

**VIRGINIA CITY COUNCIL
AGENDA
AUGUST 23, 2011 – 6:30 P.M.**

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC FORUM (Limited to 5 minutes per Council protocol)**
5. **CONSENT AGENDA** (Note: Motion will be to approve the Consent Agenda as listed.)
The following items will be enacted by one motion unless a Councillor or Citizen of the City of Virginia requests that the item be considered separately:
 - 5.1 Approval/correction of minutes of Regular Meeting held August 9, 2011.
 - 5.2 Adoption of Finance Resolution No. 11-015 – Schedule of Bills.
 - 5.3 Approve Application for Exempt Permit for Quad Cities Rotary Club to hold raffle on October 13, 2011.
6. **APPEARANCES (Limited to 10 minutes)**
7. **UNFINISHED BUSINESS**
8. **DISCUSSION ITEMS**
 - 8.1 Communication the Virginia Charter Commission regarding an amendment to City Charter, Section 3.01 – Advisory Boards and Commissions.
 - 8.2 Polling places and election judges for General Election to be held on November 8, 2011.
 - 8.3 Grant Agreement with the Minnesota Department of Public Safety for traffic safety enforcement projects. (If approved, adopt Resolution.)
 - 8.4 Agreement with Independent School District No. 2154, Eveleth-Gilbert, for use of Quad Cities Tennis for All Facility. (If approved, adopt Resolution.)
 - 8.5 Vacation of City owned property for the development of the Menards Plat. (If approved, adopt Resolution.)
9. **COMMITTEE REPORTS**
 - 9.1 Finance Committee-of-the-Whole (August 18, 2011)
 - A. Accept bid for Wastewater Treatment Plant Facility Improvement Project. (If approved, adopt Resolution.)
 - B. Accept bid for P & H Gas Distribution System Improvements. (If approved, adopt Resolution.)
 - C. Blight Officer position. (If approved, adopt Resolution.)
 - D. Resignation – Library employee.
 - E. Travel request, Fire Department employees, The Essentials of Tactical EMS, September 25-30, 2011, Camp Ripley, MN.
 - F. Hiring of patrol officer.
 - G. Change Order – P & H Minepro site development. (If approved, adopt Resolution.)
 - H. Accept proposal to purchase 8' dump body package. (If approved, adopt Resolution.)
 - 9.2 Buildings/Grounds Committee (August 23, 2011)
10. **COMMISSION LIAISON/DEPARTMENT HEAD REPORTS**
11. **ADJOURN TO TUESDAY, SEPTEMBER 13, 2011, AT 6:30 P.M., COUNCIL CHAMBERS**

Minnesota Lawful Gambling LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:
- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

Application fee	
If application postmarked or received: less than 30 days before the event \$100	more than 30 days before the event \$50

ORGANIZATION INFORMATION

Organization name: **Quad Cities Rotary Club** Previous gambling permit number: **X33547-09-001**

Minnesota tax ID number, if any: _____ Federal employer ID number, if any: _____

Type of nonprofit organization. Check one.
 Fraternal Religious Veterans Other nonprofit organization

Mailing address: **PO BOX 695** City: **Virginia** State: **MN** Zip Code: **55792** County: **St Louis**

Name of chief executive officer (CEO): **Terri Nystrom** Daytime phone number: **2187482000** Email address: **TNystrom@decare.com**

Attach a copy of ONE of the following for proof of nonprofit status.

- Do not attach a sales tax exempt status or federal employer ID number as they are not proof of nonprofit status.
- Nonprofit Articles of Incorporation OR a current Certificate of Good Standing .
Don't have a copy? This certificate must be obtained each year from:
Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155
Phone: 651-296-2803
 - IRS income tax exemption [501(c)] letter in your organization's name.
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.
 - IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
If your organization falls under a parent organization, attach copies of both of the following:
 - a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 - b. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.
Coates Plaza Hotel

Address (do not use PO box): **502 Chestnut Street** City or township: **Virginia** Zip Code: **55792** County: **St Louis**

Date(s) of activity (for raffles, indicate the date of the drawing): **10-13-2011**

Check the box or boxes that indicate the type of gambling activity your organization will conduct:
 Bingo* Raffles Paddlewheels* Pull-Tabs* Tipboards*

* Gambling equipment for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to www.gcb.state.mn.us and click on List of Licensed Distributors, or call 651-639-4000.

Mailed 8/9/11

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

If the gambling premises is within city limits, a city official must check the action that the city is taking on this application and sign the application.

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print city name _____

On behalf of the city, I acknowledge this application.
Signature of city personnel receiving application

Title _____ Date _____

If the gambling premises is located in a township, a county official must check the action that the county is taking on this application and sign the application. **A township official is not required to sign the application.**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print county name _____

On behalf of the county, I acknowledge this application.
Signature of county personnel receiving application

Title _____ Date _____

(Optional) TOWNSHIP: *On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. [A township has no statutory authority to approve or deny an application [Minnesota Statute 349.166]]*

Print township name _____

Signature of township official acknowledging application

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

Print form and have CEO sign

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the date of our gambling activity.

Chief executive officer's signature Shirley Nystrom Date 8-2-11

Complete a separate application for each gambling event:

- one day of gambling activity
- two or more consecutive days of gambling activity
- each day a raffle drawing is held

Send application with:

- a copy of your proof of nonprofit status, and
 - application fee for each event
- Make check payable to "State of Minnesota."

To: Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113

Financial report and recordkeeping required

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.gcb.state.mn.us. Within 30 days of the activity date, complete and return the financial report form to the Gambling Control Board.

Questions?

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

Reset Form

August 8, 2011
To: Virginia City Council
From: Virginia Charter Commission
Mayor and Councillors,

On July 26, 2011 the Virginia Charter Commission met to continue discussions on proposed changes to the Charter of the City of Virginia. This was the third meeting in this series discussing proposed changes. They voted unanimously to forward to the Council their recommendations that the Council amend the Charter by ordinance regarding the proposed change to allow the council the option of appointing one (1) at-large member to any city commission irrespective of the residence of the appointee. This is an option for the council and is not required of the council. It is felt this will open the applicant pool to qualified individuals who in many instances also pay taxes for property they own in the city but do not reside in the city limits as is now required to serve on a commission.

From the Charter Commission minutes of the meeting;

“City Attorney Butorac recommended the following change to Section 3.01 – Advisory Board and Commissions:

“All commission members must be qualified electors and residents of the city for at least one (1) year, except one (1) at-large member of each commission may be appointed by council irrespective of residence.”

Moved by Lindberg and supported by Barboni to reject the proposed amendment to Section 3.01 – Advisory Board and Commissions. After discussion on the proposed amendment, Lindberg rescinded his motion and Barboni rescinded his support of the motion.

City Attorney Butorac recommended that the Charter Commission focus on a single issue for the ballot question for the General Election regarding the sale of a publicly owned health facility, in order to avoid confusing the public.

Moved by Lindberg and supported by Lucarelli to refer the amendment to City Charter Section 3.01 - Advisory Boards and Commissions, as listed above, to the City Council to amend the Charter by ordinance. Motion carried.”

On the following page I have attached the LMC Handbook information on changing the Charter. Item #4 reviews the process to amend the Charter by ordinance as recommended by the Charter Commission. There are certain timelines that need be followed. Within the next month from receipt of this letter, the city must publish the text of the proposed amendment in a notice of public hearing on this proposal. At least 2 weeks, but not more than a month, after the notice is published a public hearing is to be held. Within one month of the public hearing, the council must vote on the proposed amendment. The vote must be unanimous. The proposed change does not become effective for 90 days, allowing the public to object by written petition. This issue will not appear on the ballot this November. Thank you.

Don Sipola, President
Virginia Charter Commission

F. Amendments to the charter

Amendments may originate in one of five ways:

1. **The charter commission may propose amendments at any time.**
2. **A number of registered voters, equal to 5 percent of the total votes cast at the last state general election in the city, may sign and file a petition with the charter commission.**

This percentage of voters cannot be changed by a provision in a charter. The petition must state the proposed amendment to the charter. The commission must submit the petition to popular vote. The amendment goes to the city clerk, who notifies the council. The council then provides for the election under the same rules that apply to a new charter. The council may not refuse to submit or change the amendment as long as it is constitutional. A city council does not need to submit an unconstitutional charter amendment or an amendment that violates state or federal law to the voters. The secretary of state is required to develop rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state shall provide samples of petition forms for use by election officials.

3. **The city council may propose an amendment by ordinance subject to charter commission review.**

The council submits the ordinance proposing an amendment to the commission, which has 60 days for review. If the commission formally requests an extension, the council may extend this review period by an additional 90 days. After the review period, the commission returns the amendment or its own substitute amendment to the council.

The council submits to the voters either the amendment it originally proposed or the commission's substitute amendment.

4. **The charter commission may recommend the council amend the charter by ordinance.**

In this case, within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing of the proposal. The notice must contain the text of the proposed amendment. The city must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published.

Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The vote must be unanimous, including approval by the mayor if the mayor has veto power.

The ordinance proposing the amendment is subject to the same publication requirements as other ordinances. The ordinance does not become effective for 90 days. During the first 60 days, registered voters equal to 2 percent of the votes at the last state general election or 2,000 voters, whichever is less, may submit a petition forcing a referendum on the amendment.

If voters file a proper petition, the city must handle the amendment like any other charter amendment, except the council may submit the ordinance at a general or special election that occurs within 60 days after filing the petition, or it may reconsider its action in adopting the ordinance.

5. **In cities of populations less than 10,000, the council may propose amendments by ordinance without submitting them to the charter commission. Four-fifths of the council members must vote for the ordinance. Two weeks published notice is necessary before the vote. The council must then submit the ordinance to the voters like any other amendment.**

8.2

August 18, 2011


Honorable Mayor and City Council
City of Virginia
Virginia, MN 55792

Dear Mayor Peterson and Councillors:

Attached is a list of the polling places and list of election judges to be approved for the General Election, which will be held on November 8, 2011.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lois Roskoski". The signature is written in a cursive style with a large, sweeping initial "L".

Lois Roskoski
City Clerk

Enclosure

**CITY OF VIRGINIA, MINNESOTA
ELECTION JUDGES - 2011**

FIRST PRECINCT

Parkview Learning Center

Chairperson

JoAnn Mohn

Jeanne Schake

Merry Ofstad

Joann Ohmann (6 AM - 2 PM)

Lois Giese (2 PM - close)

SECOND PRECINCT

Miners Memorial Building - North Room

Chairperson

Geraldine Berger

Wayne Christiansen

Sheila Vandervort

Mona Filter (6 AM - 2 PM)

Wally Tetrault (2 PM - close)

THIRD PRECINCT

Columbia Apartment Building

Chairperson

Anne Bier

Dorothy Bergerson

Arlene Preble

Dolores Pietz (6 AM - 2 PM)

Mona Filter (2 PM - close)

FOURTH PRECINCT

Miners Memorial Building - North Room

Chairperson

Dorothy Egger

Patricia Elg

Louise Grams

Jalois Klein (6 AM - 2 PM)

Kathryn Carlson (2 PM - close)

FIFTH PRECINCT

Miners Memorial Building - North Room

Chairperson

Jim Skinner

Kathryn Cremers

Bill Krall

Wally Tetrault (6 AM - 2 PM)

Judy Hafdahl (2 PM - close)

ABSENTEE BALLOT BOARD:

Kathryn Cremers

Wayne Christiansen

Patricia Elg

Anne Bier

HEALTH CARE JUDGES:

Joann Mohn

Geri Berger

COUNCIL CHAMBERS

8-3

Resolution No.

City of Virginia, Minnesota, August 23, 2011

Resolution **authorizing execution of a Grant Agreement with the Minnesota Department of Public Safety for traffic safety enforcement projects**

Resolved by the City Council of the City of Virginia, that

the Virginia Police Department is authorized to enter into a grant agreement with the Minnesota Department of Public Safety for traffic safety enforcement projects during the period October 1, 2011 through September 30, 2014.

BE IT FURTHER RESOLVED that the Mayor and City Operations Director are hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Virginia Police Department and to be the fiscal agent and administer the grant.

Moved by Councillor _____ supported by Councillor _____ that the above resolution be adopted.

Ayes:

Nays:

Minnesota Department of Public Safety 2012 Enforcement Request for Proposal

The Minnesota Department of Public Safety (DPS), Office of Traffic Safety (OTS) is seeking proposals from law enforcement agencies to conduct a highly-visible, well publicized traffic safety enforcement program. The overtime enforcement will address all traffic safety issues with an emphasis on impaired driving, passenger protection and speed.

DPS has a mandate to promote the safety of those who use public roadways. Certain programs implemented to fulfill this mandate are funded by the US/DOT National Highway Traffic Safety Administration (NHTSA) through the Department's OTS. DPS and NHTSA are most concerned with traffic safety interventions that have been proven to reduce deaths and severe injuries caused by motor vehicle crashes. Through a problem identification process, the top traffic safety priorities have been found to be the reduction of impaired driving, the increase of safety belt and child seat use, and reducing excessive speed. OTS is committed to funding projects with identified traffic safety problems and proposed strategies likely to alleviate those problems.

Background

Research has consistently shown enforcement efforts do not have a lasting effect on drivers' behavior if the majority of the public is not aware of them. Combining increased enforcement activity with adequate public awareness efforts has been found to result in long-lasting improvements in driver behavior. By increasing the number of arrests and raising the perceived risk of arrest, compliance with laws is increased. In previous years, the OTS funded several enforcement programs that support this high-visibility enforcement activity; these programs include *Safe & Sober*, which supports enforcement activity during the national and Minnesota mobilizations, Nighttime Concentrated Alcohol Patrol (NightCAP), which supports sustained impaired driving enforcement activity, HEAT speed enforcement, Pilot Counties, and Anoka and Dakota County high-visibility enforcement programs.

In 2012, OTS will combine all enforcement funding into one grant agreement incorporating all previous enforcement programs. Law enforcement agencies are required to develop a year-long plan supporting high-visibility enforcement activity. This application does not include the HEAT program; however, additional funding will be added to the grant agreement for agencies that are later determined eligible for HEAT funding.

Significant Changes to Enforcement RFP:

- Simplified single grant – Agencies submit one application to receive funding for all enforcement programs for which they are eligible. (*Safe & Sober*, NightCAP, HEAT, Pilot County, Anoka and Dakota County)
- Online reporting – Activity reports and invoicing will be done electronically via a new e-grant system.
- Rural seat belt enforcement – Ten identified counties in Greater Minnesota can apply for an extra week of seat belt enforcement with a teen focus during the afternoons the first week in April.
- Nighttime requirement – Fifty percent nighttime enforcement is still required during seatbelt mobilizations, but the time changes to 16:00-1:00 to include the "drive home" commute.
- Resolution required from lead agency only.
- Collaborative efforts – OTS continues its commitment to multiple agencies collaborating on a grant, therefore no single agency applications will be accepted. A maximum of one enforcement grant per county will be issued with the exception of Hennepin and St. Louis Counties. Multiple counties may partner to apply for one grant.
- Performance measures – Agencies will develop performance measures based on a three-year goal, which replaces the previously required objectives worksheet.

Eligibility

Eligible applicants for this RFP are Minnesota cities and counties for their law enforcement agencies. Private companies and organizations are **not** eligible.

All applicants must participate in the mobilization enforcement program. Specific counties that have the highest number of alcohol-related fatalities and severe injuries and rural counties that have a high number of unbelted fatalities may apply for additional impaired driving and/or seat belt enforcement funding. These counties are indicated on the application and on page 6, tab 5 of the Grant Application Instructions. Grants that include agencies participating in the HEAT program will have funding incorporated into their final budget.

OTS will issue a maximum of one enforcement grant per county with the exception of Hennepin and St. Louis Counties and must partner with at least one other agency. No single agency applications will be accepted. Multiple counties may partner to apply for one grant.

The application must indicate one law enforcement agency as the fiscal agent and administrator for the entire grant. This is the agency that must obtain a resolution from their city council or county board to sign the grant agreement. The remaining agencies serve as partners on the grant agreement. The lead agency is responsible for compiling information from their partners on the grant application. If the application is accepted, the lead agency will be responsible for submitting compiled plans, reports and invoices throughout the project year.

Funding Available and General Funding Rules

Grants begin on October 1, 2011 and end September 30, 2012. Grantees will be evaluated based on prior year enforcement activity, timely reporting, and the proposed budget and work plan.

Award letters will be sent out by July 15, 2011, and grant agreements will be fully executed by October 1, 2011.

The grant is additional funding for enhanced enforcement. The grant funding must ultimately increase an agency's overall budget. The vast majority of funds (90 percent) must be used for paid overtime enforcement hours; comp time is not allowed.

The grant funds are available on a cost reimbursement basis. Costs are reimbursed after they are incurred and paid by the grantee agencies. As a result, applicant agencies must have "start-up" monies available. The fiscal agency (usually the lead agency) submits a single invoice for all involved and makes reimbursement to its partners after receiving the funds from DPS.

There is no match requirement for the grant agreement.

Application Procedures

Your proposal should be mailed (or hand delivered) to:

Shannon Swanson
Office of Traffic Safety
444 Cedar St., Suite 150
Saint Paul, MN 55101-5150

- Proposals must be received no later than 4 p.m. on Friday, June 24, 2011. It is each applicant's responsibility to ensure proposals are received on time; if you are mailing, allow at least four business days for delivery.
- Fax and e-mail applications will not be accepted.

Proposal Package Checklist

One copy of the complete proposal package is required and must include the following:

- ✓ Signed completed Application
 - Applicant's information and certification that the applicant agrees to the Program Guidelines, Terms and Conditions, Federal Audit Requirements
 - Approved Work Plan
 - Agency Information
 - Grant Information
 - Performance Measures
 - Enforcement Wave Plan
 - Impaired Driving Plan (if applicable)
 - Rural Seat Belt Enforcement (if applicable)
 - Budget
 - Toward Zero Deaths Conference

Negotiations on individual proposals may occur; you may be asked to clarify statements, change your hours or plans or reduce/change your budgets. Saving this RFP and a copy of your complete proposal package will make it easier for you to make any necessary modifications later.

QUESTIONS regarding the application procedures, proposal contents and evaluation/selection of proposals received must be directed to Shannon Swanson (651) 201-7063 or e-mail at shannon.swanson@state.mn.us.

8.4

COUNCIL CHAMBERS

Resolution No.

City of Virginia, Minnesota, August 23, 2011

Resolution to approve extension of Facilities Use Agreement with Independent School District No. 2154, Eveleth-Gilbert, for lease of the Quad Cities Tennis for All Facility

Resolved by the City Council of the City of Virginia, that

WHEREAS, Independent School District No. 2154, Eveleth-Gilbert, desires to extend the agreement for the use of the tennis facility for its boys and girls tennis teams through June 30, 2014; and

WHEREAS, ISD No. 2154 agrees to pay the City of Virginia, as follows:

July 1, 2011 - June 30, 2012	\$3,200.00
July 1, 2012 - June 30, 2013	\$3,300.00
July 1, 2013 - June 30, 2014	\$3,400.00

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Operations Director are authorized to enter into a lease with Independent School District No. 2154, Eveleth-Gilbert, for use of the tennis facility through June 30, 2014.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays:

FACILITIES USE AGREEMENT

THIS AGREEMENT is made and entered into between the **CITY OF VIRGINIA**, hereinafter referred to as "City", and **INDEPENDENT SCHOOL DISTRICT NO. 2154, EVELETH-GILBERT**, hereinafter referred to as "School District".

RECITALS

The parties hereto recite and declare that:

- A. City is the owner and operator of the Quad Cities Tennis for All (QTFA) facility located within the City of Virginia.
- B. School District desires to use and access the tennis facility for its boys and girls tennis teams during the 2011-2012, 2012-2013, and 2013-2014 seasons.
- C. The parties desire to enter into a facilities use agreement defining their rights, duties and liabilities relating to the tennis facility and with regard to their relationships with one another.

NOW, THEREFORE, for the reasons set forth above and in consideration of the mutual covenants and promises of the parties hereof, the parties covenant and agree as follows:

SECTION ONE PURPOSE AND DESCRIPTION OF PREMISES

City allows and permits School District to use the QCTFA facility located within the City of Virginia, County of St. Louis, State of Minnesota, on a non-exclusive basis.

The express purpose of this Facilities Use Agreement is to allow and permit School District's use of the facility for purposes of conducting its Minnesota State High School League sanctioned girls and boys tennis program for the 2011-2012, 2012-2013, and 2013-2014 school years.

**SECTION TWO
TERM**

This Facilities Use Agreement is to commence at the beginning of the tennis season and continue during the full season of play, including any tournaments or playoffs, commencing on July 1 of each year through and including the month of June of the same year.

**SECTION THREE
CONSIDERATION**

School District agrees to pay City the following amounts with payments due on September 1 of each year.

2011-2012 School Year	\$3200.00
2012-2013 School Year	\$3300.00
2013-2014 School Year	\$3400.00

**SECTION FOUR
SPECIFIC USES**

This Facilities Use Agreement includes all school-supervised, scheduled team practices and all competitive matches and events, including playoffs and post season activities. The parties shall work together to coordinate School District's use of the facilities with other users of the facility.

**SECTION FIVE
WASTE, NUISANCE OR UNLAWFUL ACTIVITY**

~~School District shall not allow or permit any waste or nuisance in conjunction with its use~~
of the QCTFA facility; or use, or allow to be used, the facility for any unlawful or hazardous purpose or activity. Further, School District agrees that it shall provide proper supervision of its students in conjunction with any organized practice, meet or activity.

**SECTION SIX
HOLD HARMLESS AND INDEMNIFICATION**

Each party shall hold harmless and indemnify the other against all expenses, liabilities and claims for every kind, by or on behalf of any person or entity, arising out of:

1. A failure by any one party to perform any of the terms or conditions of this facilities use agreement;
2. Any injury or damages happening on or about the described premises as a result of the other's activities and/or programs or in conjunction with the use of the facility;
3. Failure to comply with any law, rule or regulation of any governmental agency or authority;
4. Its actions, whether by omission or commission which in any way relate to this Facilities Use Agreement and the performance of its obligations and duties in conjunction therewith.

**SECTION SEVEN
ASSIGNMENT**

School District shall not assign its rights under this Facilities Use Agreement, or any right or privilege connected with the Facilities Use Agreement, to any one or any entity without first obtaining the written consent of City.

**SECTION EIGHT
WAIVERS**

Waiver by either party of any breach of any covenant or duty under this Facilities Use Agreement is not a waiver or breach of any other covenant or duty, or any subsequent breach of this same covenant or duty.

SECTION NINE

GOVERNING LAW AND INTERPRETATION

It is agreed that this Facilities Use Agreement shall be governed by, constructed and enforced in accordance with the laws of the State of Minnesota.

Any ambiguities in conjunction with the enforcement or interpretation of this agreement are not to be construed or resolved as against either party.

SECTION TEN

REPRESENTATION OF AUTHORITY TO SIGN

Each party represents and warrants that the person(s) signing and executing this Facilities Use Agreement on its behalf has been properly authorized to do so by the governing boards of each entity, and that such action taken is consistent with its own charters, by-laws, rules, procedures and resolutions and in accordance with the laws of the State of Minnesota.

SECTION ELEVEN

PARAGRAPH HEADINGS

The titles to the paragraphs of this Facilities Use Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify or aid in the interpretation of the provisions of this agreement.

IN WITNESS WHEREOF, the parties above named have executed this Facilities Use Agreement to be effective the date first above written.

CITY OF VIRGINIA

By _____
Steve Peterson, Mayor

By _____
John Tourville, City Operations Director

Subscribed and sworn to before me
this ____ day of _____, 2011.

Notary Public

**INDEPENDENT SCHOOL DISTRICT
NO. 2154, EVELETH-GILBERT**

By _____
Its _____

By _____
Its _____

Subscribed and sworn to before me
this ____ day of _____, 2011.

Notary Public

8.5

COUNCIL CHAMBERS

Resolution No.

City of Virginia, Minnesota, August 23, 2011

Resolution approving vacation of City owned property for the development of the Menards Plat

Resolved by the City Council of the City of Virginia, that

WHEREAS, Menards, Inc., is desirous of creating a plat, in conjunction with the Development Agreement between Menards, Inc. and the City of Virginia; and

WHEREAS, in order to create said plat, areas of City owned property need to be vacated to allow for development; and

WHEREAS, the City of Virginia approved the development of said plat on August 14, 2007; and

WHEREAS, the areas to be vacated are described in the attached Exhibit 1 - Vacation of 18th Street South and 15th Avenue West; Exhibit 2 - Vacation of 14th Avenue West in Nelson's Addition; and Exhibit 3 - Vacation of 18th Street South in Nelsons Addition,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute the appropriate documents to vacate the above-mentioned property for the creation of the Menards Plat in the City of Virginia.

Moved by Councillor _____ supported by Councillor _____ that the above resolution be adopted.

Ayes:

Nays:

Parcel Code 090-0180-01042
(un-plotted)

R/W

FND 3/4" IRON PIN

FND 3/4" IRON PIN

66' R/W

18TH ST. SOUTH

16TH AVE. WEST

Lot 6

Lot 1

Lot 4

Lot 7

Lot 2

Lot 3

15TH AVE. WEST

66' R/W

Lot 8

Lot 3

Lot 2

PEARSALL INDUSTRIAL PARK BLOCK 2

Vacate that portion of 18th Street South beginning at the easterly limits of 16th Avenue West and continuing to the westerly line of Lot 4, Block 3; vacate that portion of 15th Avenue West beginning at the southerly limits of 18th Street South continuing south to the easterly extension of the east south line of Lot 2, Block 2 to the centerline of 15th Avenue West and to the westerly extension of the south line of Lot 3, Block 3 to the centerline of 15th Avenue West, all located within the Pearsall Industrial Park division of Virginia and shown in Exhibit 1.



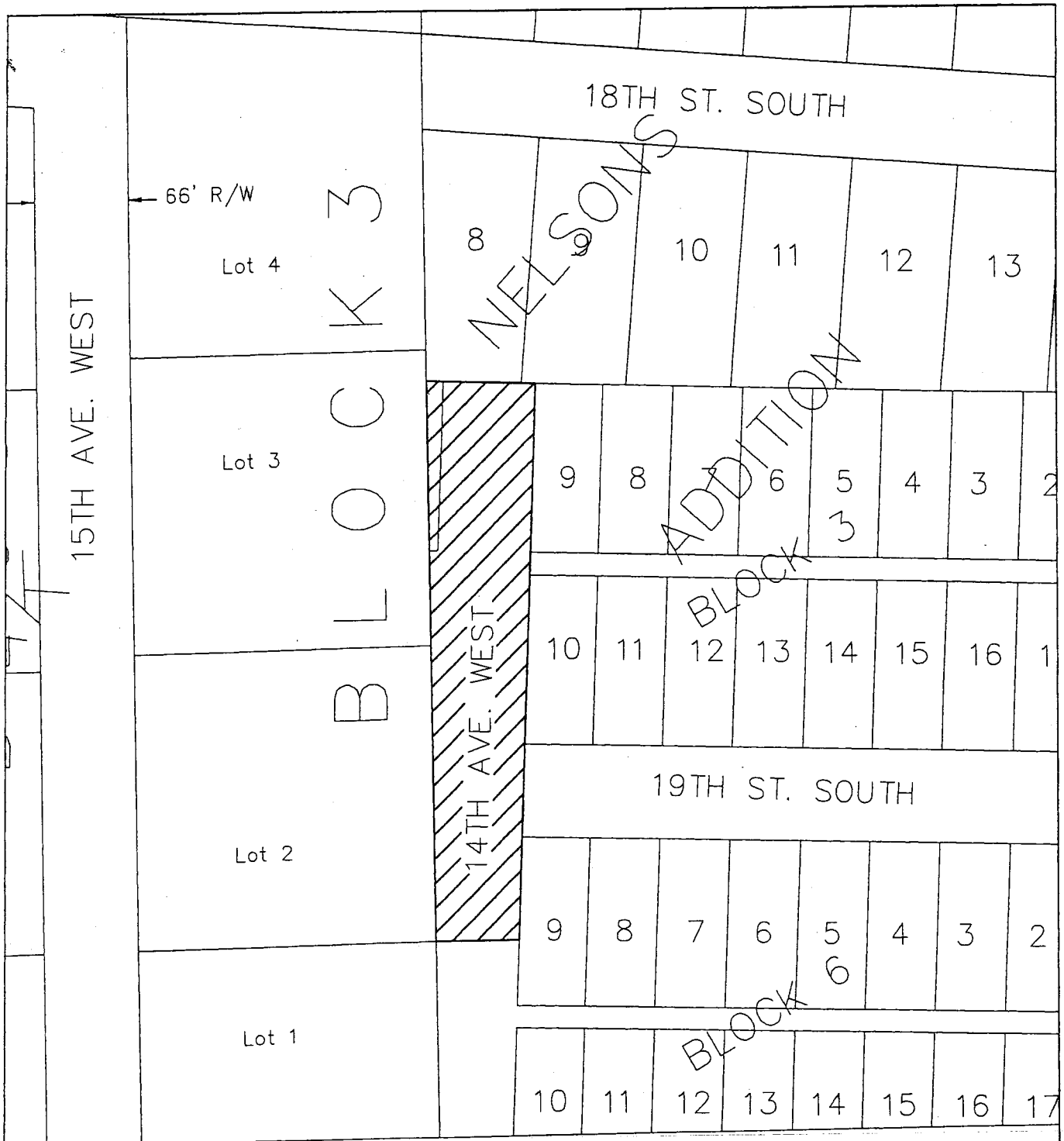
PHONE: (218) 279-3000
418 W. SUPERIOR ST.
DULUTH, MN 55802

PROJECT NO.
A-MENAR0701.00


DATE:
5/22/07

Vacation of 18th St South
and 15th Ave West
in Pearsall Industrial Park

EXHIBIT
NO. 1



Vacate that portion of 14th Avenue West beginning at the easterly extension of the southerly line of Lot 2, Block 3 of Pearsall Industrial Park division continuing northerly to the south line of Lot 8, Block 2, of Nelson's Addition to Virginia.

 PHONE: (218) 279-3000 418 W. SUPERIOR ST. DULUTH, MN 55802	PROJECT NO. A-MENAR0701.00	Vacation of 14th Ave West in Nelson's Addition	EXHIBIT NO. 2
	DATE: 5/22/07		

80-01010

80-01042

17TH ST. SOUTH

NE CORNER
GOVT. LOT 3

BLOCK 2

FND 3/4" IRON PIN

7

6

5

4

3

2

18TH ST. SOUTH

66' R/W

Lot 4

3

NELSON'S

8

10

11

12

13

15TH AVE. WEST

Lot 3

3

ADDITION

9

8

6

5

4

3

2

3

Vacate that portion of 18th Street South beginning at the easterly line of Lot 4, Block 3, Pearsall Industrial Park division of Virginia continuing easterly to the northerly extension of the easterly line of Lot 8, Block 2 of Nelson's Addition to the centerline of 18th Street South as well as to the southerly extension of the easterly line of Lot 7, Block 2, of Nelson's Addition to Virginia to the centerline of 18th Street South.



PHONE: (218) 279-3000
418 W. SUPERIOR ST.
DULUTH, MN 55802

PROJECT NO.

A-MENAR0701.00

DATE:

5/22/07

Vacation of 18th St South
in Nelson's Addition

EXHIBIT
NO. 3

9.1A

COUNCIL CHAMBERS

Resolution No.

City of Virginia, Minnesota, August 23, 2011

Resolution accepting proposal from Rice Lake Construction Group for the Wastewater Treatment Plant Facility Improvement Project

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City of Virginia received four bids for the Wastewater Treatment Plant Facility Improvement Project; and

WHEREAS, the City of Virginia Engineering Department and SEH Engineering, Inc., recommends accepting the low proposal from the Rice Lake Construction Group, in the total amount of \$15,221,000.00,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Operations Director are authorized to enter into an agreement with the Rice Lake Construction Group for the Wastewater Treatment Plant Facility Improvement Project, in the total amount of \$15,221,000.00.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays:

9.1B.

COUNCIL CHAMBERS

Resolution No.

City of Virginia, Minnesota, August 23, 2011

Resolution accepting proposal from Q3 Contracting, Inc., for the P & H Gas Distribution System Improvement Project

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City of Virginia received one bid from Q3 Contracting, Inc., in the amount of \$118,362.50, P & H Gas Distribution System Improvement Project,

WHEREAS, the City of Virginia Engineering Department and SEH Engineering, Inc., recommends accepting the proposal from Q3 Contracting, Inc.,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Operations Director are authorized to enter into an agreement with Q3 Contracting, Inc., in the amount of \$118,362.50, for the P & H Gas Distribution System Improvement Project.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays:

COUNCIL CHAMBERS

9.1C

Resolution No.

City of Virginia, Minnesota, August 23, 2011

Resolution **approving hiring of a Blight Officer person for the City of Virginia**

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City of Virginia and the American Federation of State, County and Municipal Employees, AFL-CIO have agreed that there is a Blight Officer position available in the Public Works department; and

WHEREAS, this position is covered under an agreement between the City of Virginia and the American Federation of State, County and Municipal Employees, AFL-CIO, Local 454; and

WHEREAS, a review committee has reviewed potential applicants; and

WHEREAS, Mr. Ryan Dethloff has successfully completed a pre-employment physical, occupational therapy assessment, and background check,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Virginia hereby approves offering the Blight Officer position to Mr. Ryan Dethloff with a starting date on or after August 23, 2011; subject to a ninety (90) shift probation period and the terms of the American Federation of State, County and Municipal Employees, AFL-CIO, Local 454 labor agreement.

Moved by Councillor

supported by Councillor

that the above resolution be adopted.

Ayes:

Nays:

COUNCIL CHAMBERS

9.140

Resolution No.

City of Virginia, Minnesota, August 23, 2011

Resolution accepting quote from Crysteel Truck Equipment for 8' dump body package

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City Council is desirous of repairing the 1989 Ford F350 one-ton truck and donating it to the Calvary Cemetery; and

WHEREAS, the Public Works Department obtained a quote from Crysteel Truck Equipment to purchase the dump body, at a cost of \$5,298.45,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Operations Director be authorized to enter into an agreement with Crysteel Truck Equipment for the purchase of the dump body,

BE IT FURTHER RESOLVED to donate the 1989 Ford F350 one-ton truck to the Calvary Cemetery.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays: