

# FAIRMONT CITY COUNCIL AGENDA

Monday, March 14, 2022, 5:30 p.m.

1. **Roll Call/Determination of Quorum**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Recognition/Presentations**
  - 4.1 Proclamation – Heaven’s Table Food Shelf Month (03)
5. **Public Discussion/Comment** (Individual comments are limited to 3 minutes) (05)
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, February 28, 2022 (06)
  - B. **Check Registers**
  - C. **Other**
    - 6.C.1 Event Permit – Borderline Cruisers Car Club – Downtown Car Show, June 11, 2022 (09)
    - 6.C.2 Authorize Ordering a New Dump/Plow Truck Chassis and Equipment (12)
    - 6.C.3 Authorize Purchase of Pad Mount Metering Cabinet for the Electric Line Department (17)
7. **Public Hearings**
  - 7.1 City Charter Amendment – Wards (21)
  - 7.2 City Charter Amendment – Form of Government (25)
  - 7.3 City Charter Amendment – The Mayor (28)
  - 7.4 City Charter Amendment – Investigation of City Affairs (31)

7.5	City Charter Amendment – City Administrator – Appointment and Qualifications	(33)
7.6	City Charter Amendment – City Clerk	(37)
<b>8.</b>	<b>Old Business</b>	
<b>9.</b>	<b>New Business</b>	
9.1	Appeal of Denied Variance at 2319 Albion Avenue	(39)
9.2	Advertise for Bids for 2022-A – CIPP Sanitary Sewer Lining Project	(55)
9.3	Interfund Transfers	(58)
9.4	Year End Fund Balance Designations	(60)
<b>10.</b>	<b>Council Discussion</b>	
10.1	Community Development Director	(64)
<b>11.</b>	<b>Staff/Liaison Reports</b>	
<b>A.</b>	<b>Public Works</b>	
<b>B.</b>	<b>Finance</b>	
<b>C.</b>	<b>City Administrator</b>	
<b>D.</b>	<b>Mayor/Council</b>	
	Hasek – BZA, Airport	
	Kawecki– Planning Commission, Library	
	Lubenow – Community Center Advisory Board, HRA	
	Miller – FEDA, CER, Community Center Advisory Board	
	Peters – Visit Fairmont, FEDA, BZA	
<b>12.</b>	<b>Adjournment</b>	



Fairmont City Council  
March 14, 2022

Agenda Item: 4.1

**From:** Mayor Deborah J. Foster  
**To:** City Council

**Subject:** Proclamation – Heaven’s Table Food Shelf Month

**Policy/Action Requested:** Proclamation

**Vote Required:** \_\_\_\_\_ Simple Majority      \_\_\_\_\_ Roll Call

**Recommendation:**

**Overview:** Mayor Deborah J. Foster will proclaim March 2022 as Heaven’s Table Food Shelf Month in the City of Fairmont. Heaven’s Table Board members will be present to speak.

**Budget Impact:** N/A

**Attachments:** Proclamation

\*\*\*\*\*

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

## Proclamation

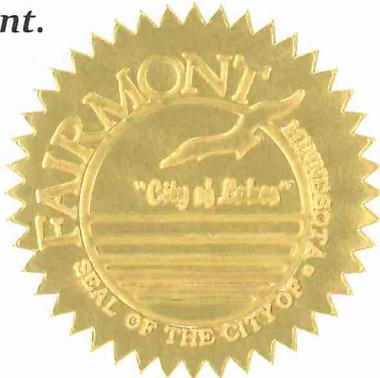
*Whereas, Heaven's Table Food Shelf was established in 2012 to help feed hungry people in Fairmont and the surrounding communities in Martin County; and,*

*Whereas, March is Minnesota Food Shelf Month in Minnesota; and,*

*Whereas, Heaven's Table is helping senior citizens with NAPS (Nutrition Assistance Program for Seniors) and students with the Backpack Program; and,*

*Whereas, Heaven's Table has established partnerships with local transit, public schools, bilingual volunteers, employment assistance and foundations in order to address growing food insecurity in our community.*

*Now therefore, as Mayor of the City of Fairmont, I do hereby proclaim March 2022, as Heaven's Table Food Shelf Month in the City of Fairmont.*



*Deborah J. Foster*  
Deborah J. Foster, Mayor



Fairmont City Council  
March 14, 2022

Agenda Item: 5

**From:** Cathy Reynolds, City Administrator  
**To:** Mayor and City Council

**Subject:** Open Discussion/Comment

**Policy/Action Requested:**

**Vote Required:** \_\_\_\_ Simple Majority      \_\_\_\_ Roll Call

**Recommendation:** N/A

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

**Budget Impact:** N/A

**Attachments:** N/A

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



Fairmont City Council  
March 14, 2022

Agenda Item: 6.A.1

**From:** Patricia J. Monsen, City Clerk  
**To:** Mayor and City Council

**Subject:** Council Minutes from Regular Meeting on February 28, 2022

**Policy/Action Requested:** To Approve City Council Minutes from February 28, 2022

**Vote Required:**  Simple Majority  Roll Call

**Recommendation:** Approval

**Overview:**

**Budget Impact:** N/A

**Attachments:** City Council Minutes Regular Meeting, February 28, 2022

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

The minutes of the Fairmont City Council meeting held on Monday, February 28, 2022, at the City Hall Council Chambers.

Mayor Pro-tem Michele Miller called the meeting to order at 5:30 p.m.

Council Members Wayne Hasek, Randy Lubenow and Bruce Peters were present. Mayor Foster and Council Member Britney Kawecki were absent. 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 Rahrlick via telephone.

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

Chief Michael Hunter presented the 2021 Fairmont Police Annual Report.

During Open Discussion, Richard Bradley, Jr. of 601 Shoreacres Drive spoke about the upcoming survey for the proposed Community Center and his concerns for potential bias in the survey. He appealed to the council to make an unbiased survey that the citizens can vote yes or no for the Community Center, lakes, trails and parks on an individual basis.

Council Member Hasek made a motion to approve the items on the Consent Agenda. Council Member Peters seconded the motion and the motion carried. Items on the Consent Agenda were: minutes from the February 14, 2022 city council meeting, payment of the February 2022 accounts payable; renewal of consumption & display (set-up) permit for the Chain of Lakes Yacht Club; and approval of an Event Permit for the Fairmont Soccer Association to hold Shakeout Soccer Tournament on May 21, 2022.

Council Member Peters made a motion to approve an Information Technology Support contract with Martin County IT for the Fairmont Police Department. Council Member Hasek seconded the motion and the motion carried.

Council Member Lubenow made a motion to approve \$6,000 in funding to Interlaken Heritage Days Committee for the 2022 community festival. Council Member Peters seconded the motion and the motion carried. Rachel Greeley, Treasurer/Secretary for the Interlaken Heritage Committee was present and spoke about the upcoming event.

Council Member Lubenow made a motion to approve **Resolution 2022-08** Reestablishing Wards, Precincts and Polling Place for the City of Fairmont. Council Member Peters seconded the motion and the motion carried.

Nemmers reported that the City was not selected to receive funding from the Safe Routes to School Grant which the City applied for. Work at the Yard Waste Site has been ongoing with two grinders operating and burning will begin when the weather cooperates. Contractors have been working at the Lime Pond decommissioning site covering the westerly pond. A request for proposals has gone out for the demolition of the houses the City purchased on the foreclosure sale list from the County. Finish work at the new public works building is happening with plans to begin start up and training the first part of March. The building is on schedule and on budget. An open house will be scheduled in the near future.

Reynolds reminded Council and citizens of the public hearing scheduled for March 14<sup>th</sup> on proposed Charter Amendments. An all-employee meeting was held on February 23<sup>rd</sup> to explain the compensation and class study being done and to give employees other updates.

Council Member Hasek reported that the Public Utilities Commissions held their officer elections. David Segar is the Chair, Mary Moltzen is Vice Chair and Brian Johnson is Secretary.

Council Member Peters reported that the Visit Fairmont meeting was cancelled due to bad weather. FEDA news was the resignation of Economic Development Coordinator Linsey Preuss.

A motion was made by Council Member Peters, seconded by Council Member Hasek and carried to adjourn the meeting at 5:52 p.m.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk



Fairmont City Council  
March 14, 2022

Agenda Item: 6.C.1

**From:** Patricia J. Monsen, City Clerk  
**To:** Mayor and City Council

**Subject:** Event Permit – Borderline Cruisers Car Club, Downtown Car Show, June 11, 2022

**Policy/Action Requested:** Motion to approve the Event Permit for the Borderline Cruisers Car Club to hold their Downtown Car Show on June 11, 2022.

**Vote Required:**  Simple Majority       Roll Call

**Recommendation:** Approval

**Overview:** The Borderline Cruisers Car Club has made application for an Event Permit to hold their annual downtown car show on June 11, 2022. This is approximately the 30<sup>th</sup> year for the downtown car show and the show draws 500-600 people.

**Budget Impact:** N/A

**Attachments:** Event 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: 2/18/22 Permit Fee: \$15.00

Event: Borderline Cruisers Downtown Car Show

Sponsoring entity: Borderline Cruisers Car Club

Address: Fmt.

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

Event coordinator(s): Ray Miller

Contact Info: 507-399-1019 Phone # mode la 1928@hotmail.com E-mail

Primary contacts (during event):

Name: <u>Ray Miller</u>	Name: <u>Butch Olson</u>
Cell#: <u>399-1019</u>	Cell#: <u>236-1225</u>
E-mail: _____	E-mail: _____

Event Start: Day/Date	<u>Saturday, June 11<sup>th</sup>, 2022</u>	Time: <u>9:00</u>
Event End: Day/Date	<u>" " "</u>	Time: <u>3:00</u>
Setup: Day/Date	<u>" " "</u>	Start time: <u>6:00 A.m</u> End Time: <u>4:00 pm</u>
Teardown: Day/Date	<u>" " "</u>	Start time: <u>3:00 pm</u> End Time: <u>4:00 pm</u>

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

DJ, Food stands, Give aways, trophies

Downtown Car Show

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.

Blue Earth Ave to 4<sup>th</sup> St on Downtown Plaza

+ side streets 1<sup>st</sup> to 3<sup>rd</sup>

3. Will outside drinking water or waste collection systems be supplied?  Yes;  No  
If yes, supply public health plans, including the number of toilet facilities that will be available.
  
4. Will the event be providing: fire prevention, emergency medical service, security and severe weather shelter.  Yes;  No  
If yes, provide the written plans.
  
5. Will organizers allow outside food wagon/vendors at the event?  Yes;  No  
If yes, all food wagons/vendors must complete a Food Wagon/Vendor Permit and submit payment.
  
6. Will camping or temporary overnight lodging be included for the event? (allowed only at Cedar Creek Park and Winnebago Sports Complex):  Yes;  No  
If yes, event coordinator must complete temporary overnight camping permit and submit payment.
  
7. Will the event be using any sound amplification, public address system or will there be any live performances of any music or musical instruments?  Yes;  No  
If yes, please describe: DJ Services hooked up to Downtown PA system
  
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 Amy Miller Title Secretary Date 2/18/22

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

Office Use Only			
\$15.00 Fee Paid	Date: <u>2/24/22</u>	Received by: <u>Patty Brown</u>	
Requires Council Approval	<input checked="" type="checkbox"/> Yes; <input type="checkbox"/> No	Council Meeting Date: <u>3/14/22</u>	Action:
City Administrator Approval	Yes	No	Date

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



Fairmont City Council  
March 14, 2022

Agenda Item: 6.C.2

**From:** Nick Lardy, Supt. of Streets and Parks  
**To:** Mayor and City Council

**Subject:** Authorize ordering a new dump/plow truck chassis and equipment

**Policy/Action Requested:** Motion to approve PO# 14188 and PO# 14189

**Vote Required:**  Simple Majority  Roll Call

**Recommendation:** Staff requests approval to complete this purchase

**Overview:** Attached are two purchase orders. One is for a new truck chassis and the other for the equipment to install on the truck chassis. This truck is for the street department and is replacing a 1993 L-8000 truck. Staff is recommending approval of the new chassis and equipment. Total state bid cost is \$199,091.00.

**Budget Impact:** The purchase was included in the 2022 Street Department’s CIP (\$200,000)

**Attachments:** PO# 14188 to TBEI and PO# 14189 to Truck Center Companies

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





Ox Bodies | Crystal | DuraClass | Rugby | J-Craft | Tralls  
PROUDLY MADE IN THE USA

# Quote Response Form

52182 Ember Road  
Lake Crystal MN 56055  
507-726-2728

**End User:**  
**Customer:** 105716  
RANDY MARTIN  
FAIRMONT CITY OF  
411 EAST MARGARET STREET  
FAIRMONT MN 56031  
USA

**Phone:** 507-235-9149  
**Fax:** 507-238-9044

**Taken By:** Brandon Oachs

Estimate	Terms	Quote Date	Expiration Date	Salesperson	Customer Currency
LC00126543	Net 30 Days.	2/9/2022	3/11/2022	CASSEM, MARTY	USD

UM	Quantity	Item	Description	Unit Price	Extended Price
-			1.286 - RV-805A-Series HD Night Vision Additional Camera, Installed. Wing Camera Mounted off Strobe Tube		

EA	1.00	2401523	MNDOT STATE CONTRACT PURCHASE (193058)	0.00	0.00
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After reviewing your equip. needs, and per the State of MN contract number (193058) release number S-863(5) and J-Craft contract number 193058, valid thru April 31, 2022 we offer this for your consideration.

Note:

1. This quote is a summary of the State of MN price pages, and detailed spec sheets.
2. Warranty is 24 months from In-Service date.

ISO 9001:2008 CERTIFIED  
J-Craft is certified as a NTEA MVP member.

EA	1.00	9900060	SURCHARGE	3,700.00	3,700.00
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\*\*\*\*NOT A STATE CONTRACT LINE ITEM\*\*\*\*  
SURCHARGE FOR STEEL COST BEING FAR GREATER THAN NORMAL TO COVER BUILD COSTS.

Municipal Terms of Sale:

If you accept this proposal please sign and date below with PO# if you use one:  
PO# \_\_\_\_\_

Accepted By (Print): \_\_\_\_\_

Accepted By (Signature): \_\_\_\_\_

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

Note: If Changes need to be made after PO is submitted we will need a revised PO reflecting the changes.  
Visit us online at [www.j-craftinc.com/](http://www.j-craftinc.com/)

<b>Sale Amount:</b>	106,828.00
<b>Freight:</b>	0.00
<b>Sales Tax:</b>	0.00
<b>FET Charges:</b>	0.00
<b>Total Amount:</b>	106,828.00



Prepared for:  
 PAUL PHILIPP  
 STOCK FAIRMONT MN IOXD  
 1150 TORGERSON DRIVE  
 FAIRMONT, MN 56031  
 Phone: 5072358888

Prepared by:  
 Paul Philipp  
 TRUCK CENTER COMPANIES  
 1150 TORGERSON DRIVE  
 FAIRMONT, MN 56031  
 Phone:

## QUOTATION

### 114SD CONVENTIONAL CHASSIS

SET FORWARD AXLE - TRUCK  
 CUM L9 330 HP @ 2200 RPM; 2200 GOV RPM, 1000 LB-  
 FT @ 1200 RPM  
 ALLISON 3000 RDS AUTOMATIC TRANSMISSION WITH  
 PTO PROVISION  
 RS-23-160 23,000# R-SERIES SINGLE REAR AXLE  
 26,000# FLAT LEAF SPRING REAR SUSPENSION WITH  
 HELPER AND RADIUS ROD  
 DETROIT DA-F-16.0-5 16,000# FL1 71.0 KPI/3.74 DROP  
 SINGLE FRONT AXLE  
 16,000# TAPERLEAF FRONT SUSPENSION

114 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL  
 CAB  
 4700MM (185 INCH) WHEELBASE  
 7/16X3-9/16X11-1/8 INCH STEEL FRAME  
 (11.11MMX282.6MM/0.437X11.13 INCH) 120KSI  
 1625MM (64 INCH) REAR FRAME OVERHANG  
 PARTIAL INNER FRAME REINFORCEMENT AT FRONT  
 SUSPENSION  
 TEM TO EVALUATE AND INSTALL FRAME RAIL  
 REINFORCEMENT AS NEEDED FOR FRONT  
 FRAME MOUNTED EQUIPMENT

	TOTAL # OF UNITS (1)	PER UNIT	TOTAL
VEHICLE PRICE	\$	91,886 \$	91,886
EXTENDED WARRANTY	\$	600 \$	600
DEALER INSTALLED OPTIONS	\$	0 \$	0
<b>CUSTOMER PRICE BEFORE TAX</b>	<b>\$</b>	<b>92,486 \$</b>	<b>92,486</b>

### TAXES AND FEES

FEDERAL EXCISE TAX (FET)	\$	(223) \$	(223)
TAXES AND FEES	\$	0 \$	0
OTHER CHARGES	\$	0 \$	0

### TRADE-IN

TRADE-IN ALLOWANCE	\$	(0) \$	(0)
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<b>BALANCE DUE</b>	<b>(LOCAL CURRENCY) \$</b>	<b>92,263 \$</b>	<b>92,263</b>
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### COMMENTS:

Projected delivery on \_\_\_ / \_\_\_ / \_\_\_ provided the order is received before \_\_\_ / \_\_\_ / \_\_\_.

### APPROVAL:

Please indicate your acceptance of this quotation by signing below:

Customer: X \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_.

**Daimler Truck Financial**

Financing that works for you.

See your local dealer for a competitive quote from Daimler Truck Financial, or contact us at [Information@dtfoffers.com](mailto:Information@dtfoffers.com).

Daimler Truck Financial offers a variety of finance, lease and insurance solutions to fit your business needs. For more information about our products and services, visit our website at [www.daimler-truckfinancial.com](http://www.daimler-truckfinancial.com).

Application Version 11.7.001  
 Data Version PRL-24D.036  
 City of Fairmont



02/24/2022 11:04 AM

Page 2 of 20



Fairmont City Council  
March 14, 2022

Agenda Item: 6.C.3

**From:** Troy Nemmers, PE – Director of Public Works/City Engineer  
**To:** Mayor and City Council

**Subject:** Authorize purchase of pad mount metering cabinet for the electric line department

**Policy/Action Requested:** Approve PO 14171 for purchase of metering cabinet

**Vote Required:**   X   Simple Majority             Roll Call

**Recommendation:** Staff requests approval to complete this purchase.

**Overview:** Attached is a purchase order for a new metering cabinet. This cabinet will be installed as part of the ADS plant expansion. Staff is recommending approval to purchase this item for a cost of \$30,330.

**Budget Impact:** The electric line department has a capital line item for services that require new transformer, meter and/or underground work. That line item was set at \$85,000 for 2022. In addition, ADS will be charged for the service upgrade at the time of installation. This charge will be calculated once final designs are completed and will offset a portion of these expenses.

**Attachments:** PO 14171

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





2208 S. 14th Street  
Mattoon, IL 61938

PRIMARY METERING CABINET  
APX 15KV-FAIRMOUNT

www.anixterpowersolutions.com

Phone: 217.235.0546  
Fax: 217.258.6630

Quotation: U00686356.02

To: **WESCO DISTRIBUTION INC - EDI**  
**225 WEST STATION SQUARE DRIVE**  
**PITTSBURGH, PA 15219-1169**

Issued Date: **Feb 14, 2022**  
Expiration Date: **Mar 16, 2022**

Attn:  
Phone:  
Fax:

Item	CustLine	Product and Description	Quantity	Price	Unit	Extended
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**APX3-2-15-12**

1 **BOM PRI3PHPADR**  
 PRIMARY PADMOUNTED 3 ELE 4WYE 5/15 KV MSC RAD FD  
 15KV PRIMARY METERING CABINET; APX3-2-15-12; PRI MTR  
 ENC,3 PHASE,15 KV,95KV BIL,(1) 200A BSG LINE&(2)200A  
 BSGS LOAD PER PHASE, PROVISIONS  
 FOR(3)CTS,(3)VTS,12GA G90 GALV STEEL,MUNSELL 7GY  
 3.29/1.5 GREEN, 60HX79WX54D PER APX STYLE ENC. LIFT  
 OUT CT PLATE,FP TOP LIVEFRONT SIDE INTERCONNECTED,  
 3- 200:5 RITZ CT 1120103.84525; 3-60:1 RITZ PT'S  
 121530009.395009; 13 TERMINAL PREWIRED RINGSTYLE  
 METER SOCKET MOUNTED ON SIDE; FAIRMONT CUSTOM  
 TEST SWITCH AND COLOR CODE.

1 \$ 30,330 EA \$ 30,330

ADS

DEL: 38-40 WKS

**APX3-6-15-21**

2 **BOM PRI3PHPADR**  
 PRIMARY PADMOUNTED 3 ELE 4WYE 5/15 KV MSC RAD FD  
 15KV PRIMARY METERING PAD MOUNT; APX3-6-15-21 PRI  
 MTRG ENCL 3 PH 15KV 95KV BIL(2) 600A BSGS LN&(1)600A  
 BSG LD PER PH PROVISIONS FOR(3)CTS(3)VTS 12GA G90  
 GALV STL MUNSELL 7GY 3.29/1.5 GRN 60Hx79Wx54D PER  
 APX STYLE ENCL-LIFT-OUT CT PLATE FLIP-TOP LIVEFRNT  
 SIDE INTERCNNCTED; 3- 400:5 RITZ CT'S 112026103.84527; 3-  
 60:1 RITZ PT'S 121530009.395009; 13 TERMINAL PREWIRED  
 RINGSTYLE METER SOCKET MOUNTED ON SIDE; FAIRMONT  
 CUSTOM TEST SWITCH AND COLOR CODE.

1 \$ 31,070 EA \$ 31,070

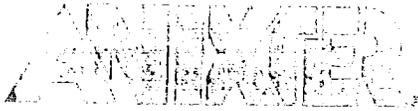
DEL: 38-40 WKS

QUOTE TOTAL:

\$ 61,400

**Special Notes**

- 1) All items are In Stock unless otherwise noted.
- 2) All item pricing on this quote is valid for thirty days unless otherwise specified.
- 3) All applicable taxes apply.



2208 S. 14th Street  
Mattoon, IL 61938

**PRIMARY METERING CABINET  
APX 15KV-FAIRMOUNT**

[www.anixterpowersolutions.com](http://www.anixterpowersolutions.com)

Phone: 217.235.0546  
Fax: 217.258.6630

**Quotation: U00686356.02**

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**Anixter Power Solutions offers the industry's most extensive and dynamic portfolio of products, services and solutions for the Public Power, Investor-owned Utilities, Construction and Industrial markets.**

**The impacts of COVID-19 cannot be reasonably determined at this time. This quote/proposal does not account for any potential adverse impacts COVID-19 may have on Anixter's performance or obligations herein. In the event of any delays or adverse impacts, Anixter reserves the right for an equitable adjustment of the delivery schedule and prices herein to offset the effects of COVID-19 delays, without fault or penalty of any kind.**



Fairmont City Council  
March 14, 2022

Agenda Item: 7.1

**From:** Cathy Reynolds  
**To:** City Council

**Subject:** City Charter Amendment – Wards

**Policy/Action Requested:** First Reading and Public Hearing on Ordinance 2022-01 Amending the City Charter Ward System.

**Vote Required:** \_\_\_\_\_ Simple Majority      \_\_\_\_\_ Roll Call

**Recommendation:**

**Overview:**

The City of Fairmont Charter Commission has been meeting and reviewing the City Charter. The commission has voted to send several charter amendments to the City Council for approval. Ordinance 2022-01 amends three sections of the Charter and changes the city wards and council composition from 4 wards and an at large council member to 5 five wards. The proposed ward change would happen after the 2022 elections and be in place for the 2024 election. As the council member at large would no longer exist, the mayor pro-tem would change to being designated by council.

Below is some information for consideration as this charter amendment is evaluated:

1. In Minnesota cities are either classified as statutory cities or charter cities. Of the 853 cities in Minnesota 107 are charter cities. Of the 107 charter cities approximately 70 use a ward system while the remainder utilize at-large council members where the entire city votes for all council members. Council members in statutory cities are elected at-large.
2. The 2020 census population for the city is 10,487. When divided into four wards that averages 2622 people per ward. If we divide the city into five wards, we will average 2097 people per ward.
3. The 2020 census numbers show that 8196 of the residents in Fairmont are over the age of 18. When this is averaged out over five wards that leaves us an average of 1639 voting aged adults per ward. A candidate for office must be 21 years of age. This age bracket is not tracked by the census to determine how this may be impacted by an additional ward.
4. Wards are typically utilized to ensure equal representation across a city and are utilized to address diversity and representation issues.

**Budget Impact:** N/A

**Attachments:**

1. Ordinance 2022-01

\*\*\*\*\*

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

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

**ORDINANCE 2022-01**

**AN ORDINANCE AMENDING THE CITY CHARTER WARD SYSTEM**

**WHEREAS**, the City of Fairmont Charter Commission has met and reviewed the City Charter and have recommended amendments to the Charter; and

**WHEREAS**, the City of Fairmont City Council has heard public comment on the recommended amendments.

**NOW THEREFORE**, the City of Fairmont does Ordain that Fairmont City Charter, is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

**Sec. 1.02. Division of the city into wards.**

The City of Fairmont is hereby divided into ~~four (4) wards, to be called the First, Second, Third and Fourth Wards, respectively, to be limited and bounded as established on September 14, 1965,~~ five (5) wards to be called the First, Second, Third, Fourth and Fifth Ward, said wards to be bounded and established by the city council from time to time, and continuing to the date of adoption of this charter. In the event of the adoption of an ordinance code the administrative portion thereof shall accurately describe ward boundaries presently in existence. The council may at any time, and shall after each federal census, consider changes in ward boundaries. But any change in ward boundaries shall be for the sole purpose of making the wards as nearly equal in population as practicable, so as to provide equal representation. Any future changes in ward boundaries shall be by ordinance.

**Sec. 2.03. Elective Officers.**

There shall be a city council composed of the mayor and five (5) members. One (1) council member shall be nominated and elected by the voters of each of the ~~four (4)~~ five (5) wards. ~~One (1) council member shall be nominated and elected by the voters of the city at large.~~

At the first municipal election under this amended charter, ~~presently scheduled for November 2, 1993,~~ presently scheduled for November 2, 1993 2024 five (5) council members shall be elected. ~~The council member elected at large and the council members from the even numbered wards shall serve for terms of four (4) years.~~ The council members from odd numbered wards shall serve for terms of ~~two (2)~~ four (4) years. The council members from even number wards shall serve for terms of two (2) years. Thereafter, all council members shall serve for terms of four (4) years.

**Sec. 2.06. The Mayor.**

At the regular election, a mayor shall be elected for a term of four (4) years. The mayor shall be elected by and from the electors of the city at large. The mayor shall be a member of the city council, but shall only have a vote as a member of the council in case of a tie. The mayor shall preside at meetings of the council and shall exercise all powers and shall perform all duties conferred and imposed upon him/her by this charter, the ordinances of the city, and

the laws of the state. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purposes of serving civil process, and by the Governor for the purposes of martial law. In time of public danger or emergencies, the mayor may, with the consent of the council, take command of the police, maintain order, and enforce the law. The mayor shall also appoint with the advice and consent of the council the members of citizen advisory boards and commissions and perform other duties specified by the council. ~~The Councilmembers at large shall also be the mayor pro-tem and~~ The council members shall designate a mayor pro-tem and the person so designated shall serve as mayor pro-tem in the mayor's absence and mayor in case of the mayor's temporary disability or absence from the city. The mayor pro-tem shall retain the right to vote upon all matters before the council.

PASSED, APPROVED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:



Fairmont City Council  
March 14, 2022

Agenda Item: 7.2

**From:** Cathy Reynolds  
**To:** City Council

**Subject:** City Charter Amendment – Form of Government

**Policy/Action Requested:** First Reading and Public Hearing on Ordinance 2022-02 Amending the City Charter Section 2.01 Form of Government.

**Vote Required:** \_\_\_\_\_ Simple Majority      \_\_\_\_\_ Roll Call

**Recommendation:**

**Overview:**

The City of Fairmont Charter Commission has been meeting and reviewing the City Charter. The commission has voted to send several charter amendments to the City Council for approval. Ordinance 2022-02 amends Charter Section 2.01, Form of Government. The proposed amendment changes the form of government from “Mayor-Council Plan” to “Weak Mayor-Council Plan”.

Minnesota Statute section 410.16 sets forth the forms of government for incorporation in a city charter. The statute provides that:

*“The charter commission may incorporate as part of the proposed charter for any city the commission, mayor-council, council-manager form of city government or any other form not inconsistent with constitution or statute, and may provide that all elective city officers, including mayor and members of the council, shall be elected at large or otherwise.”*

The Charter currently provides that the form of government will be a “Mayor-Council Plan” consistent with the forms of government provided in the statute.

The role of the mayor is described as “weak” or “strong” depending on the authority the position carries. A weak mayor has no greater authority/powers than council members. Another way of looking at it is that a weak mayor’s vote carries no greater weight than that of a council member. A strong mayor generally exercises administrative authority over city departments, makes personnel decisions, and may have veto power over council decisions.

Fairmont’s Charter describes the authority of the mayor in section 2.06 of the Charter. The authority and powers of the mayor described in this section show that the mayor in our community meets the definition of a weak mayor as it does not govern the administrative branch, nor does the mayor have a vote that carries greater weight than that of a council member.

The current form of government provided in our charter is consistent with the overarching provisions of the charter, accurately describes our form of government, and is in accordance with forms of government provided for in Minnesota Statutes. The term “weak mayor” also describes the role of the mayor in our government.

**Budget Impact:** N/A

**Attachments:**

1. Ordinance 2022-02

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

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

**ORDINANCE 2022-02**

**AN ORDINANCE AMENDING THE CITY CHARTER**

**WHEREAS**, the City of Fairmont Charter Commission has met and reviewed the City Charter and have recommended amendments to the Charter; and

**WHEREAS**, the City of Fairmont City Council has heard public comment on the recommended amendments.

**NOW THEREFORE**, the City of Fairmont does Ordain that Fairmont City Charter, is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

**Sec. 2.01. Form of government.**

The form of government established by this charter is the "Weak Mayor-Council Plan." The council shall exercise the legislative power of the city and determine all matters of policy.

PASSED, APPROVED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

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

ATTEST:

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

1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:



Fairmont City Council  
March 14, 2022

Agenda Item: 7.3

From: Cathy Reynolds  
To: City Council

Subject: City Charter Amendment – The Mayor

Policy/Action Requested: First Reading and Public Hearing on Ordinance 2022-03 Amending the City Charter Section 2.06, The Mayor.

Vote Required: \_\_\_\_\_ Simple Majority      \_\_\_\_\_ Roll Call

Recommendation:

Overview:

The City of Fairmont Charter Commission has been meeting and reviewing the City Charter. The commission has voted to send several charter amendments to the City Council for approval. Ordinance 2022-03 amends charter Section 2.06, The Mayor. The proposed amendment adds language that the mayor shall not serve as a liaison to boards, commissions and committees appointed by the council.

Historically the mayor has served as a liaison to boards, commissions, and committees. The liaison role is meant to be a bridge between the boards and commissions and council. They help to inform council on the discussions and recommendations that come up from the boards and commissions so that council can better understand the recommendations and utilize that information in their decision making. Most liaison roles are non-voting and as such no reason would exist that the mayor could not serve in a liaison capacity.

The city has 14 boards and commissions that the council serves as liaison to. Having the mayor serve as a liaison helps to spread out the liaison assignments amongst the council.

Budget Impact: N/A

Attachments:

- 1. Ordinance 2022-03

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

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

**ORDINANCE 2022-03**

**AN ORDINANCE AMENDING THE CITY CHARTER**

**WHEREAS**, the City of Fairmont Charter Commission has met and reviewed the City Charter and have recommended amendments to the Charter; and

**WHEREAS**, the City of Fairmont City Council has heard public comment on the recommended amendments.

**NOW THEREFORE**, the City of Fairmont does Ordain that Fairmont City Charter, is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

**Sec. 2.06. The mayor.**

At the regular election, a mayor shall be elected for a term of four (4) years. The mayor shall be elected by and from the electors of the city at large. The mayor shall be a member of the city council, but shall only have a vote as a member of the council in case of a tie. The mayor shall preside at meetings of the council and shall exercise all powers and shall perform all duties conferred and imposed upon him/her by this charter, the ordinances of the city, and the laws of the state. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purposes of serving civil process, and by the Governor for the purposes of martial law. In time of public danger or emergencies, the mayor may, with the consent of the council, take command of the police, maintain order, and enforce the law. The mayor shall not serve as liaison to boards, commissions and committees appointed by the council. The mayor shall also appoint with the advice and consent of the council the members of citizen advisory boards and commissions, and perform other duties specified by the council. The Councilmembers-at-large shall also be the mayor pro-tem and shall serve as mayor pro-tem in the mayor's absence and mayor in case of the mayor's temporary disability or absence from the city. The mayor pro-tem shall retain the right to vote upon all matters before the council.

PASSED, APPROVED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

**ORDINANCE 2020-03**

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:



Fairmont City Council  
March 14, 2022

Agenda Item: 7.4

From: Cathy Reynolds  
To: City Council

Subject: City Charter Amendment – Investigation of City Affairs

Policy/Action Requested: First Reading and Public Hearing on Ordinance 2022-04 Amending the City Charter Section 2.08, Investigation of City Affairs.

Vote Required: \_\_\_\_\_ Simple Majority      \_\_\_\_\_ Roll Call

Recommendation:

Overview:

The City of Fairmont Charter Commission has been meeting and reviewing the City Charter. The commission has voted to send several charter amendments to the City Council for approval. Ordinance 2022-04 amends charter Section 2.08, Investigation of City Affairs. The proposed amendment adds language to allow an individual council member to open an inquiry prior to a council investigation.

Council members govern not as individuals, but as a collective whole. An individual council member conducting an inquiry goes against this basic tenet that a council works through the body as a whole. If a council member has a reason to believe that a matter should be inquired into, or investigated, that should be brought to the council and the council should decide if further action should be taken.

Budget Impact: N/A

Attachments:

- 1. Ordinance 2022-04

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

**ORDINANCE 2022-04**

**AN ORDINANCE AMENDING THE CITY CHARTER**

**WHEREAS**, the City of Fairmont Charter Commission has met and reviewed the City Charter and have recommended amendments to the Charter; and

**WHEREAS**, the City of Fairmont City Council has heard public comment on the recommended amendments.

**NOW THEREFORE**, the City of Fairmont does Ordain that Fairmont City Charter, is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

**Sec. 2.08. Investigation of city affairs.**

A council member may, based on information received, open an inquiry which may lead to an investigation. The council by majority vote may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The council by majority vote shall provide for an audit of the city's accounts at least once a year by the state department in charge of such work or by a public account. At any time, the council by majority vote may provide for an examination or audit of the accounts of any city officer or agency and it may provide for any survey or research study of any subject of municipal concern.

PASSED, APPROVED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

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

ATTEST:

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

1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:



Fairmont City Council  
March 14, 2022

Agenda Item: 7.5

**From:** Cathy Reynolds  
**To:** City Council

**Subject:** City Charter Amendment – City Administrator – Appointment and Qualifications

**Policy/Action Requested:** First Reading and Public Hearing on Ordinance 2022-05 Amending the City Charter Section 2.10, City Administrator – Appointment and Qualifications.

**Vote Required:** \_\_\_\_\_ Simple Majority      \_\_\_\_\_ Roll Call

**Recommendation:**

**Overview:**

The City of Fairmont Charter Commission has been meeting and reviewing the City Charter. The commission has voted to send several charter amendments to the City Council for approval. Ordinance 2022-05 amends charter Section 2.10, City Administrator – Appointment and Qualifications. The proposed amendment adds language requiring the city administrator to have a bachelor's or master's degree in public administration, public affairs or public policy and adds several skill qualifications that should be emphasized in selecting an administrator. The amendment further removes the indefinite contract language and replaces it with language that envisions a term contract be negotiated.

Charter section 2.10 currently requires the council to appoint an administrator solely on the basis of executive and administrative qualifications. This language allows council to review candidates and select the best qualified candidate for the position.

Common degree requirements found in job descriptions for city administrators include public administration, business administration, finance, public policy, and they contain a phrase allowing for consideration of related fields. Fairmont's current job description for the city administrator requires a bachelor's degree in public or business administration or a related field. The proposed charter amendment would limit council consideration of city administrator candidates to only those with a degree in public administration, public affairs, or public policy. All other candidates would be excluded.

The list of qualities recommended in the proposed amendments are items that are typically found in the job descriptions and as such are already guiding council's decision making. These types of qualifications are typically not found in a charter.

The final change envisions the council negotiating a term contract with the city administrator. The standard city administrator contract is usually for an indefinite term and provides that the council may terminate the contract at any time at their discretion. Entering into a term contract is not common practice with city administrator contracts.

**Budget Impact:** N/A

**Attachments:**

1. Ordinance 2022-05

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

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

**ORDINANCE 2022-05**

**AN ORDINANCE AMENDING THE CITY CHARTER**

**WHEREAS**, the City of Fairmont Charter Commission has met and reviewed the City Charter and have recommended amendments to the Charter; and

**WHEREAS**, the City of Fairmont City Council has heard public comment on the recommended amendments.

**NOW THEREFORE**, the City of Fairmont does Ordain that Fairmont City Charter, is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

**Sec. 2.10. City administrator—appointment and qualifications.**

The city council, by an affirmative vote of no less than three (3) of the five (5) council members, shall appoint a city administrator ~~for an indefinite term~~ and fix the administrator's compensation. The city administrator shall have a bachelor's degree or master's degree in public administration, public affairs or public policy. ~~be appointed solely on the basis of executive and administrative qualifications.~~ Emphasis shall be placed on the following qualifications; 1) three years of increased responsibility in leadership/management roles within a municipal or government setting; 2) possess strong financial aptitude and demonstrated budget and financial management skills; 3) working knowledge of municipal finance, budgeting and strategic planning; 4) display a firm understanding of the complexities of municipal utilities; 5) be a highly collaborative leader with a communicative, team oriented, and approachable management style. The term of the city administrator, and the term of any renewal thereafter, shall be established at the time of appointment or renewal, and shall be reflected in a written contract with the city administrator. The city administrator shall be subject to an annual review by the city council.

PASSED, APPROVED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

**ORDINANCE 2020-05**

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:



Fairmont City Council  
March 14, 2022

Agenda Item: 7.6

**From:** Cathy Reynolds  
**To:** City Council

**Subject:** City Charter Amendment – City Clerk

**Policy/Action Requested:** First Reading and Public Hearing on Ordinance 2022-06 Amending the City Charter Section 2.15, City Clerk.

**Vote Required:** \_\_\_\_\_ Simple Majority      \_\_\_\_\_ Roll Call

**Recommendation:**

**Overview:**

The City of Fairmont Charter Commission has been meeting and reviewing the City Charter. The commission has voted to send several charter amendments to the City Council for approval. Ordinance 2022-05 amends charter Section 2.10, City Clerk. The proposed amendment adds that the city clerk shall be appointed by the city administrator and approved by the city council.

The charter currently provides that council appoints the city administrator and the city attorney. The city clerk is currently appointed by the city administrator. This update would make the city clerk the only position that the city administrator appoints that is approved by council.

**Budget Impact:** N/A

**Attachments:**

- 1. Ordinance 2022-06

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

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

**ORDINANCE 2022-06**

**AN ORDINANCE AMENDING THE CITY CHARTER**

**WHEREAS**, the City of Fairmont Charter Commission has met and reviewed the City Charter and have recommended amendments to the Charter; and

**WHEREAS**, the City of Fairmont City Council has heard public comment on the recommended amendments.

**NOW THEREFORE**, the City of Fairmont does Ordain that Fairmont City Charter, is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

**Sec. 2.15. City clerk.**

A city clerk shall be appointed by the city administrator, approved by the city council and perform all duties imposed by law upon a city clerk. The city clerk shall keep a journal of council proceedings and such other records and perform such other duties as this charter or the council may require.

PASSED, APPROVED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

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

ATTEST:

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

- 1<sup>st</sup> Reading:
- 2<sup>nd</sup> Reading:



Fairmont City Council  
March 14, 2022

Agenda Item: 9.1

**From:** Peter Bode, Planner & Zoning Official  
**To:** Mayor and City Council

**Subject:** Appeal of Denied Variance at 2319 Albion Ave

**Policy/Action Requested:** Motion to grant or deny the appeal of the Board of Zoning Appeals decision to deny the variance request at 2319 Albion Avenue.

**Vote Required:**  Simple Majority  Roll Call

**Recommendation:** The Board of Zoning Appeals has denied the variance request. Staff and DNR recommend against granting an appeal of the Board's decision.

**Overview:** In November 2021, the Board of Zoning Appeals received a request from Troy and Jadee Menke to place a shipping container on an area of land which is part of their residential parcel at 2319 Albion Avenue. The shipping container would be set against the bluff of Hall Lake - 2 feet from the ordinary high water level (OHWL) of the lake where 50 feet is normally required, and 0 feet from the Albion Avenue right-of-way where 30 feet is normally required.

The Board, and the City Council on appeal, must follow state statutes which provide specific standards by which variance requests can be granted. No variance shall be granted to allow a use not permissible under the terms of city code. Variances shall only be permitted when they are in harmony with the general purposes and intent of city code and when the terms of the variance are consistent with the comprehensive plan. In granting a variance the Board may prescribe appropriate conditions in conformity with city code. A variance shall not be granted by the Board of Zoning Appeals, or by the City Council on appeal, unless it conforms to the following standards:

- 1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved that cause practical difficulties in complying with the requirements of city code and do not result from the actions of the petitioner. Economic considerations alone shall not constitute practical difficulties.
- 2) Literal interpretation of the provisions of city code would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of city code and the granting of the variance will not alter the essential character of the locality.
- 3) Granting the variance will not confer on the petitioner any special privilege that is denied by city code to other lands, structures, or buildings in the same area and the petitioner proposes to use the property in a reasonable manner.
- 4) The proposed variance will not impair an adequate supply of air and light to adjacent property, or unreasonably diminish or impair property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the city.

- 5) Reasonableness: Does the landowner intend to use the property in a reasonable manner?
- 6) Uniqueness: Are there unique physical characteristics of the land, not personal preferences of the land owner, that create the circumstance?
- 7) Essential Character: Will the resulting structure be out of scale, out of place, or otherwise inconsistent with the surrounding area?

Staff’s analysis of the above standards can be found in the attached staff report for the Board of Zoning Appeals. Staff and DNR recommended against granting the variance because the applicant’s circumstances do not meet these standards.

The Board of Zoning Appeals held a public hearing on December 7, 2021 regarding the request. At that time, the Board tabled discussion in order to provide time for the applicant to apply for a separate DNR permit for the proposal’s deck to overhang the public water, which is subject to DNR jurisdiction.

On February 1, 2022, the Board met to continue discussion of the request. After reviewing the above standards, the Board unanimously denied the request because the request was inconsistent with the purpose of the City’s shoreland management ordinance. Additionally, the circumstance was neither unique nor reasonable because similar areas of land are unbuildable throughout the city.

City Code provides that the applicant may appeal the Board’s decision to the City Council. The Menkes have requested an appeal. Council’s options are:

- 1) Grant the appeal for the denied variance as it was originally requested while providing responses to why the request meets each standard of state statute governing variances; or
- 2) Deny the appeal

**Budget Impact:** *None*

- Attachments:** (1) Satellite photo of area  
 (2) Staff report to BZA  
 (3) DNR recommendation  
 (4) Original application for variance  
 (5) BZA minutes from Dec. 7 and Feb. 1  
 (6) Statement of appeal

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



230391560



MENKETROY & JADEE  
2319 ALBION AVE  
2.53 Acres Value \$413700 Note:

View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#)

**GENERAL INFORMATION**

Applicant: ISG – Bryan Petzel

Property Owner: Troy & Jadee Menke

Purpose:

(1) To allow a 2-foot in lieu of 50-foot OHWL setback from Hall Lake

(2) To allow a 0-foot in lieu of 30-foot front yard setback from Albion Ave

Address: 2319 Albion Ave

Parcel Number(s): 23.039.1560

Zoning: Single Family Residential (R-1), Shoreland Overlay District Tier A (SOD-A)

Surrounding Land Use: Single Family Residential (R-1), General & Neighborhood Business (B-3, B-1)

Application Date: November 15, 2021

Review Date: December 7, 2021

**BACKGROUND**

This riparian non-conforming single-family residential (R-1) area of land of approximately 3,800 square feet is situated adjacent to Hall Lake. The land is part of a larger neighborhood business (B-1) parcel located across Albion Avenue, which contains a single-family home. The land falls within Hall Lake’s shore impact zone, is well-vegetated, and supports a residential dock and steps.

The applicant proposes to place a shipping container 0 feet from the Albion Avenue right-of-way where 30 feet is required, and 2 feet from the Ordinary High Water Level (OHWL) of Hall Lake where 50 feet is required. A wood deck is proposed to be placed beyond the container, overhanging Hall Lake. Because it would overhang the public water, this deck requires Minnesota Department of Natural Resources (DNR) permitting and so is not covered by this variance request.

**POLICY CONSIDERATIONS**

The Fairmont Comprehensive Plan weighs the community’s goals of economic development, tourism, and the need to protect and preserve its natural resources, including its five lakes. The plan states in its chapter on natural resources: “Preserving Fairmont’s natural resources for future generations is critical to the long-term preservation and success of Fairmont’s character, social connectedness, and local economy.”

To carry out this vision, the City’s Shoreland Management ordinance provides some protections for the community’s lakes. One of these protections is a buffer prohibiting structures other than boathouses within 50 feet from the OHWL of the lake, and 30 feet from the top of a bluff. The applicant proposes a structure be placed 2 feet from the OHWL, against the steep and vegetated slope of Hall Lake’s eastern shore.

Given the 100-foot width of Albion Avenue’s right-of-way, staff are less concerned about the proposed 0-foot setback, as the structure would be placed approximately 32 feet from the street surface.

## REVIEW OF VARIANCE STANDARDS

City Code Section 26-101 guides the Board of Zoning Appeals in how to review variance requests:

*No variance shall be granted to allow a use not permissible under the terms of this chapter. Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the terms of the variance are consistent with the comprehensive plan. In granting a variance the board may prescribe appropriate conditions in conformity with this chapter. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this chapter. A variance shall not be granted by the board of appeals and adjustments, or by the city council on appeal, unless it conforms to the following standards.*

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved that cause practical difficulties in complying with the requirements of this chapter and do not result from the actions of the petitioner. Economic considerations alone shall not constitute practical difficulties.**

Staff acknowledge that a circumstance exists in which the area of land is naturally shaped by a body of water. However, staff find that the circumstance is not unique. The area of land is part of a larger parcel of land across Albion Avenue which is buildable. Parcels which contain some land inside the shore impact zone are common in Fairmont. Shore impact zones are generally unbuildable.

- (2) Literal interpretation of the provisions of this chapter would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this chapter and the granting of the variance will not alter the essential character of the locality.**

Staff find that literal interpretation of the 50-foot shoreland setback requirement would not deprive the petitioner of rights commonly enjoyed by properties with access to the shore. This area of land already supports a dock and steps to the lake. Some residential structures to the south of the site are within the OHWL requirement. These structures existed before the City adopted its modern Shoreland Management ordinance.

- (3) Granting the variance will not confer on the petitioner any special privilege that is denied by this chapter to other lands, structures, or buildings in the same area and the petitioner proposes to use the property in a reasonable manner.**

Staff find that granting the variance would confer upon the petitioner a special privilege. The ability to place a structure 2 feet from OHWL where 50 feet is required is denied to other structures, apart from boathouses, throughout the city.

- (4) The proposed variance will not impair an adequate supply of air and light to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the city.**

Staff find that the proposal would impair the public welfare. The proposal directly conflicts with the Shoreland Management ordinance's purpose to protect the community's five lakes from extensive development within the shore impact zone. Structural development involving vegetation clearing and earth moving may result in bluff failures and a decline in water quality.

### **RECOMMENDATION**

Staff recommend that the Board of Zoning Appeals consider the legal standards set forth by **Minnesota Statute 462.357(6)** when considering variance applications. This includes a three-factor practical difficulties test:

- 1) Reasonableness- does the landowner intend to use the property in a reasonable manner?**
- 2) Uniqueness- are there unique physical characteristics of the land, not personal preferences of the landowner, that creates the circumstance?**
- 3) Essential Character- will the resulting structure be out of scale, out of place or otherwise inconsistent with the surrounding area?**

Staff find that the land is not proposed to be used in a reasonable manner, as the structure's placement would directly conflict with the purpose of the City's Shoreland Management code. While the area of land is naturally shaped by the lake, staff find that this circumstance is not unique. Many properties in Fairmont contain some land that is not buildable due to its proximity to the water. Staff believe the structure's placement within the shore impact zone would be inconsistent with the usual features of nearby shoreland.

The City administers its shoreland management regulations in partnership and consultation with the Minnesota DNR. DNR recommends denial of this request. Its reasoning is attached to this report.

Considering applicable statute and code, staff's findings support denial of the request for a variance to allow a 2-foot in lieu of 50-foot OHWL setback, and a 0-foot in lieu of 30-foot front yard setback.

*Respectfully submitted,*

*Peter Bode*

*Planner/Code Enforcement Technician*

**Minnesota Department of Natural Resources**  
**Southern Region**  
**21371 State Hwy 15**  
**New Ulm, MN 56073**

November 18, 2021

Peter Bode, Planner-Code Enforcement  
City of Fairmont  
100 Downtown Plaza  
Fairmont, MN 56031

Re: Variance application comments for Troy Menke - PID 230391560 on Hall Lake - Martin County

Dear Mr. Bode:

Thank you for sending the Menke variance application for review. The application requests approval for reduced OHWL setback in order to install steel container, measuring 8' x 40', with a 20' x 40' deck on a bluff located in the shore impact zone of Hall Lake. The structure is proposed to be placed on a small triangular piece of land that is linked to parcel #230391560 which is zoned residential.

We discussed this variance application requesting deviation from the standard OHWL structure setback from 50 feet to 2 feet and spoke to the landowner to confirm these measurements. Hall Lake is classified as a General Development basin so the OHWL setback is 50 feet and includes 25 feet of Shore Impact Zone adjacent to the water. The following comments are submitted for your consideration:

- ✓ The application is in direct conflict with the City of Fairmont's Shoreland Ordinance as it proposes to install a new structure on a wooded, bluff slope. The structure should be setback 30 feet from the top of the bluff.
- ✓ This proposal fails to meet the OHWL setback of 50 feet and would require significant clearing of trees and earth moving in a highly sensitive area. Disturbance in the bluff zone is not recommended and may result in a future bluff failure.
- ✓ The application also includes a deck that would extend approximately 18 feet out over the lake. The deck may require a public waters work permit from DNR. The DNR recommends a natural shoreline and such structures will detract from this goal.

For the reasons identified above, the Department recommends denial of this variance application. If you have questions please call me at 507-822-1559.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Girolamo". The signature is cursive and somewhat stylized.

Daniel Girolamo  
Area Hydrologist

CC: Todd Kolander, EWR DNR

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

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

115 E Hickory St Ste 300

Name of Applicant: ISG - Bryan Petzel Address: Mankato, MN 56001 Phone#: 507-387-6651

Street Address of Proposal: 2321 Albion Ave, Fairmont, MN

Legal Description of Property: Parcel 230391560

Existing Use of Property: Vacant parcel area of Ambiance on Albion Taphouse Bar & Grill

Proposed Use of Property: Patio overlooking Hall Lake

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

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

Troy Menke  
Owner's Name(Printed)

Troy Menke  
Owner's Signature

Bryan Petzel  
Applicant's Name (Printed)

Bryan Petzel  
Applicant's Signature

**City Staff Use Only**

DATE FILED: \_\_\_\_\_  
DATE FEE PAID: \_\_\_\_\_  
MEETING DATE: \_\_\_\_\_  
NOTICES SENT (DATE): \_\_\_\_\_  
NOTIFICATION OF EXTENSION (LETTER SENT): \_\_\_\_\_



AMBANCE ON ALBION TAPHOUSE AND GRILL

HALL LAKE

ALBION AVENUE (FORMER M.T.H. No. 15)  
(100 Foot Right of Way)



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RE: VARIANCE APPLICATION NARRATIVE  
AMBIANCE ON ALBION – 2321 ALBION AVE

Peter,

Enclosed is Variance Application and associated supporting documents for an outdoor patio request at the Ambiance on Albion Taphouse and Grill at 2321 Albion Avenue. Below is a narrative describing the subject site, project details, and variance request.

### SITE + PROJECT DESCRIPTION

The Ambiance on Albion Taphouse and Grill is located at 2321 Albion Avenue and owned by Troy and Jadee Menke. They also own the parcel across Albion Avenue from the restaurant that is vacant and overlooks Hall Lake where the setback variance is requested for a new structure. The restaurant would like to build a 320 square foot container structure and an 800 square foot deck on the vacant parcel overlooking the lake as an amenity to the existing restaurant use. The parcel is a smaller, unusual shape and when applying the required building setbacks, there is no space for even a small structure. The owners are requesting the City consider a variance to the setbacks to allow a container structure to be approximately 1.78-ft setback from OHWL line from the lake, and 0-ft setback from the eastern property line fronting Albion Avenue, and for a patio to extend into the OHWL to overlook the lake.

### VARIANCE CRITERIA REVIEW

A variance request must demonstrate that it meets the requirements of “Practical Difficulties” in the Minnesota State Statutes, 462.357, and the Variance Criteria of Section 26-101 of the Fairmont City Code. Below are the listed criteria of the City Code and responses to each item regarding this variance request, which also address the State Statutes.

1. *Special conditions and circumstances exist which are peculiar to the land, structure, or building involved that cause practical difficulties in complying with the requirements of this chapter and do not result from the actions of the petitioner. Economic considerations alone shall not constitute practical difficulties.*

Response: The unusual narrow shape of the parcel presents a special condition and unique circumstance where strict interpretation of the zoning setbacks would render this parcel essentially unbuildable with no viable area outside a setback for a structure.

2. *Literal interpretation of the provisions of this chapter would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this chapter and the granting of the variance will not alter the essential character of the locality.*

Response: The structure setback requirement on the west from the Ordinary High Water Line (OHWL) is 50 feet. Applying the 30-ft setback from the east property line would apply leaving no buildable area on the lot. Therefore, a variance would be necessary for any structure on this parcel. It is important to consider that the Albion Avenue right of way extends approximately 31.75-ft from the edge of the street. This means that even

if the building was built 0-ft setback from the east property line as proposed, it would still be setback 31.75-ft from the edge of the street. This is an unusually large right of way beyond the edge of the road. The result of this larger ROW is that it serves as a setback buffer area that would usually be setback space on private property situated closer to the street edge.

3. *Granting the variance will not confer on the petitioner any special privilege that is denied by this chapter to other lands, structures, or buildings in the same area and the petitioner proposes to use the property in a reasonable manner.*

Response: Granting a variance would allow for the site to support a small structure to support an existing business. No special privilege would be given as the proposed structure would still be subject to the City review process for other applicable zoning and building code requirements and would need to obtain any applicable permits as any other structure would need for approval.

4. *The proposed variance will not impair an adequate supply of air and light to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the city.*

Response: The proposed variance would not cause any nuisance to the surrounding area or impede the public health, safety or welfare. The proposed use would comply with the City requirements for hours of operation, lighting, noise and other standards. The parcels directly adjacent to the north, northeast and south are vacant. To the west is the lake and to the east is the restaurant. Directly adjacent to the southeast is a greenhouse/nursery. Further to the south along the lakeshore are residential structures between the lake and Albion Avenue, like the proposed structure.

In addition to evaluating a Variance request to the City Code, the Variance request must demonstrate conformance to the City's Fairmont Forward 2040 Comprehensive Plan. Below is an analysis of how the requested variance and development proposal relate to the City's Comprehensive Plan Goals.

On page 121 of the Comprehensive Plan, the top priorities for the community that were identified through the engagement process are listed in order as:

1. Stuff to do – places and activities
2. Maintain roads
3. Retail and revitalization
4. Lake tourism
5. Good jobs
6. Bike trails

The proposed patio space for Ambiance on Albion would support the desires of the community, providing a new place/activity that help support local business while enjoying the lake amenity. In addition, the proposal would support the following goals identified in the Comprehensive Plan:

- Land Use Goal 2: Utilize lakeshore land as a community asset in a sustainable and accessible manner
- LU 2-3. Prioritize development that preserves natural features and integrates greens spaces and gathering spaces into site design

Economic Development Goal 3: Foster the Local Economy

- ED 3-3. Partner to attract local and independent restaurants, retail, and entertainment/gathering space

Economic Development Goal 8: Market the City's unique assets for economic growth

- ED 8-3. Improve Fairmont's brand within the region as a fun, livable, active, and business-friendly community

Parks and Recreations Goal 2. Leverage the City's Natural Resources to Drive Economic Development

- PR 2-5. Provide opportunities for people to gather, celebrate, and enjoy culture, music, and food

We hope this analysis demonstrates evidence and the unique circumstances to support the setback variance requested. It would be a benefit to the community and the existing local business to grant this variance request without causing any negative impacts to the surrounding area.

Thank you for taking the time to review the enclosed application and supporting documents. We look forward to working with the City on this project. Please contact me at 952.426.0699 or [Andrea.Rand@ISGInc.com](mailto:Andrea.Rand@ISGInc.com) with any questions or if there is any additional information we can provide in support of this project.

Sincerely,



**Andrea Rand, AICP**  
Project Coordinator

## MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

### Regular Meeting

December 7, 2021 at 4:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

**Members present:** Mike Jacobson, Mike Klujeske, Jay Maynard, Council Liaison Bruce Peters

**Members absent:** Susan Krueger, Council Liaison Randy Lubenow

**Staff present:** City Administrator Cathy Reynolds, Planner & Zoning Official Peter Bode

Chair Maynard called the meeting to order at 4:30 p.m.

**Approval of Agenda:** Motion by Klujeske and second by Jacobson to approve the agenda as presented. Motion carried.

**Approval of Minutes:** Motion by Jacobson and second by Klujeske to approve the July 6, 2021 meeting minutes as presented. Motion carried.

**Public Hearing - Variance Request for 2319 Albion Ave:** Chair Maynard opened the public hearing. Bode introduced a request by Troy and Jadee Menke at 2319 Albion Ave for variances to allow a 2-foot in lieu of 50-foot OHWL setback from Hall Lake and a 0-foot in lieu of 30-foot front yard setback requirement from Albion Avenue. Bode stated that staff's findings supported denial of the request.

Troy and Jadee Menke discussed the proposal with the Board and spoke in favor of their request. Bode stated that no further public comments have been received.

There were no additional public comments. Motion by Jacobson and second by Klujeske to close the public hearing. Motion carried.

The Board discussed the proposal. Members indicated a preference to give time to the applicants to apply for a required public waters work permit from the Minnesota Department of Natural Resources. Bode stated that the Board has 60 days from the public hearing to decide on the variance request.

The Board tabled the request.

**Old Business:** *None*

**Adjournment:** Motion by Jacobson and second by Klujeske to adjourn. Motion carried and the meeting adjourned at 4:58 p.m.

*Respectfully submitted,  
Peter Bode*

## MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

### Regular Meeting

February 1, 2022 at 4:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

**Members present:** Mike Jacobson, Susan Krueger, Jay Maynard, Adam Smith, Council Liaison Wayne Hasek, Council Liaison Bruce Peters

**Members absent:** Mike Klujeske

**Staff present:** City Administrator Cathy Reynolds, Planner & Zoning Official Peter Bode

Chair Krueger called the meeting to order at 4:30 p.m.

**Approval of Agenda:** Motion by Maynard and second by Jacobson to approve the agenda as presented. Motion carried.

**Approval of Minutes:** Motion by Maynard and second by Smith to approve the January 4, 2022 meeting minutes as presented. Motion carried.

**New Business:** *None*

**Continue - Variance Request for 2319 Albion Ave:** The Board continued its discussion of a request by Troy and Jadee Menke at 2319 Albion Ave for variances to allow a 2-foot in lieu of 50-foot OHWL setback from Hall Lake and a 0-foot in lieu of 30-foot front yard setback from Albion Avenue. Bode stated that the DNR indicated to staff that a public waters work permit had not been applied for relating to the overhanging deck.

The Board discussed the proposal.

Motion by Maynard and second by Jacobson to deny the variance for a 2-foot in lieu of 50-foot OHWL setback and a 0-foot in lieu of 30-foot front yard setback. Motion carried.

The Board's reason for denial was that the request was inconsistent with the purpose of the City's shoreland management ordinance. Additionally, the circumstance was neither unique nor reasonable because similar areas of land are unbuildable throughout the city.

**Adjournment:** Motion by Maynard and second by Smith to adjourn. Motion carried and the meeting adjourned at 4:43 p.m.

*Respectfully submitted,  
Peter Bode*

March 8, 2022

Dear Board of Zoning Appeals,

I am appealing your decision for the variance for Ambiance on Albion because I don't think it's a fair vote when you bring in 3 new bodies for the hearing and they are not up to speed with the project. At the first meeting there were questions from the committee. This time there was a vote like it had been pre-determined because there were no questions.

I'm trying to add value to this town and would like your help to figure out a solution.

Look forward to discussing this issue more.

Thank you,

Troy and Jadee Menke



Fairmont City Council  
March 14, 2022

Agenda Item: 9.2

**From:** Troy Nemmers, PE – Director of Public Works/City Engineer  
**To:** Mayor and City Council

**Subject:** Advertise for bids for 2022-A, CIPP sanitary sewer lining project

**Policy/Action Requested:** Approve Resolution 2022-09 authorizing the advertising for bids on the 2022-A project

**Vote Required:**  Simple Majority  Roll Call

**Recommendation:** Approval

**Overview:** The City budgets for maintenance of the sanitary sewer mains every 2 years. These projects are generally planned for off years of our street improvement program and are completed on streets that have decent driving surfaces and are not expected to require significant utility replacement in the near future.

The maintenance being performed is a Cured-in-Place Pipe (CIPP) that is installed into the existing sanitary sewer mains. The contractor installs a flexible piece of material and then inflates the material with steam to the diameter of the existing pipe. The steam then cures the flexible material to a rigid conduit like PVC. The installation of the CIPP is completed for 2 main reasons. The first is to repair minor pipe failures or partial collapses that have occurred in the pipe or pipe joints. The second reason is to remove roots in the system and create a new barrier to prevent further root intrusion into the main. The excess roots in the main cause inflow & infiltration (I&I) as well as creating potential blockages in the main over time. After the material is cured, the contractor uses a remote machine to re-establish the existing service lines by cutting a hole from the inside of the new pipe liner. The proposed project would complete installation of the liner on approximately 7,600 linear feet of sanitary sewer main. (FYI - The city maintains over 70 miles of sanitary main.)

Staff is requesting authorization to advertise for bids on this project.

**Budget Impact:** The wastewater capital budget included \$225,000 to complete this work in 2022 and the initial engineer’s estimate is \$231,000.

**Attachments:** Resolution 2022-09  
Advertisement for bids

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

**RESOLUTION NO. 2022-09**

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

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
AND ORDERING ADVERTISEMENT FOR BIDS**

**2022-A CIPP PROJECTS, CITY PROJECT NO. 3022001**

WHEREAS, the City Engineer arranged for the preparation of Plans and Specifications for the CIPP projects, which consists of:

8” Cured in Place Pipe 5100 LIN FT, 9” Cured in Place Pipe 2500 LIN FT, Reinstate Sanitary Sewer Service 128 EACH, Trim Protruding Taps 15 EACH.

and has presented such Plans and Specifications to the Council for approval.

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

1. Such Plans and Specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper, on Quest CDN, and on the City of Fairmont website ([www.fairmont.org](http://www.fairmont.org)) if the estimated construction cost exceeds \$175,000, an advertisement for bids upon the making of such improvement under such approved Plans and Specifications. The advertisement shall be published for one day, shall specify the work to be done and shall state that bids will be opened on April 6, 2022, at 11:00 a.m. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless properly submitted via Quest (vBid) online and shall include a bid bond or certified check payable to the Clerk for five (5) percent of the amount of such bid. The bids will be tabulated at that time and will be considered by the City Council at a regular scheduled meeting to be held after review by the City Engineer of the lowest responsible responsive bidder’s bid documents.

**RESOLUTION NO. 2022-09**

ADOPTED by the Council this 14th day of March 2022.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

(SEAL)

**ADVERTISEMENT FOR BIDS**

2022 CIPP PROJECTS  
CITY PROJECT NO. 3022001  
CITY OF FAIRMONT  
FAIRMONT, MN

**RECEIPT AND OPENING OF PROPOSALS:** Proposals for the work described below will be received online through QuestCDN.com until 11:00 a.m. on April 6, 2022 at which time the bids will be opened and publicly read via conference call only. Use the number and Access Code ID to join the meeting.

2022 City of Fairmont CIPP Project - Bid opening  
Wed, Apr 6, 2022 11:00 AM - 11:30 AM (CDT)

<https://meet.goto.com/740514709>

Conference Call Number: 1 (312) 757-3121

Access Code: 740-514-709

**DESCRIPTION OF WORK:** The work includes the construction of approximately:

8" Cured in Place Pipe 5100 LIN FT, 9" Cured in Place Pipe 2500 LIN FT, Reinststate Sanitary Sewer Service 128 EACH, Trim Protruding Taps 15 EACH

together with numerous related items of work, all in accordance with Plans and Specifications. This project is subject to Responsible Contractor Certification.

**COMPLETION OF WORK:** All work under the Contract must be complete by December 22, 2022.

**PLAN HOLDERS LIST, ADDENDUMS, AND BID TABULATION:** The plan holders list, addendums, and bid tabulations will be available for download on-line at [www.questcdn.com](http://www.questcdn.com) or [www.fairmont.org](http://www.fairmont.org).

**TO OBTAIN BID DOCUMENTS:** Complete digital project bidding documents are available at [www.questcdn.com](http://www.questcdn.com) or [www.fairmont.org](http://www.fairmont.org). You may view the digital plan documents for free by entering Quest project # 8151183 on the website's Project Search page. Documents may be downloaded for \$30.00. Please contact QuestCDN.com at 952-233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in free membership registration, viewing, downloading, and working with this digital project information.

**BID SUBMITTAL:** A bid shall be submitted online no later than the date and time prescribed. For this project, the City will only be accepting online electronic bids through QuestCDN. To access the electronic bid form, download the project document and click online bidding button at the top of the advertisement. Prospective bidders must be on the plan holders list through QuestCDN for bids to be accepted.

**BID SECURITY:** A Proposal Bond in the amount of not less than 5 percent of the total amount bid, drawn in favor of City of Fairmont shall accompany each bid.

**OWNER'S RIGHTS RESERVED:** The Owner reserves the right to reject any or all bids and to waive any irregularities and informalities therein and to award the Contract to other than the lowest bidder if, in their discretion, the interest of the Owner would be best served thereby.

**DATED:** March 14<sup>th</sup>, 2022 /s/ Cathy Reynolds  
City Administrator

Published:

Fairmont Sentinel: 3/16/2022, 3/23/2022, 3/30/2022

QuestCDN: 3/15/2022



Fairmont City Council  
March 14, 2022

Agenda Item: 9.3

**From:** Paul Hoyer, Finance Director  
**To:** Mayor and City Council

**Subject:** Interfund Transfers

**Policy/Action Requested:** Motion to approve the interfund transfers for 2020 as listed on the attached schedule.

**Vote Required:**  Simple Majority  Roll Call

**Recommendation:** Approve the 2021 interfund transfers.

**Overview:**

As part of the budget process, certain interfund transfers are planned and included in the budget. During the year, other transfers are required for the sound operation of the City. All transfers done throughout the year need to be approved by the City Council. Included in the 2021 Interfund Transfers are all budgeted and unbudgeted transfers done during the year.

**Budget Impact:** NA

**Attachments:** 2021 Interfund Transfers

\*\*\*\*\*

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

**City Of Fairmont**  
**Interfund Transfers**  
**12/31/2021**

<b>FROM</b>				<b>TO</b>
101 General Fund	Fire Calls		80,000.00	410 Fire Truck Fund
101 General Fund	Move State Aid to Margaret St Trail project		197,181.62	405 Capital Projects
101 General Fund	Fire Department Rescue Boat & Equipment		35,384.77	405 Capital Projects
210 Economic Development	Incubator Building maintenance		10,000.00	405 Capital Projects
240 Lake Restoration	Habitat Restoration - Nitrate Removal		40,000.00	405 Capital Projects
250 Local Option Sales Tax	Amber Lake Boat Landing		150,000.00	405 Capital Projects
250 Local Option Sales Tax	Community Center		913,502.12	430 Community Center Fund
402 MSA	Debt Service		36,555.17	372 2012 GO Bonds
601 Water	Payment in Lieu of Taxes		133,272.72	101 General Fund
601 Water	Payment in Lieu of Taxes		16,154.30	210 Economic Dev
602 Sewer	Payment in Lieu of Taxes		87,599.00	101 General Fund
602 Sewer	Payment in Lieu of Taxes		10,618.00	210 Economic Development
604 Electric	Payment in Lieu of Taxes		604,128.28	101 General Fund
604 Electric	Payment in Lieu of Taxes		73,227.71	210 Economic Development
609 Liquor Store Fund	Liquor License Renewal Discount		18,886.99	101 General Fund
609 Liquor Store Fund	City Hall Elevator		29,123.86	101 General Fund
609 Liquor Store Fund	City Hall Elevator		52,876.14	405 Capital Projects
609 Liquor Store Fund	To fund deficit		52,000.00	212 SMEC
609 Liquor Store Fund	SMEC Doors		30,000.00	405 Capital Projects
609 Liquor Store Fund	Airport Improvements		103,824.00	405 Capital Projects
609 Liquor Store Fund	Amber Lake Boat Landing		125,000.00	405 Capital Projects
609 Liquor Store Fund	Aquatic Park Improvements		120,000.00	405 Capital Projects
609 Liquor Store Fund	Sylvania Park Trail		30,000.00	405 Capital Projects
609 Liquor Store Fund	Mini Golf		10,000.00	881 Mini Golf
			2,959,334.68	
File Name: PHCIF.xls				



Fairmont City Council  
March 14, 2022

Agenda Item: 9.4

**From:** Paul Hoyer, Finance Director  
**To:** Mayor and City Council

**Subject:** Year End Fund Balance Designations

**Policy/Action Requested:** Motion to adopt Resolution Number 2022-10 designating fund balances for specific purposes.

**Vote Required:**  Simple Majority  Roll Call

**Recommendation:** Adopt Resolution Number 2022-10

**Overview:**

For many years, the City has been designating the general fund balance at the end of the year. The December 31, 2021 unrestricted general fund balance of \$7,408,862.28 is 79% of the general fund operating expenditures for 2022, which exceeds the 55%-65% range established by the City’s fund balance policy. With the general fund balance at 79%, City staff will be evaluating the use of some of these funds when establishing the 2023 budget.

**Budget Impact:** NA

**Attachments:** Resolution 2022-10

\*\*\*\*\*

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

**RESOLUTION FOR COMMITTING FUND BALANCE**

**RESOLUTION NO. 2022-10**

**COMMITTING FUND BALANCES FOR SPECIFIC PURPOSES**

WHEREAS, the City Council of the City of Fairmont, Minnesota, does hereby find as follows:

WHEREAS, the Governmental Accounting Standards Board’s Statement No. 54 defines committed fund balance as amounts that can only be used for specific purposes pursuant to constraints imposed by formal action by Council, and;

WHEREAS, Council action is required before year end to formalize the commitment of fund balance to specified purposes, and;

WHEREAS, those committed amounts cannot be used for any other purpose unless the City removes or changes the specified use by taking the same type of action it employed to previously commit those amounts.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the City, that the specific portions of fund balance in the identified funds are committed as follows:

City of Fairmont				
General Fund Balance				
12/31/2021				
	Balance 12-31-20	Additions	Deletions	Balance 12-31-21
<b><u>Restricted</u></b>				
Fire Dept Capital	75,050.00	149,600.00	29,874.77	194,775.23
Police Dept Capital	10,550.00	4,420.00	2,250.41	12,719.59
Lincoln Park	-			-
LaFrance Restoration	4,172.50			4,172.50
Bike Trails	4,640.00		1,743.00	2,897.00
	94,412.50			214,564.32
<b><u>Assigned</u></b>				
Police Equipment	46,223.03			46,223.03
Police - Drug Enforcement	46,718.65	1,913.91	60.00	48,572.56
Fire Equipment	61,000.00			61,000.00
Engineering Equipment	75,000.00			75,000.00
Parks and Trails	537,582.33			537,582.33
Aquatic Park	29,847.72			29,847.72
Cash Flow	3,000,000.00			3,000,000.00
ARPA	-	548,050.42		548,050.42
Housing Demolition	61,669.64	80,000.00	48,393.93	93,275.71
General Government Buildings	360,486.31	792,577.35		1,153,063.66
Street Equipment	120,880.02			120,880.02
IT	195,366.83			195,366.83
	4,534,774.53	1,422,541.68	48,453.93	5,908,862.28
<b><u>Unassigned</u></b>				
Unassigned	1,512,472.97			1,500,000.00
	6,141,660.00	1,422,541.68	48,453.93	7,623,426.60

The foregoing resolution was passed by the City Council of the City of Fairmont this 14th day of March 2022.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk



**Council Member Agenda Request  
March 14, 2022**

**Agenda Item: 10.1**

**From:** Councilor Britney Kawecki

**Subject:** Community Development Director

**Staff Action Requested:**

**Overview:**

Discuss hiring a community development director and then let them look into hiring an economic development coordinator versus the other way around.

**Attachments:**

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