dlm 1	Dlm 2	Dlm 3	Units	UT
1	RES LOT 17	0	47	163	0	6,816.000	SF
<b>Total</b>						<b>6,816.000</b>	

**Buildings**

Building 1  
 Year Built 1915  
 Architecture CONVENTION  
 Heated Sq Ft 1948  
 Finished Basement Sq Ft  
 Construction Quality BELOW AVG.  
 Condition AC D, FAIR  
 Foundation Type CONC BLOCK  
 Frame Type WOOD FRAME  
 Size/Shape 2.00 SQ/RC  
 Exterior Walls WOOD SDNG  
 Windows DH/VINYL  
 Roof Structure GABLE/HIP  
 Roof Cover COMP SHINGL  
 Interior Walls PLASTER  
 Floor Cover WOOD FLOOR; VINYL  
 Heat AIR DUCTED  
 Air Conditioning NONE  
 Bedrooms 4  
 Bathrooms 2  
 Kitchen SOFT/PAINT  
 1st Floor Area Sq Ft 1082  
 Ceiling N/A  
 Stories 2

**Sub Area Square Footage**

SubArea	Act Area	%	Adj Area	Heated	Prime	RCNLD
QOB 1915 1.25 STY/B	288	165	475	360	288	3,606
TWB 1915 2.5TY/BMT	794	240	1,906	1,588	794	14,471
FEP 1915 F ENC PRCH	192	70	134	0	0	1,017
<b>Total for Bldg 1</b>	<b>1,274</b>		<b>2,515</b>	<b>1,948</b>	<b>1,082</b>	<b>19,094</b>

[Click here to view a list of sub area descriptions.](#)

41.

Sales

Multi Parcel	IN	Q	Sale Date	Buyer	Seller	Sale Price	Adj Price	eCRV
Y	WD	U	04/27/2007	KEREKES, MICHAEL & MARY JO	SPEAR, BRIAN & CATHLEEN	\$78,000	\$78,000	
N	WD	Q	07/11/2002	SPEAR, BRIAN & BEAU	WILLNER, DOUG & DAWN	\$25,000	\$25,000	
N	CD	U	08/05/1997	LONG, JACK & SHARON	WILLNER, DOUGLAS & DAWN	\$15,000	\$15,000	
N	WD	U	06/02/1997	KNEWTSON, DALE D & PATRICIA M & TRUMAN, RD & SL	COLTON, NORMAN O	\$31,000	\$31,000	
N	WD	U	06/02/1997	WILLNER, DOUGLAS A	KNEWTSON, DALE D ET AL	\$9,000	\$9,000	

+ There are other parcels involved in one or more of the above sales:

Please contact Assessor's Office for CRV's prior to October 2014

Valuation

	2019 Assessment	2018 Assessment	2017 Assessment	2016 Assessment	2015 Assessment
+ Estimated Land Value	\$11,500	\$11,000	\$10,300	\$10,300	\$9,400
+ Estimated Building Value	\$19,100	\$18,300	\$17,100	\$17,100	\$15,500
+ Estimated Machinery Value	\$0	\$0	\$0	\$0	\$0
= Total Estimated Market Value	\$30,600	\$29,300	\$27,400	\$27,400	\$24,900

Taxation

	2019 Payable	2018 Payable	2017 Payable	2016 Payable
Estimated Market Value	\$29,300	\$27,400	\$27,400	\$24,900
- Exempt Value	\$0	\$0	\$0	\$0
- Excluded Value	\$0	\$0	\$0	\$0
- Homestead Exclusion	\$0	\$0	\$0	\$0
= Taxable Market Value	\$29,300	\$27,400	\$27,400	\$24,900
Net Taxes Due	\$504.00	\$482.00	\$450.00	\$392.00
+ Special Assessments	\$138.00	\$138.00	\$138.00	\$138.00
= Total Taxes Due	\$642.00	\$620.00	\$588.00	\$530.00

IF YOU OWE BACK TAXES PLEASE CALL THE AUDITOR/TREASURER OFFICE

Unpaid Taxes

	2019 Payable
Unpaid Tax	\$252.00
+ Unpaid Spec Asmt	\$69.00
+ Unpaid Fees	\$0.00
+ Unpaid Penalty	\$0.00
+ Unpaid Interest	\$0.00
= Unpaid Total	\$321.00

Taxes Paid

Receipt #	Receipt Print Date	Bill Pay Year	Amt Adj	Amt Write Off	Amt Charge	Amt Payment
415405	5/2/2019	2019	\$0.00	\$0.00	\$0.00	(\$321.00)
405059	10/15/2018	2018	\$0.00	\$0.00	\$0.00	(\$310.00)
391715	5/7/2018	2018	\$0.00	\$0.00	\$0.00	(\$310.00)
380295	10/16/2017	2017	\$0.00	\$0.00	\$0.00	(\$294.00)
366020	5/9/2017	2017	\$0.00	\$0.00	\$0.00	(\$294.00)
354402	10/17/2016	2016	\$0.00	\$0.00	\$0.00	(\$265.00)
342045	5/12/2016	2016	\$0.00	\$0.00	\$0.00	(\$265.00)
323696	10/6/2015	2015	\$0.00	\$0.00	\$0.00	(\$334.00)
315293	5/13/2015	2015	\$0.00	\$0.00	\$0.00	(\$334.00)
300979	10/15/2014	2014	\$0.00	\$0.00	\$0.00	(\$359.00)
288184	5/12/2014	2014	\$0.00	\$0.00	\$0.00	(\$359.00)
271076	10/9/2013	2013	\$0.00	\$0.00	\$0.00	(\$383.00)
265733	5/15/2013	2013	\$0.00	\$0.00	\$0.00	(\$383.00)

Tax Statements

-  2019 Tax Statement
-  2018 Tax Statement
-  2017 Tax Statement

42.

Valuation Notice



2020 Valuation Notice

Photos



Recent Sales In Area

From: 2017-10-01 To: 2019-10-01

Sales by Neighborhood

Sales by Distance 1500 Feet

No data available for the following modules: Extra Features.

TERMS AND CONDITIONS: Every attempt has been made to ensure that the information contained on this website is valid at the time of publication. Martin County reserves the right to make additions, changes, or corrections at any time and without notice. Martin County disclaims any and all liability for damages incurred directly or indirectly as a result of errors, omissions or discrepancies and is not responsible for misuse or misinterpretation.  
 User Privacy Policy  
 GDPR Privacy Notice



Last Data Upload: 10/1/2019 1:03:07 AM

Version 2.3.7

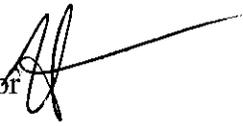






MEETING DATE: October 14, 2019

SUBJECT: Sale of Tax Forfeited Property

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 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: Upon notification by the Martin County Auditor/Treasurer of the sale of tax forfeited property, the City may request a sale or conveyance of properties listed for forfeiture to the State of Minnesota for nonpayment of property taxes. The City wishes to request that four of these properties be sold or conveyed to the City of Fairmont for demolition.

MOTION: To approve Resolution 2019-50, requesting a sale or conveyance of properties for sale as tax forfeited property to the City.

VOTE REQUIRED: Simple majority – Roll call.

ATTACHMENTS:

1. County Notice
2. Resolution 2019-50
3. Parcel Information

\*\*\*\*\*

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

**CERTIFICATE OF COUNTY BOARD OF CLASSIFICATION OF FORFEITED  
LAND AS PROVIDED BY CHAPTER 386, LAWS 1935 AMENDED**

To the City Council of the City of Fairmont,

The Martin County Board of Commissioners of the County of Martin, Minnesota do hereby certify that the parcels of land hereinafter listed are all of the lands located in your city which have been classified by us as non-conservation lands, from the list of lands forfeited to the State of Minnesota for non-payment of taxes for the year or year 2015 as provided by Minnesota Statutes 1945, Section 282.01 as amended.

SUBDIVISION	SEC OR LOT	TWP OR BLOCK	APPRAISED VALUE OF LAND	SPECIAL ASSESSMENTS
23.040.0470 ORIGINAL	02	13	\$1.00	\$4,386.66
23.119.0230 GAMBLES EXT	01	08	\$1.00	\$7,920.25
23.122.0400 GOULDS	W47' OF E108' OF S127.68'	08	\$20,000	\$0.00
23.173.0010 MAR JO 2ND	01	01	\$25,000	\$0.00
23.207.0020 SCHMIDTS	W98' OF 1 & N12' OF W98' OF 2	05	\$5,000	\$0.00
23.239.0120 STOKES	13	01	\$1.00	\$1,193.34
23.281.0640 WARDS	E75' OF 6	05	\$1.00	\$2,934.00
23.338.0020 CENTER CREEK COMMONS ADDN.	02	01	\$200,000	\$57,975.08
23.338.0060 CENTER CREEK COMMONS ADDN.	01	03	\$75,000	\$24,612.00
23.338.0070 CENTER CREEK COMMONS ADDN.	02	03	\$75,000	\$24,612.00
23.338.0080 CENTER CREEK COMMONS ADDN.	02	03	\$75,000	\$24,612.00
23.256.0845	E46.42' of 3	09	\$3,500	\$0.00

Witness my hand and official seal this 9<sup>th</sup> day of Sept, 2019

**RESOLUTION 2019-50**

**RESOLUTION APPROVING THE SALE OF NON-CONSERVATION LANDS FOR SALE AS TAX FORFEITED PROPERTY TO THE CITY OF FAIRMONT**

**WHEREAS**, each year the Martin County Auditor/Treasurer sends the City Clerk a listing of properties in the City of Fairmont that are listed as forfeited to the State of Minnesota for non-payment of property taxes; and,

**WHEREAS**, the City of Fairmont wishes to ask the Martin County Auditor/Treasurer for a sale or conveyance of four properties listed for forfeiture to the State of Minnesota for nonpayment of property taxes.

**NOW THEREFORE BE IT RESOLVED** by the City of Fairmont that the following parcels are classified as non-conservation lands in the City of Fairmont and the City wishes to request a sale or conveyance of the properties listed below to the City:

<u>Parcel Number</u>	<u>Address</u>
23.040.0470	315 Elm St. N.
23.207.0020	103 Orient St. S.
23.239.0120	719 6 <sup>th</sup> St. E.
23.281.0640	523 Elm St. N.

This resolution is passed to comply with the provisions of Minn. Stat. §282.01.

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

PASSED, APPROVED AND ADOPTED this 14th day of October 2019.

---

Deborah J. Foster, Mayor

ATTEST:

---

Patricia J. Monsen, City Clerk



**Summary**

Parcel ID 230400470  
 Property Address 315 ELM ST N  
 FAIRMONT  
 Sec/Twp/Rng N/A  
 Brief Tax Description ORIGINAL Lot-002 Block-013 E1/2  
 (Note: Not to be used on legal documents)  
 Deeded Acres 0.00  
 Class 20A - (NON-HSTD) RES 1-3 UNIMPR LAND  
 District (2301) FAIRMONT CTY-454  
 School District 2752  
 Neighborhood 2310.1 - 3RD/DEWEY/BEAVE/PARK  
 Contact Appraiser: Laura Odgren  
 Creation Date 07/07/1989

**Owner**

Primary Taxpayer  
 State Of Minnesota  
 Attorney General  
 520 Lafayette Rd Suite  
 St Paul, MN 55146

**Land**

Seq	Code	CER	Dlm 1	Dlm 2	Dlm 3	Unlts	UT
1	RES LOT 12	0	52	75	0	3,900.000	SF
Total						3,900.000	

**Sales**

Multi Parcel	IN	Q	Sale Date	Buyer	Seller	Sale Price	Adj Price	eCRV
N	WD	U	05/04/2009	HAVEL, VIRGINIA E	JPMC SPECIALTY MORTGAGE LLC	\$34,900	\$34,900	\$0
N	TD	U	04/30/1998	GREISCHAR, PAUL W	DORENDORF, EDWARD	\$33,000	\$33,000	\$0
N	WD	Q	04/28/1998			\$25,000	\$25,000	\$0

Please contact Assessor's Office for CRV's prior to October 2014

**Valuation**

	2019 Assessment	2018 Assessment	2017 Assessment	2016 Assessment	2015 Assessment
+ Estimated Land Value	\$6,600	\$6,600	\$5,700	\$6,300	\$7,000
+ Estimated Building Value	\$0	\$0	\$0	\$0	\$0
+ Estimated Machinery Value	\$0	\$0	\$0	\$0	\$0
= Total Estimated Market Value	\$6,600	\$6,600	\$5,700	\$6,300	\$7,000

**Taxation**

	2019 Payable	2018 Payable	2017 Payable	2016 Payable
Estimated Market Value	\$6,600	\$5,700	\$6,300	\$7,000
- Exempt Value	\$0	\$0	\$0	\$0
- Excluded Value	\$0	\$0	\$0	\$0
- Homestead Exclusion	\$0	\$0	\$0	\$0
= Taxable Market Value	\$6,600	\$5,700	\$6,300	\$7,000
Net Taxes Due	\$94.40	\$83.65	\$86.00	\$92.00
+ Special Assessments	\$525.60	\$558.35	\$0.00	\$0.00
= Total Taxes Due	\$620.00	\$642.00	\$86.00	\$92.00

IF YOU OWE BACK TAXES PLEASE CALL THE AUDITOR/TREASURER OFFICE

**Unpaid Taxes**

	2019 Payable	2018 Payable	2017 Payable	2015 Payable
Unpaid Tax	\$94.40	\$83.65	\$86.00	\$282.00
+ Unpaid Spec Asmt	\$525.60	\$558.35	\$0.00	\$0.00
+ Unpaid Fees	\$0.00	\$0.00	\$0.00	\$10.00
+ Unpaid Penalty	\$37.20	\$80.26	\$12.04	\$28.20
+ Unpaid Interest	\$0.00	\$60.20	\$17.97	\$122.74
= Unpaid Total	\$657.20	\$782.46	\$116.01	\$442.94

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**Taxes Paid**

Receipt #	Receipt Print Date	Bill Pay Year	Amt Adj	Amt Write Off	Amt Charge	Amt Payment
335761	4/20/2016	2016	\$0.00	\$0.00	\$0.00	(\$92.00)
298934	10/9/2014	2014	\$0.00	\$0.00	\$0.00	(\$244.00)
288536	5/13/2014	2014	\$0.00	\$0.00	\$0.00	(\$244.00)
270200	10/8/2013	2013	\$0.00	\$0.00	\$0.00	(\$265.00)
257930	5/6/2013	2013	\$0.00	\$0.00	\$0.00	(\$265.00)

**Tax Statements**

-  2019 Tax Statement
-  2018 Tax Statement
-  2017 Tax Statement

**Valuation Notice**

-  2020 Valuation Notice

**Recent Sales In Area**

From:  To:

No data available for the following modules: Buildings, Sub Area Square Footage, Extra Features, Photos.

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Version 2.3.8





**Summary**

Parcel ID 232070020  
 Property Address 103 ORIENT ST S  
 FAIRMONT  
 Sec/Twp/Rng N/A  
 Brief Tax Description SCHMIDT'S W98' OF LOT 1 & N12' OF W98' OF 2 BLK 1 92402  
 (Note: Not to be used on legal documents)  
 Deeded Acres 0.00  
 Class 201 - (NON-HSTD) RESIDENTIAL  
 District (2301) FAIRMONT CTY-454  
 School District 2752  
 Neighborhood 2310.1 - 3RD/DEWEY/BEAVE/PARK  
 Contact Appraiser: Laura Odgren  
 Creation Date 07/07/1989



**Owner**

Primary Taxpayer  
 State Of Minnesota  
 Attorney General  
 520 Lafayette Rd Suite  
 St Paul, MN 55146

**Land**

Seq	Code	CER	Dim 1	Dim 2	Dim 3	Units	UT
1	RES LOT 12	0	64	98	0	6,272.000	SF
Total						6,272.000	

**Buildings**

Building 1  
 Year Built 1910  
 Architecture CONVENTION  
 Heated Sq Ft 2072  
 Finished Basement Sq Ft 495  
 Construction Quality AVERAGE  
 Condition AC C, FAIR  
 Foundation Type CONC BLOCK  
 Frame Type WOOD FRAME  
 Size/Shape 2.00 IRR  
 Exterior Walls STEEL/MTL  
 Windows DH/WOOD  
 Roof Structure GABLE/HIP  
 Roof Cover COMP SHINGL  
 Interior Walls PLASTER  
 Floor Cover CARPET; VINYL  
 Heat HOT WATER  
 Air Conditioning WINDOW  
 Bedrooms 6  
 Bathrooms 3  
 Kitchen SOFT/STAIN  
 1st Floor Area Sq Ft 1096  
 Ceiling N/A  
 Stories 2

**Sub Area Square Footage**

SubArea	Act Area	%	Adj Area	Heated	Prime	RCNLD
TWB 1910 2 STY/BMT	976	240	2,342	1,952	976	18,914
TVE 1910 3/4 ENTRY	15	75	11	0	0	88
FEP 1910 F ENC PRCH	64	70	45	0	0	363
ONE 1910 1 STORY	120	115	138	120	120	1,114
BFL 1910 BMT FIN LO	495	10	50	0	0	403
Total for Bldg 1	1,670		2,586	2,072	1,096	20,882

[Click here to view a list of sub area descriptions.](#)

**Extra Features**

Seq	Code	Description	Dim 1	Dim 2	Units	UT
1	001102	GARAGE UNFINISHED	18	10	180.000	SF

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Sales

Multi Parcel	IN	Q	Sale Date	Buyer	Seller	Sale Price	Adj Price	eCRV
N	WD	Q	10/02/1996	HAMILTON, JSCOTT	OLSON, ROBERT D & GLADYS E	\$51,000	\$51,000	

Please contact Assessor's Office for CRV's prior to October 2014

Valuation

	2019 Assessment	2018 Assessment	2017 Assessment	2016 Assessment	2015 Assessment
+ Estimated Land Value	\$9,000	\$9,000	\$7,700	\$8,600	\$9,500
+ Estimated Building Value	\$21,200	\$46,000	\$39,500	\$43,800	\$48,600
+ Estimated Machinery Value	\$0	\$0	\$0	\$0	\$0
= Total Estimated Market Value	\$30,200	\$55,000	\$47,200	\$52,400	\$58,100

Taxation

	2019 Payable	2018 Payable	2017 Payable	2016 Payable
Estimated Market Value	\$55,000	\$47,200	\$52,400	\$58,100
- Exempt Value	\$0	\$0	\$0	\$0
- Excluded Value	\$0	\$0	\$0	\$0
- Homestead Exclusion	\$0	\$0	\$0	\$0
= Taxable Market Value	\$55,000	\$47,200	\$52,400	\$58,100
Net Taxes Due	\$781.00	\$687.00	\$709.00	\$755.00
+ Special Assessments	\$69.00	\$69.00	\$69.00	\$69.00
= Total Taxes Due	\$850.00	\$756.00	\$778.00	\$824.00

IF YOU OWE BACK TAXES PLEASE CALL THE AUDITOR/TREASURER OFFICE

Unpaid Taxes

	2019 Payable	2018 Payable	2017 Payable	2016 Payable	2015 Payable
Unpaid Tax	\$781.00	\$687.00	\$709.00	\$755.00	\$625.00
+ Unpaid Spec Asmt	\$69.00	\$69.00	\$69.00	\$69.00	\$69.00
+ Unpaid Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00
+ Unpaid Penalty	\$51.00	\$94.51	\$108.92	\$115.36	\$97.16
+ Unpaid Interest	\$0.00	\$70.88	\$162.62	\$266.16	\$307.12
= Unpaid Total	\$901.00	\$921.39	\$1,049.54	\$1,205.52	\$1,108.28

Taxes Paid

Receipt #	Receipt Print Date	Bill Pay Year	Amt Adj	Amt Write Off	Amt Charge	Amt Payment
302023	10/15/2014	2014	\$0.00	\$0.00	\$0.00	(\$236.00)
289103	5/13/2014	2014	\$0.00	\$0.00	\$0.00	(\$236.00)
258514	5/7/2013	2013	\$0.00	\$0.00	\$0.00	(\$512.00)

Tax Statements

-  2019 Tax Statement
-  2018 Tax Statement
-  2017 Tax Statement

Valuation Notice

-  2020 Valuation Notice

Photos

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Recent Sales In Area

From:  To:

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Version 2.3.8

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**Summary**

Parcel ID 232390120  
 Property Address 719 6TH ST E  
 FAIRMONT  
 Sec/Twp/Rng N/A  
 Brief Tax Description STOKE'S Lot-013 Block-001  
 (Note: Not to be used on legal documents)  
 Deeded Acres 0.00  
 Class 201 - (NON-HSTD) RESIDENTIAL  
 District (2301) FAIRMONT CTY-454  
 School District 2752  
 Neighborhood 2310.01 - SO.RR/DEWEY/4TH/LAKE  
 Contact Appraiser: Jessica Laue  
 Creation Date 07/07/1989



**Owner**

Primary Taxpayer  
 State Of Minnesota  
 Attorney General  
 520 Lafayette Rd Suite  
 St Paul, MN 55146

**Land**

Seq	Code	CER	Dlm 1	Dlm 2	Dlm 3	Units	UT
1	RES LOT 11	0	43	140	0	6,020.000	SF
<b>Total</b>						<b>6,020.000</b>	

**Buildings**

Building 1  
 Year Built 1915  
 Architecture CONVENTION  
 Heated Sq Ft 900  
 Finished Basement Sq Ft  
 Construction Quality BELOW AVG.  
 Condition AC E, FAIR  
 Foundation Type CONC BLOCK  
 Frame Type WOOD FRAME  
 Size/Shape 1.50 SQ/RC  
 Exterior Walls WOOD SDNG  
 Windows DH/WOOD  
 Roof Structure GABLE/HIP  
 Roof Cover COMP SHNGL  
 Interior Walls PLASTER  
 Floor Cover VINYL; CARPET  
 Heat FORCED AIR  
 Air Conditioning WINDOW  
 Bedrooms 2  
 Bathrooms 0.75  
 Kitchen SOFT/PAINT  
 1st Floor Area Sq Ft 603  
 Ceiling N/A  
 Stories 1.5

**Sub Area Square Footage**

SubArea	Act Area	%	Adj Area	Heated	Prme	RCNLD
OHB 1915 1.5STY/BMT	594	190	1,129	891	594	5,282
ONE 1915 1 STORY	9	115	10	9	9	46
FEP 1977 F ENC PRCH	152	70	106	0	0	495
<b>Total for Bldg 1</b>	<b>755</b>		<b>1,245</b>	<b>900</b>	<b>603</b>	<b>5,823</b>

[Click here to view a list of sub area descriptions.](#)

**Extra Features**

Seq	Code	Description	Dlm 1	Dlm 2	Units	UT
1	001102	GARAGE UNFINISHED	0	0	194.000	SF

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Sales

Multi Parcel	IN	Q	Sale Date	Buyer	Seller	Sale Price	Adj Price	eCRV
N	WD	Q	08/02/2005	RICHEY, SCOTT CHARLES	COTTEW, RICK D & RUTIANNA	\$53,000	\$53,000	

Please contact Assessor's Office for CRV's prior to October 2014

Valuation

	2019 Assessment	2018 Assessment	2017 Assessment	2016 Assessment	2015 Assessment
+ Estimated Land Value	\$5,500	\$4,800	\$4,100	\$3,900	\$4,300
+ Estimated Building Value	\$6,100	\$5,400	\$4,700	\$4,400	\$4,900
+ Estimated Machinery Value	\$0	\$0	\$0	\$0	\$0
= Total Estimated Market Value	\$11,600	\$10,200	\$8,800	\$8,300	\$9,200

Taxation

	2019 Payable	2018 Payable	2017 Payable	2016 Payable
Estimated Market Value	\$10,200	\$8,800	\$8,300	\$9,200
- Exempt Value	\$0	\$0	\$0	\$0
- Excluded Value	\$0	\$0	\$0	\$0
- Homestead Exclusion	\$0	\$0	(\$3,300)	(\$3,700)
= Taxable Market Value	\$10,200	\$8,800	\$5,000	\$5,500
Net Taxes Due	\$144.20	\$127.91	\$75.00	\$79.00
+ Special Assessments	\$1,357.80	\$1,438.09	\$69.00	\$69.00
= Total Taxes Due	\$1,502.00	\$1,566.00	\$144.00	\$148.00

IF YOU OWE BACK TAXES PLEASE CALL THE AUDITOR/TREASURER OFFICE

Unpaid Taxes

	2019 Payable	2018 Payable	2017 Payable	2016 Payable	2015 Payable
Unpaid Tax	\$144.20	\$127.91	\$75.00	\$79.00	\$32.50
+ Unpaid Spec Asmt	\$1,357.80	\$1,438.09	\$69.00	\$69.00	\$34.50
+ Unpaid Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00
+ Unpaid Penalty	\$90.12	\$195.74	\$14.40	\$14.80	\$6.70
+ Unpaid Interest	\$0.00	\$146.81	\$29.06	\$46.14	\$32.10
= Unpaid Total	\$1,592.12	\$1,908.55	\$187.46	\$208.94	\$115.80

Taxes Paid

Receipt #	Receipt Print Date	Bill Pay Year	Amt Adj	Amt Write Off	Amt Charge	Amt Payment
311585	5/7/2015	2015	\$0.00	\$0.00	\$0.00	(\$67.00)
298124	10/8/2014	2014	\$0.00	\$0.00	\$0.00	(\$68.00)
284428	5/5/2014	2014	\$0.00	\$0.00	\$0.00	(\$68.00)
270737	10/9/2013	2013	\$0.00	\$0.00	\$0.00	(\$219.00)
256685	5/2/2013	2013	\$0.00	\$0.00	\$0.00	(\$219.00)

Tax Statements

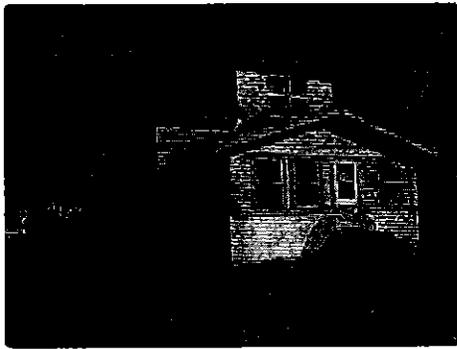
-  2019 Tax Statement
-  2018 Tax Statement
-  2017 Tax Statement

Valuation Notice

-  2020 Valuation Notice

Photos

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Recent Sales In Area

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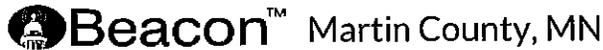
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**Summary**

Parcel ID 232810640  
 Property Address 523 ELM ST N  
 FAIRMONT  
 Sec/Twp/Rng N/A  
 Brief Tax Description WARDS Lot-006 Block-005 EAST 75'  
 (Note: Not to be used on legal documents)  
 Deeded Acres 0.00  
 Class 201 - (NON-HSTD) RESIDENTIAL  
 District (2301) FAIRMONT CTY-454  
 School District 2752  
 Neighborhood 2305.4 - E8/DEWEY/SO.RR/N.NO  
 Contact Appraiser: Angie DeBoer  
 Creation Date 07/07/1989



**Owner**

Primary Taxpayer  
 State Of Minnesota  
 Attorney General  
 520 Lafayette Rd Suite  
 St Paul, MN 55146

**Land**

Seq	Code	CER	Dlm 1	Dlm 2	Dlm 3	Units	UT
1	RES LOT 10	0	0	0	0	4,837.000	SF
<b>Total</b>						<b>4,837.000</b>	

**Buildings**

Building 1  
 Year Built 1900  
 Architecture CONVENTION  
 Heated Sq Ft 984  
 Finished Basement Sq Ft  
 Construction Quality AVERAGE  
 Condition AC A, POOR  
 Foundation Type CONC BLOCK  
 Frame Type WOOD FRAME  
 Size/Shape 1.00 SQ/RC  
 Exterior Walls WOOD SDNG  
 Windows DH/WOOD  
 Roof Structure GABLE/HIP  
 Roof Cover COMP SHNGL  
 Interior Walls PLASTER  
 Floor Cover CARPET; VINYL  
 Heat CONVECTION  
 Air Conditioning NONE  
 Bedrooms 2  
 Bathrooms 1.5  
 Kitchen SOFT/STAIN  
 1st Floor Area Sq Ft 984  
 Ceiling N/A  
 Stories 1

**Sub Area Square Footage**

SubArea	Act Area	%	Adj Area	Heated	Prime	RCNLD
UGR 1900 UNF GARAGE	420	48	202	0	0	952
DKA 1900 DECK AVG	128	20	26	0	0	122
OWB 1900 1 STY/BMT	856	150	1,284	856	856	6,054
ONE 1900 1 STORY	128	115	147	128	128	693
<b>Total for Bldg 1</b>	<b>1,532</b>		<b>1,659</b>	<b>984</b>	<b>984</b>	<b>7,821</b>

[Click here to view a list of sub area descriptions.](#)

**Valuation**

	2019 Assessment	2018 Assessment	2017 Assessment	2016 Assessment	2015 Assessment
+ Estimated Land Value	\$3,800	\$3,700	\$3,700	\$3,400	\$2,900
+ Estimated Building Value	\$7,800	\$7,600	\$7,600	\$6,900	\$6,100
+ Estimated Machinery Value	\$0	\$0	\$0	\$0	\$0
<b>= Total Estimated Market Value</b>	<b>\$11,600</b>	<b>\$11,300</b>	<b>\$11,300</b>	<b>\$10,300</b>	<b>\$9,000</b>

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**Taxation**

	2019 Payable	2018 Payable	2017 Payable	2016 Payable
Estimated Market Value	\$11,300	\$11,300	\$10,300	\$9,000
- Exempt Value	\$0	\$0	\$0	\$0
- Excluded Value	\$0	\$0	\$0	\$0
- Homestead Exclusion	\$0	\$0	\$0	\$0
<b>= Taxable Market Value</b>	<b>\$11,300</b>	<b>\$11,300</b>	<b>\$10,300</b>	<b>\$9,000</b>
Net Taxes Due	\$160.60	\$163.56	\$138.52	\$117.48
+ Special Assessments	\$525.40	\$538.44	\$551.48	\$564.52
<b>= Total Taxes Due</b>	<b>\$686.00</b>	<b>\$702.00</b>	<b>\$690.00</b>	<b>\$682.00</b>

IF YOU OWE BACK TAXES PLEASE CALL THE AUDITOR/TREASURER OFFICE

**Unpaid Taxes**

	2019 Payable	2018 Payable	2017 Payable	2016 Payable	2015 Payable
Unpaid Tax	\$160.60	\$163.56	\$138.52	\$117.48	\$106.44
+ Unpaid Spec Asmt	\$525.40	\$538.44	\$551.48	\$564.52	\$577.56
+ Unpaid Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00
+ Unpaid Penalty	\$41.16	\$87.76	\$96.60	\$95.48	\$95.76
+ Unpaid Interest	\$0.00	\$65.76	\$144.18	\$220.20	\$302.71
<b>= Unpaid Total</b>	<b>\$727.16</b>	<b>\$855.52</b>	<b>\$930.78</b>	<b>\$997.68</b>	<b>\$1,092.47</b>

**Taxes Paid**

Receipt #	Receipt Print Date	Bill Pay Year	Amt Adj	Amt Write Off	Amt Charge	Amt Payment
299862	10/14/2014	2014	\$0.00	\$0.00	\$44.64	(\$788.64)
3348	10/14/2014	2013	\$0.00	\$0.00	\$24.34	(\$134.34)
264953	5/15/2013	2013	\$0.00	\$0.00	\$0.00	(\$100.00)

**Tax Statements**

-  2019 Tax Statement
-  2018 Tax Statement
-  2017 Tax Statement

**Valuation Notice**

-  2020 Valuation Notice

**Photos**



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Recent Sales In Area

From:  To:

No data available for the following modules: Extra Features, Sales.

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Last Data Upload: 10/9/2019 12:59:18 AM

Version 2.3.8

60.

MEETING DATE: October 14, 2019

SUBJECT: Forensic Audit

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: Eric C. Ordahl, Interim City Attorney

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:** At the September 23<sup>rd</sup> City Council meeting, the Fairmont City Council adopted Resolution 2019-43, authorizing the City Clerk to complete and file a request to the Office of the State Auditor to have the books, records, accounts and affairs of the City of Fairmont examined for the time period from January 2002 through January 2019. This motion is to identify which City Councilors and appropriate City staff will be responsible to work with the State Auditor to determine the appropriate scope of the audit and to conduct ongoing communications with the State Auditor as needed throughout the audit process.

**MOTION:** Motion authorizing [insert 1-2 council members names] and appropriate City Staff to work with the Minnesota Office of the State Auditor to specify the scope and to determine the estimated costs of the Forensic Audit requested by City Council Resolution 2019-43. The same are authorized to have ongoing communications with the Office of the State Auditor as needed to facilitate the audit process and to report back to Council on progress.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

- 1.
- \*\*\*\*\*

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

6/1.

MEETING DATE: October 14, 2019

SUBJECT: Professional Services Agreement for Lake Avenue Reconstruction – Phase 2

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

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: Bolton & Menk has completed the corridor study and public involvement on the Lake Avenue project scheduled for construction in 2020. The next phase of this project is to complete the design engineering and develop construction plans for bidding. Staff is recommending the City hire Bolton and Menk to complete phase 2 of the professional engineering services on the Lake Avenue reconstruction project.

MOTION: To approve hiring Bolton and Menk for phase 2 of the professional engineering services on the Lake Avenue reconstruction project.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Professional Services Agreement – Phase 2
2. \_\_\_\_\_
3. \_\_\_\_\_

\*\*\*\*\*

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

**AGREEMENT FOR PROFESSIONAL SERVICES - PHASE 2  
LAKE AVENUE RECONSTRUCTION  
FROM FOURTH STREET TO DOWNTOWN PLAZA  
CITY OF FAIRMONT, MINNESOTA**

This Agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the City of Fairmont, 100 Downtown Plaza, Fairmont, MN 56031, hereinafter referred to as CLIENT, and Bolton & Menk, Inc., 1501 South State Street, Suite 100, Fairmont, MN 56031, hereinafter referred to as CONSULTANT.

WITNESS, whereas the CLIENT intends to employ professional services required in conjunction with the Lake Avenue Reconstruction in the City of Fairmont, Minnesota, and

WHEREAS, the CONSULTANT agrees to furnish the various professional services required by the CLIENT.

NOW, THEREFORE, in consideration of the mutual covenants and promises between the parties hereto, it is agreed:

**SECTION I - CONSULTANT'S SERVICES**

- A. The CONSULTANT agrees to perform the various Basic Services in connection with the specific project as described in Exhibit I.A.
- B. Upon mutual agreement of the parties hereto, Additional Services may be authorized as described in Exhibit I.
- C. The CONSULTANT shall serve as the CLIENT'S professional engineering representative as described herein.

**SECTION II - THE CLIENT'S RESPONSIBILITIES**

- A. The CLIENT shall promptly compensate the CONSULTANT in accordance with Section III of this Agreement.
- B. The CLIENT shall place any and all previously acquired information in its custody at the disposal of the CONSULTANT for its use. Such information shall include but shall not be limited to boundary surveys, topographic surveys, preliminary sketch plan layouts, building plans, soil surveys, abstracts, deed descriptions, tile maps and layouts, aerial photos, utility agreements, environmental reviews, zoning limitation. The CONSULTANT may rely upon the accuracy and sufficiency of all such information in performing services unless otherwise instructed, in writing, by CLIENT.
- C. The CLIENT will guarantee access to and make all provisions for entry upon both public and private portions of the project and pertinent adjoining properties.
- D. The CLIENT will give prompt notice to the CONSULTANT whenever the CLIENT observes or otherwise becomes aware of any defect in the proposed project.
- E. The CLIENT shall designate a liaison person to act as the CLIENT'S representative with respect to services to be rendered under this Agreement. Said representative shall have the authority to transmit instructions, receive instructions, receive information, interpret and define the CLIENT'S policies with respect to the project and CONSULTANT'S services.

- F. The CLIENT shall provide such legal, accounting, independent cost estimating and insurance counseling services as may be required for completion of contract documents and other CONSULTANT services not included in this Agreement.
- G. The CLIENT will hire, when requested by the CONSULTANT, an independent testing company to perform laboratory and material testing services, and soil investigations that can be justified for the proper design of the project. The CONSULTANT shall assist the CLIENT in selecting a testing company. Payment for testing services shall be made directly to the testing company by the CLIENT and is not part of this Agreement.
- H. The CLIENT shall give prompt and thorough consideration of all reports, sketches, estimates, drawings, specifications, proposals and other documents submitted to the CLIENT by the CONSULTANT, and shall inform the CONSULTANT of all decisions within a reasonable time so as not to delay the work.
- I. The CLIENT shall be responsible for issuing all legal notices, holding all required special meetings, receiving and acting upon protests, and fulfilling all requirements necessary in legal development of the projects as well as paying all costs incidental thereto.

**SECTION III - COMPENSATION FOR SERVICES**

A. SCHEDULE OF FEES

- 1. The following schedule of fees is based upon competent and responsible engineering and surveying services, and are the minimum, below which adequate professional standards cannot be maintained. It is, therefore, to the advantage of both the CONSULTANT and CLIENT that fees be commensurate with the service rendered.

Sr. Project Manager-Principal Engineer/Surveyor.....	\$150-250/Hour
Project Manager - Principal Engineer/Surveyor .....	\$128-195/Hour
Project/Design Engineer/Planner .....	\$65-190/Hour
Licensed Surveyor .....	\$95-150/Hour
Project Surveyor .....	\$95-150/Hour
Senior Technician .....	\$92-170/Hour
Technician.....	\$65-145/Hour
Administrative Support & Clerical .....	\$45-90/Hour
<b>GPS/Robotic Survey Equipment .....</b>	<b>No Charge</b>
<b>AutoCAD/Computer Time.....</b>	<b>No Charge</b>
<b>Office Supplies.....</b>	<b>No Charge</b>
<b>Photo Copying/Reproduction .....</b>	<b>No Charge</b>
<b>Field Supplies/Survey Stakes &amp; Equipment.....</b>	<b>No Charge</b>
<b>Mileage.....</b>	<b>No Charge</b>

Charges are based on hours spent at hourly rates in effect for the individuals performing the work. The hourly rates for principals, associates and members of the staff vary according to skill and experience.

These rates include an overhead factor that accounts for federal and state taxes and required benefits, as well as insurance, office expenses and profit. In addition, the overhead factor includes vehicle and personal expenses, stakes and supplies as noted above. Unusual expenses, such as large quantities of prints, outside professional assistance and other items of this general nature, will be billed out separately. Overtime shall not result in additional costs to the CLIENT, but shall be billed at normal hourly rates.

2. Total cost for the Basic Services, as itemized under Section I.A. of EXHIBIT I shall not exceed the following:

Task I - Final Design and Preparation of Contract Documents	
Detailed Street Design .....	\$157,600.00
Sanitary Sewer and Watermain.....	\$68,800.00
Street Lighting Design .....	\$12,000.00
Storm Sewer and Stormwater Management Design .....	\$32,600.00
Task II - Bidding Services .....	\$10,000.00
<b>Total, Basic Services (Not-to-exceed) .....</b>	<b>\$281,000.00</b>

3. The payment to the CONSULTANT will be made by the CLIENT upon billing at intervals not more often than monthly.

#### SECTION IV - GENERAL

##### A. STANDARD OF CARE

Professional services provided under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the Consultant's profession currently practicing under similar conditions. No warranty, express or implied, is made.

##### B. CHANGE IN PROJECT SCOPE

In the event the CLIENT changes or is required to change the scope of the project from that described in Section I and/or the applicable addendum, and such changes require Additional Services by the CONSULTANT, the CONSULTANT shall be entitled to additional compensation at the applicable hourly rates. The CONSULTANT shall give notice to the CLIENT of any Additional Services, prior to furnishing such additional services. The CLIENT may request an estimate of additional cost from the CONSULTANT, and upon receipt of the request, the CONSULTANT shall furnish such, prior to authorization of the changed scope of work.

##### C. LIMITATION OF LIABILITY

CONSULTANT shall indemnify, defend, and hold harmless CLIENT and its officials, agents and employees from any loss, claim, liability, and expense (including reasonable attorneys' fees and expenses of litigation) arising from, or based in the whole, or in any part, on any negligence act or omission by CONSULTANT'S employees, agents, or subconsultants. In no event shall CLIENT be liable to CONSULTANT for consequential, incidental, indirect, special, or punitive damages.

CLIENT shall indemnify, defend, and hold harmless CONSULTANT and its employees from any loss, claim, liability, and expense (including reasonable attorneys' fees and expenses of litigation) arising from, or based in the whole, or in any part, on any negligence act or omission by CLIENT'S employees, agents, or consultants. In no event shall CONSULTANT be liable to CLIENT for consequential, incidental, indirect, special, or punitive damages.

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the CLIENT or the CONSULTANT. The CONSULTANT'S services under this Agreement are being performed solely for the CLIENT'S benefit, and no other entity shall have any claim against the CONSULTANT because of this Agreement or the performance or nonperformance of services hereunder. The CLIENT agrees to include a provision in all contracts with contractors and other entities involved in this project to carry out the intent of the paragraph.

#### D. INSURANCE

The CONSULTANT agrees to maintain, at the CONSULTANT'S expense, statutory worker's compensation coverage.

The CONSULTANT also agrees to maintain, at CONSULTANT'S expense, general liability insurance coverage insuring CONSULTANT against claims for bodily injury, death or property damage arising out of CONSULTANT'S general business activities (including automobile use). The liability insurance policy shall provide coverage for each occurrence in the minimum amount of \$1,000,000.

During the period of design and construction of the project, the CONSULTANT also agrees to maintain, at CONSULTANT'S expense, Professional Liability Insurance coverage insuring CONSULTANT against damages for legal liability arising from an error, omission or negligent act in the performance of professional services required by this agreement, providing that such coverage is reasonably available at commercially affordable premiums. For purposes of this agreement, "reasonably available" and "commercially affordable" shall mean that more than half of the design professionals practicing in this state in CONSULTANT'S discipline are able to obtain coverage. The professional liability insurance policy shall provide coverage for each occurrence in the amount of \$1,000,000 and annual aggregate of \$1,000,000 on a claims-made basis.

Upon request of CLIENT, CONSULTANT shall provide CLIENT with certificates of insurance, showing evidence of required coverages.

#### E. OPINIONS OR ESTIMATES OF CONSTRUCTION COST

Where provided by the CONSULTANT as part of Exhibit I or otherwise, opinions or estimates of construction cost will generally be based upon public construction cost information. Since the CONSULTANT has no control over the cost of labor, materials, competitive bidding process, weather conditions and other factors affecting the cost of construction, all cost estimates are opinions for general information of the CLIENT and the CONSULTANT does not warrant or guarantee the accuracy of construction cost opinions or estimates. The CLIENT acknowledges that costs for project financing should be based upon contracted construction costs with appropriate contingencies.

F. CONSTRUCTION SERVICES

It is agreed that the CONSULTANT and its representatives shall not be responsible for the means, methods, techniques, schedules or procedures of construction selected by the contractor or the safety precautions or programs incident to the work of the contractor.

G. USE OF ELECTRONIC/DIGITAL DATA

Because of the potential instability of electronic/digital data and susceptibility to unauthorized changes, copies of documents that may be relied upon by CLIENT are limited to the printed copies (also known as hard copies) that are signed or sealed by CONSULTANT. Except for electronic/digital data which is specifically identified as a project deliverable by this AGREEMENT or except as otherwise explicitly provided in this AGREEMENT, all electronic/digital data developed by the CONSULTANT as part of the PROJECT is acknowledged to be an internal working document for the CONSULTANT'S purposes solely and any such information provided to the CLIENT shall be on an "AS IS" basis strictly for the convenience of the CLIENT without any warranties of any kind. As such, the CLIENT is advised and acknowledges that use of such information may require substantial modification and independent verification by the CLIENT (or its designees). Provision of electronic/digital data, whether required by this Agreement or provided as a convenience to the Client, does not include any license of software or other systems necessary to read, use or reproduce the information. It is the responsibility of the CLIENT to verify compatibility with its system and long-term stability of media. CLIENT shall indemnify and hold harmless CONSULTANT and its Subconsultants from all claims, damages, losses, and expenses, including attorneys' fees arising out of or resulting from third party use or any adaptation or distribution of electronic/digital data provided under this AGREEMENT, unless such third party use and adaptation or distribution is explicitly authorized by this AGREEMENT.

H. REUSE OF DOCUMENTS

Drawings and Specifications and all other documents (including electronic and digital versions of any documents) prepared or furnished by CONSULTANT pursuant to this AGREEMENT are instruments of service in respect to the Project and CONSULTANT shall retain an ownership interest therein. Upon payment of all fees owed to the CONSULTANT, the CLIENT shall acquire an ownership interest in all identified deliverables, including Plans and Specifications, for any reasonable use relative to the Project and the general operations of the CLIENT. CLIENT may make and disseminate copies for information and reference in connection with the use and maintenance of the Project by the CLIENT. However, such documents are not intended or represented to be suitable for reuse by CLIENT or others on extensions of the Project or on any other project and any reuse other than that specifically intended by this AGREEMENT will be at CLIENT'S sole risk and without liability or legal exposure to CONSULTANT.

I. CONFIDENTIALITY

CONSULTANT agrees to keep confidential and not to disclose to any person or entity, other than CONSULTANT'S employees and subconsultants any information obtained from CLIENT not previously in the public domain or not otherwise previously known to or generated by CONSULTANT. These provisions shall not apply to information in whatever form that comes into the public domain through no fault of CONSULTANT; or is furnished to CONSULTANT by a third party who is under no obligation to keep such information confidential; or is information for which the CONSULTANT is required to provide by law or authority with proper jurisdiction; or is information upon which the CONSULTANT must rely for defense of any claim or legal action.

J. PERIOD OF AGREEMENT

This Agreement will remain in effect for the longer of a period of two years or such other explicitly identified completion period, after which time the Agreement may be extended upon mutual agreement of both parties.

K. PAYMENTS

If CLIENT fails to make any payment due CONSULTANT for services and expenses within thirty days after date of the CONSULTANT's invoice, a service charge of one percent (1.0%) per month or the maximum rate permitted by law, whichever is less, may be charged on any unpaid balance. In addition after giving seven days' written notice to CLIENT, CONSULTANT may, without waiving any claim or right against the CLIENT and without incurring liability whatsoever to the CLIENT, suspend services and withhold project deliverables due under this Agreement until CONSULTANT has been paid in full all amounts due for services, expenses and charges.

L. TERMINATION

This Agreement may be terminated by either party for any reason or for convenience by either party upon seven (7) days written notice.

In the event of termination, the CLIENT shall be obligated to the CONSULTANT for payment of amounts due and owing including payment for services performed or furnished to the date and time of termination, computed in accordance with Section III of this Agreement.

M. CONTINGENT FEE

The CONSULTANT warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT to solicit or secure this Contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from award or making of this Agreement.

N. NON-DISCRIMINATION

The provisions of any applicable law or ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set forth herein.

**The CONSULTANT is an Equal Opportunity Employer** and it is the policy of the CONSULTANT that all employees, persons seeking employment, subcontractors, subconsultants and vendors are treated without regard to their race, religion, sex, color, national origin, disability, age, sexual orientation, marital status, public assistance status or any other characteristic protected by federal, state or local law.

O. CONTROLLING LAW

This Agreement is to be governed by the law of the State of Minnesota.

P. DISPUTE RESOLUTION

CLIENT and CONSULTANT agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice of dispute prior to proceeding to formal dispute resolution or exercising their rights under law. Any claims or disputes unresolved after good faith negotiations shall first be submitted to mediation, using a mutually acceptable Neutral Third Party and mutually agreeable mediation process. If the mediation is unsuccessful in resolving the dispute, the parties may mutually agree to submit to another method of dispute resolution or submit the dispute to a court of competent jurisdiction.

Q. SURVIVAL

All obligations, representations and provisions made in or given in Section IV of this Agreement will survive the completion of all services of the CONSULTANT under this Agreement or the termination of this Agreement for any reason.

R. SEVERABILITY

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon CLIENT and CONSULTANT, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

**SECTION V - SIGNATURES**

THIS INSTRUMENT embodies the whole agreement of the parties, there being no promises, terms, conditions or obligation referring to the subject matter other than contained herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their behalf.

CLIENT: City of Fairmont, Minnesota

CONSULTANT: Bolton & Menk, Inc.

By: \_\_\_\_\_  
Printed Name

By: Wesley W. Brown  
Printed Name

Signature: \_\_\_\_\_

Signature: Wesley W. Brown

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

Title: Fairmont Work Group Leader

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

Date: October 10, 2019

And: \_\_\_\_\_  
Printed Name

Signature: \_\_\_\_\_

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

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

## EXHIBIT I

### PROJECT RELATED SERVICES BY CONSULTANT - PHASE 2

#### LAKE AVENUE RECONSTRUCTION FROM FOURTH STREET TO DOWNTOWN PLAZA CITY OF FAIRMONT, MINNESOTA

#### DESCRIPTION OF PROPOSED PROJECT

The scope of services is based on the following project limits, assumed construction program and assumed construction time frame:

Project Limits: Lake Avenue from Fourth Street to North Main Street and Blue Earth Avenue from North Main Street to Downtown Plaza in Fairmont, MN.

#### Assumed Construction Program:

- Complete removal and replacement of the existing pavement, curb, and other surface improvements, including:
  - Removal of existing pavement, curb and other surface improvements
  - Street excavation and removal of aggregate base
  - Removal of storm sewer pipe and catch basins
  - Construction of new bituminous pavement with curb and gutter
  - Construction of new driveway aprons
  - Construction of new sidewalk
- Replacement of the existing watermain distribution system
- Replacement of sanitary sewer collection system
- Construction of a new storm sewer system
- Construction of new street lighting system
- Erosion control, sediment control and turf establishment
- Traffic control, detours and construction staging plans
- Other miscellaneous items

Assumed Construction Time Frame: April-October 2020

#### I.A. BASIC SERVICES

For purposes of this specific project, Basic Services to be provided by the CONSULTANT are as follows:

##### Task I - Final Design and Preparation of Contract Documents

- A. The CONSULTANT shall prepare detailed plans and specifications conforming to the requirements of the CLIENT, Minnesota Department of Health, Minnesota Pollution Control Agency and the Minnesota Department of Transportation (MnDOT) State Aid for Local Transportation (SALT).

Design services shall include the following sub tasks:

1. Street Design (Horizontal and Vertical Alignments)
2. Utility Design (Sanitary Sewer and Watermain)
3. Storm Sewer and Stormwater Management to meet the City of Fairmont Standards.
4. Street Lighting Design

- B. The CLIENT has previously collected field survey data, and this will be used for final design and preparation of construction documents.
- C. The CONSULTANT shall prepare drawings showing the existing conditions.
- D. The CONSULTANT shall submit a preliminary set of plans (approximately 50% complete) to the CLIENT for review.
- E. The CONSULTANT shall submit a review set of plans (approximately 75% complete) to the CLIENT and MnDOT for review.
- F. The CONSULTANT shall submit a final set of plans and specifications to the CLIENT and MnDOT for review and approval.
- G. The CONSULTANT shall incorporate comments from the CLIENT and MnDOT and submit plans and specifications for final review and approval.
- H. The CONSULTANT shall prepare quantity and cost breakdowns as required by the CLIENT and MnDOT for financing applications.
- I. The CONSULTANT shall prepare hydraulic and spread calculations as necessary for the storm sewer submittals to MnDOT.
- J. The CONSULTANT shall prepare a Project Manual for bidding and construction including:
  - General Information for Bidders: Advertisement for Bids, Instructions to Bidders, Special Bidding requirements/provisions
  - General Conditions and Supplementary Conditions
  - Information to be submitted with bid: Proposal, Bid Bond, Information requested from Bidder, etc.
  - Agreement, Performance Bond and Payment Bond forms
  - General Conditions
  - Technical Specifications
  - Reference Information: Geotechnical Investigation, other applicable information
- K. The CONSULTANT shall prepare and assist the CLIENT with submitting all required permit applications for the project including:
  - Minnesota Department of Health - Watermain Extension
  - Minnesota Pollution Control Agency:
    - NPDES Storm Water Permit for Construction Activity

**Task II - Bidding Services**

- A. The CONSULTANT shall prepare the necessary bid documents and proposal forms, and advertisement for bids and shall supply sufficient numbers of plan sets for distribution to bidders for which a charge to cover reproduction expenses and clerical time can be made by the CONSULTANT to plan holders. CLIENT shall assume responsibilities and costs for bid advertisement notices. Up to 15 sets of plans (full or half size) and specifications may be provided to CLIENT, as requested.

- B. The CONSULTANT shall address questions from bidders and material suppliers and issue and addenda that may be required for corrections, clarifications or additions to the bidding documents during the bidding period.
- C. The CONSULTANT shall assist in securing bids, attend the public bid letting, tabulate unit price bid items and report back to the CLIENT with recommendations on award of bid.

**I.B. ADDITIONAL SERVICES**

Engineering services performed other than those authorized under Section I.A shall be considered not part of the Basic Services and may be authorized by the CLIENT as Additional Services. Additional Services consist of those services that are not generally considered to be Basic Services or are not definable prior to the commencement of the project or vary depending on the technique, procedures or schedule of the project contractor. Additional services may consist of the following:

1. **ADDITIONAL PROPERTY OR RIGHT OF WAY ACQUISITION SERVICES.** Includes additional property or right of way acquisition services beyond those included in the Basic Services, including: Preparation of easement agreements, preparation of right-of-way plats, assistance with eminent domain proceedings, court preparation and testimony.
2. **REMONUMENTATION.** Replacing lost or obliterated government survey corners or property corners along the project route.
3. **GEOTECHNICAL AND MATERIAL TESTING SERVICES.** Geotechnical services and material testing services, including borings, other subsurface investigations, and material testing for quality control.
4. **ENVIRONMENTAL SERVICES.** Environmental services associated with hazardous materials leaks and contaminated soils.
5. **CONSTRUCTION PHASE SERVICES.** Construction phase services including construction staking, administration and RPR services.
6. **LANDSCAPE DESIGN.** Landscape design services can be provided to enhance the aesthetics of the project, if desired.
7. All other services not specifically identified in Section I.A. or I.B.

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

**MEETING DATE:** October 14, 2019

**SUBJECT: CLOSED SESSION**

**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:** City Council

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

**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:** Based on Minnesota Statute 13D.05, Subd. 3(a), the Council will go into Closed Session to discuss the City Administrator's performance evaluation. A public report of the evaluation will be presented immediately after the closed session.

**MOTION:**

**VOTE REQUIRED:**

**ATTACHMENTS:**

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

\*\*\*\*\*

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