

FAIRMONT CITY COUNCIL AGENDA

Monday, September 12, 2022, 5:30 p.m.

1. **Roll Call/Determination of Quorum**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Recognition/Presentations**
5. **Public Discussion/Comment** (Individual comments are limited to 3 minutes) **(03)**
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, August 22, 2022 **(04)**
 - B. **Check Registers**
 - C. **Other**
 - 6.C.1 Transient Merchant Application-Country Fresh Farms, September 28-October 1, 2022 **(07)**
 - 6.C.2 Event Permit – Fairmont Student Council, Homecoming Parade, September 30, 2022 **(08)**
 - 6.C.3 Closure of Woodland Avenue for Halloween, October 31, 2022 **(11)**
 - 6.C.4 Temporary On-Sale Liquor Licenses for Martin County Preservation Association, d/b/a Red Rock Center for November 4, 2022 and December 16, 2022 **(12)**
 - 6.C.5 Authorize the Purchase of Lift Station Equipment – Johnson St. **(15)**
 - 6.C.6 Authorize the Purchase of Lift Station Equipment – Woodland Avenue/Lake Park Boulevard **(20)**
7. **Public Hearings**
 - 7.1 Public Hearing on Updates to the City’s Stormwater Management Ordinance **(25)**

8. Old Business

9. New Business

- 9.1 Charter Commission Additional Budget Request (58)
- 9.2 Award Screen Modifications Project at the Wastewater Treatment Plant (59)
- 9.3 Authorize Purchase of Shade Structures at WASC & Jeffrey Kot Fields (63)
- 9.4 Adoption of Position Pointing and Non-Union Pay Scale (71)
- 9.5 Approval of HRA Levy (75)
- 9.6 2023 Proposed Budget and Tax Levy (78)

10. Council Discussion

11. Staff/Liaison Reports

A. Public Works

B. Finance

C. City Administrator

D. Mayor/Council

Lubenow – HRA

Miller - FEDA

Peters – Visit Fairmont, FEDA

12. Adjournment



Fairmont City Council
September 12, 2022

Agenda Item: 5

From: Cathy Reynolds, City Administrator

To: Mayor and City Council

Subject: Public Discussion/Comment

INDIVIDUAL COMMENTS ARE LIMITED TO 3 MINUTES

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

Budget Impact: N/A

Attachments: N/A

Council Action: _____ Date: _____



Fairmont City Council
September 12, 2022

Agenda Item: 6.A.1

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

Subject: Council Minutes from Regular Meeting on August 22, 2022

Policy/Action Requested: To Approve City Council Minutes from August 22, 2022

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview:

Budget Impact: N/A

Attachments: City Council Minutes Regular Meeting, August 22, 2022

Council Action: _____ Date: _____

The minutes of the Fairmont City Council meeting held on Monday, August 22, 2022, at the City Hall Council Chambers.

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

Council Members Wayne Hasek, Britney Kawecki, Randy Lubenow, Michele Miller and Bruce Peters were present. Also in attendance: City Administrator Cathy Reynolds, Finance Director Paul Hoye, Police Chief Mike Hunter, City Clerk Patricia Monsen, Planner & Zoning Official Peter Bode and City Attorney Mark Rahrlick, via telephone.

Council Member Peters made a motion to approve the agenda with the addition of 9.2 Temporary On-Sale Liquor License for Martin County Preservation Association. Council Member Hasek seconded the motion and the motion carried.

There was no public comment received.

Council Member Hasek made a motion to approve the Consent Agenda. Council Member Miller seconded the motion and the motion carried. Items on the Consent Agenda were: minutes from the August 8, 2022 city council meeting; August 2022 accounts payable; Service Agreement with BevComm; and Law Enforcement Center Lease Agreement.

Mayor Foster opened the public hearing on proposed **Ordinance 2022-10**, rezoning a portion of a parcel of land north of George Lake and west of Holland Street in the City of Fairmont, Martin County, Minnesota from R-1 Single Family Residential to A Agriculture Transition. Brandon Edmundson, attorney from the law firm of Krahmer, Schaffer and Edmundson, representing Carlson Walters Group spoke in support of the rezoning of parcel 23.037.0150. Rob True of 1435 Holland Street; Jay Maynard of 1831 Oakwood; Kathy Gronewald of 1447 Larsen Lane; Jeff Schuett of 1306 Holland Street; James Marushin of 1420 Holland Street; Paul Miller of 1905 Memorial Park Drive; Mike and Marlene Johnson of 1426 Holland Street all spoke in opposition of the rezoning request. Sonja Fortune of 1414 Holland Street spoke in favor of the rezoning request. Council Member Peters made a motion to close the public hearing. Council Member Hasek seconded the motion and the motion carried. Council Member Peters made a motion to approve **Resolution 2022-32** denying the request to rezone a portion of parcel 23.037.0150 from R-1 Single Family Residential to A Agriculture Transition. Council Member Hasek seconded the motion. On roll call: Council Members Hasek, Miller and Peters voted aye. Council Members Kawecki and Lubenow voted nay. Mayor Foster declared said motion passed.

Leah Davis of Abdo, Eick & Meyers, LLP presented the Compensation and Classification Study for the City of Fairmont. Council Member Peters made a motion to accept the Compensation and Classification Study. Council Member Lubenow seconded the motion and the motion carried.

Council Member Peters made a motion to approve a temporary on-sale liquor license for Martin County Preservation Association, d/b/a Red Rock Center for an event on September 16, 2022. Council Member Lubenow seconded the motion and the motion carried.

Hoye presented the Quarterly Financial Report.

Reynolds presented the 2022 Quarter 2 Community Development Report. Guillermo Lopez has been hired as the Assistant Manager for the Fairmont Liquor Store. An open house on the Gomsrud Park Concepts is scheduled for August 25, 2022, 5:30 p.m. – 7:00 p.m. at Southern MN Educational Campus, 115 S. Park Street in the Community Room. This is an opportunity to view the construction concepts and speak with City Staff and construction consultants. The public is encouraged to attend.

Councilor Hasek stated that the Public Utilities Commission discussed wholesale electricity costs. The Airport Board talked about upgrades to lighting and that due to lack of contractors it will probably be next year.

Councilor Kawecki stated that she was unable to attend the Library Board meeting.

Councilor Lubenow reported that the Community Center Advisory Board talked about the schedule and are hoping to have cost estimates to the council by November. The Park Board talked about the Gomsrud Park project.

Councilor Miller stated that there was no CER meeting.

Councilor Peters reported that FEDA negotiated a couple loans and talked about the sale of the Incubator Building. No proposals have been received on the potential sale.

A motion was made by Council Member Hasek, seconded by Council Member Miller and carried to adjourn the meeting at 8:03 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk



Fairmont City Council
September 12, 2022

Agenda Item: 6.C.1

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

Subject: Transient Merchant Application – Country Fresh Farms

Policy/Action Requested: To Approve the Transient Merchant Application for Country Fresh Farms

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: Country Fresh Farms of Union City, Georgia has made application for a one month Transient Merchant Permit to sell USDA frozen meats (chicken, seafood, pork and beef) in the City of Fairmont September 28-October 1, 2022. Country Fresh Farms has completed and submitted all of the required paperwork and a satisfactory background investigation has been completed. Staff is recommending approval.

Budget Impact: N/A

Attachments:

Council Action: _____ Date: _____



Fairmont City Council
September 12, 2022

Agenda Item: 6.C.2

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

Subject: Event Permit – Fairmont Student Council, Homecoming Parade, September 30, 2022

Policy/Action Requested: Motion to approve an Event Permit for the Fairmont Student Council to have the Homecoming Parade on Downtown Plaza on September 30, 2022.

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: The Fairmont Student Council has made application for an Event Permit to hold the Homecoming Parade on Downtown Plaza on September 30, 2022.

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: 09/01/22

Permit Fee: \$15.00

Event: HOME COMING PARADE

Sponsoring entity: STUDENT COUNCIL - FAIRMONT

Address: 900 JOHNSON STREET

Maximum estimated number of persons expected to attend at any one time: 1,000

Event coordinator(s): JAMIE THOMPSON
Contact Info: (507) 399-1619 Phone #
E-mail

Primary contacts (during event):
Name: MELINDA CHAMBERS Name
Cell#: (507) 301-2916 Cell#
E-mail: mchambers@fairmont.k12.mn.us E-mail:

Event Start: Day/Date SEPT. 30, 2022 Time: 4:00 PM
Event End: Day/Date _____ Time: 5:00 PM
Setup: Day/Date _____ Start time: 3:15 PM End Time: 3:50
Teardown: Day/Date _____ Start time: _____ End Time: _____

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

HOME COMING PARADE - FHS

- 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.

WARD PARK THROUGH DOWNTOWN PLAZA

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: _____

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: STUDENT COUNCIL ADVISOR Date: 09/01/22

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: <input checked="" type="checkbox"/> Yes; ____ No	Received by:	
Requires Council Approval		Council Meeting Date: <u>9-12-22</u>	Action:
City Administrator Approval	Yes	No	Date

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



Fairmont City Council
September 12, 2022

Agenda Item: 6.C.3

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

Subject: Closure of Woodland Avenue for Halloween

Policy/Action Requested: To close Woodland Avenue from Albion Avenue to Lake Park Boulevard to automobile traffic on October 31, 2022, from 4:30 p.m. to 7:30 p.m.

Vote Required: Simple Majority Roll Call

Recommendation: Staff recommends approval.

Overview: Residents of Woodland Avenue have requested that Woodland Avenue from Albion Avenue to Lake Park Boulevard be closed to automobile traffic on Halloween, October 31st from 4:30 p.m. to 7:30 p.m. The City has closed this portion of Woodland Avenue on Halloween the past four years and it has worked very well.

Budget Impact: N/A

Attachments: N/A

Council Action: _____ Date: _____



Fairmont City Council
August 22, 2022

Agenda Item: 6.C.4

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

Subject: Temporary On-Sale Liquor Licenses for Martin County Preservation Association, d/b/a Red Rock Center

Policy/Action Requested: To Approve two Temporary On-Sale Liquor Licenses for Martin County Preservation Association, d/b/a Red Rock Center for November 4, 2022 and December 16, 2022.

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: The Martin County Preservation Association, d/b/a Red Rock Center has applied for two temporary liquor licenses for events to be held at the Red Rock Center for the Arts on November 4, 2022 and December 16, 2022.

Budget Impact: N/A

Attachments: Applications

Council Action: _____ Date: _____



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization Martin County Preservation Association dba Red Rock Center		Date of organization 2005	Tax exempt number 38202
Organization Address (No PO Boxes) 222 E Blue Earth Ave.	City Fairmont	State MN	Zip Code 56031
Name of person making application Sonja Fortune		Business phone 507-235-9262	Home phone
Date(s) of event Nov. 4, 2022	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer <input type="checkbox"/> Club <input checked="" type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Other non-profit		
Organization officer's name Dan Wheeler	City Fairmont	State MN	Zip Code 56031
Organization officer's name Jerry Miller	City Fairmont	State MN	Zip Code 56031
Organization officer's name Andrew Hoaglund	City Fairmont	State MN	Zip Code 56031

Location where permit will be used. If an outdoor area, describe.
Red Rock Center for the Arts, indoors

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
West Bend Mutual Insurance, \$1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of Fairmont
City or County approving the license

\$50.00
Fee Amount

Event in conjunction with a community festival Yes No
10,487
Current population of city

Date Approved
November 4, 2022
Permit Date

pmonsens@fairmont.org
City or County E-mail Address

Patricia J. Monsen, City Clerk
Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

No Temp Applications faxed or mailed. Only emailed.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization	Date of organization	Tax exempt number	
Martin County Preservation Association dba Red Rock Center	2005	38202	
Organization Address (No PO Boxes)	City	State	Zip Code
222 E Blue Earth Ave.	Fairmont	MN	56031
Name of person making application	Business phone	Home phone	
Sonja Fortune	507-235-9262		
Date(s) of event	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer		
Dec. 16, 2022	<input type="checkbox"/> Club <input checked="" type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Other non-profit		
Organization officer's name	City	State	Zip Code
Dan Wheeler	Fairmont	MN	56031
Organization officer's name	City	State	Zip Code
Jerry Miller	Fairmont	MN	56031
Organization officer's name	City	State	Zip Code
Andrew Hoaglund	Fairmont	MN	56031

Location where permit will be used. If an outdoor area, describe.
Red Rock Center for the Arts, indoors

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
West Bend Mutual Insurance, \$1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of Fairmont
City or County approving the license
\$50.00
Fee Amount
Event in conjunction with a community festival Yes No
10,487
Current population of city
Patricia J. Monsen, City Clerk
Please Print Name of City Clerk or County Official

Date Approved
December 16, 2022
Permit Date
pmonsen@fairmont.org
City or County E-mail Address
Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event
No Temp Applications faxed or mailed. Only emailed.
ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US



Fairmont City Council
September 12, 2022

Agenda Item: 6.C.5

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

Subject: Authorize purchase of lift station equipment – Johnson Street

Policy/Action Requested: Approve PO 14388 for upgrades to Johnson Street lift station

Vote Required: X Simple Majority Roll Call

Recommendation: Staff requests approval to complete this purchase.

Overview: Attached is a purchase order for new pumps and associated equipment to upgrade the lift station located at Johnson Street east of the high school.

Budget Impact: The wastewater department has a capital line item for Lake Park boulevard lift station upgrades. After a close evaluation of that project, it was decided to go with a smaller improvement than was originally planned. The total budget for the Lake Park upgrade was \$120,000. The budget has been split between two projects so this work along with PO 14389 will both be charged to this capital account.

Attachments: PO 14388

Council Action: _____ Date: _____



CITY OF FAIRMONT
100 DOWNTOWN PLAZA
FAIRMONT, MN 56031
507-238-9461 507-238-9044 (fax)

GL ACCOUNT NO.
 601 00000 16300

PURCHASE ORDER NO. / WORK ORDER NO.
 14388

VENDOR:
 Quality Flow Systems

SHIP TO:
 WWTP

DATE ORDERED: 8/25/22 **DATE REQUIRED:**

QUANTITY	STOCK #	DESCRIPTION	PRICE	AMOUNT
1		Johnson Street Lift Station Upgrades		\$69,280.00
		Pumps, Checks, Control Panel, Pipping,Electrical, Labor		

PLEASE ENTER OUR ORDER FOR GOODS LISTED ABOVE. NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO COMPLETE BY DATE REQUIRED

SALES TAX EXEMPT

 AUTHORIZED SIGNATURE




PO 14388

800 6th St. N.W.
New Prague, MN 56071
Office: (952) 758-9445
Fax: (952) 758-9661

Quotation			
To:	<u>Fairmont, MN</u>	Date:	<u>08/12/2022</u>
		From:	<u>Cory Malay</u>
Attn:	<u>Jared</u>	Phone:	<u>(952) 221-9800</u>

Re: Fairmont, MN; Johnson Lift Station; Equipment Package

Quality Flow Systems Inc. is pleased to provide a quotation in accordance with your requests and as follows:
Our itemized scope of supply is listed below:

Item A

Complete Equipment Package;

This will consist of supplying a and installing two new submersible pumps, guide systems, check valves, gate valves, and discharge piping in the wet well. A new access cover with built in safety grate, and a new control panel. This will also include all required installation, turn-key system. Please see my itemized breakdown below.

<u>Qty</u>	<u>Description</u>
1	Wet Well Rehab to Include: <ul style="list-style-type: none"> • (2) KSB Base Elbows • (2) KSB Guide Claws • (2) Stainless Steel Upper Brackets – Extended Length • (2) 16' lengths of 4" Riser Pipe Flange by Flange End, Ductile Iron, Concrete Lined • (4) 4" Flange Coupling Adapters • (2) 4" Flange by Flange Swing Check Valves • (2) 4" Flange by Flange Gate Valves • (A/R) Bolt & Gasket Kits • 120' of 2" Schedule 80 Stainless Steel Guide Pipe – 30' Sections • (2) KSB KRT F 80-252/74XEG-S, 1750rpm, 10hp, (9.331) Submersible Pumps
1	Access Cover with Safety Grate, 29.5" x 47"
1	Removal and Disposal of Existing Equipment
1	Labor to Remove and Install Equipment
1	Freight to Jobsite

Lift Station; Duplex; PLC Control Panel; Duplex pump control panel for operation on 240 Volt, 3-Phase, 4-Wire, 60-Hz incoming service. The enclosure is single door suitable for pad-mounting, NEMA 4X, 304 Stainless Steel, measuring approximately 48"H x 36" W x 12" D on an 18"H skirted leg-stand system. Aluminum inner dead-front door, 3-point pad-lockable handle and steel (painted white) component chassis will be provided. The system will provide control for two (2) 10 HP KSB submersible pumps in response to wet well level as sensed by submersible level transducer (primary) and floats (back-up).

<u>Qty</u>	<u>Description</u>
1	CB; Main Disconnect; 3P; 240VAC; 100A; Service Entrance Rated
1	CB; Emergency Disconnect; 3P; 240VAC; 100A; Service Entrance Rated
1	Mechanical Slide Interlock for Main / Emergency Breakers
1	Emergency Receptacle; with Angle Adapter (Customer Supplied)
2	CB; Pump Disconnect; 3P; 240VAC
2	Motor starters, with adjustable overloads
2	Feeder Breaker; 1-pole; for misc. loads (10A controls, 15A GFI)

1	Power Distribution Block
1	Power supply (PLC)
1	Convenience Receptacle; GFI; 15A
1	Phase Monitor
1	Surge Arrestor; 3-Phase
1	Heater; Fan-forced; 200W; Thermostatically controlled
2	Pump Protective Module (Overtemp & Seal Fail); with socket
2	Switch; 3-position; (each pump H-O-A)
2	Light-Pilot; P-T-T; 120VAC FV; LED; Green (pump running)
3	Light-Pilot; P-T-T; 120VAC FV; LED; Red (pump overtemp, high level)
2	Light-Pilot; P-T-T; 120VAC FV; LED; Amber (pump seal fail)
2	Push Button; (each pump reset)
2	Runtime meters; non-resettable (each pump)
A/R	Control Relay; 3PDT; 120VAC; w/ Indicating Light (includes socket)
1	Ground Lug; 3-Conductor
1	Float controller with intrinsically safe circuit extensions
1	PLC 1500CT 5.7" color touch screen, with I/O board
1	Intrinsically barrier (PLC)
A/R	Terminal Block; Single; 18-10AWG
A/R	Alarms & status wired to terminals for future connection to RTU, including pump req, run, fail, etc.
1	Alarm Strobe; Red; 120VAC; enclosure top mounted
1	Alarm Horn, External mounted with Push Button Silence
1	Terminals for dry well float, tied to common alarm
1	Transfer Sensaphone Sentinel into new panel, and set-up
1	Install High Gain Antenna
3	Float Switch; Suspended; Non-mercury; 60 ft cable
1	Transducer; with suspension kit; 60 ft cable
<u>Qty</u>	<u>Description; Standard Submittal Drawings and O&M Manuals</u>
A/R	Wiring diagrams, bills of material, equipment data sheets, etc.
<u>Qty</u>	<u>Description; Start-up & Training</u>
A/R	Onsite start-up of pump control panel and instrumentation

Panel Installation;

<u>Qty</u>	<u>Description</u>
1	Installation of control panel by a licensed electrician, this includes new conduits as required, and transfer of the incoming power
1	Removal & disposal of existing control panel
1	Modify all necessary conduits, and pull new wire as needed
1	Necessary Permits

Total Sell Price for Items A is \$69,280.00 (any applicable taxes)

Terms:

Quotation is valid for 30 days. Based upon Quality Flow Systems Standard Terms and Conditions of Sale; copy provided upon request.

Exclusions:

Vac truck is supplied by the city.

Proposed Delivery Schedule:

4 - 6 Week lead time on all equipment listed.



Thank you for this opportunity to be of service to you. If you have any questions, please don't hesitate to call.
952-221-9800

Sincerely,

Cory Malay
Cory Malay



Fairmont City Council
September 12, 2022

Agenda Item: 6.C.6

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

Subject: Authorize purchase of lift station equipment – Woodland/Lake Park Boulevard

Policy/Action Requested: Approve PO 14389 for upgrades to Woodland/Lake Park Boulevard lift station
Vote Required: X Simple Majority Roll Call

Recommendation: Staff requests approval to complete this purchase.

Overview: Attached is a purchase order for new pumps and associated equipment to upgrade the lift station located on Woodland Avenue just east of the Lake Park Boulevard intersection.

Budget Impact: The wastewater department has a capital line item for this upgrade. After a close evaluation of this project, it was decided to go with a smaller improvement than was originally planned. The total budget for the Lake Park upgrade was \$120,000. The budget has been split between two projects so this work along with PO 14388 will both be charged to this capital account.

Attachments: PO 14389

Council Action: _____ Date: _____



CITY OF FAIRMONT
 100 DOWNTOWN PLAZA
 FAIRMONT, MN 56031
 507-238-9461 507-238-9044 (fax)

GL ACCOUNT NO.
 601 00000 16300

PURCHASE ORDER NO. / WORK ORDER NO.
 14389

VENDOR:
 Quality Flow Systems

SHIP TO:
 WWTP

DATE ORDERED: 8/25/22 DATE REQUIRED:

QUANTITY	STOCK #	DESCRIPTION	PRICE	AMOUNT
1		Woodland / Lake Park Blvd. Lift Station Upgrades		\$48,500.00
		Pumps, Checks, Control Panel, Pipping,Electrical, Labor		

PLEASE ENTER OUR ORDER FOR GOODS LISTED ABOVE. NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO COMPLETE BY DATE REQUIRED

SALES TAX EXEMPT

 AUTHORIZED SIGNATURE



PO # 14389

800 6th St. N.W.
New Prague, MN 56071
Office: (952) 758-9445
Fax: (952) 758-9661

Quotation

To: <u>Fairmont, MN</u>	Date: <u>08/12/2022</u>
	From: <u>Cory Malay</u>
Attn: <u>Jared</u>	Phone: <u>(952) 221-9800</u>

Re: Fairmont, MN; Woodland & Lake Park Blvd; Pump & Controls Replacement

Quality Flow Systems Inc. is pleased to provide a quotation in accordance with your requests and as follows:
Our itemized scope of supply is listed below:

Item A

Equipment Package;

This will consist of supplying a and installing two new dry-pit pumps, sized at 250gpm at 25' TDH. Supplying a new control panel designed to Fairmont's specs. Relocating the control panel to an above ground location, and complete installation of the pumps and controls.

<u>Qty</u>	<u>Description Pump Replacement:</u>
2	Keen, Model K450M4, 230/3, 1750rpm, 5hp, Dry-pit Pumps to Include: <ul style="list-style-type: none"> • Vortex Impeller, Capable of Passing 3" Solids • 40' Power Cable • Double Mechanical Seals • Over Temp Sensors • Epoxy Coated Impeller and Volute • Class 1, Div. 1 X-proof Motor • Oil Filled Motor • 2-Year Warranty • Suction Elbow with Stand
A/R	Filler Flanges / Expansion Joints
A/R	Bolt & Gasket Kits, 4"
1	Removal and Disposal of Existing Equipment
1	Installation of Listed Equipment
1	Freight to Jobsite

Lift Station; Duplex; PLC Control Panel; Duplex pump control panel for operation on 240 Volt, 3-Phase, 4-Wire, 60-Hz incoming service. The enclosure is single door suitable for pad-mounting, NEMA 4X, 304 Stainless Steel, measuring approximately 48"H x 36" W x 12" D on an 18"H skirted leg-stand system. Aluminum inner dead-front door, 3-point pad-lockable handle and steel (painted white) component chassis will be provided. The system will provide control for two (2) 5 HP KSB submersible pumps in response to wet well level as sensed by submersible level transducer (primary) and floats (back-up).

<u>Qty</u>	<u>Description</u>
1	CB; Main Disconnect; 3P; 240VAC; 100A; Service Entrance Rated
1	CB; Emergency Disconnect; 3P; 240VAC; 100A; Service Entrance Rated
1	Mechanical Slide Interlock for Main / Emergency Breakers
1	Emergency Receptacle; with Angle Adapter (Customer Supplied)
2	CB; Pump Disconnect; 3P; 240VAC
2	Motor starters, with adjustable overloads
5	Feeder Breaker; 1-pole; for misc. loads (10A controls, 15A GFI, 20A sump, 15A dehumidifier, 15A lights/receptacles)

1	Power Distribution Block
1	Power supply (PLC)
1	Convenience Receptacle; GFI; 15A
1	Phase Monitor
1	Surge Arrestor; 3-Phase
1	Heater; Fan-forced; 200W; Thermostatically controlled
2	Pump Protective Module (Overtemp & Seal Fail); with socket
2	Switch; 3-position; (each pump H-O-A)
2	Light-Pilot; P-T-T; 120VAC FV; LED; Green (pump running)
3	Light-Pilot; P-T-T; 120VAC FV; LED; Red (pump overtemp, high level)
2	Light-Pilot; P-T-T; 120VAC FV; LED; Amber (pump seal fail)
2	Push Button; (each pump reset)
2	Runtime meters; non-resettable (each pump)
A/R	Control Relay; 3PDT; 120VAC; w/ Indicating Light (includes socket)
1	Ground Lug; 3-Conductor
1	Float controller with intrinsically safe circuit extensions
1	PLC 1500CT 5.7" color touch screen, with I/O board
1	Intrinsically barrier (PLC)
A/R	Terminal Block; Single; 18-10AWG
A/R	Alarms & status wired to terminals for future connection to RTU, including pump req, run, fail, etc.
1	Alarm Strobe; Red; 120VAC; enclosure top mounted
1	Alarm Horn, External mounted with Push Button Silence
1	Terminals for dry well float, tied to common alarm
1	Transfer Sensaphone Sentinel into new panel, and set-up
1	Install High Gain Antenna
3	Float Switch; Suspended; Non-mercury; 60 ft cable
1	Transducer; with suspension kit; 60 ft cable
1	Flood Sensor
<u>Qty</u>	<u>Description; Standard Submittal Drawings and O&M Manuals</u>
A/R	Wiring diagrams, bills of material, equipment data sheets, etc.
<u>Qty</u>	<u>Description; Start-up & Training</u>
A/R	Onsite start-up of pump control panel and instrumentation

Panel Installation;

<u>Qty</u>	<u>Description</u>
1	Relocate Control Panel to Above Ground Location
1	Installation of control panel by a licensed electrician, this includes new conduits as required, and transfer of the incoming power
1	Removal & disposal of existing control panel
1	Modify all necessary conduits, and pull new wire as needed
1	Necessary Permits
1	48" x 48" Concrete Slab with Bedding & Re-bar

Total Sell Price for Items A is \$48,500.00 (any applicable taxes)

Terms:

Quotation is valid for 30 days. Based upon Quality Flow Systems Standard Terms and Conditions of Sale; copy provided upon request.

Exclusions:

Vac truck is supplied by the city.

Proposed Delivery Schedule:

4 - 6 Week lead time on all equipment listed.

Thank you for this opportunity to be of service to you. If you have any questions, please don't hesitate to call.
952-221-9800

Sincerely,

Cory Malay

Cory Malay



Fairmont City Council
September 12, 2022

Agenda Item: 7.1

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

Subject: Public hearing on updates to the City’s stormwater management ordinance

Policy/Action Requested: Motion to close the public hearing

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: The Minnesota Pollution Control Agency has updated the requirements for MS4 permittees regarding stormwater and sediment and erosion control. These changes require the City to update its current stormwater management ordinance (Chapter 25; Article IX). City staff will walk through some of the changes at the public hearing.

Budget Impact: N/A

Attachments: Draft ordinance 2022-11 Chapter 25; Article IX (green – modified language; red – new language)

Council Action: _____ Date: _____

ORDINANCE 2022-11

**AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY,
FAIRMONT CITY CODE, CHAPTER 25 UTILITIES,
ARTICLE IX STORMWATER MANAGEMENT**

WHEREAS, the City of Fairmont is required to establish standards and requirements for stormwater conveyance, treatment and discharge within the City of Fairmont; erosion and sediment control measures to be taken during the development of and alterations to lands within the City of Fairmont; the regulation of non-stormwater discharges to the City of Fairmont municipal separate storm sewer system (MS4); and,

WHEREAS, the City's current Stormwater Ordinance was last updated March 12, 2018 by Ordinance 2018-11; and,

WHEREAS, the purpose of these ordinances are to protect public health, safety and general welfare, property and the environment; and,

WHEREAS, the City of Fairmont desires to administer and implement stormwater best practices (BMPs) as required by federal (United States Environmental Protection Agency) and state (Minnesota Pollution Control Agency) law.

NOW THEREFORE THE CITY OF FAIRMONT DOES HEREBY ORDAIN, that Fairmont City Code, Chapter 25 Utilities, Article IX Stormwater Management is hereby repealed in its entirety and replaced to read as follows:

ARTICLE IX. STORMWATER MANAGEMENT

Sec. 25-1000.-Purpose and policy.

- (a) This ordinance establishes standards and requirements for stormwater conveyance, treatment and discharge within the City of Fairmont; erosion and sediment control measures to be taken during the development of and alterations to lands within the City of Fairmont; and regulation of non-stormwater discharges to the City of Fairmont municipal separate storm sewer system (MS4). The purpose of this ordinance is to protect public health, safety and general welfare, property and the environment, and administer and implement stormwater best management practices (BMPs) as required by federal (United States Environmental Protection Agency) and state (Minnesota Pollution Control Agency) law.

(b) The Objectives of this ordinance are:

- 1 To promote the awareness and importance of water quality within the city, specifically protecting and enhancing the quality of the Fairmont chain of lakes.
- 2 To maintain compliance with the Minnesota Pollution Control Agency's NPDES/SDS Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit), issued November 16, 2020.
- 3 To regulate the contribution of pollutants and prohibit illicit connections and discharges to the City of Fairmont's MS4.
- 4 To regulate land disturbing activity, installation, operations, maintenance and replacement of the stormwater system, and protect and prevent the discharge of sediment into public and/or private lands, public infrastructure, wetlands and waters of the State.
- 5 To establish legal authority to carry out all inspections, monitoring and enforcement procedures necessary to comply with this ordinance.

(c) This ordinance shall apply to all water entering the stormwater system generated on any developed and undeveloped lands unless exempted by the City of Fairmont.

Section 25-1001.-Definitions.

Unless the context specifically indicates otherwise, the following terms as used in this ordinance, shall have the meanings designated.

Applicant. Any person or group that applies for a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or group's direction. The term "applicant" also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.

Best Management Practices (BMPs). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of waters of the state, including avoidance of impacts, prohibitions of practices, general housekeeping practices, pollution prevention and educational practices, operating and maintenance procedures, and other applicable management practices.

Builder, Commercial. Any building contractor engaging in work other than work performed under a license from the State of Minnesota as a residential building contractor, remodeler or specialty contractor in the business of contracting or offering to contract to improve residential real estate, all terms as defined by Minnesota Statute.

Builder, Residential. Any building contractor engaging in work performed under a license from the State of Minnesota as a residential building contractor, remodeler or specialty contractor in the business of contracting or offering to contract to improve residential real estate, as defined by Minnesota Statute.

Building Construction. The construction of any principle building or accessory structure or modification of a parcel of land or platted lot.

City. The City of Fairmont, the Fairmont City Council.

Common Plan of Development. A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

Construction Activity. Clearing, grading, and excavating, that result in land disturbance. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment.

Developer. Any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision engaged in a land disturbance activity.

Director. The City of Fairmont Director of Public Works/City Engineer or authorized designee.

DNR Catchment Area. The Hydrologic Unit 08 areas delineated and digitized by the Minnesota DNR. The catchment areas are available for download at the Minnesota Geospatial Commons website. DNR catchment areas may be locally corrected, in which case the local corrections may be used.

Easement. A grant by a property owner for the use of a strip of land for public purposes of constructing and maintaining utilities and transportation ways including, but not limited to, utility lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Energy Dissipation. Methods employed at pipe outlets to prevent erosion caused by the rapid discharge of water scouring soils.

Erosion Prevention: Measures employed to prevent erosion such as soil stabilization practices, permanent cover, or construction phasing.

Final Stabilization. All soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of seventy (70) percent of the expected final growth density over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions and:

- (a) All drainage ditches, constructed to drain water from the site after construction is complete, must be stabilized to exclude erosion;
- (b) All temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed. BMPs designed to decompose on site (such as some compost logs) may be left in place;
- (c) The Permittee must clean out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed back into the basin and/or into conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity; and
- (d) The permanent stormwater management system is constructed, meets all of the required design parameters, and is functioning as designed.

Fully Reconstructed. Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

Green Infrastructure. A wide array of practices at multiple scales that manage wet weather and that maintains or restores natural hydrology by infiltrating, evapotranspiration, or harvesting and using stormwater. On a regional scale, green infrastructure is the preservation or restoration of natural landscape features, such as forests, flood plains and wetlands, coupled with policies such as infill and redevelopment that reduce the overall imperviousness in a watershed. On a local scale, green infrastructure consists of the site and neighborhood-specific practices such as bioretention, trees, green roofs, permeable pavements and cisterns.

Hazardous Materials. Any material, substance, waste or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

High Flow Bypass. A function of an inlet device that allows a certain flow of water through, but diverts any higher flows away. High flow bypasses are generally used for BMPs that can only treat a designed amount of flow and that would be negatively affected by higher flows.

Illicit Connections. Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the stormwater system including, but not limited to, any conveyances that allow non-stormwater discharge including sewage, process wastewater and wash water to enter the stormwater system and any connections to the stormwater system

from indoor drains and sinks, regardless of whether they had been previously allowed, permitted or approved by the County or City; or any drain or conveyance connected from a commercial or industrial land use to the stormwater system that has not been documented in plans, maps or equivalent records and approved by the City.

Illicit Discharge. Any direct, indirect or accidental non-stormwater discharge to the stormwater system, except as exempted in this ordinance.

Impaired Water. Waters identified as impaired by the Minnesota Pollution Control Agency, and approved by the USEPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. § 303(d)).

Impervious Surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to the development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, compacted gravel, concrete, asphalt, or gravel roads. **Bridges over surface waters are considered impervious surfaces.**

Industrial Activity. Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14).

Land Development (Develop). The process whereby improvement to a single lot or to an entire site, occurs in one continuous process or in more than one distinct phase, including but not limited to the following activities: site grading; installation of utilities; construction of public streets; construction or grading of drainage ways; other grading or filling of any area within the site; grading of building pad areas; utility hookups; construction of buildings; parking lots; driveways; storage areas; private streets; and any other construction or land disturbing activity within the subject property site.

Land Disturbing Activity. Any activity that results in a change or alteration in the existing ground cover (both vegetative and non-vegetative) and/or the existing soil topographs. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, excavating, grading, clearing, filling, stockpiling, hauling, construction, reconstruction and borrow pits. Routine vegetation management, and mill and overlay/resurfacing activities that do not alter the soil material beneath the pavement base, are not considered land disturbance.

Land Disturbance Permit (LDP). A permit issued by the City for the control of pollutants, erosion, sediment, and design of post construction stormwater management facilities during land disturbing activities.

***Linear Project.* Construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a common plan of development or sale.**

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body and designed or used for collecting or conveying stormwater, and not used for collecting or conveying wastewater, that discharges to waters of the United States.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by the USEPA (or by a State under authority delegated by the USEPA) that authorizes discharge to waters of the United States.

Natural Buffer. An area of undisturbed cover surrounding surface waters within which construction activities are restricted. Natural buffer includes the vegetation, exposed rock, or barren ground that existing prior to commencement of land-disturbing activities.

Normal Wetted Perimeter. The area of conveyance, such as a ditch or channel, that is in contact with flowing water during flow events that are expected to occur from a two-year, 24-hour storm event.

New Development. All construction activity that is not defined as redevelopment.

Non-Stormwater Discharge. Any discharge to the stormwater system that is not composed entirely of stormwater.

Notice of Termination (NOT). A notice given to the City declaring that the site will no longer be discharging stormwater associated with construction activity and all final stabilization of the site has been completed as outlined in the permittee's SWPPP.

Owner(s). A natural person, partnership, firm, association, public or quasi- public corporation, private corporation, or a combination of, with a legal or equitable interest in the parcel of record.

Parcel of Record. A tract, plot, lot, and/or portion of subdivision or other parcel of land, intended as a unit for the purpose, whether immediate or future, of transfer of ownership, possession or for building development.

Permittee. A Land Disturbance Permit holder.

Permanent Cover. Surface types that will prevent soil failure under erosive conditions. Examples include: gravel, concrete, perennial cover, or other landscaped material that will permanently arrest soil erosion. Permittees must establish a uniform perennial vegetative cover (i.e., evenly distributed, without large bare areas) with a density of 70 percent of the native background vegetative cover on all areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include temporary BMPs such as wood fiber blanket, mulch, and rolled erosion control products.

Pollutant. Anything which causes or contributes to pollution, including but not limited to paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; wastewater, coliform bacteria and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pre-Project. The existing condition of the site before project begins.

Preliminary Plat. A drawing of the entire subdivision meeting all requirements of the City's Planning and Zoning Code.

Premises. Any building, lot, parcel or portion of land whether undeveloped or developed, adjacent sidewalks and parking strips.

Public Waters. Waterbasins and watercourses that meet the criteria set forth in Minnesota Statutes, Section 103G.005 subd.15.

Receiving Water. Any lake, river, stream or wetland that receives stormwater discharges from an MS4.

Redevelopment. Any construction activity where, prior to the start of construction, the areas to be disturbed have 15 percent or more of impervious surface(s).

Reduce. Means reduce to the Maximum Extent Practicable (MEP) unless otherwise defined in the context in which it is used.

Seasonally Saturated Soil. The highest seasonal elevation in the soil in a reduced chemical state because of soil voids filled with water causing anaerobic conditions. Seasonally saturated soil is evidenced by the presence of redoximorphic features or other information determined by scientifically established methods of empirical field measurements.

Sediment. Soil particle exposed to movement.

Sediment Control. Methods employed to prevent suspended sediment in stormwater from leaving the site. (e.g. silt fences, compost logs, and storm drain inlet protection)

Stabilization. The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass seeding, agricultural crop seeding or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre).

Stormwater. Rainwater runoff, snowmelt and subsurface runoff and drainage.

Stormwater Management Plan. A document that describes the Best Management Practices (BMPs) and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Stormwater Pollution Prevention Plan (SWPPP). A plan developed to identify the sources of pollution that affect the quality of stormwater discharges from a site and to describe and ensure the implementation of practices to prevent or reduce pollutants in stormwater discharge.

Stormwater Structures. Any structure used to capture, convey and/or treat stormwater runoff including but not limited to catch basins, manholes, sumps, storm drain, outfalls, inlets, outlets, ponds and infiltration/filtration treatment areas.

Structural Stormwater BMPs. Stationary and permanent BMPs designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater.

Surface Water or Waters. All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include stormwater treatment systems constructed from upland. This permit does not consider stormwater treatment systems constructed in wetlands and mitigated in accordance with the Wetland Conservation Act, Army Corps of Engineer and/or DNR as surface waters.

Water Pollution. The discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or (b) the alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state.

Water Quality Standards. Provisions contained in Minn. R. 7050 and 7052.

Water Quality Volume. For construction activity (excluding linear projects), one (1) inch of runoff from the sum of the new and fully reconstructed impervious surfaces created by the project (calculated as an instantaneous volume); or for linear projects, the greater of one (1) inch of runoff from the new impervious surface or one-half (0.5) inch of runoff from the sum of the new and fully reconstructed impervious surfaces created by the project (calculated as an instantaneous volume).

Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or

accumulations of water, surface or underground, natural or artificial, private or public, which are contained within, flow through, or border upon the state or any portion thereof. (Minn. Stat. 115.01, § subd. 22.)

Wastewater. Liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions which is discharged into or permitted to enter the City's wastewater treatment system.

Wetlands. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

- a. a predominance of hydric soils;
- b. inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
- c. under normal circumstances support a prevalence of such vegetation.

Sec. 25-1002 - Illicit Discharge Detection and Elimination.

- (a) *Prohibited Discharges.* No person shall throw, drain or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the City's MS4, any pollutants or waters containing any pollutants.
- (b) *Stormwater Discharge Exemptions.* If not causing a public safety or nuisance, or water quality violation, the following shall not be considered prohibited discharges:
 - 1) Discharges from landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space sump pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, water main flushing and street wash water. Discharges associated with dye testing; verbal approval prior to testing is required.
 - 2) Discharges or flow from firefighting and other discharges specified by the City as necessary to protect public health and safety.
 - 3) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES Permit, waiver or waste discharge order issued to the discharger and administered under the authority of the USEPA, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormwater system.

(c) *Illicit Connections.* The following are prohibited under this ordinance:

- 1) The construction, use, maintenance or continued existence of illicit connections to the stormwater system is prohibited.
- 2) This prohibition includes, without limitation, previous illicit connections regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- 3) It is a violation of this ordinance to connect a line conveying non-stormwater to the City's MS4 or allow these connections to continue.
- 4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or upon approval, to the City's wastewater treatment system.
- 5) Any drain or conveyance that has not been documented in record drawings, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property within twenty-one (21) days upon receipt of written notice from the City requiring that the location be disclosed. Documentation shall be provided to the City including location of drain or conveyance, drain or conveyance identification as storm sewer, sanitary sewer or other, and the outfall location or point of entry into the City storm sewer, sanitary sewer or other point of discharge.

(d) *Illicit Discharges.* All users shall provide adequate protective procedures and BMP's to prevent discharges of any non-stormwater discharge to the City's MS4.

- 1) Discharges of prohibited waste shall be reported to the Director by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the discharge. Such notification will not relieve users of liability for expense, loss or damage to the stormwater system, or any fines imposed on the City under any State or Federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge. The responsible person shall send; detailed written notification describing the illicit discharge to the Director within seven (7) days of knowledge of the discharge. The letter shall include the following information:
 - a. The time and location of the discharge;
 - b. Description of the discharged waste, including estimate of pollutant concentrations;
 - c. Time period and volume of discharge;

- d. Actions taken to correct or control the discharge; and
 - e. A schedule of corrective measures to prevent further discharges.
- 2) *Stormwater Inspections.* The City may conduct tests as necessary to enforce this ordinance, and authorized City employees may enter any property for the purpose of inspection, observation, measurement, sampling, obtaining information or conducting surveys or investigations to enforce this ordinance. Entry shall be made during operating hours unless circumstances require otherwise.
 - 3) *Requirement of Best Management Practices.* Compliance with all terms and conditions of a valid NPDES Permit and/or Land Disturbance Permit shall be deemed compliance with the provisions of this section. The City will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the stormwater system or waters of the United States. The owner or operator of such activity, operation or facility shall provide, at the owner's expense, reasonable protection from accidental discharges of prohibited materials or other wastes into the stormwater system or watercourses through the use of the BMPs. Any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at their expense, additional BMPs to prevent the further discharge of pollutants to the City's MS4.
 - 4) *Industrial or Land Disturbing Activity Discharges.* Any person subject to an industrial or construction activity NPDES Stormwater Permit shall comply with all provisions of such permit. Written proof of compliance may be required prior to discharge to the City's MS4.
 - 5) *Salt Storage.* All salt users (residents, businesses, commercial applicators, schools, county and state facilities) shall provide adequate best management practices to prevent chloride discharges to the City's MS4.
 - a. Salt storage areas must be covered or indoors.
 - b. Designated salt storage areas must be located on an impervious surface.
 - c. Users of salt storage facilities must implement best management practices to prevent salt from causing an illicit discharge. Examples of BMPs include sweeping, diversions, or containment to reduce exposure when transferring material.

Sec. 25-1003 - Land Disturbance Permit

- (a) *Land Disturbing Activities.* All land use activities are subject to this ordinance.

(b) *Land Disturbance Permit.* Prior to any land disturbing activities, the owner or applicant shall be required to obtain a Land Disturbance Permit (LDP).

- 1) The LDP application shall be submitted to the City.
- 2) For projects under (0.5) acres and located on a single family residential parcel the City can provide a smaller checklist and example SWPPP plan for the permittees to follow when creating their SWPPP for submittal. The example residential SWPPP and checklist can be found on the City's website or a hardcopy can be picked up during normal business hours.
- 3) All single family residential land disturbance permits shall be processed within seven (7) calendar days from receipt of a completed application. All other permits shall be processed within thirty (30) calendar days from receipt of a completed application.
- 4) The City of Fairmont shall do one of the following in writing:
 - a. Approve the permit application;
 - b. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the permit subject to these conditions; or
 - c. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
 - d. Failure of the City to act on an original or revised Land Disturbance Permit application within seven (7) calendar days for permits under 5,000 S.F. and thirty (30) calendar days for all other permits upon receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City, or the City notifies the applicant of errors and/or omissions in the application requiring corrective action on the part of the applicant. Once the LDP is approved, permit coverage will be issued to the Permittee.

(c) *Land Disturbance Permit Requirements.* The following are required to obtain a Land Disturbance Permit (LDP):

- 1) All new single family home lots.
- 2) Land disturbing activities that disturb land of greater than or equal to five thousand (5,000) square feet.

- 3) Any disturbance located in Tier A of the City Shoreland District. (Shoreland Management ordinances apply).
- (d) *Residential, Commercial, Multifamily and Industrial Sites:* All persons planning a land disturbing activity, meeting the land disturbance requirements of this ordinance, on an existing parcel of record (building site) shall obtain a LDP, from the City prior to obtaining a Building Permit. A Building Permit will not be issued without an approved LDP.
- (e) *Subdivision Development:* A subdivision owner/developer/agent planning a land disturbing activity, including but not limited to mass grading, site development, roadway and utility installation on an existing parcel of record as shown on the preliminary plat, shall obtain a LDP from the City if meeting the land disturbance requirements of this ordinance. If work will be performed in project phases as specified in the City approved construction plans (each phase needs its own permit). A subdivision owner/developer/agent may have multiple phase permits open for the master plan site. The LDP will not be issued without approved final construction plans and specifications relevant to final plat phasing. Prior to site work or building construction, each parcel of record (building site) must have its own LDP obtained by the owner or applicant as described in the land disturbance permit requirements.
- (f) *Roadway and Utility Installation Construction Plans:* All persons wishing to start a land disturbance project on an existing lot of record for the purposes of the construction of any roadway or utilities, shall submit a Land Disturbance Permit application to the City at the time of the roadway and utility plan if the project meets the requirements of this ordinance. Each parcel of record within a subdivision must obtain a separate LDP.
- (g) *Other Permits:* The LDP does not replace, eliminate or satisfy the need for any other permits required by any other public or private entity.
- (h) *Land Disturbing Exemptions.* The following activities are exempt from Land Disturbance Requirements:
- 1) Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
 - 2) Nursery, home gardening and agricultural operations that are confined to private property.
- (h) *Land Disturbance Permit Exemptions.* The following activities do not require a LDP but are subject to the conditions of this ordinance:
- 1) Maintenance work by City employees.

- 2) Federal, State, County, and other projects where the City does not have regulatory authority.
 - 3) Land disturbing activity disturbing land less than 5,000 square feet and not located in Tier A of Shoreland Management District.
- (j) *Land Disturbance Permit Submittals.* The application for a LDP shall include the following:
- 1) One full set of site plans and a copy of the SWPPP, or portion of the SWPPP that applies to the site, prepared for the MPCA if not included in the full set of site plans.
 - a. The City reserves the right to approve the SWPPP subject to conditions deemed necessary to meet the purpose of this ordinance and the MPCA requirements. City approval of a SWPPP does not mean approval by the MPCA, and MPCA approval of a SWPPP does not mean City approval. At a minimum, all conditions of the MPCA NPDES Construction Permit MN R100001 must be met; in some cases the City may apply stricter standards or require temporary and permanent erosion and sediment control measures in addition to those required by other public or private entities.
 - 2) The following must accompany the LDP application.
 - a. Site Information.
 1. Description of the construction or land disturbing activity to be performed on the property and proposed project schedule;
 2. Approval to work in wetlands from the LGU administering the Wetland Conservation Act, if applicable.
 3. All information included in Appendix A, Site Plan Checklist
 - b. Erosion and Sedimentation Control.
 1. Delineation of all areas to be graded or excavated, and the limits of land disturbing activities;
 2. Identification of measures to be utilized to control erosion and sedimentation within and from the subject property during the project activity as required herein;
 3. Identification of all permanent erosion control measures and a completion schedule.

4. Identification of the location of dirt or soil storage or stock pile areas to be utilized;
5. Identification of all measures to be utilized to protect neighboring property, water bodies, and wetland buffer zones; and
6. Identification, use and maintenance plan of BMPs for temporary erosion and sedimentation control as recommended by the MPCA including but not limited to:
 - i. Perimeter erosion control devices, including but not limited to silt fence, sediment logs, mulch, etc.;
 - ii. **Buffers and/or redundant sediment controls near wetlands, lakes, rivers, and streams following MPCA permit language for buffer size.**
 - iii. Stockpile protection;
 - iv. Phased grading;
 - v. Temporary seeding, mulching, and disc anchoring (with seed and mulch type), erosion control blanketing, (Temporary cover is required for areas in which no land disturbance has occurred for 7 calendar days);
 - vi. Storm drain inlet protection devices;
 - vii. Appropriately protected construction entrance;
 - viii. Removal of all debris, dirt and soil from impervious ground surfaces, including abutting public or private roadways and sidewalks, in connection with the subject property (street sweeping);
 - ix. **Stabilization of ditch and swale bottoms**
 - x. Sediment basins and flow diversions; and
 - xi. Any other erosion and sedimentation control device as deemed necessary by the City.
- c. Final Stabilization BMPs.
 1. Identification of BMPs used to meet final stabilization requirements including landscaping, seeding and stabilization BMPs.
- d. Dewatering BMPs.

1. Identify BMPs so that turbid or sediment-laden waters are treated with appropriate BMPs such that the discharge water does not cause a nuisance condition to receiving waters or adversely affect downstream properties; and
 2. Discharge points identified and adequately protected from erosion and scour.
- e. Management of Solid and Hazardous Wastes.
1. Identification of BMPs for the storage, handling, and disposal of construction products, materials, and wastes per MPCA requirements;
 2. Identification of BMPs for the fueling and maintenance of equipment and vehicles;
 3. Identification of BMPs for spill prevention and response; and
 4. Identification of BMPs for the management and containment of concrete and other washout wastes.
- f. Drainage and Grading.
1. Plan submittals shall be developed in accordance with the Permanent Stormwater Design Checklist shown in Appendix A. (0.5 acres and over sites only or if requested by SWPPP reviewer for sites under 0.5 acres)
 2. Identification of proposed contour grading at vertical intervals of not more than two feet (0.5 acres and over sites only or if requested by SWPPP reviewer for sites under 0.5 acres);
 3. The estimated time required to complete the work, the amount of material to be moved and/or removed from the site;
 4. A map showing the stages or limits of grading together with the existing or proposed finished elevations based on sea level readings;
 5. Identification of proposed building bench elevations and direction of flow of surface water within each lot;
 6. Methods of controlling dust;

7. Submission of preliminary plans or program for water supply, sewage disposal, drainage and flood control (0.5 acres and over sites only or if requested by SWPPP reviewer for sites under 0.5 acres);
 8. Soil borings, if required by the City Engineer; and
 9. Drainage, grading, and land use shall be designed such that water runoff cannot cause flooding (drainage in excess of the natural drainage anticipated by the city stormwater management plan) or erosion on adjacent property. Runoff shall be properly drained via overland drainage ways or channeled into the stormwater system, watercourse, ponding area or other suitable facility approved by the City.
- 3) For all projects that include structural stormwater BMP's the Permittee shall include the name of the responsible party for post construction maintenance along with a detailed maintenance plan. A permanent public easement and recorded Maintenance Agreement is required for all structural BMP's as part of the LDP permit process per Sec. 25-1004 (f)(6).
 - 4) Hydrologic calculations for volume runoff, velocities, and peak flow rates by watershed as defined by Sec. 25-1004(f)(1) if site disturbance is over 0.5 acres and the impervious surface on site is increasing.
 - 5) Calculations for the permanent stormwater treatment system as defined by Sec. 25-1004(f)(2).
 - 6) Proof of coverage under the MPCA Construction Stormwater Permit if applicable.
- (k) *Land Disturbance Activity Standards.* All land disturbing activities must comply with the approved SWPPP and/or appropriate BMPs as referenced in the Erosion and Sediment Control Section of this Ordinance until the land disturbance permit is terminated or the project reaches final stabilization. Each non-compliant BMP (e.g. perimeter controls, inlet protections, concrete washout) shall be considered a separate violation of this Ordinance.
- (l) *Duration of Coverage by Land Disturbance Permit.* A LDP shall remain effective until one of the following occurs:
- 1) Final Stabilization. Final Stabilization is achieved, a Notice of Termination (NOT) has been filed with the City, all termination of coverage requirements are met and the City has issued the NOT; or
 - 2) Time Requirement Reached. The LDP becomes void if work does not begin within 180 days of permit approval or is suspended at any time for over 180 days. Extensions may be granted upon requests received at least 15 days prior to

permit becoming void. If a permit becomes void, the permit application process will begin anew; or

- 3) Change of Coverage. For stormwater discharges from construction projects where the Owner changes prior to issuing NOT (e.g. a homebuilder sells a house and lot to the final homebuyer or the entire site changes ownership):
 - a. The original/current applicant shall provide a copy of the notice of termination/permit modification form and fact sheet to the new applicant.
 - b. The original/current applicant shall provide the SWPPP, or equivalent plan, to the new applicant that specifically addresses the remaining construction activity. If the SWPPP or equivalent plan is not relevant, or the new applicant wants to use a new plan, this must be submitted with the notice of termination/permit modification form.
 - c. The new and current applicants shall work together to submit one completed and signed permit modification form to the City within seven (7) calendar days of assuming operational control of the site, commencing work on their portion of the site, or of the legal transfer, sale, or closing on the property. No new fees will be required.
 - d. The change of coverage becomes effective five (5) calendar days from receipt of the completed form unless the Permittee is contacted by the City during the five (5) day period and notified of an incomplete form. The permit modification portion of the permit modification form acts as the permit application for the new applicant and a NOT for the current applicant only for the portion of the site which was sold.
 - e. Late submittals of either LDP transfers will not be rejected, however, the City reserves the right to pursue enforcement actions for any unpermitted discharges or permit noncompliance for the new registered party that has assumed control of the site.
 - f. For stormwater discharges from construction activities where the applicant changes, the new applicant can implement the original SWPPP created for the project or develop and implement a new SWPPP.
 - g. The new Permittee shall ensure either directly or through coordination with the old Permittee that their SWPPP meets all terms and conditions of this ordinance and that their activities do not render ineffective another party's erosion prevention and sediment control BMP's.

(m) *Termination of LDP Coverage.* A Permittee wishing to terminate the LDP must complete Final Stabilization of the Parcel of Record and submit a Notice of Termination (NOT) request. Requests for NOT are done by completing the NOT

supplied with the permit; or using other proper NOT communication (phone call, e-mail) and submitting it to the Director or designee as provided with the notice of coverage.

Compliance with the LDP is required until a NOT is submitted and approved by the City. The NOT becomes effective fifteen (15) calendar days after the postmarked date of the completed NOT form or other proper notification, unless the Permittee is contacted by the City during the fifteen (15) day period and notified of an incomplete NOT. As-built drawings for all stormwater structures must be provided to the City of Fairmont before a NOT can be processed by the city. All other Land Disturbance Permits must show that all stormwater structures are in compliance with the grading plan. A notice of permit termination will be issued once the termination is approved.

(n) *Land Disturbance Inspections.* The City shall have the right to enter and inspect a property to determine compliance with this ordinance.

1) *Self Inspections.* The Permittee or their designee must make regular inspections of all the BMPs and the entire site at least once every seven (7) days during active construction and within twenty-four (24) hours after a rainfall event greater than 0.5 inches in 24 hours. Records of these inspections shall be made available to the City upon request.

2) *City Inspections.* The Director and/or their designee shall make inspections and either approve that portion of completed work or notify the Permittee where work is non-compliant. The LDP fee shall cover the cost of routine inspections. Additional inspections due to noncompliance may be billed to the affected property owner at 2.5 times the base hourly salary of the Inspector.

(o) *Post Construction Maintenance.* Property owner shall maintain all stormwater facilities in proper condition consistent with the performance standards for which they were originally designed.

Sec. 25-1004.-Stormwater Management Performance Standards and Design Criteria.

(a) The performance standards and design criteria in this section shall only apply to sites in which land disturbance is equal to or greater than 0.5 acres or is located with in a common plan of development.

(b) *Reducing Need for Stormwater Management.* The applicant shall consider reducing the need for stormwater management structural controls by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the receiving water body. The development shall minimize impact to significant natural features.

- (c) *Shoreland Development.* Stormwater management of shoreland development shall comply with the standards set forth in Fairmont City Code. In designated shoreland areas the development shall meet the impervious surface requirements of the shoreland ordinance regardless of conveyance systems.
- (d) *Use of Existing Facilities.* If stormwater is conveyed to an existing approved, on-site or regional stormwater ponding/retention facility, documentation must be provided to show that the existing facility was designed to accommodate the changes in stormwater rate and volume due to the project and that use of the facility for the project will not impinge on the ultimate capacity of the facility or otherwise adversely affect the ability of the facility to achieve its original planned purpose. City may charge a fee for use of any existing facility that is commensurate with the replacement cost for any reduction in ultimate stormwater volume, rate capacity and sediment storage.
- (e) *Requirements.* Proposed design, suggested location and phased implementation of effective, practicable stormwater management measures shall be designed, engineered and implemented to achieve the following results:
- (f) Post Construction Stormwater Standards.
- 1) *Rate Control Standards.* The following rate control standards shall be met as described below for all development and redevelopment projects where land disturbing activity occurs on (0.5) acres or more.
- a. Discharge rates shall be derived using the standards methods of the Natural Resources Conservation Service TR-55 or TR-20 as defined in the current Hydrology Guide for Minnesota.
 - b. For agricultural land subject to this section, the maximum runoff curve number (RCN) used in such calculations for pre-existing undeveloped conditions shall be based on average cultivated row crop conditions and shall not exceed 67 for Hydrologic Soil Group (HSG) A, 76 for hydrologic soil group B, 83 for HSG C, and 86 for HSG D. The TR-55-specified curve numbers for other land uses shall be used. Post development HSG for disturbed sites will be lowered one class for hydrologic calculations to reflect reduced soil permeability impacts unless city approved practices have been implemented to restore soil structure to pre-developed conditions, in which case no HSG class modification is required.
 - c. Maintain pre-project peak runoff rates for the 2-year, 24-hour storm event.
 - d. Maintain pre-project peak runoff rates for the 10-year, 24-hour storm event. At a minimum the storm sewer conveyance system shall be designed for this storm event. Low areas must have an acceptable overland drainage route with the proper transfer capacity when the storm event is exceeded.

- e. Maintain pre-project peak runoff rates for the 100-year, 24-hour storm event. Provide stabilized outlet to safely pass this event.
 - f. Outlets. Discharges from new construction sites must have a stable outlet capable of carrying designed flow at a nonerosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or water body.
- 2) *Volume and Pollution Control Standards.* The following volume and pollution control standards shall be met as described below for all development and redevelopment projects where land disturbing activities occur on 1 acre or more. Development or redevelopment projects less than one acre that are part of a larger common plan of development are also subject to the volume and pollution control standards of this ordinance.
- a. Treat the water quality volume on any project where the sum of the new impervious surface and fully reconstructed impervious surface equals one or more acres.
 - b. For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and fully reconstructed impervious surface.
 - c. Volume reduction practices (e.g. infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. Wet sedimentation basins and filtration systems are not considered volume reduction practices. If infiltration is prohibited on site the use of wet sedimentation basins, or filtration basin systems may be considered.
 - d. Volume reduction techniques that will be considered shall include infiltration, reuse & rainwater harvesting, and/or other techniques included in the Minimal Impact Design Standard (MIDS) or the Minnesota Stormwater Manual.
 - e. For projects where infiltration practices are prohibited, or soil conditions prevent infiltration the water quality volume must be treated using wet sedimentation or filtration removing 60% of the annual TP load and 80% of the annual Total Suspended Solids (TSS) load from the sum of the new and fully reconstructed impervious surfaces.
 - f. On projects where wet sedimentation or infiltration are allowed by the City, volume reduction practices shall be maximized unless prohibited.
 - g. To the maximum extent practicable, volume and pollution control

measures should be distributed evenly throughout the development areas.

- h. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inches times the sum of the new and fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat stormwater during the project planning process must be made. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of the construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.
- i. For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the permittee shall identify locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and at a minimum, ensure the requirements of items (j-1) below are met.
- j. Off-site treatment projects areas shall be selected in the following order of preference.
 - 1. Locations that yield the benefits to the same receiving water that receives runoff from the original construction activity.
 - 2. Locations with the same Department of Natural Resources (DNR) catchment area as the original construction activity.
 - 3. Locations in the next adjacent DNR catchment are up-stream.
 - 4. Locations anywhere within the City of Fairmont.
- k. Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs already constructed cannot be used to meet permit requirements.
- l. Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity.
- m. Green infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs), shall be given preference as design options.
- n. Best management practices must meet design specifications as outlined and

incorporated in Appendix A of this Code – *Permanent Stormwater Design Checklist*.

- o. As sites redevelop, the proposed site modifications must meet or exceed the stormwater volume standards that were previously achieved.
- 3) *Review and Approval*. All stormwater design calculations, specifications, site plans and supporting hydraulic modeling are subject to the review and approval of the City Engineer or its designee.
- 4) *Soil Boring and Approval*. A minimum of one soil boring shall be done where a proposed infiltration or filtration site is located on the project site to insure it meets the requirements for infiltration rate and it does not contain any contaminated soil.
- 5) *Stormwater Facility Maintenance*. Property owner shall maintain all stormwater facilities in proper condition consistent with the performance standards for which they were originally designed.
- 6) Post Construction Maintenance and Inspections of Structural Stormwater BMPs.

Any structural stormwater BMPs that the City determines to be private shall meet the following requirements:

- a. A permanent public easement shall be provided to the City for access for inspection, maintenance and repair, purposes. Costs incurred by the City for any maintenance of private systems will be billed and/or assessed to the owner per Sec. 25-1005. *Violations and Enforcement*.
- b. The owner shall enter into a Maintenance Agreement with the City. The agreement shall include as an attachment an inspection and maintenance plan. The terms and conditions of the Maintenance Agreement with attachments shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns.
- c. The permanent public easement and Maintenance Agreement shall be recorded with the County Recorder or Registrar of Titles in the respective County where the Structural Stormwater BMP is located. A copy of the recorded permanent public easement and Maintenance Agreement shall be provided to the City prior to the certificate of occupancy or one (1) year after the site's land disturbance permit is approved, whichever comes later.
- d. The inspection and maintenance plan shall be developed, approved, and included as an attachment with the Maintenance Agreement. At a minimum, maintenance plans must include the following information:

1. Responsible person(s) for completing inspections and conducting maintenance;
 2. Frequency of inspections of maintenance; and
 3. Inspection checklist and type of maintenance anticipated.
- e. If site configurations or structural stormwater BMPs change, decreasing BMP effectiveness, new or improved structural stormwater BMPs must be designed and implemented to meet the requirements of this section. New and/or improved BMP plans must be submitted to the City Engineer for review and approval.
 - f. The property owner shall maintain all structural stormwater BMPs in proper condition consistent with the performance standards for which they were originally designed.
 - g. The property owner shall keep on file all structural stormwater BMP annual inspection and maintenance records for 5 years and submit to the City as requested.
- 7) Public Structural Stormwater BMPs and Drainage Easements.
- a. Alterations affecting the function of a public structural BMP, and/or drainage easement, must be approved by the City Engineer.

Sec. 25-1005.-Violations and Enforcement.

- (a) *Violation Enforcement.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this ordinance or may be restrained by injunction or otherwise abated in a manner provided by law. It is the duty of the Director or designee to enforce the provisions of this ordinance, including the power to inspect private premises and issue orders for abatement.
- (b) *Right of Entry.* In the event the violation constitutes an immediate danger to public health or public safety, the City is authorized to enter the property, without prior notice, to take any and all measures necessary to abate the violation and/or restore the property, at the owner's expense. The City will pursue measures to recover all costs associated with the restoration.
- (c) *Stormwater System Service Suspension.* The Director or designee may suspend MS4 service when necessary to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to public health or safety, the environment, or the stormwater system, or would cause the City to violate any

condition of its NPDES Stormwater Permit. Any user notified of a suspension of the stormwater system service shall immediately stop the discharge. In the event the user fails to comply voluntarily with the suspension order, the Director or designee shall take steps as deemed necessary, including immediate severance of the stormwater connection, to prevent or minimize damage to the system, public health or public safety. The Director or designee shall reinstate the stormwater system service upon proof of elimination of the non-complying discharge.

- (d) *Stop Work Order.* The City may issue a Stop Work Order in the event of: immediate danger to public health and safety, or the environment; noncompliance with this Ordinance or a Land Disturbance Permit; failure to obtain a Land Disturbance Permit; Land Disturbance Permit was issued based on incorrect information.
- 1) Only work to remedy the Stop Work Order will be allowed. The Stop Work Order will state what remedial work is necessary and state the time limits for completing the remedial work.
 - 2) If necessary remedial work is not begun or completed by the violator as specified in the stop work order, the abatement of the violation will be under the direction of the Director, or designee. The expenses for the abatement will include a \$75.00 administrative fee in addition to the actual costs of the abatement. Abatement actions that require the presence of City inspection staff for more than one hour during the abatement or other extraordinary coordination efforts will be billed to the property owner at the rate of \$150.00 per hour. If abatement expenses are not paid, they will be levied against the property as a special assessment and collected as in the case of other special assessments
 - a. A \$50.00 charge will be added to all accounts certified to the County Auditor's office for collection. This fee is to be considered separate and distinct from any penalty or interest that may be charged by the County as a result of the certification.
 - 3) Upon successful remediation of the land disturbing activity, the Stop Work Order will be lifted.
- (e) *Land Disturbance Permit Revocation.* If the violator refuses or fails to cease work after the Stop Work Order, the City shall revoke the LDP.
- (f) *Notice of Violation.* Whenever the Director or designee finds that any person has violated or is violating this ordinance where an immediate public health threat does not exist, the Director or designee shall issue a notice of violation and order to correct by personal service, regular mail or electronic mail. The notice of violation and order to correct will be served upon the property owners, responsible parties, violators, Permittees, and/or other responsible persons. The notice will require corrective measures to be taken within a specified time period.
- (g) *Abatement of Violation.* If, after service of notice, the person served fails to abate the violation or make the necessary repairs, alterations or changes as required by the order of the City of Fairmont, the same may be abated under the direction of the

Director or designee. The expenses for the abatement will include a \$75.00 administrative fee in addition to the actual costs of the abatement. Abatement actions that require the presence of City inspection staff for more than one hour during the abatement or other extraordinary coordination efforts will be billed to the property owner at the rate of \$150.00 per hour. If abatement expenses are not paid, they will be levied against the property as a special assessment and collected as in the case of other special assessments

- 1) A \$50.00 charge will be added to all accounts certified to the County Auditor's office for collection. This fee is to be considered separate and distinct from any penalty or interest that may be charged by the County as a result of the certification.

Sec. 25-1006.-Penalties.

- (a) *Administrative Citations.* Notwithstanding any other section of this ordinance, any person who is found to have violated any provision of this ordinance, or permits and orders issued hereunder, may be fined in an amount not to exceed \$2,000 per violation. Each calendar day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. The process for citations shall follow the City's Administrative Citation Process.
- (b) *Criminal Penalties.* Any person violating any of the provisions of this ordinance may be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or by imprisonment not to exceed 90 days, or both.
- (c) *Permit Fee Doubled.* No construction, installation, alteration or repair, for which a land disturbance permit is required, will commence without first obtaining the land disturbance permit. A violation of this permit requirement will result in the permit fee being doubled.

PASSED, APPROVED AND ADOPTED THIS 26th day of September 2022.

Deborah J. Foster, Mayor

Patricia J. Monsen, City Clerk

1st Reading: September 12, 2022

2nd Reading: September 26, 2022

Appendix A – Site Plan Checklist

All site plan sheets submitted shall be legible and drawn to scale with north arrow shown. Plans sheets shall be dated and document the name of person or company/organization that prepared the plans.

1) EXISTING CONDITIONS

- a) Limits of land disturbing activities
- b) Lot lines, corners, and dimensions
- c) Address of the property
- d) Structures and impervious surfaces
- e) Streets shown and labeled
- f) Private and public utilities extending 60' beyond the property and/or project site.
- g) Existing drainage, utility, or other easements on the site.
- h) Location of existing lakes, creeks, or wetlands on or adjacent to the site, including ordinary high water level.
- i) Existing vegetation (grass, woods, landscaping, etc)
- j) Existing drainage ways (swale, storm sewer, tile, etc) onsite and flow direction
- k) Existing topography drawn in 2 foot contours as dashed line and labeled, extending 100 feet beyond site boundary to accurately depict the drainage patterns.

2) CONSTRUCTION SITE PLANS

- a) All information required for existing, as applicable
- b) Ultimate (when property is fully developed) impervious and pervious surface of the site shown.
- c) Development schedule: show phasing and calendar year each phase is planned for construction.
- d) Property limits shown. Streets labeled. Lot and block information shown if platted. Street address shown if unplatted.
- e) Areas not to be disturbed clearly defined.
- f) Location and dimensions of all proposed structures.
- g) Location of new impervious surfaces and type.
- h) Location of new vegetation/landscaping.
- i) Location of all proposed utilities including size, type, materials, depth, invert elevations, and rim elevations.
- j) Proposed topography drawn in 2 foot contours as solid lines and labeled.
- k) Proposed drainage, utility, or temporary construction easements shown and labeled on the plan.
- l) Control/spot elevations for drainage ways provided.
- m) 100-year flow contained in easement.
- n) Minimum slope of side lot drainage swales is 2%, direction arrow shown.
- o) Minimum back lot drainage swale slope is 1%, direction arrow shown.
- p) Building pads, type of house to be built, garage floor elevation, lowest floor elevation and lowest opening elevation are shown.

- q) Driveway slope, from garage to the gutter is shown.
- r) Lowest opening elevation: min. 2 feet above 100-year HWL, and min. 1 foot above emergency overflow elevation.
- s) For stormwater plans, follow the permanent stormwater design checklist, Appendix B

3) BUILDING AND ZONING SITE PLANS (additional information may be needed contact building and zoning departments complete requirements)

- a) Location and dimensions of all proposed structures.
- b) Lot lines, corners, and dimensions
- c) Property limits shown. Streets labeled. Lot and block information shown if platted. Street address shown if unplatted.
- d) Location of new impervious surfaces and type.
- e) Location of new vegetation/landscaping.
- f) Building pads, type of house to be built, garage floor elevation, lowest floor elevation and lowest opening elevation are shown.
- g) Dimensions from structures to property lines
- h) Dimensions between other structures on the site.
- i) Existing zoning classification for land within project location and abutting,
- j) Number of parking spaces provided and required including handicapped. Include stall size.
- k) Total size of the parcel(s)
- l) Existing and proposed easements

Appendix B – Permanent Stormwater Design Checklist

Proposed drainage plan and calculations shall be prepared in accordance with the current City standards for volume, rate, and water quality control as outlined in the City's Stormwater Management Code, Sec. 25-1004.

1) GENERAL

- a) Proposed drainage plan, hydraulic calculations and **stormwater treatment calculations** are dated and signed by a licensed professional.
- b) Owner, engineer and architect name, address, phone and email listed.
- c) **Sum of the new and fully reconstructed impervious surfaces**
- d) On-site soil characteristics: Boundaries of different soil types are described. Groundwater elevations are shown.
- e) Existing drainage: Show pre-developed drainage areas, land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- f) Final drainage: Show post-developed drainage areas, land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- g) Identify off-site catchment areas draining to the site. Provide 2-foot contours. Show land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- h) A long-term inspection and maintenance plan for all permanent stormwater treatment practices is required to be submitted with the SWPPP.
- i) **Table showing the water quality volume that will be treated through volume reduction practices and the volume of water that will be treated through other methods.**
- j) **Documentation and rationale to explain why volume reduction practices will not work on the project if using filtration or wet sedimentation for water quality volume treatment.**
- k) **Rationale and documentation supporting the location of any off-site permanent stormwater treatment projects.**

2) STORM DRAIN SYSTEM, INLETS, AND OVERFLOWS

- a) Storm drain system design - Rainfall frequency shall be based on Atlas 14 precipitation frequency estimates.
- b) Pipe size, length, grade and material shown.
- c) Top of castings and all inverts of catch basins and manholes shown. Label storm drain structures.
- d) All apron elevations (inlets and outlets) shown.
- e) 400-foot maximum manhole spacing.
- f) Flow direction change ≤ 90 degrees at junctions is desirable.
- g) Apron inlets to storm sewer system shall include trash guards. Trash guards are optional on true culverts.
- h) Discharge direction of flow generally 45 degrees or less to the flow direction of receiving ditch or stream.
- i) Overflow design to be considered for events greater than storm sewer system design event.

3) PERMANENT PONDS

- a) Entire drainage/service area shown (in the report).
- b) Grading plan with pond cross section. All apron elevations (inlet and outlet) shown.
- c) Hydraulic calculations for ponding provided. 100-year high water level shown. and normal water level shown.
- d) Permanent ponds must be designed to provide live storage for the water quality volume calculated onsite.
- e) Where possible, provide a forebay at the inlet; locate inlet and outlet at opposite ends of pond; and provide length to width ratio 3:1.
- f) Multi-cell design where practical.
- g) Pond side slopes shall not exceed 4 feet horizontal to 1 foot vertical (4:1) above normal water level.
- h) 10:1 bench is provided for first 1 foot of depth below normal water elevation.
- i) The permanent pool must reach a minimum of 3 feet, stay below 10 feet, and be configured to minimize scour and re-suspension of solids. Vegetation and slope stabilization methods are subject to City's approval.
- j) Outlet is designed to prevent short-circuiting and discharge of floating debris.
- k) Permanent pool volume 1,800 cf per acre drained (minimum).
- l) Outlet sized to discharge water quality volume at no more than 5.66 cfs/acre of pond surface area.
- m) Energy dissipation on outlet piping.
- n) Emergency overflow spillway provided to accommodate storms greater than the 100-year event. High point elevation and direction of overflow are marked on plans. Top of berm is 1 foot above emergency overflow spillway.
- o) Emergency overflow spillway is located to protect adjacent property and large fill sections.
- p) Minimum 8-foot width at top of berm.
- q) 12-foot wide access and turn-around area for maintenance vehicles is shown on a slope $\leq 15\%$, cross slope $\leq 6\%$.
- r) Pond access is included in a min. 15-foot wide portion of the pond outlot. If access is in an easement across private property, a 12-foot wide access road shall be provided.
- s) Ponds shall not be located in a wetland unless mitigated for.
- t) As part of the drawing set submittal, provide in table form the following information:
 - i) Elevation of normal water level (NWL).
 - ii) Elevation of 100-year high water level (HWL), with respective discharge rate.
 - iii) Elevation of water quality water level, with respective discharge rate, and pond water surface in sq. ft.
 - iv) Sediment storage volume (for sediment accumulation during construction and 20 years thereafter).

4) INFILTRATION/FILTRATION

- a) Refer to the Minnesota Stormwater Manual for specific infiltration/filtration practices.
- b) Infiltration and filtration systems must be designed so that pre-existing hydrologic conditions of the wetlands in the vicinity are not impacted.

- c) Infiltration systems shall meet volume control standards as set by the City.
- d) Filtration systems shall be designed to treat the water quality volume calculated for the site.
- e) Filtration systems shall achieve at least 80% removal of total suspended solids.
- f) Infiltration or filtration systems should not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized.
- g) During construction of infiltration or filtration systems, rigorous erosion prevention and sediment controls (e.g. diversion berms) should be used to keep sediment and runoff completely away from the infiltration or filtration area. The area must be staked off and marked so that heavy construction equipment will not compact the soil in the proposed infiltration or filtration area.
- h) A pretreatment device such as a vegetated filter strip, small sedimentation basin, or water quality inlet (e.g. grit chamber) is required before the stormwater discharges into the infiltration or filtration system. The Minnesota Stormwater Manual and Minimal Impact Design Standards (MIDS) shall be used when sizing and designing pre-treatment.
- i) Pre-treatment sumps shall have a minimum 3 foot sump depth.
- j) Area to be infiltrated or filtrated shall be delineated on plans.
- k) Calculations or computer model results that demonstrate the design adequacy of the infiltration or filtration system must be included as part of the SWPPP.
- l) The water quality volume shall discharge through the soil surface or filter media in 48 hours or less. Additional flows that cannot be infiltrated or filtered in 48 hours should be routed to bypass the system through a stabilized discharge point. A way to visually verify that the system is as designed must be provided.
- m) Appropriate on-site testing is required and must be consistent with the recommendations in the Minnesota Stormwater Manual. Testing shall be conducted to verify soil types, infiltration capacity characteristics, and to ensure a minimum of 3 feet of separation from the seasonally saturated soils and the bottom of the proposed infiltration system.
- n) Provide at a minimum one soil boring, test pit, or infiltrometer test in the location of the infiltration practice for determining infiltration rates.--+
- o) For design purposes, permittees must divide field measured infiltration rates by 2 as a safety factor or owners/operators of construction activity can use soil-boring results with the infiltration rate chart in the Minnesota Stormwater Manual to determine design infiltration rates. When the soil borings indicate type A soils, field measurements shall be performed to verify the rate is not above 8.3 inches per hour.
- p) Adequate maintenance access must be provided (typically 12 ft. wide).
- q) Provide scaled drawing of infiltration or filtration BMP, with typical detail and typical cross section. Outline area which runoff is directed to the BMP. As part of the drawing set submittal, provide in table form the following information:

For Infiltration BMP:

- i) Runoff volume directed to infiltration BMP in cu. ft.
- ii) Storage volume of infiltration BMP in cu. ft.
- iii) Time of infiltration in hours (must be \leq 48 hours).
- iv) Separation in feet between the ground water table and the bottom of BMP.

For Filtration BMP:

- v) Runoff volume directed to filtration BMP in cu. ft.

- vi) Percent of TSS reduction level.
- vii) Percent of TP reduction level.
- viii) Time of filtration in hours (must be ≤ 48 hours).

6) INFILTRATION PROHIBITIONS AND RESTRICTIONS

- a) Infiltration is prohibited when the infiltration BMP will receive discharges from, or be constructed in areas:
 - i) Where vehicle fueling and maintenance occur, regardless of the amount of new and fully reconstructed impervious surface.
 - ii) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the MPCA's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans and submitted to the City.
 - iii) Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour.
 - iv) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock
 - v) With predominately Hydrologic Soil Group D (clay) soils
 - vi) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features
 - vii) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA, automobile salvage yards, scrap recycling and waste facilities, hazardous waste treatment, storage, or disposal facilities, or air transportation facilities that conduct deicing activities.

7) BETTER SITE DESIGN/LOW IMPACT DEVELOPMENT

- a) Green Infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs), shall be given preference as design options.
- b) Additional low impact development design features shall be considered and indicated on the plans such as preserving natural areas, site reforestation, stream and shoreline buffers, soil compost amendments, disconnecting of surface impervious cover, and stormwater landscaping.



Fairmont City Council
September 12, 2022

Agenda Item: 9.1

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

Subject: Charter Commission Additional Budget Request

Policy/Action Requested: Motion to approve the Charter Commission’s request for an additional \$2500 to be allocated to their 2022 budget.

Vote Required: Simple Majority Roll Call

Recommendation:

Overview:

Minnesota Statutes 410.06 states that “the amount of reasonable and necessary charter commission expenses that shall be paid by the city is the greater of .07 percent of the city’s current certified general property tax levy or \$1500, not to exceed \$20,000 in any on year, but the council may authorize such additional charter commission expenses the commission considers necessary.”

For 2022 the amount that the city is statutorily required to support the charter commission with is \$2469. To date the city has expended \$2139.80 on charter commission expenses. This leaves them with a remaining budget of \$329.20. From this balance the charter commission will have additional expenditures for legal fees since July 1, 2022.

At the August 16, 2022 charter commission meeting the commission passed a motion to request that the city council allocate an additional \$2500 to their 2022 budget. The council may grant or deny this request.

Budget Impact:

These funds can come from the money budget for council discretionary spending.

Attachments:

Council Action: _____

Date: _____



Fairmont City Council
September 12, 2022

Agenda Item: 9.2

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

Subject: Award Screen Modifications project at the wastewater treatment plant

Policy/Action Requested: Approve resolution 2022-36

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: A bid opening for the screen modifications at the wastewater treatment plant was held on Thursday, September 1st at 2pm. The city received four bids with Beemer Companies being the low bidder at \$688,990. The engineer’s estimate was more than \$1,000,000. Staff is recommending awarding the bid to Beemer Companies.

Budget Impact: \$750,000 was budgeted in the 2022 wastewater CIP for this project.

Attachments: Resolution 2022-36
Evaluation letter from Bolton & Menk

Council Action: _____ Date: _____

RESOLUTION 2022-36

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

RESOLUTION ACCEPTING BID

PROJECT 2022-C
WASTEWATER TREATMENT SCREEN MODIFICAION
CITY OF FAIRMONT, MINNESOTA

WHEREAS, pursuant to an advertisement for bids for the Wastewater Treatment Screen Modification Project 2022-C, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

<u>BIDDER</u>	<u>AMOUNT OF BID</u>
Beemer Companies Fairmont, MN	\$688,990.00
Gridor Construction, Inc. Buffalo, MN	\$867,000.00
Wapasha Constuction Company, Inc. Winona, MN	\$884,000.00
Magney Construction, Inc. Chanhassen, MN	\$916,234.00

WHEREAS, it appears that Beemer Companies of Fairmont, MN is the lowest responsible bidder; and,

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

1. The Mayor and Clerk are hereby authorized and directed to enter into the contract for the Wastewater Treatment Screen Modification Project 2022-C with Beemer Companies of Fairmont, MN in the name of the City of Fairmont, for the improvements according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk at a cost of \$688,990.00.

2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed

ADOPTED by the City Council this 12th day of September 2022.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk



**BOLTON
& MENK**

Real People. Real Solutions.

1960 Premier Drive
Mankato, MN 56001-5900

Ph: (507) 625-4171
Fax: (507) 625-4177
Bolton-Menk.com

**EVALUATION OF BIDS FOR THE CITY OF FAIRMONT
WWTF Screen Modifications
Project Number 0M2.125186**

Bids for the WWTF Screen Modifications project were received on September 1, 2022.

Four (4) bids were received for the project. Bids ranged from a low of \$688,990 to a high of \$916,234. The low bid was from Beemer Companies. The estimate was \$1,000,000 for this work. All bids were below the engineer estimate. The project had significant interest initially based on the number of plan holders.

The specifications and bid documents did not contain any wording or ambiguities so as to force the Contractor to build in additional contingencies. The level of contractor interest was high for a project of this size. Therefore, we feel that the bid received was competitive and responsive, and rebidding the project would not provide any cost savings.

Beemer Companies has successfully performed a number of similar projects and is well suited for this project. We would recommend approval and awarding of the \$688,990 bid to Beemer Companies.

Respectfully submitted,

BOLTON & MENK, INC.

John Graupman, P.E.

Principal Environmental Engineer



Fairmont City Council
September 12, 2022

Agenda Item: 9.3

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

Subject: Authorize purchase of shade structures at WASC and Jeffrey Kot Fields

Policy/Action Requested: Approve PO 14403 for purchase of shade structures

Vote Required: X Simple Majority ___ Roll Call

Recommendation: Staff requests approval to complete this purchase.

Overview: Attached is a purchase order for new shade structures to be installed at Winnebago Avenue Sports Complex and Jeffery Kot Fields. The current plan is for City staff to install these units at both locations and hire a contractor to install the necessary concrete slabs at each location. Staff is discussing options with the soccer association on location and installation schedule.

The additional concrete work is estimated at \$15,000-\$20,000 which would put us just under the total budget of \$50,000. Depending on the final cost of pavement work this may leave some extra funds to be applied to the shelter at Veteran’s Park, however we may not know for sure until all the shade structure work is complete.

Budget Impact: The 2022 capital budget had \$50,000 for shade structures at these 2 locations.

Attachments: PO 14403
USA-Shade quote

Council Action: _____ Date: _____



CITY OF FAIRMONT
100 DOWNTOWN PLAZA
FAIRMONT, MN 56031
507-238-9461 507-238-9044 (fax)

GL ACCOUNT NO.	PURCHASE ORDER NO. / WORK ORDER NO.
-----------------------	--------------------------------------------

VENDOR:	SHIP TO:
----------------	-----------------

DATE ORDERED:	DATE REQUIRED:
----------------------	-----------------------

QUANTITY	STOCK #	DESCRIPTION	PRICE	AMOUNT

PLEASE ENTER OUR ORDER FOR GOODS LISTED ABOVE. NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO COMPLETE BY DATE REQUIRED

SALES TAX EXEMPT

AUTHORIZED SIGNATURE

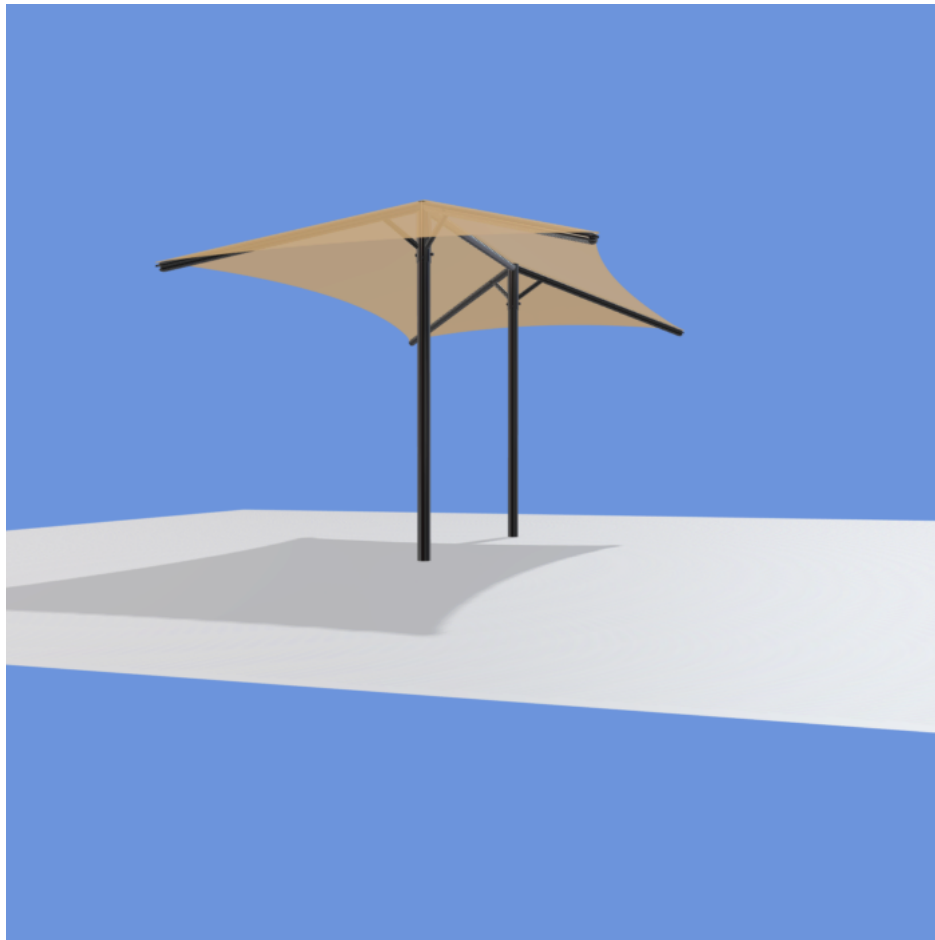


PROPOSAL DATE: 8/29/2022
Valid for 30 days

Proposal

Project Information

Customer Name	FAIRMONT	Rep Firm	Webber Recreational Design
Project Name	FAIRMONT	Contact	Nicholas Herman
Quote Number	Q-029051	Phone	
Project Location	FAIRMONT, MN 56031	Email	nherman@webberrec.com



Structure Q-029053 Details

Structure Type	Two Post Hip	Weight of Each Column	131.6 lbs
Model Number	2 Post Hip QRE 227	Column Steel Size	5.0 GA 07 RD TUBING
Structure Size	Length 22 ft 0 in Width 14 ft 0 in	Weight of Upper Frame (Total)	542.6 lbs
Entry Height	10 ft 0 in	Upper Frame Steel Size	3.5 GA 08 RD TUBING
No. of Columns	2	Weight of Entire Structure (Each)	805.81 lbs
Number of Fabric Tops	1	Est. Pier Footing Size	2.00 Diam. x 4.00 Deep
Fabric Type	Shadesure	Est. Pier Footing Concrete (Each)	0.47 Cubic Yards
Fabric Color	Desert Sand 200000SDS	Est. Spread Footing Size	3.50 Sq x 3.00 Deep
Fabric Attachment Type	Quick Release	Est. Spread Footing Concrete (Each)	1.36 Cubic Yards
Frame Finish	Polyester-TGIC Powder Coating	Buiding Code	INTERNATIONAL BUILDING CODE 2018
Frame Color	BLACK-115618BLK	Wind Load Fabric On (Max)	115 MPH* and 180 MPH with Fabric Off
Electrical Access	None	Snow Load Fabric On (Max)	5 PSF
Cable/Hardware Finish	Galvanized	Column Attachment Type	Embedded
Anchor Bolts Included	NA	Other	



Item #	Description	Price Each	Qty	Total
Q-029053	2 Post Hip QRE 227 Length 22 ft 0 in x Width 14 ft 0 in by 10 ft 0 in Entry	\$ 4,480.00	5	\$ 22,400.00
Freight		\$ 3,700.00	1	\$ 3,700.00
			Subtotal	\$ 26,100.00
			Sales Tax	Not Included
			Total	\$ 26,100.00

Signature: _____ **Date:** _____

Proposal Pricing: The above proposal is valid for **30** days from the date first set forth above. **PRICES ARE YOUR COSTS.** After 30 days, we reserve the right to increase prices due to the rise in cost of raw materials, fuel, or other cost increases. When applicable, USA SHADE & Fabric Structures reserves the right to implement a surcharge for significant increases in raw materials, including, but not limited to: fuel, steel, and concrete. Due to the duration of time between proposals, contracts, and final installation, USA SHADE & Fabric Structures reserves the right to implement this surcharge, when applicable at its sole discretion. Installation, unloading and storage are not included unless specifically noted in Proposal.

Taxes: Sales and/or use taxes are not included in your proposal. Sales and/or use taxes will be added at time of order unless acceptable tax-exempt documentation is provided.

Purchase: By executing this proposal, or submitting a purchase order pursuant to this proposal (which shall incorporate the terms of this agreement specifically by reference) which is accepted by USA SHADE & Fabric Structures (the "Company"), the purchaser identified above ("you" or the "Purchaser") agrees to purchase Shade Structures brand shade structures ("Structures") and the services to be provided by the Company, as detailed in the Proposal sections of this agreement, above, or in the relevant purchase order accepted by the Company, for use by Purchaser or for installation by Company or Purchaser on behalf of a third-party who will be the ultimate owner of the Structures (the ultimate owner of a Structure, whether Purchaser or a third-party, being the "Owner").

Short Ship and Damage Claims: Purchaser has 5 days from receipt of the structures to file a short ship or damage report in writing to its sales representative. Company will not honor claims made after this time.

Standard Exclusions: Unless specifically included Proposal section above, this agreement does not include, and Company will not provide, services, labor, or materials for any of the following work: (a) removal and disposal of any materials containing asbestos or any hazardous materials as defined by the EPA; (b) moving Owner's property around the installation site; (c) repair or replacement of any Purchaser or Owner-supplied materials; (d) repair of concealed underground utilities not located on prints supplied to Company by Owner during the bidding process, or physically staked out by Owner, and which are damaged during construction; or (e) repair of damage to existing surfaces that may occur when construction equipment and vehicles are being used in the normal course of construction.

Bonding Guidelines: If Purchaser will use or provide the Structures and Services for an Owner other than Purchaser (including, without limitation, as a subcontractor of Purchaser), Purchaser will include the following statement in Purchaser's contract with Owner:

"The manufacturer's warranty for the Shade Structures brand shade structures is a separate document between USA SHADE & Fabric Structures and the ultimate owner of the Shade Structures brand shade structures, which will be provided to the ultimate owner at the time of completion of the installation and other services to be provided by USA SHADE & Fabric Structures. Due to surety requirements, any performance and/or payment bond will cover only the first year of the USA SHADE & Fabric Structures warranty."



Insurance Requirements: Company is not required to provide any insurance coverage in excess of Company's standard insurance. A copy of the Company's standard insurance is available for your review prior to acceptance of the Company's proposal.

Payment: Terms of payment will be determined at time of order based on credit and payment history. Deposits may be required. Proposals over \$100,000 will require a deposit – amount to be determined at time of order. All payments must be made to Shade Structures, Inc., P.O. Box 734158, Dallas, TX 75373-4158. If the Purchaser or Owner fails or delays in making any required payments, the Company may suspend the fulfillment of its obligations hereunder until such payments are made, or Company may be relieved of its obligations hereunder if payment is more than 60 days past due. Company may use all remedies available to it under current laws including, but not limited to, filing of liens against the property and using a collection agency or the courts to secure the collection of the outstanding debt.

Lien Releases: Upon request by Owner, Company will issue appropriate partial lien releases as corresponding payments are received from Purchaser, but prior to receiving final payment from Purchaser or Owner. Company will provide a full release of liens upon receipt of final payment. In accordance with state laws, Company reserves the right to place a lien on the property if final payment has not been received 10 days prior to the filing deadline for liens.

Site Plan Approval, Permit/s, Permit Fees, Plans, Engineering Drawings, and Surveying: Site plan approval, permits, permit fees, plans, engineering drawings, and surveying are specifically excluded from this agreement and the Services unless specified under the "General Scope of Work". The Company does not in any way warrant or represent that a permit or site plan approval for construction will be obtained. Sealed engineered drawings that are required but not included in the "General Scope of Work" will result in an additional cost to Purchaser.

Manufacturing & Delivery Times: Manufacturing lead-time from Company's receipt of the "approved order" is approximately 6 to 8 weeks for standard structures, and 8 to 14 weeks for custom structures. Delivery is approximately 1 week thereafter. Delivery of structures may be prior to or at start of assembly. Please note that these timelines do not include approval or permitting timeframes. All shipping is FOB our Texas facility. Transfer of ownership of product occurs once the structure leaves our facility. USA Shade does not guarantee specific delivery days unless that option is specified and paid for in the Proposal. In the event a shipment is late due to no fault of USA Shade, USA Shade is only liable for the extra shipping charges paid and does not pay remobilizations or other delay charges.

Returned Product, Deposits, and/or Cancelled Order: Within the first 45 days after shipment from our facility, all returned product(s) and cancelled orders are subject to a 50% restocking fee. No returns are available following this 45 day period. All deposits are non-refundable. All expenses incurred (engineering, site surveys, shipping, steel purchases, handling, etc.) are the responsibility of the Purchaser, up to notice of cancellation.

Indemnification: To the fullest extent permitted by law, Purchaser shall indemnify, defend, and hold harmless the Company and its consultants, agents, and employees or any of them from and against claims, damages, losses and expenses, including, but not limited to, attorneys' fees related to the installation of the Structure or performance of the services, provided that such claim, damage, loss, or expense is attributable to bodily injury to, sickness, disease, or death of a person, or to injury to or destruction of tangible property, but only to the extent caused by the negligent acts or omissions of the Purchaser or its agents, employees, or subcontractors, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss, or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity that would otherwise exist as to a party or person described in Section 15.

Statement of Limited Warranty:

The structural integrity of all supplied steel is warranted for ten years.

If assembly is provided by the Company, workmanship of the structure is covered for one year, including labor for the removal of any failed part, disassembly (if necessary), cost of shipping, and reassembly.

All steel surface finishes are warranted for one year.

Shadesure™, Colourshade® FR, eXtreme 32™, Commercial 95™, SaFRshade™, and Monotec 370™ fabrics all carry a ten year limited manufacturer's warranty against failure from significant fading, deterioration, breakdown, outdoor heat, cold, or discoloration. Should the fabric need to be replaced under the warranty, the Company will manufacture and ship a new replacement fabric at no charge for the first six years, thereafter pro-rated at 20% per year over the remaining four years. The following are exceptions to the preceding warranty terms:



Shadesure™ fabrics in Red, Yellow, Atomic Orange, Electric Purple, Zesty Lime, Cinnamon, Olive, and Mulberry carry a five-year pro-rated warranty;

Individual fabric tops measuring greater than 40' in length are covered by a non-prorated five-year warranty.

General Limited Warranty Terms and Conditions

These limited warranties are effective from the date of sale, or, if assembly is provided by the Company, upon receipt by Company from Purchaser of a completed and signed "Customer Checklist and Sign-off" form.

In its sole discretion, the Company will repair and or/replace defective structures, products or workmanship, or refund that portion of the price related to the defective product, labor, or service rendered.

The Company reserves the right, in cases where certain fabric colors have been discontinued, to offer the Purchaser or Owner a choice of available alternative colors to replace the warranted fabric. The Company does not guarantee that any particular color will be available for any period of time, and reserves the right to discontinue any color for any reason, without recourse by the Purchaser or Owner of the discontinued fabric color

Should the Purchaser or Owner sell the structures to another party, the warranty cannot be transferred to the new owner without a complete and thorough on-site inspection performed by a Company representative. Please contact the Company at warranty@usa-shade.com for more details.

All warranty claims covering Company supplied structures, products, and services must be submitted by Purchaser or Owner in writing to the Company within thirty days from the date of discovery of the alleged defect and must include a detailed description and applicable photographs of the alleged defect or problem. Warranty claims should be submitted by email to warranty@usa-shade.com.

Purchaser or Owner agrees that venue for any court action to enforce these limited warranties shall be in the City or County of Dallas in the State of Texas, USA.

These limited warranties are void if:

- the supplied structures, products, services and/or labor are not paid for in full;
- the structures are not assembled in strict compliance with USA SHADE specifications;
- any changes, modifications, additions, or attachments are made to the structures in any way, without prior written approval from the Company. Specifically, no signs, objects, fans, light fixtures, etc. may be hung from the structures, unless specifically engineered by the Company.

These limited warranties do not cover defects and/or damages caused by:

- normal wear and tear;
- misuse, willful or intentional damage, vandalism, contact with chemicals, cuts and Acts of God (i.e. tornado, hurricane, micro/macros burst, earthquake, wildfires, etc);
- ice, snow or wind loads in excess of the designed load parameters engineered for the supplied structures;
- use, maintenance, neglect, repair, and/or service inconsistent with the Company's written care and maintenance instructions.

The limited warranties explicitly exclude:

- workmanship related to assembly not provided by the Company or its agents;
- fabric curtains, valances, and flat vertical panels;
- fabric tops installed on structures that were not engineered and originally supplied by the Company.



THE COMPANY SHALL NOT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, SPECIAL, LIQUIDATED, EXEMPLARY, OR PUNITIVE DAMAGES, OR ANY LOSS OF REVENUE, PROFIT, USE OR GOODWILL, WHETHER BASED UPON CONTRACT, TORT (INCLUDING NEGLIGENCE), OR ANY OTHER LEGAL THEORY, ARISING OUT OF A BREACH OF THIS WARRANTY OR IN CONNECTION WITH THE SALE, DELIVERY, INSTALLATION, MAINTENANCE, USE, OPERATION OR REPAIR OF ANY PRODUCT OR SERVICE. IN NO EVENT WILL THE COMPANY BE LIABLE FOR ANY AMOUNT GREATER THAN THE PURCHASE PRICE FOR ANY PRODUCT OR SERVICE PROVIDED BY THE COMPANY.

THE FOREGOING LIMITED WARRANTY IS THE SOLE AND EXCLUSIVE WARRANTY FOR THE COMPANY'S PRODUCTS AND SERVICES, AND IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, IN LAW OR IN FACT. SELLER SPECIFICALLY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE OR PURPOSE, AND ANY IMPLIED WARRANTIES ARISING OUT OF COURSE OF DEALING OR PERFORMANCE OR TRADE USAGE. PURCHASER, BY ACCEPTANCE AND USE OF THIS LIMITED WARRANTY, WAIVES ANY RIGHTS IT WOULD OTHERWISE HAVE TO CLAIM OR ASSERT THAT THIS LIMITED WARRANTY FAILS OF ITS ESSENTIAL PURPOSE.



Fairmont City Council
September 12, 2022

Agenda Item: 9.4

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

Subject: Adoption of Position Pointing and Non-Union Pay Scale

Policy/Action Requested: Motion to adopt the position pointing and non-union pay scale as presented in the Position Classification and Compensation Study Report prepared by Abdo dated August 22, 2022 with an implementation date of December 31, 2022.

Vote Required: Simple Majority Roll Call

Recommendation: Staff recommends adoption of the position pointing and non-union pay scale.

Overview:

Abdo was retained by the City of Fairmont to assist with various human resource projects. One of the tasks they were asked to complete was a compensation and classification study. It is recommended that a city complete a classification and compensation study every 5-7 years to ensure that job descriptions stay current and pay scales stay competitive. The last time the city completed a compensation study was in the 1990's.

As part of the study staff reviewed each department's structure and needs and updated job descriptions to reflect today's work and what we see as the needs of the organization moving forward. As part of this review staff identified positions that do not currently exist but may be needed in the future and prepared job descriptions to include these positions in the study.

Abdo reviewed the job descriptions and completed the pointing for each position. This pointing is utilized to place positions in a grade on a pay scale. Following this, Abdo looked at comparable community's salaries and developed a proposed pay scale. This pay scale has been developed to place Fairmont competitively in the market of comparable positions in comparable communities. Abdo has also completed pay equity testing of the proposed scale to ensure compliance with Minnesota pay equity laws.

The proposed grade system will modify the city's payroll s as currently each job description has its own unique pay scale that has to be maintained.

At the last meeting Abdo presented the report and the council adopted the report to give them time to review the report and ask any questions they may have. At this meeting, we are asking council to adopt the position pointing as set out in Table 1 of the report. This table reflects pointing for all city positions. The second step is to adopt the non-union step and grade scale as set out in Table 4 with an implementation date of December 31, 2022.

This scale will then need to be adjusted for 2023 salaries which will be brought forward in conjunction with the union contracts. We will be negotiating all three union contracts yet this year and looking to incorporate a similar grade scale with the unions.

Budget Impact:

Implementation of the draft report has been considered and incorporated into the 2023 preliminary budget numbers.

Attachments:

1. Table 1 – Position Classification and Point Assignment, Abdo Position and Compensation Study Report
2. Table 4 – Step and Grade Scale, Abdo Position and Compensation Study Report

Council Action: _____

Date: _____

Table 1: Position Classification and Point Assignment

Position Title	Proposed Score
Administrative Assistant and Permit Technician	110
Utility Billing Customer Service Representative	110
Liquor Store Clerk	112
Records and Evidence Technician-Department Secretary	117
Parks Maintenance Worker	127
Building Maintenance Technician	137
Light Equipment Operator	137
Heavy Equipment Operator	147
Electronics Technician	151
Community Service Officer	155
Accounting Clerk	177
Utility Billing Accounting Clerk	177
Shop Mechanic	185
Liquor Store Assistant Manager	186
Wastewater Mechanic	195
Wastewater Operator	195
City Forester	197
Water Mechanic	199
Water Mechanic-Relief Operator	199
Engineering Technician I	204
Parks Foreman	206
Water Operator	209
Facilities Foreman	222
Electrician-Utility Technician	223
Lineman	223
Street Crew Foreman	223
Wastewater Collection Foreman	224
Water Distribution Foreman	224
Patrol Officer	229
Engineering Technician II	231
IT Coordinator	243
Accountant	247
Planning Technician	247
Line Crew Foreman	250
Master Electrician	250
Shop Foreman	251
Community Services Coordinator	252
Wastewater Operations Supervisor	253
Water Operations Supervisor	253
Community Development Coordinator	259
Economic Development Coordinator	259
Building Official	260
Liquor Store Manager	261
Police Detective	272
Airport Manager	275
Engineer	276
Water Resources Engineer	276
City Clerk	279
Assistant Finance Director	286
Police Sergeant	287
Police Captain	326
Electric Distribution Superintendent	384
Public Works Superintendent	384
Water-Wastewater Superintendent	384
Director of Planning and Development	454
Finance Director	504
Police Chief	518
Director of Public Works, Utilities, and City Engineer	554
City Administrator	814



Table 4 - Step and Grade Scale – Proposed 2022 Compensation Model

Points	Grade	Non-Union Standard Steps										
		1	2	3	4	5	6	7	8	9	10	
0	65	1	\$ 19.50	\$ 20.02	\$ 20.55	\$ 21.09	\$ 21.65	\$ 22.22	\$ 22.81	\$ 23.41	\$ 24.03	\$ 24.67
66	81	2	21.11	21.67	22.24	22.83	23.43	24.05	24.69	25.34	26.01	26.70
82	99	3	22.85	23.46	24.08	24.72	25.38	26.05	26.74	27.45	28.18	28.93
100	156	4	24.74	25.40	26.07	26.76	27.47	28.20	28.95	29.72	30.51	31.32
157	185	5	26.78	27.49	28.22	28.97	29.74	30.53	31.34	32.17	33.02	33.90
186	203	6	28.99	29.76	30.55	31.36	32.19	33.04	33.92	34.82	35.74	36.69
204	224	7	31.38	32.21	33.06	33.94	34.84	35.76	36.71	37.68	38.68	39.71
225	252	8	33.97	34.87	35.79	36.74	37.71	38.71	39.74	40.79	41.87	42.98
253	286	9	36.77	37.74	38.74	39.77	40.82	41.90	43.01	44.15	45.32	46.52
287	316	10	39.80	40.85	41.93	43.04	44.18	45.35	46.55	47.78	49.05	50.35
317	370	11	43.08	44.22	45.39	46.59	47.82	49.09	50.39	51.73	53.10	54.51
371	457	12	46.63	47.87	49.14	50.44	51.78	53.15	54.56	56.01	57.49	59.01
458	549	13	50.48	51.82	53.19	54.60	56.05	57.54	59.06	60.63	62.24	63.89
550	649	14	54.64	56.09	57.58	59.11	60.68	62.29	63.94	65.63	67.37	69.16
650	729	15	59.15	60.72	62.33	63.98	65.68	67.42	69.21	71.04	72.92	74.85
730	817	16	64.03	65.73	67.47	69.26	71.10	72.98	74.91	76.90	78.94	81.03
818	900	17	69.31	71.15	73.04	74.98	76.97	79.01	81.10	83.25	85.46	87.72





Fairmont City Council
September 12, 2022

Agenda Item: 9.5

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

Subject: Approval of HRA Levy

Policy/Action Requested: Motion to approve Resolution 2022-33 approving the HRA levy and forwarding it to the Martin County Auditor

Vote Required: [X] Simple Majority [] Roll Call

Recommendation: Staff recommends the approval of the HRA levy

Overview:

Minnesota statutes 469.033 provides the Housing and Redevelopment Authority (HRA) the authority to levy funds up to 0.0185 of the estimated market value of the territory within its area of operations. The Fairmont HRA has discussed this option over the last year in order to allow them to hire a community development coordinator to help the HRA put together and run housing programs and work on housing development in the city. With those goals in mind, the HRA developed a budget for 2023 for \$88,689. To support this budget the HRA passed Resolution 235-2022 setting a proposed property tax levy of \$70,809.

The HRA levy would be utilized in part to share a community development coordinator with the city. The proposed position share would work and be funded by the HRA for 40% of the position costs/time and 60% of the position would be with the city. The split of this position is included in the city's preliminary budget.

The city council must approve the HRA levy and forward it to the Martin County Auditor to be collected and enforced.

Staff recommends that council approve the HRA levy and forward it to the Martin County Auditor.

Budget Impact:

None

Attachments:

- 1. HRA Resolution 235-2022
2. Resolution 2022-33

Council Action: _____

Date: _____

RESOLUTION NO. 235-2022

A RESOLUTION ADOPTING THE 2023 PROPOSED PROPERTY TAX LEVY AND FORWARDING IT TO THE FAIRMONT CITY COUNCIL FOR APPROVAL AND CERTIFICATION TO THE MARTIN COUNTY AUDITOR

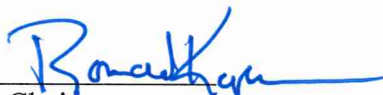
WHEREAS, Minnesota Statute 469.033, Subd. 6, authorizes the Fairmont Housing and Redevelopment Authority (HRA) to levy against taxable property in the City of Fairmont, Martin County, Minnesota; and,

WHEREAS, the Fairmont HRA has established a budget for operations in accordance with Chapter 469 of Minnesota Statutes; and,

WHEREAS; the City of Fairmont must review and approve the proposed levy and forward to the Martin County Auditor.

NOW THEREFORE BE IT RESOLVED by the Fairmont HRA that to provide for activities that are within the jurisdiction of the Fairmont HRA as defined by Minnesota Statutes, a proposed property tax levy in the amount of \$70,809 is forwarded to the Fairmont City Council for approval and certification to the Martin County Auditor.

Passed by the Housing and Redevelopment Authority of Fairmont, Minnesota this 8th day of August 2022.



Board Chair

RESOLUTION NO. 2022-33

STATE OF MINNESOTA
COUNTY OF MARTIN
CITY OF FAIRMONT

**A RESOLUTION APPROVING THE FAIRMONT HOUSING AND REDEVELOPMENT
AUTHORITY PROPOSED LEVY AND ORDERING ITS CERTIFICATION TO THE MARTIN
COUNTY AUDITOR**

WHEREAS, Minnesota Statutes 469.033 grants Housing and Redevelopment Authorities the authority to levy funds up to 0.0185 of the estimated market value of the territory within its area of operations; and,

WHEREAS, the Fairmont Housing and Redevelopment Authority (HRA) has established a budget of \$88,689; and,

WHEREAS, the HRA passed Resolution 235-2022 adopting a proposed property tax levy in the amount of \$70,809; and,

WHEREAS, the HRA levy provides funds for the HRA to hire a community development coordinator, in conjunction with the city, to work on housing programs and development in the city; and

WHEREAS, the City of Fairmont needs housing programs and development in the city; and

WHEREAS, the city governing body is to approve and forward the HRA levy to the Martin County Auditor.

NOW THEREFORE BE IT RESOLVED by the City of Fairmont that the Fairmont HRA proposed property tax levy in the amount of \$70,809 is approved and certified to the Martin County Auditor.

PASSED, APPROVED AND ADOPTED by the City Council of Fairmont, Minnesota this 12th day of September 2022.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk



Fairmont City Council
September 12, 2022

Agenda Item: 9.6

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

Subject: 2023 Proposed Budget and Tax Levy

Policy/Action Requested: To approve Resolution 2022-34, adopting the proposed tax levy for 2023
To approve Resolution 2022-35, adopting the proposed budget for 2023

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: Information on the proposed budget and tax levy for 2023 will be discussed. The Council is required to establish the proposed tax levy and budget and submit that information to the County Auditor by September 30, 2022.

Budget Impact: N/A

Attachments: Resolution 2021-34
Resolution 2021-35
Proposed Budget for 2023
Cathy Reynolds, City Administrator Memo

Council Action: _____ Date: _____

RESOLUTION NO. 2022-34

STATE OF MINNESOTA)

SS:

COUNTY OF MARTIN)

**A RESOLUTION ADOPTING THE 2023 PROPOSED PROPERTY TAX LEVY
AND ORDERING ITS CERTIFICATION TO THE MARTIN COUNTY AUDITOR**

WHEREAS, Minnesota State Statutes require that the proposed property tax levy for the coming year be certified to the County Auditor by September 30; and,

NOW THEREFORE, BE IT RESOLVED, that the following proposed property tax levy be certified to the Martin County Auditor:

Non-Debt Levy	\$4,933,410
Debt Service Levy	<u>1,507,083</u>
Total <u>Proposed</u> Property Tax Levy	<u>\$6,440,493</u>

BE IT FURTHER RESOLVED, that the above named mentioned total tax levy be established in the following breakdown:

1. General Operations	\$3,929,798
2. Special Assessment Debt	1,507,083
3. Capital Projects	903,612
4. EDA	<u>100,000</u>
TOTAL <u>PROPOSED</u> TAX LEVY	<u>\$6,440,493</u>

PASSED, APPROVED AND ADOPTED this 12th day of September 2022.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk

RESOLUTION NO. 2022-35

STATE OF MINNESOTA)

SS:

COUNTY OF MARTIN)

A RESOLUTION ADOPTING THE PROPOSED 2023 BUDGET

WHEREAS, state statutes require cities to adopt a proposed budget to be submitted to the County Auditor with the proposed 2023 tax levy.

NOW THEREFORE, BE IT RESOLVED that the following budget be adopted and approved this 12th day of September 2022, in a regular meeting of the Fairmont City Council:

FUND	REVENUES AND TRANSFERS IN	EXPENDITURES AND TRANSFERS OUT
General	\$9,897,457	\$10,540,957
Economic Development	253,550	253,550
SMEC	85,500	84,900
Local Option Sales Tax	980,000	980,000
Aeronautics	624,408	623,868
Lake Restoration	68,000	163,645
Debt Service	1,904,387	2,009,799
Capital Improvements	<u>19,354,612</u>	<u>18,913,359</u>
	<u>\$33,167,914</u>	<u>\$33,570,078</u>

PASSED, APPROVED AND ADOPTED this 12th day of September 2022.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk



FAIRMONT

City of Lakes

2023 Proposed Budget



Budget Overview - Governmental Funds



Revenues

Federal/State Aid	4,998,735	15.1%
Taxes	7,802,270	23.5%
Assessments	212,368	0.6%
Charges For Services	1,541,746	4.6%
GO Bonds	7,000,000	21.1%
Donations	6,000,000	18.1%
Miscellaneous	258,536	0.8%
Transfers In	5,354,259	16.1%
Total Revenues	\$ 33,167,914	100%

Expenditures

General Government	1,696,346	5.1%
Public Safety	4,038,540	12.0%
Public Works	2,237,237	6.7%
Parks & Recreation	1,820,334	5.4%
Economic Development	253,550	0.8%
SMEC	84,900	0.3%
Airport	601,368	1.8%
Lake Restoration	13,645	0.0%
Debt Service	2,009,799	6.0%
Capital Projects	18,735,600	55.8%
Transfers Out	2,078,759	6.2%
Total Expenditures	\$ 33,570,078	100%

*\$475,000 General Fund Reserves for City Hall security updates

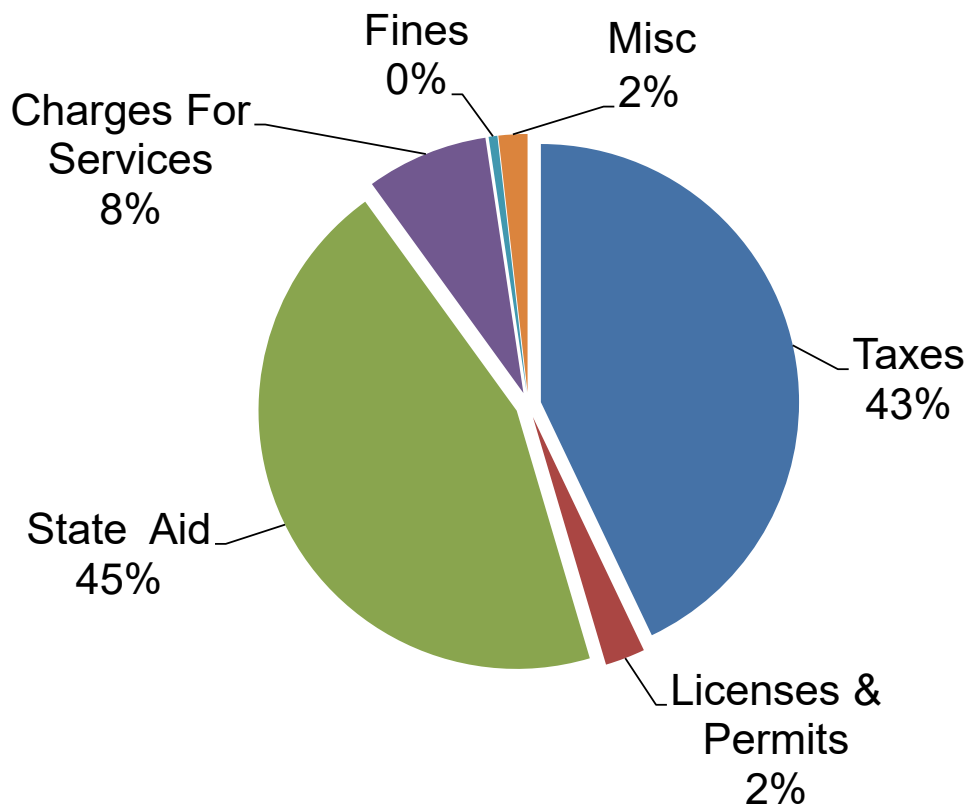
*\$165,000 General Fund Reserves for Sylvania Park Band Shell

General Fund Revenue Summary



	<u>2022</u>	<u>2023</u>
Taxes	3,492,525	3,894,798
Licenses & Permits	194,300	226,800
State Aid	4,031,001	4,045,327
Charges For Services	648,026	691,946
Fines	48,500	49,500
Misc	171,750	164,086
Transfers In	825,000	825,000
Total Revenues	\$ 9,411,102	\$ 9,897,457

2023 Budget

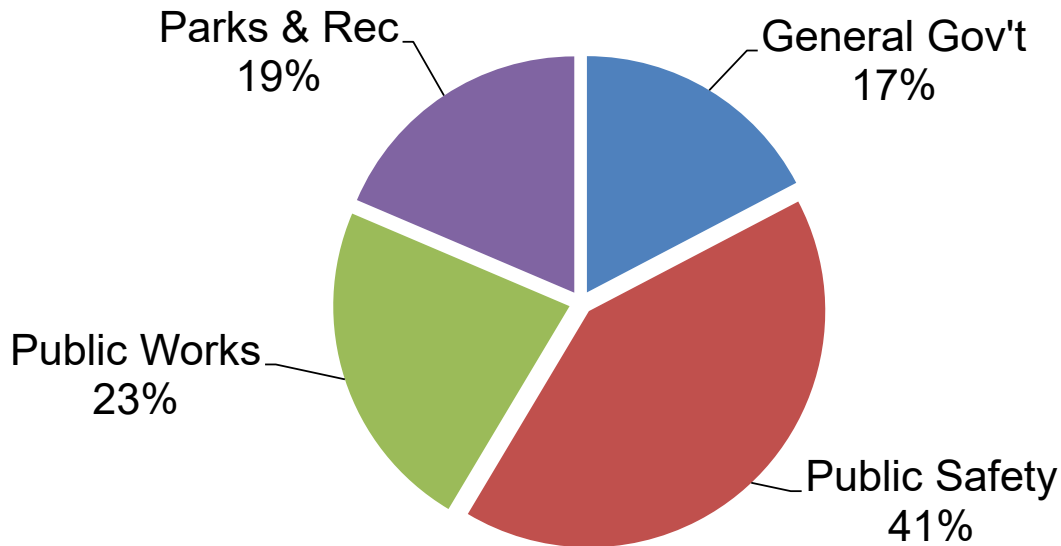


General Fund Expenditure Summary



	<u>2022</u>	<u>2023</u>
General Gov't	1,655,186	1,696,346
Public Safety	3,890,486	4,038,540
Public Works	2,010,219	2,237,237
Parks & Rec	1,650,211	1,820,334
Transfers	205,000	748,500
Total Expenditures	\$ 9,411,102	\$ 10,540,957

2023 Budget



General Fund Expenditure Detail



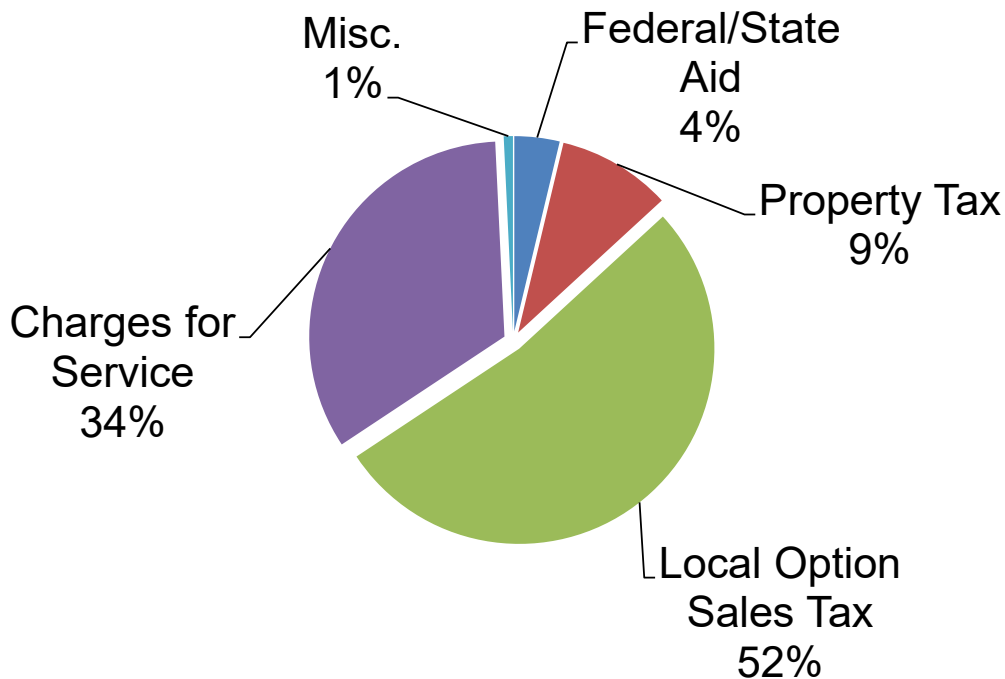
	<u>2022</u>	<u>2023</u>
Mayor and Council	61,527	60,755
City Administrator	148,455	175,611
City Clerk	129,957	123,536
Finance	428,634	447,904
Planning & Zoning	215,023	287,170
Gen. Govt. Bldgs.	156,380	123,960
Library	86,660	86,760
Other General Govt.	428,550	390,650
Total General Govt.	\$ 1,655,186	\$ 1,696,346
Police Department	3,227,248	3,341,320
Fire Department	406,501	393,278
Inspection Dept.	193,983	239,906
Civil Defense	3,615	3,615
Animal Control	59,139	60,421
Total Public Safety	\$ 3,890,486	\$ 4,038,540
Streets	1,417,691	1,505,997
Engineering	412,257	480,307
Health & Sanitation	180,271	250,933
Total Public Works	\$ 2,010,219	\$ 2,237,237
Parks	1,151,964	1,334,642
Aquatic Park	498,247	485,692
Total Parks & Recreation	\$ 1,650,211	\$ 1,820,334
Operations	\$ 9,206,102	\$ 9,792,457
Transfers	\$ 205,000	\$ 748,500
Total General Fund	\$ 9,411,102	\$ 10,540,957

Special Revenue Funds Revenue Summary



	<u>2022</u>	<u>2023</u>
Federal/State Aid	69,408	69,408
Property Tax	175,000	175,000
Local Option Sales Tax	975,000	975,000
Charges for Service	500,382	623,000
Misc.	17,100	14,050
Transfers In	166,000	155,000
Total Revenues	\$ 1,902,890	\$ 2,011,458

2023 Budget

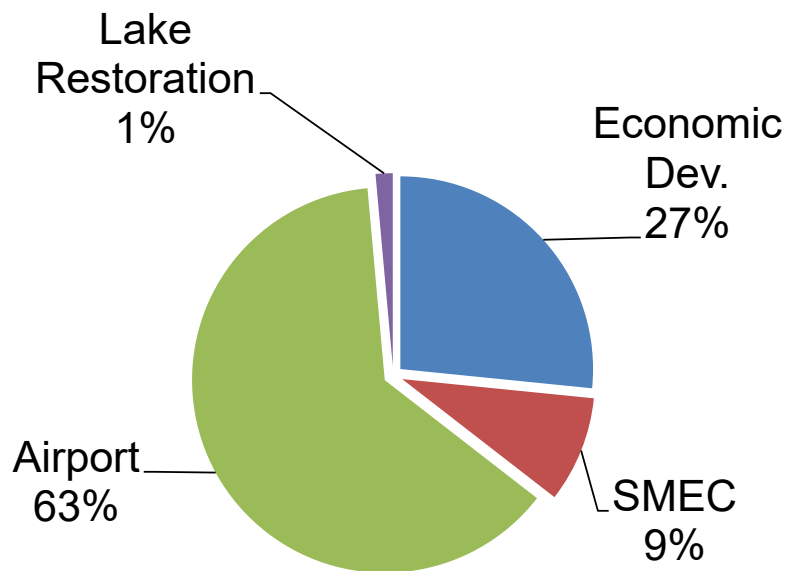


Special Revenue Funds Expenditure Summary



	<u>2022</u>	<u>2023</u>
Economic Dev.	247,600	253,550
SMEC	86,400	84,900
Airport	504,202	601,368
Lake Restoration	13,645	13,645
Transfers Out	1,020,000	1,152,500
Total Expenditures	\$ 1,871,847	\$ 2,105,963

2023 Budget



Debt Service



Revenues

	<u>2022</u>	<u>2023</u>
Taxes - General	1,457,083	1,507,083
Taxes - Tax Increment	183,750	96,777
Assessments	322,000	209,868
Misc	9,000	12,900
Transfers In	-	77,759
Total Revenues	<u>\$ 1,971,833</u>	<u>\$ 1,904,387</u>

Expenditures

	<u>2022</u>	<u>2023</u>
Improvement Proj.	2,268,784	1,609,381
Tax Increment Proj.	183,750	96,777
G.O. Proj.	-	303,641
Transfers Out	-	-
Total Expenditures	<u>\$ 2,452,534</u>	<u>\$ 2,009,799</u>

Capital Projects



Revenues

	<u>2022</u>	<u>2023</u>
Federal/State Aid	872,500	884,000
Property Tax	903,612	903,612
Franchise Fee	265,000	250,000
Assessments	11,000	2,500
GO Bonds	-	7,000,000
Contributions & Donations	-	6,000,000
Misc.	19,000	18,000
Transfers In	1,696,550	4,296,500
Total Revenues	\$ 3,767,662	\$ 19,354,612

Expenditures

	<u>2022</u>	<u>2023</u>
Capital Projects Fund	1,449,250	4,675,600
Fire Truck Fund	300,000	-
Community Center	3,000,000	10,000,000
Airport Construction	-	560,000
Street Improvements	800,000	3,500,000
Transfers Out	130,000	177,759
Total Expenditures	\$ 5,679,250	\$ 18,913,359

Capital Projects Fund Detail



General Gov't

City Hall security & accessiblity	\$475,000
City Hall conference room update	\$6,000
Industrial Park land purchase	\$724,000
	<hr/>
	\$1,205,000

Library

Roof replacement	\$177,500
Furniture	\$2,000
	<hr/>
	\$179,500

Police

Repalce squad 11 with purchase of 5 or 10	\$19,000
Portable radio replacement plan 4 per year	\$16,000
Replace police bikes (current ones 20 years old)	\$3,500
Replace/Update evidence equipment	\$2,500
Squad car computer/printer rotation (2 per year)	\$14,000
Squad car video camera rotation (2 per year)	\$16,000
Replace officer ballistic vests (7) partial grant	\$10,500
Replace current strion falshlights (25)	\$3,500
Replace two current ballistic shields	\$6,000
	<hr/>
	\$91,000

Fire

5 sets of bunker gear	\$16,500
New face pieces and regulators for air packs (\$40,000 carryover from 2022)	\$40,000
Replace 4 radios	\$13,600
	<hr/>
	\$70,100

Streets

Replace vehicles	\$45,000
Self-propelled paving machine w/ trailer (\$125,000 carryover from 2022)	\$140,000
Replace wood chipper	\$55,000
Replace 4 radios	\$10,000
Stump grinder	\$60,000
Pulverizer bucket	\$12,000
Mini hydro-seeder	\$10,000
Concrete saw	\$10,000
Radio replacement	\$5,000
Contingency	\$20,000
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	\$367,000

Engineering

Replace survey vehicle	\$55,000
Radio replacement	\$2,500
	<hr/>
	\$57,500

Aquatic Park

Replace strainer basket	\$8,000
Landscappe	\$7,500
	<hr/>
	\$15,500

Capital Projects Fund Detail



Parks

Replace Jeep with plow	(\$35,000 carryover from 2022)	\$45,000
UTV (WASC)		\$15,000
Radio Replacement		\$17,500
Replace Garbage Truck (used)	(\$85,000 carryover from 2022)	\$110,000
Skate Park repairs		\$20,000
Gomsrud Boat Landing/Multiple Parking Lots		\$2,250,000
Sylvania Park Band Shell rehab		\$165,000
Contingency		\$10,000
		<u>\$2,632,500</u>

Airport

Paint blue/yellow hangars		\$15,000
Radio replacement		\$2,500
Contingency		\$5,000
		<u>\$22,500</u>

Lake Restoration

Spring nitrate biological treatment (LCCMR grant)		\$10,000
Dutch Creek habitat management		\$25,000
		<u>\$35,000</u>

Total Project Expenses \$4,675,600

Liquor Store Project Funding

Net Income Before Transfers	605,680
Airport Improvements	(236,000)
Skate park repairs	(20,000)
Aquatic Park	(15,500)
Gomsrud Park boat landing & parking lot	(1,275,000)
SMEC	(40,000)
Reduction to Reserves	<u><u>\$ (980,820)</u></u>

Preliminary Property Tax Levy Increase



2022 Levy	Debt Service	1,457,083
	Operations	3,527,525
	Capital	903,612
	EDA	100,000
	Total	5,988,220

2023 Levy	Debt Service	1,507,083
	Operations	3,929,798
	Capital	903,612
	EDA	100,000
	Total	6,440,493

Levy Increase: \$452,273 7.6%

2023 Property Tax Impact - 6.5% Decrease*

	Residential Property		
	\$95,000	\$150,000	\$250,000
2022 City Tax	595.01	939.50	1,565.83
2023 City Tax	556.10	878.06	1,463.43
	-38.91	-61.44	-102.40

	Commercial/Industrial Property		
	\$500,000	\$1,000,000	\$2,000,000
2022 City Tax	5,793.55	12,056.85	24,583.45
2023 City Tax	5,414.67	11,268.37	22,975.77
	-378.88	-788.48	-1,607.68

*Percent decrease assumes assessed property valuations remain the same between 2022 and 2023.



Some Photos Courtesy
of Greg Abel



MEMO

DATE: September 12, 2022
TO: Mayor and Council
FROM: Cathy Reynolds
RE: 2023 Proposed Budget

In April of 2021 the Council and Staff held a strategic planning session. During the session we developed a new mission, vision, and goals for the city. These were then incorporated into a strategic plan that was adopted by the council. This strategic plan forms the base for the staff's budget planning.

One of the goals established in the strategic plan was to enhance and protect community amenities and infrastructure. With this goal in mind staff applied the philosophy of maintaining existing services and infrastructure to our budget development process. As every new service, structure, or additional infrastructure added in the city creates ongoing maintenance costs, we wanted to approach this year with a focus on maintaining existing and not adding to our community's long-term maintenance needs.

The city will bond for our street improvement program again in 2023. We bond for street improvements every other year to minimize the administrative costs of issuing bonds and maximize the amount of funds we have available for the improvement program. For the last few years we have targeted a \$3M street improvement program. As material and labor costs continue to rise we realize that we need to work to increase this amount to keep moving forward with necessary street repairs. With this in mind we have added \$50,000 to the debt service levy to work on increasing the amount in that fund to pay for the street improvement bonds. This increase is one that staff recommends that we continue to add over the next few years to grow this program.

Staff focused on our 5 year capital improvement program looking at needs to continue to maintain services and existing facilities and infrastructure. The goal was to keep a flat levy for the capital improvement program as we looked at 2023 without negatively impacting future budget year needs. We believe the proposed budget accomplishes this objective.

The general fund is where we are seeing increases in costs that are raising the levy. These increases stem from a few main areas. These include:

- Wage increases to implement the Compensation and Classification Study as well as union negotiations for salary adjustments.
- Increased costs for health insurance and workers compensation costs.
- Adding an additional FTE for a Community Development Coordinator. This will be a shared position with the HRA.
- Increased costs for fuel, natural gas, and other goods.

With these changes the staff has compiled a proposed budget with an overall levy need of \$6,440,493. This reflects a 7.6% increase in the levy from the 2022 budget. In conversations with other communities on their proposed budgets I am hearing of levy increases ranging anywhere from 5% to 17.59%.

When looking at how this 7.6% proposed increase will affect the community, we need to look at the tax capacity for the city and the resulting tax rate for the levy. The chart below shows these numbers for 2022 and 2023. As you can see the tax capacity for the city has increased by \$1.4M for 2023. With this increase in the tax capacity, a 7.6% levy increase will still result in an overall decrease to the tax rate.

Tax Year	Tax Capacity	Tax Rate
2022	\$ 9,760,004	62.665%
2023	\$ 11,231,614	58.537% (based on proposed levy)

At the end of the day what does this mean for taxes? It means that if the valuation of the property does not change between 2022 and 2023, the city taxes for the property will decrease by approximately 6.5%.