

FAIRMONT CITY COUNCIL AGENDA

1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

MONDAY, FEBRUARY 10, 2014

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

2. ROLL CALL -

Mayor Quiring
Councilors:

Anderson
Askeland
Clerc
Kallemeyn
Rahm

3. DETERMINATION OF QUORUM -

4. PLEDGE OF ALLEGIANCE

5. READINGS OF MINUTES -

5.1 Minutes of Regular Meeting, January 27, 2014 (01)

6. OPEN DISCUSSION -

6.1 Open Discussion (02)

7. RECOGNITIONS/PRESENTATIONS -

- 7.1 Proclaim February 15, 2014 Hunger Awareness Day (3)
 - 7.1a Proclamation (4)
- 7.2 Proclaim February 17-21, 2014 School Board Recognition Week (5)
 - 7.2a Proclamation (6)
- 7.3 Introduction of Mike Beletti, new Fairmont Patrolman (7)

8. SCHEDULED HEARINGS -

- 8.1 Rental Housing Ordinance Public Hearing (8)
 - 8.1a Public Hearing Notice (9)
 - 8.1b Rental Housing Ordinance 2014-02 (10-17)

9. ADMINISTRATIVE APPEALS -

10. FINANCIAL REPORTS –

11. REPORTS OF BOARDS, COMMITTEES, AND DEPARTMENT HEADS –

12. LICENSES AND PERMITS –

13. OLD BUSINESS -

13.1 Lutz' Request for Demolition Assistance Funding (18)

13.1a City Council Minutes, 11/25/13 (19)

14. NEW BUSINESS –

14.1 Declare Council Chairs Excess Property (20)

14.2 Day Farm Tract Farm Lease Bids (21)

14.2a Bid tabulation (22)

14.3 2014 Improvement Program (23)

14.3a Resolution No. 2014-03 Ordering Preparation of Report (24-25)

14.4 2014 Improvement Program – Preliminary Report (26)

14.4a Resolution No. 2014-04 Receiving Report and Calling
For Public Hearing (27-28)

14.4b Summary Report – 2014 Improvement Program To be handed
out at meeting

15. REGULAR AND LIQUOR DISPENSARY BILLS –

16. STATUS REPORTS/ORAL

17. ADJOURNMENT –

ADDITIONAL ATTACHMENTS –

The minutes of the Fairmont City Council meeting held on January 27, 2014, at the City Hall Council Chambers.

Mayor Randy J. Quiring called the meeting to order at 5:30 p.m. Council members Terry Anderson, Chad Askeland, Wes Clerc, Joe Kallemeyn and Darin Rahm were present. Also in attendance: City Administrator Mike Humpal, City Attorney Elizabeth W. Bloomquist, Public Works Director/City Engineer Troy Nemmers, Finance Director Paul Hoyer, Police Chief Greg Broelsma and City Clerk Patricia Monsen.

It was moved by Council member Rahm, seconded by Council member Askeland and carried to approve the minutes of the regular City Council meeting of January 13, 2014.

During Open Discussion, Council member Anderson asked that for all future appointments to City Boards and Commissions, that the Mayor send out his recommendations a week or two in advance of them being placed on the council agenda. Council member Rahm also asked that each appointment be separate.

Mayor Quiring introduced a student reporter from the Photo Press, Jessie Stougaard.

Mayor Quiring proclaimed the week of February 7-14, 2014 as Congenital Heart Defect Awareness Week in the City of Fairmont. Rachel and Hailee Greeley were present and spoke about the topic.

A public hearing on the proposed Rental Housing Code **Ordinance 2014-02** is scheduled for February 10, 2014. A public forum to afford the public with an additional opportunity to comment on the ordinance was held. Steve Poetter, Russ Luedtke, Chuck Omvig, Neil Devries, Ida Wagner, Allen Struck, Doug Willner, Tony Scheff, Shawn Clow, Ken Krueger, Mike Foty, Tim McConnell, John Madsen, Sylvia Poetter all spoke in opposition of the ordinance. Ron Davison, Joe Brown, Steve Hawkins, Marty Krause spoke in support of the ordinance. The Council thanked everyone for coming and informed everyone that if they wanted to discuss the proposed ordinance further, they could contact them personally or by email.

Hoyer presented the second half 2013 investment report for the City.

The Housing and Redevelopment Authority asked for the City's help in purchasing a lot for the construction of a duplex. Council member Clerc made a motion to approve the purchase of 820 North Park Street on behalf of the HRA for \$7,000.00 that will be reimbursed by the HRA once the project is complete. Council member Anderson seconded the motion and the motion carried.

The bills for the month of January, 2014, were presented to the City Council for review. A motion was made by Council member Rahm, seconded by Council member Clerc and carried to approve payment of these bills in the amount of \$518,310.00.

A motion was made by Council member Rahm, seconded by Council member Askeland and carried to adjourn the meeting at 7:25 p.m.


Randy J. Quiring
Mayor

ATTEST:

Patricia J. Monsen, City Clerk

MEETING DATE: February 10, 2014

SUBJECT: Open Discussion

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND:

INTRODUCED BY: Mayor 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 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

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

STATEMENT: Prior to regular business, is there any open discussion?

MOTION: None

VOTE REQUIRED:

ATTACHMENTS:


1. _____
2. _____
3. _____

Council Action: _____ Date: _____

CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 7.1

MEETING DATE: February 10, 2014

SUBJECT: Proclaim February 15, 2014 Hunger Awareness Day

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mayor Randy J. 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 1 st Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 nd Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

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 checked="" type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: Mayor Randy J. Quiring will proclaim February 15, 2014 as Hunger Awareness Day in the City of Fairmont.

MOTION: N/A

VOTE REQUIRED: N/A

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

Council Action: _____ Date: _____



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

Phone (507) 238-9461

Fax (507) 238-9469

PROCLAMATION

WHEREAS, *there is an increasing awareness of hunger in the United States and worldwide; and*

WHEREAS, *there are more than 1.02 billion people around the world who do not have enough food to eat; over 40,000 people die every day from hunger related causes; and*

WHEREAS, *lack of adequate nutrition affects the cognitive and behavioral development of children; every 6 seconds a child dies because of hunger and hunger-related causes; and*

WHEREAS, *the poverty rate for children 18 and under is 15% in Minnesota and 19% in Martin County making them part of the 14.5% of American households who struggle to put food on the table; and*

WHEREAS, *“Kids Against Hunger” is a Minnesota-based non-profit organization whose goal is to feed all of God’s starving children; and*

WHEREAS, *the “Kids Against Hunger” scientifically developed food packet is a rice/soy nutritionally fortified meal that can be made by just adding water to feed a family of six for less than \$2 (or 23 cents per serving); and*

WHEREAS, *Martin County volunteers have organized the Sixth Annual Martin County Kids Against Hunger Pack for Saturday, February 15, 2014, 9:30 am – 3:00 pm, at the Fairmont Armory with the goal of packing around 65,000 meals; and*

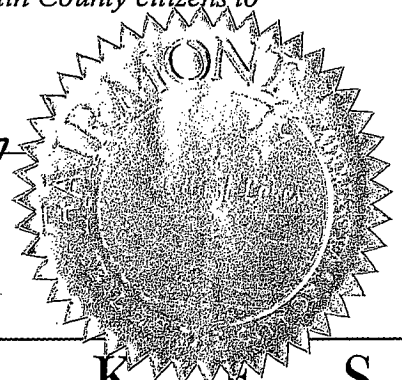
WHEREAS, *volunteers of all ages are encouraged to participate or donate and become “Hunger Heroes” who make a difference in Martin County and around the world. .*

NOW, THEREFORE, I, Randy J. Quiring, Mayor of the City of Fairmont, County of Martin, Minnesota, do hereby proclaim Saturday, February 15, 2014, as:

HUNGER AWARENESS DAY

in the City of Fairmont, Martin County and call upon all Fairmont and Martin County citizens to recognize and participate in this special observance.



Randy J. Quiring, Mayor



C I T Y O F L A K E S

MEETING DATE: February 10, 2014

SUBJECT: Proclamation – School Board Recognition Week

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input checked="" type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mayor Randy Quiring

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

RECOMMENED ACTION BY:

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

STATEMENT: Mayor Randy Quiring will proclaim February 17 – 21, 2014 as School Board Recognition Week in the City of Fairmont.

MOTION: N/A

VOTE REQUIRED: N/A

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

Council Action: _____ Date: _____



Phone (507) 238-9461

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

Fax (507) 238-9469

PROCLAMATION

WHEREAS, the City of Fairmont recognizes the importance of public education in our community; and,

WHEREAS, the City of Fairmont appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and,

WHEREAS, school board members serve as a voice that enables our community to preserve local management and control of our public schools; and,

WHEREAS, school board members are charged with representing our local education interests to state and federal government and ensuring compliance with state and federal law; and,

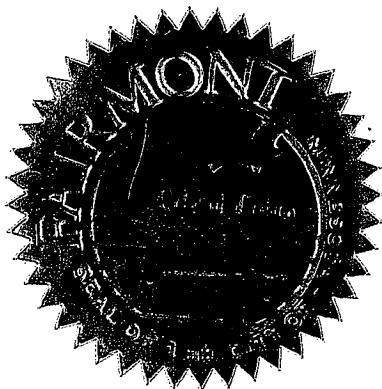
WHEREAS, school board members selflessly devote their knowledge, time and talents as advocates for our schoolchildren; and,

WHEREAS, local school board members are strong advocates for public education and responsible for communicating the needs of the school district to the public and the public's expectations to the district.

NOW THEREFORE, I, Randy J. Quiring, Mayor of the City of Fairmont, do hereby proclaim February 17 – 21, 2014 as

SCHOOL BOARD RECOGNITION WEEK

and encourage all Minnesotans to join me in this special observance.




Randy J. Quiring

Mayor Randy J. Quiring

C I T Y O F L A K E S

MEETING DATE: February 10, 2014

SUBJECT: Introduction of new Fairmont Officer Mike Beletti

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Greg Brolsma, Chief of Police

INTRODUCED BY: Greg Brolsma, Chief of Police

COUNCIL LIAISON:

TYPE OF ACTION:

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

RECOMMENED ACTION BY:

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

STATEMENT: Chief Brolsma would like to introduce our newest patrolman, Officer Mike Beletti, to the Council and community.

MOTION: N/A

VOTE REQUIRED: N/A

ATTACHMENTS:


1. _____
2. _____
3. _____

Council Action: _____ Date: _____

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

MEETING DATE: February 10, 2014

SUBJECT: Rental Housing Ordinance Public Hearing

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON: None

TYPE OF ACTION:

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

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 type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input checked="" type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: The City Council directed staff to develop a rental housing ordinance on October 22, 2012. City staff have brought forward the proposed ordinance and called for a public hearing.

MOTION 1: To close the Public Hearing.

VOTE REQUIRED: Simple majority

MOTION 2: To APPROVE Ordinance 2014-02 - Ordinance Establishing Standards for Rental Housing Units.

-----OR ALTERNATIVE-----

MOTION 2: To DENY Ordinance 2014-02 - Ordinance Establishing Standards for Rental Housing Units.

-----OR ALTERNATIVE-----

MOTION 2: To CONTINUE this matter to receive additional comment and to further revise the Ordinance language.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Public Hearing Notice
2. Rental Housing Ordinance 2014-02

Council Action: _____ Date: _____



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

Phone (507) 238-9461

Fax (507) 238-9469

PUBLIC HEARING NOTICE

YOUR ATTENTION is called by the Fairmont City Council to a public hearing to be held on **February 10, 2014 at 5:30 p.m. at the Fairmont City Hall Council Chambers, 100 Downtown Plaza, in the City of Fairmont** to take public input proposed Ordinance 2014-02 An Ordinance Establishing Standards for Rental Housing Units. Below is a summary of what is included in the ordinance. A complete ordinance may be viewed at Fairmont City Hall or on line at www.fairmont.org without cost.

Section 1. The City's Code of Ordinances is hereby amended by adding thereto a Chapter 27 to read as follows:

CHAPTER 27: RENTAL HOUSING STANDARDS

Section

- 27-01 Purpose
- 27-02 Maintenance of Records
- 27-03 Health and Safety
- 27-04 Registration & Licensing of Rental Units
- 27-05 Residential Rental Inspections
- 27-06 Posting a Rental License
- 27-07 Complaints
- 27-08 Revoking, Suspending, Denying or Not Renewing a License
- 27-09 Effect of Revocation, Suspension, Denial or Non-Renewal
- 27-10 Posted to Prevent Occupancy
- 27-11 Disorderly Behavior
- 27-12 Fees & Penalties
- 27-13 Appeals
- 27-14 No Retaliation
- 27-15 No Warranty by City
- 27-16 Crime Free Rental Housing

All persons interested are invited to attend the Public Hearing to offer their comments related to rezoning request. Written comments can also be submitted to Patricia J. Monsen, City Clerk, Fairmont City Hall, 100 Downtown Plaza, Fairmont, MN 56031.

/s/ Patricia J. Monsen
City Clerk

C I T Y O F L A K E S

ORDINANCE NO. 2014-02

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

**AN ORDINANCE ESTABLISHING STANDARDS
FOR RENTAL HOUSING UNITS**

THE CITY OF FAIRMONT ORDAINS as follows:

Section 1. The City's Code of Ordinances is hereby amended by adding thereto a Chapter 27 to read as follows:

CHAPTER 27: RENTAL HOUSING STANDARDS

Section

- 27-01 Purpose
- 27-02 Maintenance of Records
- 27-03 Health and Safety
- 27-04 Registration & Licensing of Rental Units
- 27-05 Residential Rental Inspections
- 27-06 Posting a Rental License
- 27-07 Complaints
- 27-08 Revoking, Suspending, Denying or Not Renewing a License
- 27-09 Effect of Revocation, Suspension, Denial or Non-Renewal
- 27-10 Posted to Prevent Occupancy
- 27-11 Disorderly Behavior
- 27-12 Fees & Penalties
- 27-13 Appeals
- 27-14 No Retaliation
- 27-15 No Warranty by City
- 27-16 Crime Free Rental Housing

Section 27-01. Purpose.

The City of Fairmont recognizes the need for a program for identifying and correcting deficient rental housing units within the City. The purpose of this ordinance is to protect the public health, safety and general welfare by:

- Promoting safety from fires and accidents;
- Providing a means for the fair administration and enforcement of this code for all residential rental units;
- Regulating all residential rental units;
- Providing minimum standards for the maintenance of rental housing units;
- Providing minimum standards for basic equipment and facilities;
- Reducing environmental hazards to health; and
- Assisting in controlling criminal activities in rental housing.

Section 27-02. Maintenance of records.

All records, files and documents pertaining to rental unit registration, inspections and complaints shall be retained and maintained by the City for ten years; and will be available to the public as allowed, permitted or required by state law or city ordinance.

Section 27-03. Health and safety.

(a) Owner shall be responsible for maintaining the rental property in compliance with the requirements of the Minnesota codes regulating residential structures, as they are currently written and as might be amended in the future, including but not limited to: the State Building Code Minn. Stat. §§326B101-194; the State Fire Code Minn. Stat. Chapter 299F; and Minnesota Administrative Rules Chapter 1300.

(b) Garbage: The owner of each multi-family unit shall provide garbage collection containers or dumpsters adequate to accommodate all garbage and recyclables generated by each rental unit. Tenants, whether in single-family or multi-family units, shall not allow garbage, rubbish, debris, or recyclables to accumulate inside or outside of their units and shall keep their units clean and sanitary.

(c) Lawn Care: Owner shall be responsible for lawn care and for the removal of ice and snow according to Fairmont City Code Section 17-2 and Section 23-3 respectively.

(d) Utility Meters (Multi-Family Dwelling Units): The owner shall provide a separate meter for each utility service for which the tenant is responsible.

(e) Mold, rodents and insect infestations shall be promptly eliminated by the owner and the rental unit shall then be kept mold and infestation free by the tenant.

(f) Mailboxes/Mail Slots: The owner shall provide mail boxes or slots in accordance with postal regulations.

Section 27-04. Registration & licensing of rental units.

(a) Registration and License required. It is unlawful for an owner to lease, let or allow to be occupied as a residence any rental housing unit controlled by that owner in the City without first:

(1) completing and submitting to the City a registration form therefor.

a. Each owner filing a registration form thereby consents to be bound by all of the provisions of this chapter and all other ordinances of the City.

b. Each tenant occupying a licensed unit within the City thereby consents to be bound by all of the provisions of this chapter and all other ordinances of the City.

c. The City shall assign a number to each owner and rental unit (i.e. if Fairmont HRA is registered as owner 32, then the HRA rental units will be registered as 32.01, 32.02, 32.03, etc.).

d. The registration form shall be furnished by the City and shall set forth the following:

1. Owner contact information;

2. Local contact information;

3. The mailing address of each rental unit to be registered;

4. The type of each unit to be registered, i.e. single-family, duplex, apartment, sleeping room, etc.;

5. The maximum number of occupants for each unit;

6. Proof of liability insurance; and

7. Such other information as the City may reasonably require.

8. Tenant Information: The owner shall: [1] keep a listing of all adult tenants; [2] make such listing available to the City on requests; and [3] provide to each tenant an information packet containing the booklet "Landlords and Tenants: Rights and Responsibilities" distributed by the Attorney General's office, a copy of this ordinance, a copy of the inspection guidelines used pursuant to this ordinance, and a "self-inspection" form.

(2) Completing the inspection process that verifies compliance with all applicable ordinances, regulations, and statutes or has a plan for compliance approved by the City.

(a) It is unlawful for the owner to allow or permit a unit to be occupied after the date of a failed inspection until such time as the unit is brought into compliance, the unit is re-inspected, and a rental license is issued for the unit.

(3) Providing proof that the property taxes are current on the rental property.

(4) receiving a Rental License for the unit from the City.

(b) Transfer of Ownership: In the event of the transfer of ownership of a unit by sale or otherwise:

(1) The owner(s), prior to the transfer, shall provide to the City

a. the name, address and telephone number of each transferee and

b. the anticipated effective date of the transfer;

(2) The transferee shall register the unit with the City under the transferee's name and pay all applicable fees within 30 days after the date of transfer; and

(3) If the rental license for the unit is valid and current and if the transferee so registers the unit and pays the fees, the rental license shall be transferred to the transferee.

- (c) License Expiration: The Rental License shall expire either:
 - (1) 36 months after the date of inspection of the unit or
 - (2) if triennial inspection is waived, pursuant to §27.05 (e).
- (d) The following dwellings are exempt from registration and licensing of rental units:
 - (1) Assisted living facilities
 - (2) Nursing homes
 - (3) State licensed facilities, i.e. REM units, hotels, etc.

Section 27-05. Residential rental inspection process. A residential rental unit can obtain a rental license by completing one of following inspection processes: [1] self-inspection; [2] City inspection; or [3] through exempt status. At the time the next inspection cycle is due, the owner may elect to use a different process to continue meeting the requirements of this ordinance.

(a) Utilities: Utilities services (gas, water, electricity, etc.) must be connected and “on” at the time of the inspection.

(b) Self-inspection:

(1) On forms provided by the City, the owner and tenant shall each separately perform an inspection of the unit and shall each complete and submit to the City those inspection forms within 30 days after initial registration of the unit.

(2) Conditions causing discrepancies between the completed owner’s and tenant’s self-inspection forms shall be treated as deficiencies and must be corrected as described in §27-05 (f) before a license is granted.

(c) City Inspection:

(1) In lieu of self-inspection the owner may elect to have the unit inspected by the City’s inspector, for a fee.

(2) On the inspection form, the inspector will verify that the tenant information packet was handed out.

(3) Any deficiencies found shall be corrected as described in § 27-05 (f) before a license is granted.

(d) Frequency of Inspections: Inspections shall be completed:

(1) within 30 days after initial registration, if by self-inspection;

(2) as soon as is possible, if by the City inspector;

(3) within 30 days after the filing of a complaint;

(4) within 30 days of expiration of the rental license.

Failure to comply could result in a suspension of the rental license.

(e) Exemption from Inspection: A rental license shall be issued for each rental unit determined by the City to be exempt.

(1) The exemption and the date that the exemption expires shall be noted on the license.

(2) The City may declare as exempt from inspection:

a. Any unit that is inspected by another qualified third-party inspector at least triennially to equal or greater standards than this ordinance, upon filing of proof of such inspections and a copy of the inspection standards used; provided, that any exempt unit with founded complaints shall lose its exempt status for the next inspection cycle and shall be subject to another inspection process.

b. Any unit that passed the immediately preceding triennial inspection and against which no substantiated complaints have been registered during the three-year term of the rental license; provided,

1. that any exempt unit with founded complaints shall lose its exempt status for the next inspection cycle, shall be subject to an inspection process, and

2. that exemption from inspection pursuant to this subsection will be for a term no greater than six years, after which time the unit will be subject to an inspection process.

(3) The City shall contact the owner or managing agent of each exempt unit every three years to confirm continuing exempt status. If appropriate evidence warranting exempt status is not filed with the City within 30 days, the unit shall lose its exempt status for the next inspection cycle and shall be subject to another inspection process.

(4) For purposes of this section, the City, in its sole discretion, shall determine whether a person is a qualified third-party inspector and

b. an inspection is a qualified inspection.

(f) Deficiencies: Depending on the nature of the alleged deficiency, the City may intervene with a City inspection or may refer the matter to another authority (i.e. Fire Marshal, State Electrical Inspector, State Plumbing Inspector, Building Official, or Community Health Services) for further action.

(1) The City shall give written notice

- a. of each deficiency,
- b. of what must be done to bring the unit into compliance,
- c. of the alleged violator's right to dispute the deficiencies,
- d. of the violator's right to provide proof that the deficiencies have been or are being corrected,
- e. of the due date for a follow-up self-inspection, which should be not less than 30 days nor more than 45 days from the date of the notice,
- f. of the violator's right to request an extension, and
- g. of an owner's right to apply for a Conditional License, as defined in § 27.05(h)

(2) After three failed inspections,

- a. the City may revoke the license, and require the property be vacated,
- b. the unit shall not be re-registered for at least 90 days from the date of the last failed inspection with no one living in the unit, and
- c. the owner can again register the rental unit after said 90-day period and upon payment of all applicable fees and penalties.

(g) Extensions: The violator may request a postponement of an inspection if:

(1) the required remedial action cannot be completed until weather permits or will take longer than 30 days to complete and

(2) the violator:

- a. requests an extension in writing that recites the reasons for the request, the justifications for the extension, the anticipated completion date (not to exceed 6 months) and
- b. submits proof that appropriate arrangements have been made for completion of the corrective action by the anticipated completion date.

(h) Conditional Rental License: The owner of any rental unit in existence on the effective date of this ordinance that is inspected, is determined to be sub-standard, and is found to require substantial upgrades may submit a one year Corrective Plan to include a detailed schedule of when deficiencies will be corrected ("Plan"). The Plan must be submitted to the City for approval within 30 days of the failed inspection; and the City, in its sole discretion, shall determine if the Plan is acceptable. Deficiencies that can be corrected immediately are not includable in the Plan.

(1) A Conditional Rental License may be issued to the Owner when the Plan is approved and shall be posted in the same location as the standard license.

(2) The unit shall be re-inspected on an annual basis by the City to confirm adherence to the Plan. Any deficiencies found during the re-inspection and not covered by the Plan may not be added to the Plan but must be corrected in accordance with this ordinance.

(3) After the completion of all work items in the Plan, the unit shall be re-inspected triennially.

(4) Conditional Rental Licenses will not be extended and are only eligible to existing rental units that are registered in accordance with this ordinance.

Section 27-06. Posting rental license. The owner shall arrange for a copy of the Rental License to be posted continuously on an inside sidewall of the kitchen sink cabinet.

Section 27-07. Complaints.

(a) Forms: The City shall provide forms upon which complaints may be made regarding the condition or license and registration status of any rental unit.

(b) Unit Condition Complaints: Shall be governed by § 27-05(f) Upon receipt of a complaint and verification that the complainant has notified, in writing, the alleged violator of the defective condition and that the alleged violator failed to correct the defect the City, depending on the nature of the complaint shall either:

- (1) promptly provide to the alleged violator a copy of the complaint and all supporting documents presented by the complainant and shall give the alleged violator 48 hours to

correct the alleged deficiency as described in 27-05 (f)(1) or

(2) shall provide not less than a 72-hours written notice of its intention to conduct an inspection as described under § 27-05 (f)(2). The violator shall be assessed appropriate inspection fees if the complaint is found to be substantiated by this inspection.

(c) License & Registration Complaints: Upon receipt of a complaint and verification that a residential rental unit is not licensed or registered, the City shall inform the owner in writing that the owner has no more than 90 days to either

(1) comply with the terms of this ordinance by registering the unit, by completing the inspection process and by paying all applicable fees and penalties or

(2) cease rental operations.

Section 27-08. Revoking, suspending, denying or not renewing a license.

(a) The City Council may revoke, suspend, deny or decline to renew any license issued under this Section. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or non-renewal may apply to one or more rental dwelling units at the discretion of the Council. The basis for such revocation, suspension, denial or non-renewal includes, but is not limited to, any of the following circumstances:

(1) The license was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit.

(2) The applicant or one acting in his/her behalf made oral or written misstatements accompanying the application.

(3) The applicant has failed to comply with any condition set forth in any other permits granted by the City of Fairmont.

(4) The activities of the owner/agent create or have created a danger to the public health, safety or welfare.

(5) The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public.

(6) Failure to pay any application, penalty or reinstatement fee required by this Section or City Council resolution.

(7) Failure to correct violations of Section 27-03 in the time period specified in the notice of violation and correction.

(8) Following the third instance of disorderly behavior specified in section 27-11.

(9) Violation of any regulation or provision of the code applicable to the activity, to which the license has been granted, or any regulation or law of the state so applicable.

(10) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the license.

(11) Any violation of this Chapter.

(b) Notification. The building official shall notify the owner or the owner's agent in writing of the basis for the revocation, suspension, denial or non-renewal and the date upon which the City Council shall review the request to revoke, suspend, deny, or not renew the license. The notice required by this section shall be served upon the owner or the owner's agent at least twenty (20) days before the City Council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class mail at the address provided in the license application. It shall be the responsibility of the owner or the owner's agent to notify the tenant in writing of the hearing date, time and place.

(c) The owner or the owner's agent and the building official shall be given an opportunity to be heard. The owner may be represented by counsel. Both sides may be permitted to examine the other side's witnesses. The Council shall hear all relevant evidence and arguments and shall review all testimony, documents, and other evidence submitted. The Council shall record the hearing and keep a record of documentary evidence submitted.

(d) Decision. The City Council shall make findings based on the evidence and shall make a decision on the recommendation to revoke, suspend, deny, or non-renew a license based on the findings. The City Council shall issue a written decision regarding the recommendation of the building official within 30 days following the date of the hearing and shall notify the appellant of the decision by first class mail with a duplicate copy to the building official. The decision shall specify the rental dwelling unit or units to which it applies, the duration of the revocation, suspension, denial or non-renewal, and the conditions that must be met before the license may be reissued or reinstated. Thereafter, and until a license is reissued or reinstated, no rental dwelling units that have had their rental license revoked,

suspended, denied, or non-renewed may be re-let or occupied. Revocation, suspension, denial, or non-renewal of a license shall not excuse the owner from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.

(e) License Process after Revocation, Suspension, Denial or Renewal Declination. After the City Council revokes, suspends, denies or declines to renew a license, no license will be issued for the affected rental dwelling unit(s) until the building official determines that the applicant/licensee has remedied the conditions identified by the City Council as the basis for its action. An application to obtain a license for a rental dwelling unit after the City Council has revoked, suspended, denied or declined to renew a license for the same rental dwelling unit(s) must be accompanied by all fees required by this section.

Section 27-09. Effect of revocation, suspension, denial, or non-renewal. If a license is revoked, suspended, denied or not renewed by the City Council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant or, thereafter vacated, rental dwelling unit(s), until such time as a valid rental license is obtained for the rental dwelling unit(s). Issuance of a new license after revocation, suspension, denial or non-renewal shall be made in the manner provided for in Section 27-04.

Section 27-10. Posted to prevent occupancy. Whenever any rental dwelling unit has been denied an initial license, had its license revoked, suspended, denied or not renewed it shall be posted by the building official to prevent further occupancy. It shall be unlawful for any person, other than the building official to remove or alter any posting. The building official will post the date the rental dwelling unit shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling unit until the building official permits it.

Section 27-11. Disorderly Behavior.

(a) Responsibility. It shall be the licensee's responsibility to ensure that the tenants, the tenants' family members and the guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this section, rental dwelling unit shall include common areas in the building where the rental dwelling unit is located.

(b) Disorderly behavior. For the purposes of this section, disorderly behavior may include, but is not limited to, the following:

- (1) Drug-related illegal activity in the rental dwelling unit. "Drug-related illegal activity" means the illegal possession, manufacture, sale, distribution, purchase, use, or possession with intent to manufacture, sell or distribute a controlled substance (as defined in Minnesota Statute Section 152.01, subd. 4.) or possession of drug paraphernalia (MS 152.092). A tenant shall be deemed to be in possession of a controlled substance if any amount is located in the tenant's rental dwelling unit even if the tenant claims not to know the controlled substance was present unless the tenant provides a sworn statement by a person, other than another tenant or tenant's family member, that the controlled substance was theirs and the tenant had no knowledge of the controlled substance.
- (2) Acts of violence or threats of violence including but not limited to discharge of firearms, prostitution, intimidation, assault, or any other act that otherwise jeopardizes the health, safety or welfare of the licensee, his agents, tenants or any other person.
- (3) Violation of Minnesota Statute, Section 609.72 Disorderly Conduct.
- (4) Violation of Minnesota Statutes 609.74 and 609.745 Public Nuisances
- (5) Violation of Minnesota Statutes 609.66, Subd. 1a, 609.67 or 624.713 Unlawful use or possession of a firearm or weapon
- (6) Violation of Minnesota Statute 609.50 Obstructing Legal Process
- (7) Violation of Fairmont Code Article 17 Nuisances.

(c) First Instance. Upon determination by the community development staff or law enforcement that a rental dwelling unit was the location of disorderly behavior, the building official shall notify by first class mail the licensee and tenant of the violation and direct the licensee to take steps to prevent further violations.

(d) Second Instance. If a second instance of disorderly behavior occurs at a rental dwelling unit within twelve (12) months of the time a notice was sent for previous disorderly behavior at the same unit, the building official shall notify by first class mail the licensee and the tenant of the violation and direct the licensee to submit, within ten (10) days of the date of the notice, a written report of all actions taken

by the licensee since the first violation notice and actions the licensee intends to take to prevent further disorderly behavior.

(e) Third Instance. If a third instance of disorderly behavior occurs at a rental dwelling unit within twelve (12) months after the first of two previous notices of disorderly behavior at the same unit, the rental dwelling unit license may be revoked, suspended or not renewed by the City Council upon the recommendation of the building official. The building official shall make his/her decision to recommend revocation, suspension or non-renewal of the license and submit his/her recommendation to the City Council within thirty (30) days of the third instance of disorderly behavior.

(f) For purposes of this Section, second and third instances of disorderly behavior shall be those which:

- (1) Occur at the same rental dwelling unit; or
- (2) Involve tenants at the same rental dwelling unit; or
- (3) Involve guests or invitees at the same rental dwelling unit; or
- (4) Involve guests or invitees of the same tenant; or
- (5) Involve the same tenant.

(g) Postponing License Action. No adverse license action shall be imposed where the instance of disorderly behavior occurred during pending eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse license action may proceed when the licensee fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if the licensee has taken appropriate measures which will prevent further instances of disorderly behavior which may include a failed eviction process.

(h) Determining Disorderly Behavior. A determination that the rental dwelling unit has been the location of disorderly behavior shall be made by a preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

(i) Enforcement. Enforcement actions provided in this section shall not be exclusive, and the city council may take any action with respect to a licensee, a tenant, or the licensed rental dwelling unit(s) as is authorized by this ordinance or state law.

Section 27-12. Fees & penalties. A person who violates the provisions of Section 27-01 to 27-14 of this Article may be charged with a misdemeanor or be subject to the issuance of an administrative citation or both. Each day that a violation continues shall be deemed a separate offense. The building official may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy, and may act to cause the rental dwelling unit to be vacated or remain vacant until the Code violations are corrected.

(a) All fees and penalties assessed pursuant to this chapter are non-refundable and may be modified or amended from time to time by resolution or ordinance of the City Council.

(b) Registration fees for each rental unit are due and payable with submission to the City of the registration form.

(c) Inspection fees for each City inspection of a rental unit are due and payable immediately on receipt of the City's statement.

(d) The City may cancel an inspection or re-inspection – and additional penalties could apply – if payment of applicable fees is not received before the scheduled inspection or re-inspection begins.

(e) Additional penalties may include but are not necessarily limited to suspension, revocation of the license, immediate closure of the unit, eviction proceedings against violator tenants, and arrest for criminal activity.

(f) All fees and penalties payable by the owner and not paid within 30 days of the due date shall be considered delinquent and may be certified to the County Auditor-Treasurer for collection with real estate taxes.

Section 27-13. Appeals.

(a) Any person aggrieved by any action taken pursuant to this chapter by an employee or agent of the City may appeal to the City Council.

(b) The appeal must be in writing, must be addressed to the City Council, must describe with particularity the action from which the appeal is taken and must be filed with the City Administrator within thirty (30) days from the date of the action appealed.

(c) The City Council, on notice to the appellant and opportunity to be heard, shall hear, consider and act upon the appeal within 30 days of the date of filing of the written notice of appeal and shall issue its written order of decision within twenty (30) days thereafter.

Section 27-14. No retaliation: Per Minnesota State Statute Section 504B.205, Subd. 2, Emergency calls permitted. (a) A landlord may not: (1) bar or limit a residential tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct; or (2) impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct. (b) A residential tenant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

Section 27-15. No warranty by city. By enacting and undertaking to enforce this Ordinance, the City, City Council, its agents, and employees do not warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners and occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

Section 27-16. Crime free rental housing program.

(a) Program. The Crime Free Rental Housing Program is a voluntary, three-phase certification program for rental properties of all sizes, including single-family rental homes. The program is available to owners and property managers of rental properties located within the corporate limits of the City of Fairmont. Necessary training and support of the program is designed to provide for ease of participation. The program is known to be effective in reducing criminal activity in rental properties. It is the policy of the City of Fairmont to encourage active participation in the program by all rental property owners and property managers.

Motion by:
Second by:
All in Favor:
All opposed:
Abstained:
Absent:


Duly adopted by the City Council on this ____ day of _____, 2014.

Randy Quiring, Mayor

ATTEST:

Patricia J. Monsen, City Clerk
1st Reading: January 13, 2014
2nd Reading: February 10, 2014

MEETING DATE: February 10, 2014

SUBJECT: Lutz' Request for Demolition Assistance Funding at 212 S. Hampton Street;
Further Discussion/ConsiderationREVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

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

RECOMMENDED ACTION BY:

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

STATEMENT: The Council denied the initial funding request on November 25, 2013.
Mr. & Mrs Lutz have requested that the City Council reconsider the request after
providing additional information concerning their original request.

MOTION: To approve or deny Lutz request for demolition funding assistance.

VOTE REQUIRED:

ATTACHMENTS:

1. City Council Minutes, 11/25/13

2. _____

3. _____

Council Action: _____ Date: _____

11-25-13

* City staff received a request from Dave Lutz asking the City for reimbursement assistance for the demolition of a house at 212 South Hampton. Based on Staff evaluation of the property, it is believed that there are more blighted properties in Fairmont that merit City assistance. On a motion by Council member Rahm, seconded by council member Anderson it was moved to deny Mr. Lutz's request and the motion carried.

City Administrator Humpal asked the Council to approve the sell back of 2.5 weeks of his unused vacation. Council member Kallemeyn made a motion to approve the sell back. Council member Rahm seconded the motion and the motion carried.

The City Council is annually required to determine whether or not they wish to waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Council member Clerc made a motion to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Council member Askeland seconded the motion and the motion carried.

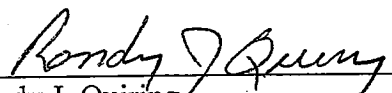
The 2014 improvement program will include the reconstruction of Albion Avenue from Oak Beach Drive to Lair Road. Albion Avenue is classified as a State Aid route. Council member Anderson made a motion to approve **Resolution 2013-47** requesting an advance on State Aid funds. Council member Kallemeyn seconded the motion. On roll call: Council members Clerc, Kallemeyn, Rahm, Anderson, and Askeland all voted aye. No one voted nay. Mayor Quiring declared said motion to have been duly passed, approved and adopted.

I & S Group requested that the City sign a letter permitting the contractors to claim IRS deductions for the energy efficient design and construction of the new water treatment plant. Council member Kallemeyn made a motion to authorize staff to sign the Section 179D allocation letter on behalf of the City. Council member Rahm seconded the motion and the motion carried. Council member Anderson opposed the motion.


The bills for the month of November, 2013 were presented to the City Council for review. A motion was made by Council member Anderson, seconded by Council member Kallemeyn and carried to approve payment of these bills in the amount of \$916,760.82.

Mayor Quiring noted that during the Glows Parade events, funds were raised by a group for the future Dog Park in the approximate amount of \$1,000.00 and matching funds for another \$1,000.00 were given.

A motion was made by Council member Askeland, seconded by Council member Rahm and carried to adjourn the meeting at 6:20 p.m.



Randy J. Quiring
Mayor

ATTEST:


Patricia J. Monsen, City Clerk

MEETING DATE: February 10, 2014

SUBJECT: Declare Council Chairs Excess Property

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON: None

TYPE OF ACTION:

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

RECOMMENED ACTION BY:

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

STATEMENT: New chairs have been purchased for the City Council Chambers. We need to declare the old chairs as excess property and offer them for sale.

MOTION: To declare city council chairs excess property.

VOTE REQUIRED: Simple majority.


ATTACHMENTS:

1. _____
2. _____
3. _____

Council Action: _____ Date: _____

MEETING DATE: February 10, 2014

SUBJECT: Day Farm Tract Farm Lease Bids

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

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

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 lease for the farm tract identified as the Day Farm tract was put out for bids for the 2014 and 2015 crop season. Twelve bid were received and resulted in a tie of high bidders. These two were allowed to rebid. The high bid was from David Shumski at \$357/acre for 2014 and 2015.

MOTION: To accept the bid of \$357/acre from David Shumski and enter into a lease for the 2014 and 2015 for the Day Farm tract.

VOTE REQUIRED:

ATTACHMENTS:

1. Bid tabulation
2. _____
3. _____


Council Action: _____ Date: _____

[illegible]

Bids were opened 1/30/14 after 3:00. The tie bidders where contacted to rebid 1/30/14.

MEETING DATE: February 10, 2014

SUBJECT: 2014 Improvement Program

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON: None

TYPE OF ACTION:

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

RECOMMENED ACTION BY:

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

STATEMENT: The City Council is required to call for an Engineering Report for improvements being proposed for 2014 to determine if they are feasible.

MOTION: To adopt Resolution No. 2014-03 - Ordering Preparation of Report on the 2014 Improvements.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2014-03

2. _____

3. _____

Council Action: _____ Date: _____

RESOLUTION NO. 2014-03

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

RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT

WHEREAS, the City of Fairmont wishes to investigate the feasibility of making several needed Public Improvements, and;

WHEREAS, it is in the best interest of the City of Fairmont to consider such improvements and to assess benefitted property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fairmont that the proposed improvements listed below be referred to the City Engineer's office for study and that he is instructed to report to the Council, with all convenient speed in a preliminary way, as to whether the proposed improvements are feasible and as to whether they should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

<u>Project No.</u>	<u>Description</u>
	<u>RECONSTRUCTION</u>
14001	Albion Avenue; Lair Road to 200' South of Oak Beach Drive
	<u>NEW CONSTRUCTION</u>
14002	Charles Street Extension; Dead End to Southwind
	<u>SEAL COATS</u>
14003	Third Street; Park Street to Prairie Avenue Thirteenth Street; North Avenue to Park Street Anna Street; North Avenue to Park Street Arthur Street; Cedar Park Road to West Amber Lake Drive Beach Street; Third Street to Fourth Street Burton Lane; Friendship Village to Webster Street Hampton Street; Victoria Street to Tilden Street Jeri Street; Sylvia Street to Prairie Avenue Main Street; Fourth Street to Railroad Tracks Park Street; Eighth Street to Tenth Street Tilden Street; Albion Avenue to Prairie Avenue Albion Avenue Trail; East Interlaken to East Bellevue Aquatic Park Parking Lot

RESOLUTION NO. 2014-03

SEAL COATS

Liquor Store Parking Lot
PUC Warehouse Parking Lot
Sylvania Park Parking Lot
Heritage Acres Driveway

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

PASSED, APPROVED AND ADOPTED this 10th day of February, 2014.


Randy J. Quiring
Mayor

ATTEST:

Patricia J. Monsen
City Clerk

MEETING DATE: February 10, 2014

SUBJECT: 2014 Improvement Program – Preliminary Report

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

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

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON: None

TYPE OF ACTION:

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

RECOMMENED ACTION BY:

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

STATEMENT: By adopting Resolution 2014-04, the Council will accept the proposed 2014 Improvement Program presented by the City Engineer. It is also necessary for the Council to set the date for a public hearing to be held concerning the Improvement Program.

MOTION: To adopt Resolution No. 2014-04 – Receiving Report on 2014 Improvement Program and Calling for a Public Hearing on March 10, 2014 at 5:30 p.m.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Resolution No. 2014-04
2. Summary Report – 2014 Improvement Program – **To be handed out at meeting.**
3. _____

Council Action: _____ Date: _____

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RESOLUTION NO. 2014-04

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

**RESOLUTION RECEIVING REPORT AND CALLING FOR
PUBLIC HEARING ON 2014 IMPROVEMENT PROGRAM**

WHEREAS, pursuant to Resolution No. 2014-03 adopted on the 10th day of February, 2014, a report has been prepared by the City Engineer with reference to the improvements of:

<u>Project No.</u>	<u>Description</u>
	<u>RECONSTRUCTION</u>
14001	Albion Avenue; Lair Road to 200' South of Oak Beach Drive
	<u>NEW CONSTRUCTION</u>
14002	Charles Street Extension; Dead End to Southwind
	<u>SEAL COATS</u>
14003	Third Street; Park Street to Prairie Avenue Thirteenth Street; North Avenue to Park Street Anna Street; North Avenue to Park Street Arthur Street; Cedar Park Road to West Amber Lake Drive Beach Street; Third Street to Fourth Street Burton Lane; Friendship Village to Webster Street Hampton Street; Victoria Street to Tilden Street Jeri Street; Sylvia Street to Prairie Avenue Main Street; Fourth Street to Railroad Tracks Park Street; Eighth Street to Tenth Street Tilden Street; Albion Avenue to Prairie Avenue Albion Avenue Trail; East Interlaken to East Bellevue Aquatic Park Parking Lot Liquor Store Parking Lot PUC Warehouse Parking Lot Sylvania Park Parking Lot Heritage Acres Driveway

and this report was received by the Council on the 10th day of February, 2014.

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

1. The Council will consider the improvement of such streets in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Chapter 429 at an estimated total cost of the improvement of \$1,752,000.00.
2. A public hearing shall be held on such proposed improvement on the 10th day of March, 2014, in the Council Chambers of City Hall at 5:30 p.m. and the Clerk shall give mailed and published notice of such hearing and improvement as required by law.

Motion by:

Seconded by:

All in favor:

Opposed:

Abstained:

PASSED, APPROVED AND ADOPTED this 10th day of February, 2014.

Randy J. Quiring
Mayor

ATTEST:

Patricia J. Monsen
City Clerk