

FAIRMONT CITY COUNCIL AGENDA

1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

MONDAY, APRIL 13, 2009

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

2. ROLL CALL -

Mayor Quiring
Councilors:

Anderson
Clerc
Gorath
Kallemeyn
Lucas

3. DETERMINATION OF QUORUM -

4. PLEDGE OF ALLEGIANCE

5. READINGS OF MINUTES -

5.1 Minutes of Regular Meeting, March 23, 2009

(01-02)

6. OPEN DISCUSSION -

6.1 Open Discussion (03)

7. RECOGNITIONS/PRESENTATIONS -

7.1 MS-4 Annual Meeting: Municipal Separate Storm Sewer System (04)

8. SCHEDULED HEARINGS -

9. ADMINISTRATIVE APPEALS -

10. FINANCIAL REPORTS -

**11. REPORTS OF BOARDS, COMMITTEES, AND
DEPARTMENT HEADS -**

12. LICENSES AND PERMITS -

12.1 TAP Enterprises/Application for Transient Merchant License (05)

12.1a Application (06-07)

13. OLD BUSINESS -

14. NEW BUSINESS -

14.1 2009 Agricultural Leases (08)

| | | |
|------------|---|---------|
| 14.1a | Schedule of Payments | (09) |
| 14.1b | Resolution No. 2009-14 | (10-12) |
| 14.2 | Approve Plans and Specifications and Order Advertisement For Bids for 2009-A Improvement Project | (13) |
| 14.2a | Resolution No. 2009-15 | (14-15) |
| 14.3 | Resolution of Need | (16) |
| 14.3a | Resolution No. 2009-16 | (17) |
| 14.4 | City Hall Roof Replacement | (18) |
| 14.4a | Bidders List | (19) |
| 14.5 | COPS Hiring Recovery Program | (20) |
| 14.5a | Resolution No. 2009-17 | (21) |
| 15. | REGULAR AND LIQUOR DISPENSARY BILLS - | |
| 16. | STATUS REPORTS/ORAL | |
| 17. | <u>ADJOURNMENT -</u> | |
| | <u>ADDITIONAL ATTACHMENTS -</u> | |
| | - Planning Commission Minutes, March 31, 2009 | (22-24) |

Minutes of the Fairmont City Council meeting held on March 23, 2009, in the City Hall Council Chambers.

Mayor Randy Quiring called the meeting to order at 5:30 p.m. Council members Anderson, Clerc, Kallemeyn and Lucas were present. Council member Gorath was absent. Also in attendance: City Administrator Zarling, Assistant City Administrator Humpal, Finance Director Hoye, Public Works Director/City Engineer Nemmers, City Attorney Bloomquist, Police Chief Brolsma, and City Clerk Olson.

It was moved by Council member Lucas, seconded by Council member Clerc and carried to approve the minutes of the March 9, 2009, City Council meeting as presented.

The following comment(s) were received by the Council during Open Discussion:

- Police Chief Brolsma provided an update on the following items:
 1. Police Department website: www.fairmontpolice.org
 2. Encouraged citizens to sign up on the police website for "Amber Alerts"
 3. Encourage citizens to sign up on the police website for "Crime Alerts"
 4. Level III Sex Offender Community Notification Meeting, March 25, 2009, at 6:00 p.m., at Martin County Library
 5. Fraud Prevention Seminar hosted by Fairmont Police Department, March 31, 2009, 6:00 p.m., at Knights of Columbus Hall
 6. Solicited assistance from citizens to identify the person(s) involved in the assault of a delivery person.
- Jim Hardt, 927 South Prairie Avenue, spoke in opposition to the construction of a new municipal liquor store.

Bonnie Taplin, representing the Interlaken Heritage Days Committee, made a presentation to the City Council in regard to events planned for this year's festival. A motion was made by Council member Lucas, seconded by Council member Clerc and carried to approve a \$5,000 donation to Interlaken Heritage Days.

The Fairmont Safety Council recommended the City Council eliminate the two parking stalls immediately north of the north exit from the Law Enforcement Center. Representatives from the Chubb House were present and defended the need for the two stalls. A motion was made by Council member Clerc, seconded by Council member Anderson and carried to allow the two parking spaces to remain available for parking and to sign them both for "Compact Cars Only".

The Park Board recommended to the City Council the City begin an Adopt-a-Park program encouraging citizens and local organizations to help maintain the following parks: Citizens Park, Wards Park, Lincoln Park, Veterans Park, and Amber Lake/Christiansen Park. Spencer Meadows, a member of Boy Scout Troop #57, addressed the Council to volunteer to help maintain Ward park as a project to earn his

Eagle Scout badge. A motion was made by Council member Lucas, seconded by Council member Kallemeyn and carried to authorize the Adopt-a-Park program for the City.

Council members were informed of the annual Board of Equalization meeting scheduled for Wednesday, April 29, 2009, at City Hall, beginning at 9:00 a.m.

Police Chief Broolsma introduced a Joint Powers Agreement with the City of Saint Paul and the Minnesota Internet Crimes Against Children Task Force, funded by the U.S. Federal Office of Juvenile Justice. A motion was made by Council member Anderson, seconded by Council member Kallemeyn and carried to authorize entry into this Joint Powers Agreement with the City of St. Paul and the Minnesota Internet Crimes Against Children Task Force.

City Administrator Zarling provided the City Council with background concerning activities of the Trunk Highway #15 Coalition. Council member Lucas introduced and moved for the adoption of **Resolution No. 2009-13**, a resolution of support for safety and capacity improvements along Trunk Highway 15 from St. Cloud to Fairmont. Council member Clerc seconded the motion for its adoption. On roll call: Kallemeyn, Lucas, Anderson and Clerc all voted aye. No one voted nay. Mayor Quiring declared said resolution to have received the affirmative vote of the Council and he then declared the same to have been duly passed, approved and adopted.

A motion was made by Council member Lucas, seconded by Council member Anderson and carried to approve payment of the March, 2009, bills in the amount of \$673,933.23.

A motion was made by Council member Lucas, seconded by Council member Clerc and carried to adjourn the meeting at 6:10 p.m.

ATTEST:

Mayor

City Clerk

MEETING DATE: April 13, 2009 SCHEDULED TIME: _____

SUBJECT: Open Discussion

REVIEWED BY: Jim Zarling, City Administrator 

SUBJECT INITIATION:

| | | | | | | | | | | | |
|--------------------------|-------------|--------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|---------------|--------------------------|--------------|
| <input type="checkbox"/> | By Petition | <input type="checkbox"/> | By Board | <input type="checkbox"/> | By Staff | <input type="checkbox"/> | By Council | <input type="checkbox"/> | By Commission | <input type="checkbox"/> | By Committee |
|--------------------------|-------------|--------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|---------------|--------------------------|--------------|

SUBJECT BACKGROUND: _____
 INTRODUCED BY: Mayor Randy Quiring
 COUNCIL LIAISON: _____

TYPE OF ACTION:

| | | | | | |
|--------------------------|---|--------------------------|---------------------------------------|-------------------------------------|------------------|
| <input type="checkbox"/> | Motion (Voice Vote) | <input type="checkbox"/> | Resolution (Roll call) | <input type="checkbox"/> | Discussion |
| <input type="checkbox"/> | Ordinance 1st Reading (Introduction Only) | <input type="checkbox"/> | Set Public Hearing (Motion) | <input checked="" type="checkbox"/> | Information Only |
| <input type="checkbox"/> | Ordinance 2nd Reading (Roll call) | <input type="checkbox"/> | Hold public hearing (Motion to close) | <input type="checkbox"/> | Budget Amendment |

RECOMMENDED ACTION BY:

| | | | | | | | |
|--------------------------|------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|
| <input type="checkbox"/> | City Staff | <input type="checkbox"/> | Board | <input type="checkbox"/> | Commission | <input type="checkbox"/> | Committee |
|--------------------------|------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|

| | | | | | | | |
|--------------------------|----------|--------------------------|-----------|--------------------------|------------------|--------------------------|-------------------|
| <input type="checkbox"/> | Issuance | <input type="checkbox"/> | Approval | <input type="checkbox"/> | Authorization | <input type="checkbox"/> | No Recommendation |
| <input type="checkbox"/> | Denial | <input type="checkbox"/> | Rejection | <input type="checkbox"/> | No Action Needed | <input type="checkbox"/> | |

STATEMENT: PRIOR TO REGULAR BUSINESS, IS THERE ANY OPEN DISCUSSION?

MOTION:

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. _____
2. _____
3. _____

 Council Action: _____ DATE: _____

MEETING DATE: April 13, 2009 SCHEDULED TIME: _____

SUBJECT: MS-4 Annual Meeting; Municipal Separate Storm Sewer System

REVIEWED BY: Jim Zarling, City Administrator *JZ*

SUBJECT INITIATION:

| | | | | | | | | | | | | | | | | |
|--------------------------|-------------|--------------------------|----------|-------------------------------------|---|--------------------------|----------|--------------------------|--------------------------|------------|--------------------------|--------------------------|---------------|--------------------------|--------------------------|--------------|
| <input type="checkbox"/> | By Petition | <input type="checkbox"/> | By Board | <input checked="" type="checkbox"/> | X | <input type="checkbox"/> | By Staff | <input type="checkbox"/> | <input type="checkbox"/> | By Council | <input type="checkbox"/> | <input type="checkbox"/> | By Commission | <input type="checkbox"/> | <input type="checkbox"/> | By Committee |
|--------------------------|-------------|--------------------------|----------|-------------------------------------|---|--------------------------|----------|--------------------------|--------------------------|------------|--------------------------|--------------------------|---------------|--------------------------|--------------------------|--------------|

SUBJECT BACKGROUND: Mike Humpal, CEcD, Asst. City Administrator
 INTRODUCED BY: Jim Zarling, City Administrator
 COUNCIL LIAISON: _____

TYPE OF ACTION:

| | | | | | |
|--------------------------|---|--------------------------|---------------------------------------|-------------------------------------|--------------------|
| <input type="checkbox"/> | Motion (Voice Vote) | <input type="checkbox"/> | Resolution (Roll call) | <input type="checkbox"/> | Discussion |
| <input type="checkbox"/> | Ordinance 1st Reading (Introduction Only) | <input type="checkbox"/> | Set Public Hearing (Motion) | <input checked="" type="checkbox"/> | X Information Only |
| <input type="checkbox"/> | Ordinance 2nd Reading (Roll call) | <input type="checkbox"/> | Hold public hearing (Motion to close) | <input type="checkbox"/> | Budget Amendment |

RECOMMENDED ACTION BY:

| | | | | | | | |
|-------------------------------------|--------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|
| <input checked="" type="checkbox"/> | X City Staff | <input type="checkbox"/> | Board | <input type="checkbox"/> | Commission | <input type="checkbox"/> | Committee |
|-------------------------------------|--------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|

| | | | | | | | |
|--------------------------|----------|--------------------------|-----------|-------------------------------------|--------------------|--------------------------|-------------------|
| <input type="checkbox"/> | Issuance | <input type="checkbox"/> | Approval | <input type="checkbox"/> | Authorization | <input type="checkbox"/> | No Recommendation |
| <input type="checkbox"/> | Denial | <input type="checkbox"/> | Rejection | <input checked="" type="checkbox"/> | X No Action Needed | <input type="checkbox"/> | |

STATEMENT: City staff will make a brief presentation on the status of MS-4 requirements and summarize activities completed in 2008 based on the City's Storm Water Pollution Prevention Plan (SWPPP).

MOTION:

VOTE REQUIRED:


ATTACHMENTS:

1. _____
2. _____
3. _____

 Council Action: _____ DATE: _____

MEETING DATE: April 13, 2009 SCHEDULED TIME: _____

SUBJECT: TAP Enterprises - Transient Merchant License

REVIEWED BY: Jim Zarling, City Administrator 

SUBJECT INITIATION:

| | | | | | | | | | | | |
|--------------------------|-------------|--------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|---------------|--------------------------|--------------|
| <input type="checkbox"/> | By Petition | <input type="checkbox"/> | By Board | <input type="checkbox"/> | By Staff | <input type="checkbox"/> | By Council | <input type="checkbox"/> | By Commission | <input type="checkbox"/> | By Committee |
|--------------------------|-------------|--------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|---------------|--------------------------|--------------|

SUBJECT BACKGROUND: Jim Zarling, City Administrator

INTRODUCED BY: Jim Zarling, City Administrator

COUNCIL LIAISON: _____

TYPE OF ACTION:

| | | | | | |
|-------------------------------------|---|--------------------------|---------------------------------------|--------------------------|------------------|
| <input checked="" type="checkbox"/> | Motion (Voice Vote) | <input type="checkbox"/> | Resolution (Roll call) | <input type="checkbox"/> | Discussion |
| <input type="checkbox"/> | Ordinance 1st Reading (Introduction Only) | <input type="checkbox"/> | Set Public Hearing (Motion) | <input type="checkbox"/> | Information Only |
| <input type="checkbox"/> | Ordinance 2nd Reading (Roll call) | <input type="checkbox"/> | Hold public hearing (Motion to close) | <input type="checkbox"/> | Budget Amendment |

RECOMMENDED ACTION BY:

| | | | | | | | |
|--------------------------|------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|
| <input type="checkbox"/> | City Staff | <input type="checkbox"/> | Board | <input type="checkbox"/> | Commission | <input type="checkbox"/> | Committee |
|--------------------------|------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|

| | | | | | | | |
|--------------------------|----------|-------------------------------------|-----------|--------------------------|------------------|--------------------------|-------------------|
| <input type="checkbox"/> | Issuance | <input checked="" type="checkbox"/> | Approval | <input type="checkbox"/> | Authorization | <input type="checkbox"/> | No Recommendation |
| <input type="checkbox"/> | Denial | <input type="checkbox"/> | Rejection | <input type="checkbox"/> | No Action Needed | <input type="checkbox"/> | |

STATEMENT: TAP Enterprises has applied for a license to hold a Tool and General Merchandise sale at the Holiday Inn on April 26 and 27, 2009. They have held sales in Fairmont for several years without any customer complaints.

MOTION: To approve the transient merchant license application for TAP Enterprises.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Application
2. _____
3. _____

Council Action: _____ **DATE:** _____

**CITY OF FAIRMONT
PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANT APPLICATION**

APPLICANT:

Jason Lee Norman 4/11/1984
FIRST NAME MIDDLE NAME LAST NAME DATE OF BIRTH

PERMANENT ADDRESS:
315 Lynual, Sikeston MO 63801 (913)592-2120
TELEPHONE NO.

TEMPORARY ADDRESS:
1200 Torgerson Drive (507)288-4771
TELEPHONE NO.

DRIVER'S LICENSE #: SD6222024 STATE: MO U.S. CITIZEN YES

NAME AND ADDRESS OF ORGANIZATION/COMPANY/BUSINESS YOU ARE REPRESENTING:
TAP Enterprises, Inc.
343 North Main Street, Fremont NE 68025-5057

PREVIOUS NAME AND ADDRESS OF ORGANIZATION/COMPANY/BUSINESS (LAST 10 YRS.)

LIST FULL NAMES AND DATE OF BIRTH OF PRINCIPAL OFFICERS/MANAGERS AND ADDRESS IF APPLICANT IS NOT AN INDIVIDUAL:
Robert L Cummins 8/02/1951
650 N Lincoln Street, Spring Hill KS 66083

METHOD OF SALE:

- _____ 1. Peddler. Resident or non-resident who goes house to house, place to place, street to street conveying or transporting goods, wares or merchandise for sale. (Milk, bakery, grocery vendors on established routes are exempt)
- _____ 2. Solicitor. Resident or non-resident who goes from house to house, place to place, street to street taking orders for merchandise or services for future delivery. Also includes taking orders from any building, motor vehicle, hotel room, etc. May or may not display samples. Includes soliciting for charitable, religious, patriotic or philanthropic purposes.
- X 3. Transient Merchant. Resident or non-resident who engages in temporary selling of merchandise from any structure, motor vehicle, etc.

copy

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GOODS TO BE SOLD: Tools and General Merchandise

LOCATION OF SALE IF FROM STATIONARY LOCATION: Holiday Inn

MINNESOTA TAX ID#: 2352126

IF SOLICITING FUNDS, HOW WILL RECEIPTS BE USED: _____

DATES OF SALE/SOLICITATION: April 26 + 27, 2009 11am-7pm

LICENSE REQUIRED: _____ TEMPORARY _____ ANNUAL

HAVE YOU EVER BEEN CONVICTED OF A FELONY OR MISDEMEANOR (EXCLUDING TRAFFIC)? IF YES, LIST DATE, PLACE AND NATURE OF OFFENSE: _____

LIST 1-3 MUNICIPALITIES WHERE YOU RECENTLY CONDUCTED BUSINESS:
Marshalltown IA Charles City IA Wells MN

_____, Applicant, being duly sworn on oath that I am the person who made and signed the foregoing application, have read said application and know the contents thereof and that the same is true of my own knowledge.

Aaron Norman 4-06-09
APPLICANT'S SIGNATURE DATE

=====

APPLICATION FEE: \$ _____ DATE: _____

LICENSE FEE: \$ _____ DATE: _____

CITY CLERK DATE

Investigation has been conducted by the Fairmont Police Department.

COMMENTS: _____

CHIEF OF POLICE DATE

COMMITTEE APPROVAL: _____

CITY COUNCIL APPROVAL: _____

MEETING DATE: April 13, 2009 SCHEDULED TIME: _____

SUBJECT: Agricultural Leases

REVIEWED BY: Jim Zarling, City Administrator *JZ*

SUBJECT INITIATION:

| | | | | | | | | | | | |
|--------------------------|-------------|--------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|---------------|--------------------------|--------------|
| <input type="checkbox"/> | By Petition | <input type="checkbox"/> | By Board | <input type="checkbox"/> | By Staff | <input type="checkbox"/> | By Council | <input type="checkbox"/> | By Commission | <input type="checkbox"/> | By Committee |
|--------------------------|-------------|--------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|---------------|--------------------------|--------------|

SUBJECT BACKGROUND: Jim Zarling, City Administrator

INTRODUCED BY: Jim Zarling, City Administrator

COUNCIL LIAISON: _____

TYPE OF ACTION:

| | | | | | |
|--------------------------|---|-------------------------------------|---------------------------------------|--------------------------|------------------|
| <input type="checkbox"/> | Motion (Voice Vote) | <input checked="" type="checkbox"/> | Resolution (Roll call) | <input type="checkbox"/> | Discussion |
| <input type="checkbox"/> | Ordinance 1st Reading (Introduction Only) | <input type="checkbox"/> | Set Public Hearing (Motion) | <input type="checkbox"/> | Information Only |
| <input type="checkbox"/> | Ordinance 2nd Reading (Roll call) | <input type="checkbox"/> | Hold public hearing (Motion to close) | <input type="checkbox"/> | Budget Amendment |

RECOMMENDED ACTION BY:

| | | | | | | | |
|-------------------------------------|------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|
| <input checked="" type="checkbox"/> | City Staff | <input type="checkbox"/> | Board | <input type="checkbox"/> | Commission | <input type="checkbox"/> | Committee |
|-------------------------------------|------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|

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|--------------------------|----------|-------------------------------------|-----------|--------------------------|------------------|--------------------------|-------------------|
| <input type="checkbox"/> | Issuance | <input checked="" type="checkbox"/> | Approval | <input type="checkbox"/> | Authorization | <input type="checkbox"/> | No Recommendation |
| <input type="checkbox"/> | Denial | <input type="checkbox"/> | Rejection | <input type="checkbox"/> | No Action Needed | <input type="checkbox"/> | |

STATEMENT: The farm land owned by the City is to be rented by the same people again this year. The rental amounts are the same this year as last year and range from \$60.00 per acre to \$150.00 per acre.

MOTION: To adopt Resolution No. 2009-14 approving all agricultural leases for the year 2009.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2009-14
2. Schedule of Payments
3. _____

Council Action: _____ **DATE:** _____

**AGRICULTURAL LEASES
2009-2010**

SCHEDULE OF PAYMENTS

| | |
|--|------------------------|
| . A. L. & C. E. Ward, Inc. (Ron Kopischke) - Airport | |
| 20 acres @ \$110.00 per acre = | \$ 2,200.00 |
| (\$1,100.00 due May 15, 2009) | |
| (\$1,100.00 due November 17, 2009) | |
| . Donald N. Spee - Airport | |
| 13.5 acres @ \$125.00 per acre = | \$ 1,687.50 |
| (\$843.75 due May 15, 2009) | |
| (\$843.75 due November 17, 2009) | |
| . Lunz Farms - Airport | |
| 44.9 acres @ \$125.00 per acre = | \$ 5,612.50 |
| (\$2,806.25 due May 15, 2009) | |
| (\$2,806.25 due November 17, 2009) | |
| . Tim Maschoff - Airport | |
| 209 acres @ \$110.00 per acre = | \$22,990.00 |
| (\$11,495 due May 15, 2009) | |
| (\$11,495 due November 17, 2009) | |
| . Charles Bremer | |
| 91.5 acres @ \$150.00 per acre (Cedar) | \$13,725.00 |
| 38.5 acres @ \$115.00 per acre (Day) | 4,427.50 |
| 36.5 acres @ \$115.00 per acre (Day) | 4,197.50 |
| (\$22,350.00 due no later than January 15, 2010) | <u>\$22,350.00</u> |
| . Dick Gerhardt and Diane Gerhardt | |
| 140 acres @ \$60.00 per acre (dredge fill site) | \$8,400.00 |
| (\$4,200.00 due May 15, 2009) | |
| (\$4,200.00 due November 17, 2009) | |
| TOTAL FOR 2009 | <u>\$63,240.00</u> |

RESOLUTION NO. 2009-14

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

WHEREAS, the City of Fairmont owns 209 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 10, 11 and 15, Township 102N, Range 30W, commonly known as airport parcels B, C, D, D-1, F, K, L, L-1, N and N-1; and;

WHEREAS, Mr. Tim Maschoff has indicated his intent to rent by signing a one-year lease for 209 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 10, 11 and 15, Township 102N, Range 30W, commonly known as airport parcels B and M; and;

WHEREAS, the City of Fairmont owns 44.9 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 14, Township 102N, Range 30W, commonly known as airport parcels G and H; and;

WHEREAS, Lunz Farms, Inc. have indicated their intent to rent by signing a one-year lease for 44.9 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 14, Township 102N, Range 30W, commonly known as airport parcels G and H; and,

WHEREAS, the City of Fairmont owns 20 tillable acres, more or less, located in the County of Martin, State of Minnesota, Sections 9, 10 and 11, Township 102N, Range 30W, commonly known as airport parcels A and E; and;

WHEREAS, A. L. & C. E. Ward, Inc. have indicated their intent to rent by signing a one-year lease for 20 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 9, 10 and 11, Township 102N, Range 30W, commonly known as airport parcels A and E;

WHEREAS, the City of Fairmont owns 13.5 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 15, Township 102N, Range 30W, commonly known as airport parcel J.

WHEREAS, Mr. Donald N. Spee has indicated his intent to rent by signing a one-year lease for 13.5 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 15, Township 102N, Range 30W, commonly known as airport parcel J.

WHEREAS, the City of Fairmont owns 166.5 tillable acres, more or less, located in the County of Martin, State of Minnesota, Sections 7, 19 and 30, Township 102N, Range 30W, commonly known as Cedar Park and Day Farm agricultural acres; and;

WHEREAS, Charles Bremer has indicated his intent to rent by signing a one-year lease for 166.5 acres, more or less, located in the County of Martin, State of Minnesota, Section 7, 19 and 30, Township 102N, Range 30W, commonly known as Cedar Park and Day Farm agricultural acres; and

WHEREAS, the City of Fairmont owns 140 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 21, Township 102N, Range 30W, commonly known as dredge fill site; and,

WHEREAS, Dick Gerhardt and Diane Gerhardt have indicated their intent to rent by signing a one-year lease for 140 tillable acres, more or less, located in the County of Martin, State of Minnesota, Section 21, Township 102N, Range 30W, commonly known as the dredge fill site.

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

1. Said lease dated and signed by Tim Maschoff on or before May 15, 2009 for airport parcels B, C, D, D1, F, K, L, L-1, N and N-1 be executed by the Mayor for the City; and,
2. Said lease dated and signed by Richard Lunz for Lunz Farms, Inc. on or before May 15, 2009 for airport parcels G and H be executed by the Mayor for the City; and,
3. Said lease dated and signed by Ronald Kopischke, Treasurer for A. L. & C. E. Ward, Inc. on or before May 15, 2009, for airport parcels A and E be executed by the Mayor for the City.
4. Said lease dated and signed by Donald N. Spee on or before May 15, 2009, for airport parcels I, I-1 and J executed by the Mayor for the City.
5. Said lease dated and signed by Charles Bremer on or before May 15, 2009 for parcels located in what is commonly known as Cedar Park and Day Farm agricultural acres.
6. Said lease dated and signed by Dick Gerhardt and Diane Gerhardt on or before May 15, 2009 for parcels located in what is commonly known as the dredge fill site executed by the Mayor for the City.

Page 3
Resolution No. 2009-14

Motion by: Councilmember

Seconded by: Councilmember

All in favor: Councilmembers

Opposed:

Abstained:

ADOPTED by the Council this 13th day of April, 2009.

Mayor

(SEAL)

ATTEST: _____
City Clerk

#14.2

MEETING DATE: April 13, 2009 SCHEDULED TIME: _____

SUBJECT: Approve Plans and Specifications and Order Advertisement for Bids for 2009-A Improvement Project (Tilden Street and South Hampton Street Reconstruction Projects)

REVIEWED BY: Jim Zarling, City Administrator
 SUBJECT INITIATION: _____

| | | | | | | |
|--------------------------------------|-----------------------------------|---------------------------------------|-----------------------------------|-------------------------------------|--|---------------------------------------|
| <input type="checkbox"/> By Petition | <input type="checkbox"/> By Board | <input checked="" type="checkbox"/> X | <input type="checkbox"/> By Staff | <input type="checkbox"/> By Council | <input type="checkbox"/> By Commission | <input type="checkbox"/> By Committee |
|--------------------------------------|-----------------------------------|---------------------------------------|-----------------------------------|-------------------------------------|--|---------------------------------------|

SUBJECT BACKGROUND: Troy Nemmers, Public Works Director/City Engineer
 INTRODUCED BY: Jim Zarling, City Administrator
 COUNCIL LIAISON: _____

TYPE OF ACTION:

| | | | |
|--|---------------------------------------|--|---|
| <input type="checkbox"/> Motion (Voice Vote) | <input checked="" type="checkbox"/> X | <input type="checkbox"/> Resolution (Roll call) | <input type="checkbox"/> Discussion |
| <input type="checkbox"/> Ordinance 1st Reading (Introduction Only) | <input type="checkbox"/> | <input type="checkbox"/> Set Public Hearing (Motion) | <input type="checkbox"/> Information Only |
| <input type="checkbox"/> Ordinance 2nd Reading (Roll call) | <input type="checkbox"/> | <input type="checkbox"/> Hold public hearing (Motion to close) | <input type="checkbox"/> Budget Amendment |

RECOMMENDED ACTION BY:

| | | | | |
|---------------------------------------|-------------------------------------|--------------------------------|-------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> X | <input type="checkbox"/> City Staff | <input type="checkbox"/> Board | <input type="checkbox"/> Commission | <input type="checkbox"/> Committee |
|---------------------------------------|-------------------------------------|--------------------------------|-------------------------------------|------------------------------------|

| | | | | | |
|--------------------------|-----------------------------------|---------------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> | <input type="checkbox"/> Issuance | <input checked="" type="checkbox"/> X | <input type="checkbox"/> Approval | <input type="checkbox"/> Authorization | <input type="checkbox"/> No Recommendation |
| <input type="checkbox"/> | <input type="checkbox"/> Denial | <input type="checkbox"/> | <input type="checkbox"/> Rejection | <input type="checkbox"/> No Action Needed | <input type="checkbox"/> |

STATEMENT: The plans and specifications for the 2009-A Improvement Project (Tilden Street, from Albion Avenue to Prairie Avenue; and South Hampton, from Tilden Street to Victoria Street) are ready. The Council must pass a resolution authorizing the publication of the project.

MOTION: To adopt Resolution No. 2009-15, approving plans and specifications and ordering advertisement for bids for 2009-A Improvement Project.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2009-15
2. _____
3. _____

Council Action: _____ **DATE:** _____

RESOLUTION NO. 2009-15

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

2009-A IMPROVEMENT CONTRACT
CITY PROJECT NOS. 09001 and 09002

WHEREAS, pursuant to a resolution passed by the Council on February 23, 2009, the City Engineer arranged for the preparation of Plans and Specifications for the improvement of:

RECONSTRUCTION

09001

Tilden Street, from East Side of Albion Avenue to West Side
Prairie Avenue
South Hampton Street, from South Side of Tilden Street to South
Side of Victoria Street

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

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

1. Such Plans and Specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper, and in the Construction Bulletin if the estimated construction cost exceeds \$100,000, an advertisement for bids upon the making of such improvement under such approved Plans and Specifications. The advertisement shall be published for one day, shall specify the work to be done and shall state that bids will be opened at 10:00 a.m., on May 11, 2009. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the clerk and accompanied by a bid bond or certified check payable to the Clerk for five (5) percent of the amount of such bid. The bids will be tabulated at that time and will be considered by the City Council at a regular scheduled meeting to be held after review by the City Engineer of the lowest

RESOLUTION NO. 2009-15

responsible responsive bidder's bid documents.

Motion by:

Seconded by:

All in favor:

Opposed:

Abstained:

ADOPTED by the Council this 13th day of April, 2009.

Mayor

ATTEST:

City Clerk

(SEAL)

#14.3

MEETING DATE: April 13, 2009 SCHEDULED TIME: _____

SUBJECT: Resolution of Need
 REVIEWED BY: Jim Zarling, City Administrator
 SUBJECT INITIATION: _____

| | | | | | |
|--------------------------------------|-----------------------------------|-----------------------------------|-------------------------------------|--|---------------------------------------|
| <input type="checkbox"/> By Petition | <input type="checkbox"/> By Board | <input type="checkbox"/> By Staff | <input type="checkbox"/> By Council | <input type="checkbox"/> By Commission | <input type="checkbox"/> By Committee |
|--------------------------------------|-----------------------------------|-----------------------------------|-------------------------------------|--|---------------------------------------|

SUBJECT BACKGROUND: Jim Zarling, City Administrator
 INTRODUCED BY: Jim Zarling, City Administrator
 COUNCIL LIAISON: _____

TYPE OF ACTION:

| | | |
|--|--|---|
| <input type="checkbox"/> Motion (Voice Vote) | <input checked="" type="checkbox"/> Resolution (Roll call) | <input type="checkbox"/> Discussion |
| <input type="checkbox"/> Ordinance 1st Reading (Introduction Only) | <input type="checkbox"/> Set Public Hearing (Motion) | <input type="checkbox"/> Information Only |
| <input type="checkbox"/> Ordinance 2nd Reading (Roll call) | <input type="checkbox"/> Hold public hearing (Motion to close) | <input type="checkbox"/> Budget Amendment |

RECOMMENDED ACTION BY:

| | | | |
|--|--------------------------------|-------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> City Staff | <input type="checkbox"/> Board | <input type="checkbox"/> Commission | <input type="checkbox"/> Committee |
|--|--------------------------------|-------------------------------------|------------------------------------|

| | | | |
|-----------------------------------|--|---|--|
| <input type="checkbox"/> Issuance | <input checked="" type="checkbox"/> Approval | <input type="checkbox"/> Authorization | <input type="checkbox"/> No Recommendation |
| <input type="checkbox"/> Denial | <input type="checkbox"/> Rejection | <input type="checkbox"/> No Action Needed | |

STATEMENT: The final paper work is being assembled to finalize the ownership transfer of the Central School building to the City of Fairmont. A "Resolution of Need" from the Council is one of the requirements.

MOTION: To adopt Resolution No. 2009-16, Resolution of Need.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2009-16
2. _____
3. _____

Council Action: _____ **DATE:** _____

STATE OF MINNESOTA)

COUNTY OF MARTIN)

CITY OF FAIRMONT)

RESOLUTION NO. 2009-16

RESOLUTION OF NEED

WHEREAS, Independent School District No. 2752 has determined the Central School building is no longer needed for school purposes; and

WHEREAS, the Fairmont City Council has determined that post secondary education availability in the City of Fairmont is an integral part of the community's economic development strategy and an important quality of life issue for its citizens; and

WHEREAS, the former Central School building is an ideal facility in which to provide post secondary education offerings.

NOW, THEREFORE, BE IT RESOLVED, the Fairmont City Council hereby determines the former Central School building is needed to provide the community of Fairmont with post secondary educational opportunities in the City of Fairmont.

PASSED, APPROVED AND ADOPTED this 13th day of April, 2009.

Mayor Randy J. Quiring

ATTEST:

City Clerk

CITY OF FAIRMONT ----- AGENDA ITEM CONTROL SHEET -----AGENDA ITEM NO. #14.4

MEETING DATE: April 13, 2009 SCHEDULED TIME: _____

SUBJECT: Roof Replacement at City Hall
 REVIEWED BY: Jim Zarling, City Administrator *JZ*
 SUBJECT INITIATION: _____

| | | | | | |
|-------------|----------|----------|------------|---------------|--------------|
| By Petition | By Board | By Staff | By Council | By Commission | By Committee |
|-------------|----------|----------|------------|---------------|--------------|

SUBJECT BACKGROUND: Jim Zarling, City Administrator
 INTRODUCED BY: Jim Zarling, City Administrator
 COUNCIL LIAISON: _____

TYPE OF ACTION:

| | | | |
|---|---|---------------------------------------|------------------|
| X | Motion (Voice Vote) | Resolution (Roll call) | Discussion |
| | Ordinance 1st Reading (Introduction Only) | Set Public Hearing (Motion) | Information Only |
| | Ordinance 2nd Reading (Roll call) | Hold public hearing (Motion to close) | Budget Amendment |

RECOMMENDED ACTION BY:

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

| | | | | | |
|--|----------|---|-----------|------------------|-------------------|
| | Issuance | X | Approval | Authorization | No Recommendation |
| | Denial | | Rejection | No Action Needed | |

STATEMENT: The roof condition on the City Hall building has continued to deteriorate. Bids have been received to replace the roof on the upper area of the building. Three bids were received: Patton Roofing (\$26,419); Schwickerts of Mankato (\$26,660); Laraway Roofing (\$30,150). Staff recommends the Council accept the low bid from Patton Roofing.

MOTION: To accept the bid of \$26,419 for roof replacement from Patton Roofing.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Bidders List
2. _____
3. _____

Council Action: _____ **DATE:** _____

BIDDER'S LIST

Upper Roof for Fairmont City Hall

| BIDDERS NAME | AMOUNT BID | BID SECURITY |
|--------------|------------|--------------|
|--------------|------------|--------------|

Kato Roofing

Laraway Roofing
P.O. Box 72
New Ulm, MN 56073

\$ 30,150.00

✓

Patton Roofing, Co.
31514 170th St.
Huntley, MN 56047

\$ 26,419.00

✓

Schwickerts of Mankato, Inc.
221 Minnesota St.
Mankato, MN 56002

\$ 26,660.00

✓

#14.5

MEETING DATE: April 13, 2009 SCHEDULED TIME: _____

SUBJECT: COPS Hiring Recovery Program
 REVIEWED BY: Jim Zarling, City Administrator
 SUBJECT INITIATION: _____

| | | | | | | | | | | | |
|-------------|-------------------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|---------------|--------------------------|--------------|--------------------------|
| By Petition | <input checked="" type="checkbox"/> | By Board | <input type="checkbox"/> | By Staff | <input type="checkbox"/> | By Council | <input type="checkbox"/> | By Commission | <input type="checkbox"/> | By Committee | <input type="checkbox"/> |
|-------------|-------------------------------------|----------|--------------------------|----------|--------------------------|------------|--------------------------|---------------|--------------------------|--------------|--------------------------|

SUBJECT BACKGROUND: Police Chief Greg Broisma
 INTRODUCED BY: Troy Nemmers, Public Works Director
 COUNCIL LIAISON: _____

TYPE OF ACTION:

| | | | | | |
|---|-------------------------------------|---------------------------------------|--------------------------|------------------|--------------------------|
| Motion (Voice Vote) | <input checked="" type="checkbox"/> | Resolution (Roll call) | <input type="checkbox"/> | Discussion | <input type="checkbox"/> |
| Ordinance 1st Reading (Introduction Only) | <input type="checkbox"/> | Set Public Hearing (Motion) | <input type="checkbox"/> | Information Only | <input type="checkbox"/> |
| Ordinance 2nd Reading (Roll call) | <input type="checkbox"/> | Hold public hearing (Motion to close) | <input type="checkbox"/> | Budget Amendment | <input type="checkbox"/> |

RECOMMENDED ACTION BY:

| | | | | | | | |
|-------------------------------------|------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|
| <input checked="" type="checkbox"/> | City Staff | <input type="checkbox"/> | Board | <input type="checkbox"/> | Commission | <input type="checkbox"/> | Committee |
|-------------------------------------|------------|--------------------------|-------|--------------------------|------------|--------------------------|-----------|

| | | | | | | | |
|----------|-------------------------------------|-----------|--------------------------|------------------|--------------------------|-------------------|--------------------------|
| Issuance | <input checked="" type="checkbox"/> | Approval | <input type="checkbox"/> | Authorization | <input type="checkbox"/> | No Recommendation | <input type="checkbox"/> |
| Denial | <input type="checkbox"/> | Rejection | <input type="checkbox"/> | No Action Needed | <input type="checkbox"/> | | <input type="checkbox"/> |

STATEMENT: One of the budget cuts expected by the Fairmont Area School Board is funding for the School Resource Officer. The School currently covers 50% of the cost for this officer. With the currently expected cuts in Local Government Aid, the City will not be in a position to fund this position on its own. The Federal Department of Justice has a program in place that would keep officers in place. We are asking approval to apply for a grant that would allow us to keep this important position in place. The conditions of the grant would provide funds for three years; the City would agree to provide full funding in the fourth year.

MOTION: To adopt Resolution No. 2009-17, authorizing a grant submittal.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2009-17
2. _____
3. _____

Council Action: _____ **DATE:** _____

RESOLUTION NO. 2009-17

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

WHEREAS, the City of Fairmont is applying to the Department of Justice under the "COPS Hiring Recovery Program"; and

WHEREAS, the Department of Justice requires specific approval by the Council to submit the grant application.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Fairmont City Council authorizes the submission of the application and authorizes the Chief of Police and the City Finance Director to sign the Assurances section on behalf of the City.

Motion by:

Seconded by:

All in favor:

Opposed:

Abstained:

PASSED, APPROVED AND ADOPTED, this 13th day of April, 2009.

Randy J. Quiring, Mayor

ATTEST:

Susan K. Olson, City Clerk

MINUTES OF THE FAIRMONT PLANNING COMMISSION

Special Meeting

March 31, 2009

5:30 p.m. – Fairmont City Hall Council Chambers

Members present: Tom Hawkins, Reed Gethmann, David Krusemark, Chuck Groth, and Terry Maakestad

Members absent: Gary Hoehn

Others present: City Councilor Anderson; City staff: Mike Humpal, Elizabeth Bloomquist, Randy Musser and Leanne Zarling

Chairman Groth called the meeting to order at 5:31 p.m.

Minutes: The minutes of the March 3, 2009 meeting were approved as presented on a motion by Krusemark, seconded by Gethmann and carried.

Public Hearings:

- A) Mike Humpal reviewed the request for a code amendment by Gerard along with staff's comments. The requested code amendment is to allow day care centers as a conditional use permit in an I-1 Light Industrial District. It should be noted that dormitories were removed from the initial request. Humpal pointed out on the current land use map the zoning districts where day cares are allowed. He stated that all day care centers require a conditional use permit in the community. Humpal went on to explain the purpose of land use planning; it groups compatible/like uses to avoid conflicts. Humpal reviewed the allowable and conditional uses in an I-1 district and noted the addition of correctional or rehabilitation centers such as detention centers, jails, chemical dependency treatment facilities and similar uses, but not including state-licensed group homes. Humpal gave the definition from the zoning code for day care, "a service provided to the public, in which six or more children of school or preschool age are cared for during established business hours. No overnight facilities are provided. The children are delivered and removed daily." Nothing in the definition is consistent with anything described as a permitted use in an I-district. Humpal reviewed allowable uses in the districts where day cares are permitted as conditional uses and none of these uses are allowed in an I-1 district due to compatibility issues. Humpal proceed with information on cases where building existed but interested parties' use was not allowed in that zone and code amendments were not made. Humpal reviewed the purpose of the zoning code: protect public health safety general welfare, promoting orderly development, providing compatibility of different land uses. Staff does not support day care centers in industrial district and recommends that the Planning Commission deny the request as brought forth.

Gethmann questioned if funds for the airport were in jeopardy if the request was granted? Humpal responded saying that the airport issues are secondary to a code amendment and if the code amendment was granted the variance to the airport issues would come before the Board of Appeals.

Chairman Groth opened the public hearing at 5:40 p.m. Mark Manderfeld, Attorney for Gerard the owner of the property addressed the Commission sharing the background of their purchase of the property, unsuccessful operation of a detention center and the inability to sell the property which has been on the market since 2002. Gerard has been working with Stepping Stones on a lease/possible purchase agreement. Mr. Manderfeld noted that his information shows the property is zoned I-2. He explained that their position while a day care would not be compatible in a factory a day care center is compatible with industries providing close proximity for employees and their children. Mr. Manderfeld saw no difference between day care centers and the juvenile resource center use. The City has determined the use for young people; the children at the day care would spend less time at the facility than the JRC. Concerning the public health safety – the nine acre parcel is on the edge of town; it should allow for orderly development since the building exists and is on the edge of town; not in a polluted area; the traffic is significantly less, drop off and pick up is safer on this site than in residential areas; the airport density allowance of 15 persons/acre would allow over 100 persons; the site is 36 times larger than the requirement for day care centers and 9 times larger than required for an industrial site. It is a self buffering site. Mr. Manderfeld referred to the survey City staff completed noted that there were cities that allow day care centers in industrial zones. Any incompatibility issues could be addressed in the conditional use permit with special conditions. Mr. Manderfeld closed stating Stepping Stones is providing a worthwhile service compatible with the existing uses in the district and requested that the Planning Commission grant the code amendment presented.

Nick Graham, Chairman of the Stepping Stones Board of Directors briefed the Commission on the request. Stepping Stones was notified by the School District that they would need to vacate Lincoln School during construction. Stepping Stones is unable to accept additional children at the Lincoln School site and is maintaining a waiting list. The Board took this opportunity to look at other options and look for a permanent facility. The Board started discussions with Gerard on a lease/purchase agreement. Mr. Graham stated he met with City staff and was informed that a day care center was not a conforming use. Stepping Stones employees 20 people; 80 families currently bring their children. Stepping Stones is the only operating day care center in Fairmont. To lose this service would have a huge negative affect on the community. Mr. Graham reference other communities like Jackson that have day care centers built in the industrial zones in the last 10 years. Mr. Graham asked for accommodation since the facility exists; to leave it sitting idle would be wrong. He referenced that the traffic would be less than they deal with at Lincoln School and safer since the drop off/pick up area is off the public right of way. Mr. Graham requested that the Commission recommend to the City Council the code amendment. Mr. Graham went on to respond to Gethmann's question about airport funding – currently the runway length is 5500' their facility would be within the density requirements; but the City in long range planning to lengthen the runway to 6,900 feet which now they are operating under the guidelines requirements for the longer runway.

Kari Juhlin, 703 Adams Avenue offered her support for Stepping Stones and the interest in the relocation. The facility offers much needed room. She stated that not only is it a day care center but a learning center for the children.

Katy Olson, 664 160th Street, Sherburn, MN offered her support of the Stepping Stones request; noted that it is an excellent program for assisting children to develop and 1100 Indus Street would be an ideal site.

Ellen Spitzer, 1418 N. North Avenue spoke in support of Stepping Stones and the quality of the day care/learning center. The 1100 Indus Street site with the 9 acres; the building/facility are amazing. She noted that the traffic would be less of an issue.

Shirley Pooley, 1911 Knollwood Drive, former board member stated she supports the request and is excited to see the program grow. The owner of the building is willing to work with Stepping Stones. Pooley expressed that the City should be supportive and not stand in the way.

Chairman Groth asked if there was any further comment from the public, repeating the request four times. Hearing none Hawkins made the motion to close the public hearing at 6:08 p.m. The motion was seconded by Krusemark and carried. Chairman Groth asked for discussion from the Commission.

Gethmann stated that he is supportive of the Stepping Stones program and that it is an assist. Gethmann felt that just because the JRC use was approved in the past; this Commission needs to vote based on the issues at hand now.

Hawkins praised the efforts of Stepping Stones. He stated that he would not be supporting the request. Hawkins explained the knowledge he gained serving on the Comprehensive Plan Review Committee and the purpose of the Comp Plan and Land Use Map. Hawkins explained why he felt the facility existed at all at the location with a background of a city councilor also being on the Board of JRC. It was a political decision; they provided a very narrow definition of use for the facility. The Commission does not want to continue to set a wrong precedent; while it may be the perfect building it is not in the right place. The Commission needs to keep true to the land uses. Hawkins felt it an issue to allow the day care with conditions and then neighboring uses that are not compatible could appeal the permit and then the Commission would be forced to address in the appropriate way. Hawkins stated that changing the City Code is a big deal. He encouraged Stepping Stones to work with the City in other ways, i.e. site selection, funding, etc.

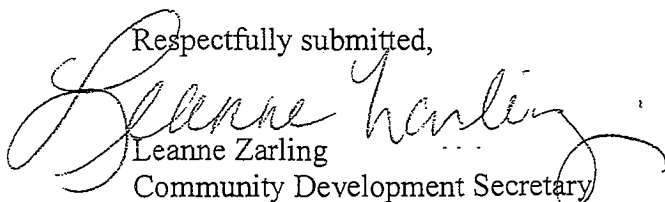
Krusemark supporting assisting Stepping Stones move by approving the request.

Councilor Anderson asked for clarification on Minnesota Statue 462.357, subd. 6 regarding undue hardship on existing building. City Attorney Bloomquist explained that this statute was in reference to variances for increase in height, bulk or density; it is not applicable to uses. Bloomquist went on to explain that this code amendment was not specific to just this building; it would allow day care centers in Industrial zones.

Chairman Groth made the motion to deny the code amendment request made by Gerard. The motion was seconded by Hawkins. On a roll call vote: Groth – yes; Hawkins – yes; Krusemark – no; Gethmann – yes; Maakestad – yes. The motion passed on a 4-1 vote.

There being no further business, a motion was made by Hawkins seconded by Gethmann to adjourn the meeting at 6:35 p.m.

Respectfully submitted,


Leanne Zarling
Community Development Secretary