FAIRMONT CITY COUNCIL
AGENDA

Monday, August 10, 2020, 5:30 p.m.

1. Roll Call / Determination of Quorum

2. Pledge of Allegiance

3. Approval of Agenda

4. Recognition / Presentations

4.1 Coalition of Greater Minnesota Cities Presentation (00)

5. Public Discussion / Comment (00)

6. Consent Agenda (Items removed from consent will be placed at the end of the items under new business.)

   A. Minutes

       6.A.1 Regular Meeting, July 27, 2020 (00-00)

   B. Check Registers

   C. Other

       6.C.1 Event Permit – Red Rock Center for Arts (00)

       6.C.2 “Back 9” Mini-Golf Project (00)

       6.C.3 Bowlmor Lanes, LLC On Sale Intoxicating Liquor License (00)

7. Public Hearings

8. Old Business
9. **New Business**

9.1 Second Reading of Proposed Ordinance 2020-09 Natural Gas Franchise Fee

9.2 Yard Waste Recycling Site Policy

9.3 Approval of Housing Demolition Program Policy

10. **Staff/Liaison Reports**

A. **Public Works**

B. **Finance**

C. **City Administrator**

D. **Mayor / Council**

    Hasek – Public Utilities Commission
    Hawkins – FEDA, HRA, Planning Commission
    Lubenow – Board of Zoning Appeals
    Peters – FEDA, Board of Zoning Appeals

11. **Adjournment**
MEETING DATE: August 10, 2020

SUBJECT: Coalition of Greater Minnesota Cities Presentation

REVIEWED BY: Cathy Reynolds, City Administrator

SUBJECT INITIATION BY:

| X | Petition | Board | Staff | Council | Commission | Committee |

SUBJECT BACKGROUND: Cathy Reynolds, City Administrator

INTRODUCED BY: Cathy Reynolds, City Administrator

COUNCIL LIAISON: Cathy Reynolds, City Administrator

TYPE OF ACTION:

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STATEMENT: Marty Seifert will present an update on the work of the Coalition.

MOTION: None

VOTE REQUIRED: N/A

ATTACHMENTS:

1. 
2. 
3. 

************************************************************

Council Action: ____________________________ Date: ________________
CGMC - 102 cities across the state working together

- LGA/Property Taxes
- Economic Development
- Annexation and Land Use
- Transportation
- Environment and Energy
- Labor and Employment
COVID-19 shatters session expectations

<table>
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<tr>
<th>EXPECTATIONS</th>
<th>REALITY</th>
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<tr>
<td>▪ Short session</td>
<td>▪ No in-person legislative meetings</td>
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<td>▪ $1.5B budget surplus</td>
<td>▪ 2 special sessions (and counting)</td>
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<td>▪ Bonding bill</td>
<td>▪ Surplus becomes $2.4B deficit</td>
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<td>▪ Battle over apportionment of federal aid</td>
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<td>▪ Civil unrest/policing reforms take center stage</td>
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<td>▪ Battle lines over Walz’s executive powers</td>
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<td>▪ Bonding bill still tied up in uncertainty</td>
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3/11/20
“The Last Normal Day”
CGMC Goals - then and now

PRE-COVID SHUTDOWNS

▪ Bonding bill of at least $1.5 billion
▪ Advance inflation/population growth proposal for LGA
▪ Build on 2019 child care progress
▪ Advance strategy on PFAS chemicals

AFTER COVID

▪ Large bonding bill!
▪ CARES Act support for local gov’ts
  ▪ Maximum distribution possible
  ▪ Geographic equity
▪ New/exacerbated child care challenges
▪ Small business grants legislation
▪ Working proactively to protect LGA
CGMC helps cities navigate the pandemic

- Created COVID-19 resources page on website: (greatermncities.org/resources/covid-19/)
- Hosted four labor & employment webinars
- Sent multiple informational emails on topics such as personnel issues, workplace safety, and state shutdown orders
- Hosted webinar on state budget
- Surveyed city leaders to gauge their top concerns
- Increased production of CGMC in Brief newsletter
- Hosted Zoom meeting with Governor Walz
CARES Act: What is it?

Through the federal Coronavirus Relief Fund, the CARES Act provides for payments to state, local, and tribal governments navigating the impact of the COVID-19 outbreak.
CARES Act Timeline in MN

Late March
Congress passes the Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

April
Vague guidance from the federal government leads to confusion on how much local governments should receive

April–May
CGMC joins other local government groups, the Dept. of Revenue and legislative leaders in discussions related to the funding distribution formula

Early June
Special Session: Local government groups work with Dept. of Revenue on final distribution formula; Legislature fails to pass bill

End of June
Governor approves $841M distribution to local governments; DOR sends out first checks (early July)

Early April
Minnesota receives $1.8B in CARES Act funds
CARES Act Distribution for Fairmont

CARES Act Distributions

- House Regular Session Proposal ($567M): $535,861
- Senate Regular Session Proposal ($667M): $896,709
- June Special Session Proposal ($841M): $776,529
- Final Amount ($841M): $776,529
CARES Act Resources

- MN Department of Revenue: https://www.revenue.state.mn.us/coronavirus-relief-fund-local-governments
- League of Minnesota Cities FAQ page: www.lmc.org/covid19
BONDING: Top goal becomes more important in pandemic

- CGMC calls for at least a $1.5 billion bill that includes:
  - $200M for wastewater and water infrastructure
  - $20M for Greater Minnesota Business Development Public Infrastructure Grant Program (BDPI)
  - $20M for child care facilities grants
  - $10M for public infrastructure to support housing
  - $200M for local roads & bridges

COVID-19 pandemic makes large bonding bill even more important to stimulate economy.
CGMC Advocates for Large Bonding Bill

Fall 2019
Cities and CGMC advocate during legislative committee bonding tours

Feb. 2020
CGMC holds press conference focused on bonding

March 2020
Bonding key focus of Legislative Action Day

Late March
CGMC sends letter to legislators calling bonding “mission critical”

Early May
CGMC participates with Fix-the-Pipes coalition on press conference

Late May
Senate and House vote down bonding bills

Late May
CGMC sends letters to legislative leaders, action alert to members, and pens statewide column

June
CGMC participates in press conference with Governor pushing for large bonding bill

June
CGMC press release decrying “train wreck” special session garners national attention

July
CGMC issues press release urging legislators to pass bonding bill in second special session

June 15
Bonding Bill

July 13: $1.35B bill unveiled
- $254M for wastewater and water infrastructure
- $230M for local roads and bridges
- $10M BDPI
- $130M for housing
- $0 for child care facilities grants

- Legislation is tied to outcome on other issues
- CGMC continues to push for passage
Per- and Polyfluoroalkyl Substances (PFAS)

The problem:

• PFAS are pervasive “forever” chemicals linked to health concerns and found in waterbodies across the state
• Removal from drinking water is expensive
• Removal from wastewater is not technologically feasible
Our solution: Municipal Source Reduction Initiative

Partnered with League of MN Cities on three-pronged approach to:

✓ Identify main sources of PFAS in wastewater
✓ Identify source reduction strategies
✓ Educate wastewater professionals and public ways to prevent PFAS from entering waste stream

Sought $500,000 for this initiative

COVID-19 killed most spending bills, including this one

Considerable time spent on related-bills

Top priority for 2021
Child Care

Top session 2020 priorities:
- $10 million for DEED child care grants
- $4 million for the six Minnesota Initiative Foundations

House DFL announced $500 million for early childhood and child care was its top priority for session
- Included funding for CGMC’s child care proposals

Then COVID happened ...
State’s Response to Child Care Crisis During COVID

April
State allocates $40M in emergency funds for child care providers
• Providers in Greater MN receive 53% of funds

May
Session wraps up without any more efforts to support the industry

June
Special session brings $85M investment through federal funds to increase CCAP rates

July
Governor announces additional $60M in emergency funds for child care providers

August and beyond?
Greater Minnesota’s 40,000 child care slot deficit expected to grow as more providers leave the industry
Looking ahead
State Budget Projections

- State budget forecast shows a $1.5 billion surplus
  
  February

- Updated budget projection shows a $2.4 billion deficit
- CGMC sends a letter to the Governor and Legislature and issues a press release calling for LGA to be paid on time and in full
  
  May 5

- We expect an updated budget projection from Minnesota Management and Budget
  
  Late Summer/Early Fall
Potential Options for State Budget

When will state address the budget deficit, now or next session?

Options:

1. Deal with budget deficit during special session
2. Deal with budget deficit during 2021 regular session
3. Governor uses unallotment powers

*Ensuring that LGA is paid on time and in full is CGMC’s highest priority!*
2020-2021 LGA for Fairmont

The 2021 LGA is an estimate of what your city will receive.
Looking Ahead to 2021

- November election could shift power dynamics
- Pandemic may continue to impact economy and legislative process
- Protecting LGA will be top priority
- Bonding bill push may be necessary
- Continue to lay groundwork for successful session
Upcoming CGMC Events

- **Membership Meeting, Zoom**
  - **July 31, 2020**

- **Fall Conference, Willmar**
  - **Nov. 19–20, 2020**

- **Legislative Action Day, St. Paul**
  - **Jan. 27, 2021**

- **Summer Conference, Red Wing**
  - **July 28–30, 2021**
MEETING DATE: August 10, 2020

SUBJECT: Public Discussion/Comment

REVIEWED BY: Cathy Reynolds, City Administrator

SUBJECT INITIATION BY:

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SUBJECT BACKGROUND:

INTRODUCED BY: Mayor Deborah J. Foster

COUNCIL LIAISON:

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STATEMENT: Prior to regular business, is there any public discussion/comment?

MOTION: None

VOTE REQUIRED:

ATTACHMENTS:

1. 
2. 
3. 

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Council Action:__________________________ Date:__________
The minutes of the Fairmont City Council meeting held on Monday, July 27, 2020 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 Cathy Reynolds, Public Works Director/City Engineer Troy Nemmers, Finance Director Paul Hoye, Police Chief Mike Hunter, City Clerk Patricia J. Monsen and City Attorney Mark Rahrick via telephone.

Council Member Hasek made a motion to approve the agenda as presented. Council Member Peters seconded the motion and the motion carried.

No public discussion or comment was received.

Council Member Peters made a motion to approve the Consent Agenda. Council Member Hawkins seconded the motion and the motion carried. Items on the consent agenda were: City Council minutes from July 13, 2020; Accounts Payable for July 2020; Purchase Card Policy; Event Permit for Cedar Creek Classic Disc Golf Tournament; Resolution 2020-32, authorizing the City Engineer to complete the Point Source Implementation Grant application through the MN Pollution Control Agency.

Mayor Foster opened the public hearing on proposed Ordinance 2020-09, an ordinance establishing a franchise fee on natural gas companies operating in the City of Fairmont. No public comment was received. Council Member Hawkins made a motion to close the public hearing. Council Member Cyphers seconded the motion and the motion carried.

Nemmers reported that the street department has been crack sealing the streets. This morning the Lake Avenue reconstruction project began. A new policy for the tree dump site will be coming to the next council meeting.

Hoye presented the semi-annual investment report and a quarterly budget status report.

Reynolds reported that building permits continue to exceed from where they were in 2019. A ribbon cutting will be held for the opening of Adventure Playground on Tuesday at 3:30 p.m. The public is invited to participate. Minnesota Housing Partnership puts on an institute that looks at the needs for affordable housing in a community and works with local communities to help provide that affordable housing. The City, HRA and members of the local business community will be participating in the eighteen-month program. The City and Human Services are jointly working on a grant from the CARES Housing Grant. The City will draft the grant application with the County Human Services administering the grant if it is received. Candidacy filings open tomorrow. There are three seats open for election.

Cyphers reported that the Airport Board met on July 14th. The T-hangar is close to completion and work on the taxi lanes and aprons are proceeding. Discussion was held regarding capital improvements at the airport.

Lubenow reported that the Park Board worked on budget priorities. They are requesting an estimate for the restoration of the Sylvania Park Band Shell, a trail to the Band Shell, cost for air
conditioning and making the Lincoln Park Shelter handicapped accessible, Amber Lake Boat landing and parking lot. The Kids Just Want to Have Fun group met with Park Board and expressed their desire to expand the mini golf course to be 18 holes. They would be asking the City for $5,000 to $10,000 in the future for the expansion. The Park Board also had discussion on naming the park by Lake View Methodist Home after the founder of Avery Weigh Tronix, Richard Bradley.

Lubenow reported on the Library Board. The library is now open to the public. The new elevator, which was a cost share with the County has been installed and is working. The library will begin sending out past due notices again. Street Fleet is the new book carrier for the library, and they are back serving the library.

Cyphers reminded citizens of the Martin County Veterans Memorial Dedication Event taking place on August 1st and the Cedar Creek Classic Disc Golf Tournament on August 7th-9th.

There was discussion regarding candidacy announcements.

A motion was made by Council Member Peters, seconded by Council Member Hasek and carried to adjourn the meeting at 6:00 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk
MEETING DATE: August 10, 2020

SUBJECT: Event Permit for Red Rock Center for the Arts – Galaxy Band

REVIEWED BY: Cathy Reynolds, City Administrator

SUBJECT INITIATION BY: X Petition  Board  Staff  Council  Commission  Committee

SUBJECT BACKGROUND: Cathy Reynolds, City Administrator

INTRODUCED BY: Cathy Reynolds, City Administrator

COUNCIL LIAISON: X

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STATEMENT: The Red Rock Center for the Arts has applied for an Event Permit to have the Galaxy Band play at the Sylvania Park Band Shell on August 20, 2020 at 7:00 p.m.

MOTION: To approve the Event Permit for the Red Rock Center for the Arts to hold an event at Sylvania Park Band Shell on August 20, 2020.

VOTE REQUIRED: Simple majority

ATTACHMENTS:
1. Permit Application.

*************************************************************************
Council Action: ___________________________________________ Date:___________
EVENT APPLICATION/PERMIT

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

Date: 7/28/2020
Permit Fee: $15.00

Event: Galaxy Band @ Sylvania Park Bandshell

Sponsoring entity: Red Rock Center

Address: 222 S Blue Earth Ave., Fairmont

Maximum estimated number of persons expected to attend at any one time: 250

Event coordinator(s): Sonya Fortune

Contact Info: Phone # 507-236-4170
E-mail: director@redrockcenter.on

Primary contacts (during event):

Name: Same as above

Cell#: 
E-mail: 

Name
Cell#
E-mail:

Event Start: Day/Date 8/20/2020 Time: 7:00 PM
Event End: Day/Date 8/20/2020 Time: 9:00 PM
Setup: Day/Date 8/20/2020 Start time: 5:00 PM End Time: 7:00 PM
Teardown: Day/Date 8/20/2020 Start time: 9:30 PM End Time: 10:30 PM

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

   music in the park

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

   as is. People will bring lawn chairs
3. Will outside drinking water or waste collection systems be supplied? ___ Yes; ___ No
   If yes, supply public health plans, including the number of toilet facilities that will be available.

4. Will the event be providing: fire prevention, emergency medical service, security and severe weather shelter. ___ Yes; ___ No
   If yes, provide the written plans.

5. Will organizers allow outside food wagon/vendors at the event? ___ Yes; ___ No
   If yes, all food wagons/vendors must complete a Food Wagon/Vendor Permit and submit payment. *maybe pop corn?*

6. Will camping or temporary overnight lodging be included for the event? (allowed only at Cedar Creek Park and Winnebago Sports Complex): ___ Yes; ___ No
   If yes, event coordinator must complete temporary overnight camping permit and submit payment.

7. Will the event be using any sound amplification, public address system or will there be any live performances of any music or musical instruments? ___ Yes; ___ No
   If yes, please describe: ________________________________

8. Will the event restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns? ___ Yes; ___ No
   If yes, provide a detailed description of all public rights of way and private streets for which the applicant requests the city to restrict or alter traffic flow. (Please attach a detailed map).

9. Will you be providing shuttle service? ___ Yes; ___ No
   If yes, provide offsite parking locations, shuttle routes, types of vehicles that will be used for shuttling passengers, hours of operation and frequency of shuttle service.

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

Signature: [Signature]  Title: [Title]  Date: 7/28/2020

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

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Permit distribution:
___ City
___ Applicant
___ Police
___ Parks/Streets
___ Other
MEETING DATE: August 10, 2020

SUBJECT: “Back 9” Mini-Golf Project

REVIEWED BY: Cathy Reynolds, City Administrator

SUBJECT INITIATION BY:

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SUBJECT BACKGROUND: Troy Nemmers, Director of Public Works/City Engineer

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

COUNCIL LIAISON:

Troy Nemmers, Director of Public Works/City Engineer

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STATEMENT: The Kids Just Want to Have Fun committee is requesting to install 9 more holes at the mini-golf course. The committee has funds remaining from the first project and is requesting to begin construction of the “Back 9” this fall. Attached is a map of the proposed additional holes. They are requesting $10,000 in the 2021 budget to complete the project in the spring. The remaining funds will be raised by the committee. The Park Board is recommending that the Council authorize the committee to begin construction on the “Back 9” this fall after the aquatic park closes.

MOTION: To approve the addition of 9 holes to the mini-golf course at the aquatic park.

VOTE REQUIRED: Simple majority

ATTACHMENTS:
1. Map of the “Back 9”
2. ________________________________
3. ________________________________

Council Action: ________________________________ Date: ______________
CONCRETE - 45.68 C.Y.
ROCK - 29.63 C.Y.
EDGE - 1400 L.F.
REBAR 1 ROW - 750 L.F.
CARPET - 3000 S.F.
CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 6.C.3

MEETING DATE: August 10, 2020

SUBJECT: Bowlmor Lanes, LLC – On Sale Intoxicating Liquor License

REVIEWED BY: Cathy Reynolds, City Administrator

SUBJECT INITIATION BY:

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SUBJECT BACKGROUND: Patricia J. Monsen, City Clerk

INTRODUCED BY: Cathy Reynolds, City Administrator

COUNCIL LIAISON:

INTRODUCED BY: Cathy Reynolds, City Administrator

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STATEMENT: The ownership of Bowlmor Lanes will be changing from David Pederson to his son, Douglas Pederson. A new liquor license is required.

MOTION: To approve the On Sale Intoxicating Liquor License for Bowlmor Lanes LLC, pending completion of a satisfactory background investigation and the required completed documents.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. 
2. 
3. 

******************************************************************************

Council Action:__________________________________________ Date:__________

36
MEETING DATE: August 10, 2020

SUBJECT: Second Reading on Proposed Ordinance 2020-09 Natural Gas Franchise Fee

REVIEWED BY: Cathy Reynolds, City Administrator

SUBJECT INITIATION BY:

| Petition | Board | Staff | Council | X | Commission | Committee |

SUBJECT BACKGROUND: Paul Hoye, Finance Director

INTRODUCED BY: Paul Hoye, Finance Director

COUNCIL LIAISON:

INTRODUCED BY: Paul Hoye, Finance Director

TYPE OF ACTION:

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RECOMMENDED ACTION BY:

| X | City Staff | Board | Commission | Committee |

STATEMENT: The City Council has been exploring alternative funding sources for its annual street improvement program for the last couple of years. One of the options that has been discussed is a natural gas franchise fee. City Staff is recommending a $2.50 per month fee plus $0.00375 per therm for Power Generating Unit Class 1 and 2 and $0.015 per therm for all other classes. This fee would be collected by MN Energy and turned over to the city. It is anticipated that this will generate roughly $265,000 per year that would be dedicated to street improvements. Staff is asking Council to consider proposed Ordinance 2020-09.

MOTION: To approve Ordinance 2020-09, an ordinance establishing Franchise Fee on Natural Gas Companies Operating in the City of Fairmont, Minnesota.

VOTE REQUIRED: Simple majority – Roll call

ATTACHMENTS:
1. Proposed Ordinance 2020-09
2. Public Hearing Notice.
ORDINANCE 2020-09

An ordinance establishing Franchise Fee
on Natural Gas companies
operating in the City of Fairmont, MN.

Be it ordained by the City of Fairmont, MN, as follows:

The City of Fairmont MN, (hereinafter referred to as “City”) hereby establishes a franchise fee on every natural gas company, and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing any natural gas plant or system, generating, manufacturing, selling, distributing or transporting electricity/natural gas, (hereinafter referred to as “Energy Providers”). Energy Providers shall collect from their customers, but not from the City of Fairmont, located within the corporate limits of the City of Fairmont, and pay to the City an amount based on the following fee schedule, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered:

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<tr>
<th>CUSTOMER CLASS</th>
<th>MONTHLY METER CHARGE</th>
<th>THERM RATE CHARGE</th>
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<tbody>
<tr>
<td>T-Power Generating Unit-</td>
<td>$2.50/Month/Meter</td>
<td>$0.00375 Per Therm Used</td>
</tr>
<tr>
<td>Class 1 and Class 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Classes</td>
<td>$2.50/Month/Meter</td>
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The amount paid by Energy Providers shall be in lieu of, and Energy Providers shall be exempt from, all other occupation, license, excise or right-of-way permit fees or taxes which the City may impose for the rights and privileges herein granted or for the privilege of doing business within the City, and in the event any such fee, charge, license, tax or assessment shall be imposed by the City, the payment to be made in accordance with the provisions of this section shall be reduced in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the Energy Providers. Ad valorem property taxes imposed generally upon all real and personal property within the City shall not be deemed to affect the obligation of the Energy Providers under this section.

Any consideration hereunder shall be reported and paid to the City by Energy Providers on a Quarterly basis. Such payment shall be made not more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portion of the period at the beginning and end of the term of this Ordinance.

The franchise fee shall be based on the amount collected by Energy Providers during complete billing months during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee for the applicable customer classification in all customer billings for gas service in each class. The time and manner of collecting the franchise fee is subject to the approval of the Minnesota Public Utilities Commission. No franchise fee shall be payable by Energy Providers if Energy Providers are legally unable to first collect an amount equal to the franchise fee from their customers in each applicable class of customers by imposing a surcharge in Energy Providers’ applicable rates for gas service. The Minnesota Public Utilities Commission requires Energy Providers to provide the Commission with sixty (60) days notice,
including the filing of the franchise fee ordinance or other operative document, prior to implementing a franchise fee.

The city recognizes that the Minnesota Public Utilities Commission may allow the utility company to add a surcharge to customer rates of city residents to reimburse such utility company for the cost of the fee.

Energy Providers shall list the local franchise fee collected from customers as a separate item on bills for utility service issued to customers. If at any time the Minnesota Public Utilities Commission, or other authority having proper jurisdiction, prohibits such recovery, then Energy Providers will no longer be obligated to collect and pay the franchise fee herein contemplated. In addition, an Energy Provider may discount or reduce the franchise fee payable for natural gas delivered to a specific customer of an Energy Provider when it is required to reduce the franchise fee to retain the business of that customer. Modification or reduction of the franchise fee should occur if the franchise fee would cause the customer to cease purchase or transportation deliveries of natural gas from the Energy Provider by installing equipment to access natural gas supply not subject to the City’s franchise fee.

The City shall provide copies of annexation ordinances to Energy Providers on a timely basis to ensure appropriate franchise fee collection from customers within the corporate limits of the City.

The City shall have access to and the right to examine during normal business hours, those of Energy Providers’ books, receipts, files, records and documents that are necessary to verify the correctness of payments due hereunder. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery, such that any under-payment by Energy Providers shall be paid within 30 days of the recalculation and any over-payment by Energy Providers shall be discounted from the next payment(s) due.

This agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Energy Providers, and its publication as required by law. The City, by Council Resolution, may revoke this agreement if Energy Providers do not file a written acceptance with the City within ninety (90) days after publication.
Motion by: 
Seconded by: 
All in Favor: 
Opposed: 
Abstained 
Absent: 

PASSED, APPROVED AND ADOPTED this _____ day of ____________, 2020.

__________________________________
Deborah J. Foster, Mayor

ATTEST:

__________________________________
Patricia J. Monsen, City Clerk
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 No. 2020-09.

An ordinance establishing Franchise Fee on Natural Gas Companies operating in the City of Fairmont, MN.

Be it ordained by the City of Fairmont, MN, as follows:

The City of Fairmont MN, (hereinafter referred to as “City”) hereby establishes a franchise fee on every natural gas company, and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing any natural gas plant or system, generating, manufacturing, selling, distributing or transporting electricity/natural gas, (hereinafter referred to as “Energy Providers”). Energy Providers shall collect from their customers, but not from the City of Fairmont, located within the corporate limits of the City of Fairmont, and pay to the City an amount based on the following fee schedule, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered:

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This agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Energy Providers, and its publication as required by law. The City, by Council Resolution, may revoke this agreement if Energy Providers do not file a written acceptance with the City within ninety (90) days after publication.

You are further notified said hearing will be held in the City Council Chambers of City Hall, 100 Downtown Plaza, Fairmont, Minnesota on Monday, July 27, 2020, at 5:30 p.m.

BY ORDER OF THE CITY OF FAIRMONT

/s/ Patricia J. Monsen
Patricia J. Monsen, City Clerk
MEETING DATE: August 10, 2020

SUBJECT: Yard Waste Recycling Site Policy

REVIEWED BY: Cathy Reynolds, City Administrator

SUBJECT INITIATION BY:

<table>
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<tr>
<th>Petition</th>
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<th>Staff</th>
<th>Council</th>
<th>Commission</th>
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SUBJECT BACKGROUND: Troy Nemmers, Director of Public Works/City Engineer

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

COUNCIL LIAISON: Troy Nemmers, Director of Public Works/City Engineer

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<td>Authorization</td>
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<tr>
<td></td>
<td>Denial</td>
<td></td>
<td>Rejection</td>
<td>No action needed</td>
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STATEMENT: Staff has prepared a policy regarding the use of the yard waste recycling site located west of town at 1880 100th Street. This site is very popular and highly used by utility customers; however, it appears that there are many users from outside the City limits that utilize the site as well. This policy will set some rules and guidelines for the public to comply with. The policy proposes having the site closed to the public over the winter (Dec-March). It also has restrictions for commercial use. A commercial permit will be required for any business to utilize the site. The commercial permit application will require a $1,500 permit fee and it sets prices for any large loads that may need to be deposited at the site.

MOTION: To approve the yard waste recycling site policy.

VOTE REQUIRED: Simple majority

ATTACHMENTS:
1. Draft yard waste recycling policy
2. Draft commercial permit application form

Council Action: ____________________________ Date: _____________
The Yard Waste Recycling Site (Site) is a service provided by the City of Fairmont for city utility customers only. The Site is meant for personal yard waste recycling only. Commercial use is allowed only by permit obtained through the City of Fairmont. Non-utility paying customers, and non-residents of the City of Fairmont are prohibited from using the Site.

The Site is maintained by the City of Fairmont Streets and Park Department and is monitored by the Police Department. Contact the City Hall (507-238-9461) for more information or the Law Enforcement Center (507-238-4481) to report a violation of site rules.

GENERAL SITE RULES AND GUIDELINES

1. The Site is available for personal use by Fairmont utility customers. Non-utility paying customers and non-residents are not authorized to utilize the Site.
2. Commercial use is not allowed unless a permit is obtained from the City of Fairmont.
3. UNAUTHORIZED MATERIALS may not be dumped at the site. Unauthorized materials include, but are not limited to dirt, rock, concrete, plastic, trash, appliances, electronics, construction debris, furniture, or other materials not part of natural yard waste materials. Anyone found leaving unauthorized material at the site may be prosecuted under city ordinance.
4. Wood chips are currently NOT available to the public. Customers may harvest branches and logs for personal use. Customers do so at their own risk and the City accepts no responsibility for accidents which occur at the site. EMERALD ASH BORER (EAB) – Martin County is quarantined for transport of any wood outside of the county to limit spread of the EAB.
5. The site may be CLOSED due to poor site conditions or at the discretion of the City of Fairmont.

LEAF AND GRASS COMPOST SITE (West Driveway)

1. Material accepted includes leaves, grass, plant material, straw, and non-woody garden waste.
2. NO plastic bags or non-biodegradable containers. All material must be de-bagged at the site and bags placed in the available trash receptacles.
3. NO branches, shrubs, or thick plant stalks.
4. Compost is available free of charge from the site. Customers requiring large quantities of compost may contact City Hall for assistance.

BRANCH AND TREE RECYCLING SITE (East Driveway)

1. Main tree stem, branches, shrubs, and plant stalks are allowed. Natural wood only.
2. All logs and branches should be cut to a maximum length of 10 feet long.
3. NO stumps, tree roots, or stump grindings
4. NO trees over 36 inches in diameter.
5. Customers wanting to dispose of quantities of material more than 25 cubic yards or 36 inches in diameter will be charged $10/cubic yard (measured by the truck or trailer capacity). Contact City Hall to make payment arrangements.
YARD WASTE RECYCLING SITE
COMMERCIAL USE APPLICATION
Open Year Round

Applicant:____________________________________________________________________________________

Address:____________________________________________________________________________________________________

Phone:________________________________________________ Cell:______________________________________________

GENERAL SITE RULES AND GUIDELINES

1. The Site is for use by City of Fairmont Utility Customers ONLY. Contractors can only deposit material from these customers. No material from Non-Utility or Non-Residents of the City of Fairmont is allowed.

2. UNAUTHORIZED MATERIALS may not be dumped at the site. Unauthorized materials include, but are not limited to dirt, rock, concrete, plastic, trash, appliances, electronics, construction debris, furniture, or other materials not part of natural yard waste materials. Anyone found leaving unauthorized material at the site may be prosecuted under city ordinance.

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4. NO trees over 36 inches in diameter.

5. Customers wanting to dispose of quantities of material more than 25 cubic yards or 36 inches in diameter will be charged $10/cubic yard (measured by the truck or trailer capacity). Contact City Hall to make payment arrangements.

- Attach copy of Insurance Certificate
- All vehicles entering the site must have signage to identify the company name.
- Annual permit fee is due April 1st of each year

________________________________________    _________________________
Applicant’s signature           Date

________________________________________  _________________________
Approval signature       Date

Permit Fee: $1,500          Paid: ___________          Check No.____________  Date: ____________
MEETING DATE: August 10, 2020

SUBJECT: Approval of Housing Demolition Program Policy

REVIEWED BY: Cathy Reynolds, City Administrator

SUBJECT INITIATION BY: Cathy Reynolds

SUBJECT BACKGROUND: Cathy Reynolds, City Administrator

INTRODUCED BY: Cathy Reynolds, City Administrator

COUNCIL LIAISON:

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STATEMENT:
The City of Fairmont has prioritized the handling of blighted properties and the availability of affordable housing within the city. In furtherance of these priorities the city developed a housing demolition program and budgets money each year for the program. A Housing Demolition Program Policy has been developed to standardize the process and the handling of the properties acquired through this program.

MOTION: To approve the adoption of the Housing Demolition Program Policy

VOTE REQUIRED: Simple Majority

ATTACHMENTS:
1. Housing Demolition Program Policy

*****************************************************************************
Council Action: ____________________________ Date: ______________
The City of Fairmont has prioritized the handling of blighted properties and the availability of affordable housing within the city. In furtherance of these priorities the city developed a housing demolition program which is to be guided by this policy.

1. **Acquisition of Properties**

   The City acquires residential properties for the housing demolition program via the Martin County tax forfeiture roll. Additional properties may be received via donation from the property owner to the City. The City will conduct a preliminary inspection of the property prior to obtaining title.

2. **Demolition of Properties**

   a. Once the City obtains title to the properties the City will inspect the properties to determine if a rehabilitation potential exists. Homes with rehabilitation potential will not be demolished.
   b. Homes with no rehabilitation potential will be surveyed, inspected for asbestos and demolished.
   c. All lots will be evaluated to determine if they are conforming to current zoning codes or if they qualify as a non-conforming lot.

3. **Non-Conforming Lots**

   a. A minimum sale amount will be determined based on the cost of the demolition, survey and asbestos inspection with consideration of the market value of comparable residential lots.
   b. Lots that are considered non-conforming with current zoning ordinances will first be offered for sale to the adjacent property owners. If multiple offers to purchase are received from the adjacent neighbors, the property will be sold to the highest offer.
   c. If no offers to purchase the lot are received from the adjacent neighbors, the property will be placed on the list for public auction.

4. **Conforming Lots**

   a. A minimum sale amount will be determined based on the cost of the demolition, survey and asbestos inspection with consideration of the market value of comparable residential lots.
   b. A public auction will be held to sell the lots. Lots will be sold to the highest bidder at the auction.
   c. Lots not sold during the public auction will be offered to the Fairmont HRA, Habitat for Humanity of Martin and Faribault Counties, or other non-profit organizations focused on providing affordable housing.
   d. Any lots remaining will be held for sale by the City and included in future public auctions. Offers to purchase lots will be accepted outside of the public auction for the minimum sale amount.
5. Rehabilitation Potential Homes

a. Homes determined to have rehabilitation potential based on a home inspection will be offered to the Fairmont HRA, Habitat for Humanity of Martin and Faribault Counties, or other non-profit organizations focused on providing affordable housing.

b. Homes not accepted by a non-profit organization under paragraph 5.a. will have a minimum sale amount determined based on the market value of comparable residential homes taking into consideration the extent of repairs needed to rehabilitate the home and sold at public auction.