

Pursuant to due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Municipal Building Council Chambers on April 6, 2020. Mayor Dehen called the meeting to order at 7:00 pm, asking that everyone join in the Pledge of Allegiance. The following were present remotely through Zoom for roll call: Council Members Oachs, Whitlock, Steiner, Norland, and Mayor Dehen, City Administrator Harrenstein, City Attorney Kennedy, Finance Director McCann, Community Development Director Fischer, Public Works Director Host, and City Clerk Van Genderen. Citizen participation was available through teleconference and live stream of the meeting.

Approval of Agenda

Council Member Norland moved, seconded by Council Member Steiner, to approve the agenda. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Approval of Council Meeting Minutes March 16, 2020.

Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of March 16, 2020. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Consent Agenda

Council Member Steiner moved, seconded by Council Member Norland, to approve the Consent Agenda.

- A. Bills and Appropriations.
- B. Res. No. 32-20 Approving Donations/Contributions/Grants.
- C. Approved Renewing Design and Wines Consumption and Display Permit
- D. Approved Crossview Covenant Parade and Audio Permit for Global 6K Run/Walk on May 31, 2020, from 11:00 am to 1:00 pm.
- E. Approved Parade and Audio Permit for Lasting Imprint's Awareness Walk at Spring Lake Park on September 26, 2020, from 7:30 am to 12:30 pm.
- F. Accepted Property Owner Petition to Annex 109 Acres into the City of North Mankato and Set a Public Hearing for 7:00 pm on May 18, 2020.
- G. Approved Audio Permit for Mankato Brewery BBQ Cookoff on June 6, 2020, from 8:00 am to 6:00 pm at 1119 Center Street.

Vote on the motion: Oachs, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.

Public Comments Concerning Business Items on the Agenda

None.

Business Items

Res. No. 33-20 Enacted Pursuant to Minnesota Statutes Section 12.29, Extending the Period of a Mayor Declared Local Emergency.

Council Member Norland moved, seconded by Whitlock, to Adopt Res. No. 33-20 Enacted Pursuant to Minnesota Statutes Section 12.29, Extending the Period of a Mayor Declared Local Emergency. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Receive an Update on COVID-19 and Changes to City Services, Department Adjustments, and City Response.

City Administrator Harrenstein reviewed the current COVID-19 cases in Minnesota, which at the time were 986 positive cases with 30 deaths, Nicollet County had four positive cases and 0 deaths, and Blue Earth County had 16 cases and 0 deaths. City Administrator Harrenstein reported the City website, GMG website, Minnesota Department of Health, and the Center for Disease Control all have resources for residents.

City Administrator Harrenstein reported that Resolution 33-20, which the Council passed in the previous action, is a response to several steps, including both the President of the United States and Governor Walz's issuing of emergency proclamations in response to COVID-19. He reported the City had taken two formal actions, including the Administrator's determination for the need for electronic meetings, and the Mayor's Emergency Declaration. Resolution 33-20 extends the Mayor's Emergency Declaration beyond three days. The resolution complies with Governor Walz's executive order and the recommendations of the Minnesota Department of Health related to preventing the spread of the COVID-19 virus.

City Administrator Harrenstein reviewed the local actions. The City Administrator Declaration of Electronic Meetings allows some or all members of the City Council and all other boards and commissions to participate electronically for more than three meetings if necessary. It will enable public access to open meetings using phone and internet connections in contrast to the public being present at the location of meeting as required by Minnesota Open Meeting Laws.

The Mayor's Declaration directed the activation of the relevant portions of the Nicollet County Emergency Operations Plan and authorizes the City Administrator or his designee(s) to suspend compliance with normal state laws or city policies if necessary to respond to the crisis and adhere to the Governor's declaration of an emergency to protect public health and safety.

Resolution 33-20 continues the Mayor's declaration of a local emergency until either the Council discontinues the emergency or the Governor's Peacetime Emergency Declaration is lifted, affirms the declaration of electronic meetings, and authorizes the City Administrator to enter into agreements for materials, services, or equipment related to COVID-19. The Resolution also authorizes the Mayor and City Administrator to execute any necessary agreements or contracts required to protect the health, safety, and welfare of the City.

City Administrator Harrenstein reviewed the relevant government action since the peacetime emergency declaration, including state and city responses.

The North Mankato Emergency Response and Continuity of Government Plans include the executive team acting as the Emergency Response Team and they will work on disaster or emergency response as guided by executive orders, MDH, and CDC. A line of succession was reviewed for both the governing body and administration. The Emergency Response Team will maximize protection of life and property, coordinate the city government response to the peacetime emergency, coordinate with any local government (s), state and federal agencies and businesses/industries affected by the disaster, and generate appropriate public information. Questions may be directed at 507-625-4141 or emailed to info@northmankato.com. The Emergency Response Team is prepared to re-allocate staff as necessary, acquire necessary agreements, goods, contracts, equipment, and provide information to continue government operations. The team will prioritize City services by threats to public health, safety, welfare, economic impact, state-mandated, services required by law, and review services that may be suspended. The team will communicate with the governing body, the public, internal stakeholders, and institutions as service levels are changed or adjusted. A line of succession will be coordinated should staff levels be reduced. A review of existing inventories of supplies, equipment, and personnel on hand to respond during the pandemic and a review of existing critical resource and

outside agency contact lists will be conducted. The Emergency Response Team will convene daily for service level updates. The team will review current information technology system capabilities for offsite work, develop procedures for offsite work, continue to provide fact sheets and information for employee safety specific to the event and provide Personal Protective Equipment (PPE) to employees.

A prioritization of services includes priority service one which provides for an immediate threat to public health, safety, or welfare; which activities must remain uninterrupted. Priority service two includes direct economic impact, constitutionality or statutorily mandated time frames, or civil disorder may develop if not performed in a few days. Priority service three regularly includes services required by law, rule, or order that can be disrupted temporarily. Priority service four consists of all other services that could be suspended during an emergency and are not required by law or rule.

Attorney Kennedy requested clarification on Personal Protective Equipment. Public Works Director Host reviewed that all vehicles have sanitary wipes in their vehicles, protective masks, and they are encouraging handwashing. Chief Gullickson reported they are well supplied with reusable masks and gowns, N95 masks, and boot covers. Staff also decontaminate their boots when they return to the office. Supplies are also available if the team must transport individuals to a facility.

City Administrator Harrenstein reviewed operations and staffing changes, which include electronic meetings for the legislature, and Administration and Finance offices are closed, but services continued via alternative methods. No adjustments to the City Attorney or City Engineer. The Police Department lobby doors are closed, but all other services continue. The Fire Department has staggered its services, discontinued in-person meetings, and additional precautions have been taken while responding. Garbage and Recycling continue. Parks, Water, and Street staff are not meeting as a large group, and are not riding together. Parks have not been closed, and picnic tables have not been removed, and restrooms are open as long as they are being sanitized. The library is closed, but the library has begun a mailing program. Community Read has been canceled but may occur in the fall. Community Development and Inspections continue, with plan reviews. Caswell Park preparation continues, all April events have been canceled, and several May events have been canceled. Spring Lake Park Swim Facility is proceeding with opening but will respond to State direction.

Community Development Director Fischer reported in coordination with Greater Mankato Growth, Senator Nick Frentz, and Representative Brands, the City conducted a Zoom Meeting to discuss state and local opportunities. The City will continue to engage with businesses. A potential business loan was reviewed, which includes a loan package. A qualifying business may request a \$12,500 loan with a \$5,000 five-year forgivable loan and up to \$7,500 five-year loan with a 3% interest with repayment deferred until June 1, 2021, with repayment at \$166.01 a month. Businesses appreciated the consideration. Mayor Dehen reported the program will bridge from now until companies can receive funds or until federal or state funds are available to support businesses.

City Administrator Harrenstein reported the plan was designed to meet a business's needs to help cover expenses. If a business remains open, the first \$5,000 is forgivable. A business may choose to only apply for the \$5,000, but additional assistance is available up to \$12,500. Repayment would begin in 2021, with the first \$5,000 forgivable.

Attorney Kennedy requested clarification on what would happen if a business closed, the borrower died, or the business sold. City Administrator Harrenstein reported mechanisms are in place to ensure repayment. The loans are different in that they are smaller microloans designed for cashflow injection. Businesses are seeing up to an 80% reduction in business. With City investment in both Belgrade District, North Port Industrial Port, and Commerce Drive, the loans are different and designed to assist business.

Attorney Kennedy reviewed how the State of Minnesota may need to cut local government aid due to continuing costs due to the pandemic, and the Council may need to address the shortfall. City

Administrator Harrenstein noted this might occur, but all the more reason to assist the businesses so they can recover and thrive in the aftermath of the emergency. Mayor Dehen said staff would continue to clarify the terms, but applications will begin so businesses may receive the assistance they need.

City Administrator Harrenstein encouraged individuals to contact the City with any questions or concerns.

Council Member Oachs requested a meeting on the loan program. Administrator Harrenstein reported he would be willing to provide information. A Port Authority Meeting would be conducted to provide additional information. Mayor Dehen commented a business meeting was conducted earlier today, but an additional one would be held. Attorney Kennedy reported that Council Member Oachs would be eligible to apply for the loan.

Res. No. 34-20 Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment Project No. 19-06 ABCDEF 300 and 400 Block Monroe Avenue.

City Engineer Sarff reported the City opened bids on March 31, 2020, with four bids received. The low bidder was W. Lorentz and Sons Construction with a bid of \$787,576.82, which is 5% below the engineer's estimate and approximately 11% below the next low bid. Based on past performance and conversations with representatives of W. Lorentz and Sons Construction, Inc., it was recommended to accept the request. Finance Director McCann prepared the assessment roll, and the assessment hearing is scheduled for May 4, 2020. Finance Director McCann reported the City is proceeding with the standard assessment plan, and additional information will be provided at the hearing. Notices will be sent out with participation options provided if meetings continue to be electronic.

Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 34-20 Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment Project No. 19-06 ABCDEF 300 and 400 Block Monroe Avenue. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Res. No. 35-20 Setting Assessment Hearing for Project No. 19-06 ABCDEF 300 and 400 Block Monroe Avenue on May 4, 2020, at 7:00 p.m.

Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 35-20 Setting Assessment Hearing for Project No. 19-06 ABCDEF 300 and 400 Block Monroe Avenue on May 4, 2020, at 7:00 p.m. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Open Forum

None.

City Administrator and Staff Comments

City Administrator Harrenstein thanked the staff for their continued response to the situation.

Finance Director McCann reported auditors would probably be conducting a remote audit later in the month.

Public Works Director Host commented that road construction is still allowed, and activity around town will begin. City Administrator Harrenstein reported Spring Clean-up had been delayed due to COVID-19. He requested creative solutions to continue the service. Mayor Dehen suggested drop off when it is available and proceed with the pick-up in the fall. City Administrator Harrenstein requested a Council response to changing to a spring drop-off and a fall pickup. Council Members approved.

Council Member Norland stated the bright side is a lot of outdoor activity and greeting neighbors during those activities.

Mayor Dehen requested a clarification be provided to the public concerning walking and biking etiquette.

Council Member Steiner thanked the staff for their work during the emergency declaration.

Council Member Oachs encouraged residents to maintain their social distancing during the upcoming religious celebration.

Council Member Whitlock noted the difficulty in hearing Attorney Kennedy's comments and requested a transcript of his remarks. Administrator Harrenstein stated Attorney Kennedy should attend the Port Authority Meeting. Council Member Whitlock noted the Emergency Operations Center training was useful and thanked staff for the training. He encouraged citizens to flatten the curve.

Mayor Dehen thanked staff and citizens and encouraged everyone to practice social distancing and stay home to mitigate COVID-19. If residents are in the parks, observe social distancing.

Mayor and Council Comments

At 8:15 pm on a motion by Council Member Steiner, seconded by Council Member Norland, the Council Meeting was adjourned.

Mayor

City Clerk



City of North Mankato, MN

Claims List - Regular

By Vendor Name

Date Range: 4-20-20

| Vendor Number | Vendor Name | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|-------------------------------|--|--------------|--------------|-----------------|----------------|------------|
| Bank Code: APBNK-APBNK | | | | | | |
| 00029 | AG SPRAY EQUIPMENT | 04/20/2020 | Regular | 0 | 4.08 | 92590 |
| 03247 | BARGEN INCORPORATED | 04/20/2020 | Regular | 0 | 51,110.00 | 92591 |
| 00124 | BAUER'S UPHOLSTERY | 04/20/2020 | Regular | 0 | 450.00 | 92592 |
| 00136 | BENCHS | 04/20/2020 | Regular | 0 | 25.00 | 92593 |
| 02169 | BLUE LINE SHARPENING & SALES | 04/20/2020 | Regular | 0 | 30.00 | 92594 |
| 03251 | BLUE SKYE MERCANTILE | 04/15/2020 | Regular | 0 | 7,000.00 | 92588 |
| 00233 | CEMSTONE PRODUCTS COMPANY | 04/20/2020 | Regular | 0 | 273.87 | 92595 |
| 02757 | CINTAS | 04/20/2020 | Regular | 0 | 203.42 | 92596 |
| 00255 | CITY OF MANKATO | 04/20/2020 | Regular | 0 | 27,265.00 | 92597 |
| 00344 | DIAMOND VOGEL PAINT CENTER | 04/20/2020 | Regular | 0 | 1,020.15 | 92598 |
| 00074 | EARL F. ANDERSEN INC. | 04/20/2020 | Regular | 0 | 1,779.50 | 92599 |
| 02393 | ECKERT PLUMBING & HEATING, INC. | 04/20/2020 | Regular | 0 | 252.30 | 92600 |
| 00380 | ELECTRIC PUMP, INC. | 04/20/2020 | Regular | 0 | 9,170.00 | 92601 |
| 03185 | FINSTAD, MIKE | 04/14/2020 | Regular | 0 | 100.00 | 92586 |
| 03252 | FLAIR CONTRACTING, INC. | 04/15/2020 | Regular | 0 | 24,745.00 | 92589 |
| 00520 | HAEFNER AUTO SUPPLY, INC. | 04/20/2020 | Regular | 0 | 219.51 | 92602 |
| 00637 | JETTER CLEAN, INC. | 04/20/2020 | Regular | 0 | 500.00 | 92603 |
| 00800 | MADDEN, GALANTER, HANSEN, LLP | 04/20/2020 | Regular | 0 | 403.60 | 92604 |
| 03249 | MAYO CLINIC AMBULANCE SERVICE EDUCATIC | 04/20/2020 | Regular | 0 | 850.00 | 92605 |
| 00963 | MINNESOTA BUREAU OF CRIMINAL APPREHEN | 04/20/2020 | Regular | 0 | 270.00 | 92606 |
| 01034 | NHA HEATING & AIR CONDITIONING | 04/20/2020 | Regular | 0 | 947.00 | 92607 |
| 01037 | NICOLLET COUNTY | 04/20/2020 | Regular | 0 | 20,312.00 | 92608 |
| 01057 | NORTH MANKATO MOTOR VEHICLE REGISTRA | 04/14/2020 | Regular | 0 | 12.50 | 92587 |
| 01106 | PETTY CASH | 04/20/2020 | Regular | 0 | 8.68 | 92609 |
| 01133 | POWERPLAN/RDO EQUIPMENT | 04/20/2020 | Regular | 0 | 2,041.21 | 92610 |
| 01166 | RADIO MANKATO | 04/20/2020 | Regular | 0 | 504.99 | 92611 |
| 01179 | RED FEATHER PAPER CO. | 04/20/2020 | Regular | 0 | 59.35 | 92612 |
| 02235 | RIVER CITY ELECTRIC CO | 04/20/2020 | Regular | 0 | 419.06 | 92613 |
| 01278 | SHERWIN-WILLIAMS CO. | 04/20/2020 | Regular | 0 | 419.99 | 92614 |
| 01295 | SNELL MOTORS, INC | 04/20/2020 | Regular | 0 | 389.25 | 92615 |
| 01297 | SOUTH CENTRAL COLLEGE | 04/20/2020 | Regular | 0 | 4,115.00 | 92616 |
| 03250 | STAUFF, RYAN | 04/20/2020 | Regular | 0 | 150.87 | 92617 |
| 01354 | SUBURBAN TIRE WHOLESALE, INC. | 04/20/2020 | Regular | 0 | 1,191.92 | 92618 |
| 01402 | TIRE ASSOCIATES | 04/20/2020 | Regular | 0 | 2,508.26 | 92619 |
| 01415 | TOYOTA-LIFT OF MINNESOTA | 04/20/2020 | Regular | 0 | 2,024.58 | 92620 |
| 01433 | TYLER TECHNOLOGIES | 04/20/2020 | Regular | 0 | 5,000.00 | 92621 |
| 03191 | US SOLAR | 04/20/2020 | Regular | 0 | 3,227.99 | 92622 |
| 01515 | WELLS FARGO BANK, N.A. | 04/20/2020 | Regular | 0 | 525.00 | 92623 |
| 01525 | WEST CENTRAL SANITATION, INC. | 04/20/2020 | Regular | 0 | 28,652.04 | 92624 |
| 00101 | AT&T MOBILITY | 04/15/2020 | Bank Draft | 0 | 28.94 | DFT0004122 |
| 00182 | BOYER TRUCKS | 04/15/2020 | Bank Draft | 0 | 257.69 | DFT0004124 |
| 00311 | CULLIGAN WATER CONDITIONING | 04/07/2020 | Bank Draft | 0 | 41.70 | DFT0004083 |
| 00311 | CULLIGAN WATER CONDITIONING | 04/07/2020 | Bank Draft | 0 | 55.50 | DFT0004084 |
| 00322 | DALCO | 04/07/2020 | Bank Draft | 0 | 825.34 | DFT0004099 |
| 00322 | DALCO | 04/09/2020 | Bank Draft | 0 | 295.61 | DFT0004109 |
| 00447 | FREE PRESS | 04/07/2020 | Bank Draft | 0 | 39.71 | DFT0004086 |
| 00499 | GRAINGER | 04/07/2020 | Bank Draft | 0 | 96.72 | DFT0004087 |
| 00499 | GRAINGER | 04/07/2020 | Bank Draft | 0 | 61.56 | DFT0004088 |
| 00608 | INGRAM LIBRARY SERVICES | 04/15/2020 | Bank Draft | 0 | 243.18 | DFT0004113 |
| 02026 | INTERNATIONAL CODE COUNCIL | 04/08/2020 | Bank Draft | 0 | 928.72 | DFT0004103 |
| 02026 | INTERNATIONAL CODE COUNCIL | 04/08/2020 | Bank Draft | 0 | 537.50 | DFT0004104 |
| 00733 | LAKES GAS CO #10 | 04/15/2020 | Bank Draft | 0 | 81.50 | DFT0004125 |
| 00857 | MC GOWAN WATER CONDITIONING, INC. | 04/07/2020 | Bank Draft | 0 | 27.15 | DFT0004085 |
| 00857 | MC GOWAN WATER CONDITIONING, INC. | 04/09/2020 | Bank Draft | 0 | 45.25 | DFT0004108 |
| 00923 | MINNESOTA DEPARTMENT OF LABOR & INDU: | 04/07/2020 | Bank Draft | 0 | 2,555.77 | DFT0004089 |
| 00910 | MINNESOTA VALLEY TESTING LAB, INC. | 04/08/2020 | Bank Draft | 0 | 77.00 | DFT0004106 |
| 00910 | MINNESOTA VALLEY TESTING LAB, INC. | 04/14/2020 | Bank Draft | 0 | 156.50 | DFT0004120 |

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|-------|------------------------------------|------------|------------|---|------------|------------|
| 00910 | MINNESOTA VALLEY TESTING LAB, INC. | 04/09/2020 | Bank Draft | 0 | 59.50 | DFT0004121 |
| 01179 | RED FEATHER PAPER CO. | 04/09/2020 | Bank Draft | 0 | 147.20 | DFT0004110 |
| 01335 | STAPLES ADVANTAGE | 04/09/2020 | Bank Draft | 0 | 50.42 | DFT0004105 |
| 01470 | VERIZON WIRELESS | 04/15/2020 | Bank Draft | 0 | 30.82 | DFT0004123 |
| 01525 | WEST CENTRAL SANITATION, INC. | 04/09/2020 | Bank Draft | 0 | 4,323.56 | DFT0004107 |
| 00028 | AFFORDABLE TOWING OF MANKATO, INC. | 04/22/2020 | EFT | 0 | 100.00 | 2723 |
| 00050 | ALPHA WIRELESS COMMUNICATIONS | 04/22/2020 | EFT | 0 | 31.60 | 2724 |
| 00063 | AMERICAN PEST CONTROL | 04/22/2020 | EFT | 0 | 65.00 | 2725 |
| 00103 | AUTO BODY SPECIALTIES | 04/22/2020 | EFT | 0 | 761.12 | 2726 |
| 00105 | AUTO VALUE MANKATO | 04/22/2020 | EFT | 0 | 172.46 | 2727 |
| 00174 | BOLTON & MENK, INC. | 04/22/2020 | EFT | 0 | 11,425.00 | 2728 |
| 00174 | BOLTON & MENK, INC. | 04/22/2020 | EFT | 0 | 90,824.75 | 2758 |
| 00195 | BROCK WHITE COMPANY LLC | 04/22/2020 | EFT | 0 | 375.00 | 2729 |
| 00216 | C & S SUPPLY CO, INC. | 04/22/2020 | EFT | 0 | 255.58 | 2730 |
| 00230 | CCP INDUSTRIES, INC. | 04/22/2020 | EFT | 0 | 50.47 | 2731 |
| 00310 | CRYTEEL TRUCK EQUIPMENT, INC | 04/22/2020 | EFT | 0 | 2,608.20 | 2732 |
| 02275 | DEM-CON MATERIALS & RECOVERY | 04/22/2020 | EFT | 0 | 3,989.40 | 2733 |
| 00343 | DH ATHLETICS LLC | 04/22/2020 | EFT | 0 | 1,644.00 | 2734 |
| 00369 | EBSO INFORMATION SERVICES | 04/22/2020 | EFT | 0 | 2,950.32 | 2735 |
| 03248 | FREDRIKSON & BYRON, P.A. | 04/22/2020 | EFT | 0 | 17,380.00 | 2736 |
| 00453 | FREYBERG PETROLEUM SALES, INC. | 04/22/2020 | EFT | 0 | 1,653.30 | 2737 |
| 02946 | FROEHLICH, PAUL | 04/22/2020 | EFT | 0 | 738.93 | 2738 |
| 00494 | GOPHER STATE ONE-CALL | 04/22/2020 | EFT | 0 | 86.40 | 2739 |
| 00646 | HEINTZ, KATIE | 04/22/2020 | EFT | 0 | 241.25 | 2740 |
| 00680 | J.J. KELLER & ASSOCIATES, INC. | 04/22/2020 | EFT | 0 | 1,002.97 | 2741 |
| 00691 | KENNEDY & KENNEDY LAW OFFICE | 04/22/2020 | EFT | 0 | 8,654.40 | 2742 |
| 00776 | LLOYD LUMBER CO. | 04/22/2020 | EFT | 0 | 1,128.77 | 2743 |
| 00797 | MAC TOOLS DISTRIBUTOR | 04/22/2020 | EFT | 0 | 254.86 | 2744 |
| 00819 | MANKATO FORD, INC. | 04/22/2020 | EFT | 0 | 63.75 | 2745 |
| 00874 | MENARDS-MANKATO | 04/22/2020 | EFT | 0 | 426.34 | 2746 |
| 00886 | MIDSTATES EQUIPMENT & SUPPLY | 04/22/2020 | EFT | 0 | 2,695.00 | 2747 |
| 00889 | MIDWEST TAPE/HOOPLA | 04/22/2020 | EFT | 0 | 1,662.02 | 2748 |
| 00956 | MINNESOTA WASTE PROCESSING CO. | 04/22/2020 | EFT | 0 | 23,452.70 | 2749 |
| 02323 | MOBOTREX | 04/22/2020 | EFT | 0 | 28.00 | 2750 |
| 00997 | MTI DISTRIBUTING CO | 04/22/2020 | EFT | 0 | 2,011.68 | 2751 |
| 03114 | PEPPERS PRO LLC | 04/22/2020 | EFT | 0 | 1,400.00 | 2752 |
| 01211 | RIVER BEND BUSINESS PRODUCTS | 04/22/2020 | EFT | 0 | 537.65 | 2753 |
| 01281 | SIGN PRO | 04/22/2020 | EFT | 0 | 52.50 | 2754 |
| 01286 | SKARPOHL PRESSURE WASHER SALES | 04/22/2020 | EFT | 0 | 125.25 | 2755 |
| 01429 | TURFWERKS | 04/22/2020 | EFT | 0 | 5,990.00 | 2756 |
| 01478 | VIKING FIRE & SAFETY LLC | 04/22/2020 | EFT | 0 | 64.00 | 2757 |
| 00219 | CARDMEMBER SERVICE | 04/02/2020 | Bank Draft | 0 | 13,568.91 | DFT0004112 |
| 00234 | CENTER POINT ENERGY | 04/15/2020 | Bank Draft | 0 | 94.17 | DFT0004114 |
| 02181 | ETS CORPORATION | 04/02/2020 | Bank Draft | 0 | 1,909.82 | DFT0004077 |
| 02003 | MINNESOTA DEPT OF REVENUE | 04/03/2020 | Bank Draft | 0 | 244.53 | DFT0004081 |
| 02003 | MINNESOTA DEPT OF REVENUE | 04/06/2020 | Bank Draft | 0 | 9,829.00 | DFT0004082 |
| 02003 | MINNESOTA DEPT OF REVENUE | 04/08/2020 | Bank Draft | 0 | 5,325.25 | DFT0004096 |
| 03029 | OPEN EDGE | 04/02/2020 | Bank Draft | 0 | 189.97 | DFT0004078 |
| 03029 | OPEN EDGE | 04/02/2020 | Bank Draft | 0 | 53.75 | DFT0004079 |
| 02766 | SPROUT SOCIAL | 04/07/2020 | Bank Draft | 0 | 99.00 | DFT0004101 |
| 01477 | VIKING ELECTRIC SUPPLY, INC. | 04/07/2020 | Bank Draft | 0 | 2,046.11 | DFT0004100 |
| 01477 | VIKING ELECTRIC SUPPLY, INC. | 04/09/2020 | Bank Draft | 0 | 157.08 | DFT0004111 |
| 01477 | VIKING ELECTRIC SUPPLY, INC. | 04/15/2020 | Bank Draft | 0 | 123.48 | DFT0004116 |
| 01557 | XCEL ENERGY | 04/15/2020 | Bank Draft | 0 | 158.82 | DFT0004115 |
| | | | | | <hr/> | |
| | | | | | 427,850.52 | 111 |

Authorization Signatures

All Council

The above manual and regular claims lists for 4-20-20 are approved by:

MARK DEHEN- MAYOR

DIANE NORLAND- COUNCIL MEMBER

WILLIAM STEINER- COUNCIL MEMBER

SANDRA OACHS- COUNCIL MEMBER

JAMES WHITLOCK- COUNCIL MEMBER

RESOLUTION APPROVING DONATIONS/CONTRIBUTIONS/GRANTS

WHEREAS, the Minnesota Statute 465.03 and 465.04 allows the governing body of any city, county, school district or town to accept gifts for the benefit of its citizens in accordance with terms prescribed by the donor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following donations/contributions/grants are approved as follows:

| Donor | Restriction | Amount |
|-------------------------|-----------------------------------|----------|
| Kevin Vetter | Adopt-A-Family Swim Pass Donation | \$80.00 |
| Jason and Jaynie Twedt | Adopt-A-Family Swim Pass Donation | \$40.00 |
| Elna Bohlke | Adopt-A-Family Swim Pass Donation | \$80.00 |
| Georgia Homes | Adopt-A-Family Swim Pass Donation | \$80.00 |
| James and Dolores Portz | Adopt-A-Family Swim Pass Donation | \$40.00 |
| Harry and Evelyn Solo | Adopt-A-Family Swim Pass Donation | \$40.00 |
| Douglas Sinclair | Adopt-A-Family Swim Pass Donation | \$160.00 |
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| Total | | \$520.00 |

Adopted by the City Council this 20th day of April 2020.

Mayor

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



| | | |
|------------------|---------------------|-------------------------------|
| Agenda Item # 9A | Dept: City Engineer | Council Meeting Date: 4/20/20 |
|------------------|---------------------|-------------------------------|

TITLE OF ISSUE: Consider Resolution Approving MN/DOT Contract No. 1036826 Appointing MN/DOT as the City's Agent in Accepting Federal Aid Funds in Conjunction with the Dakota Meadows Safe Routes to School Project

BACKGROUND AND SUPPLEMENTAL INFORMATION: City Engineer Sarff will review the MN/DOT Contract.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Adopt Resolution Approving MN/DOT Contract No. 1036826 Appointing MN/DOT as the City's Agent in Accepting Federal Aid Funds in Conjunction with the Dakota Meadows Safe Routes to School Project

For Clerk's Use:

Motion By: _____
 Second By: _____

Vote Record:

| | Aye | Nay | |
|--|-------|-------|----------|
| | _____ | _____ | Whitlock |
| | _____ | _____ | Steiner |
| | _____ | _____ | Norland |
| | _____ | _____ | Oachs |
| | _____ | _____ | Dehen |

SUPPORTING DOCUMENTS ATTACHED

| Resolution | Ordinance | Contract | Minutes | Map |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (specify) | | MN/DOT Agreement | | |
| _____ | | | | |
| _____ | | | | |
| _____ | | | | |

| |
|---|
| <input type="checkbox"/> Workshop |
| <input checked="" type="checkbox"/> Regular Meeting |
| <input type="checkbox"/> Special Meeting |

| | |
|--------------------------|--------------------|
| <input type="checkbox"/> | Refer to: _____ |
| <input type="checkbox"/> | Table until: _____ |
| <input type="checkbox"/> | Other: _____ |

RESOLUTION NO.

RESOLUTION APPROVING MN/DOT CONTRACT NO. 1036826 APPOINTING MN/DOT AS THE CITY'S AGENT IN ACCEPTING FEDERAL AID FUNDS IN CONJUNCTION WITH THE DAKOTA MEADOWS SAFE ROUTES TO SCHOOL PROJECT

WHEREAS, federal funds for the Dakota Meadows Safe Routes to School Project, SP 150-090-003, TA 5220(152), have been programmed in the State Transportation Improvement Program (STIP) for the years 2020 and 2021, and

WHEREAS, the City of North Mankato intends to construct the Dakota Meadows Safe Routes to School Project in 2020, and

WHEREAS, the City of North Mankato must designate the State of Minnesota, through its Commissioner of Transportation, as an agent of the City to accept the federal funds on behalf of the City to secure the federal funds in advance of the years that the funds are designated in the STIP.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA that, pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as an agent of the City of North Mankato to accept as its agent, federal funds which may be made available for eligible transportation projects.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed for and on behalf of the City of North Mankato to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation MnDOT Contract Number 1036826," a copy of which said agreement was before the City Council and which is made a part hereof by reference

Adopted by the City Council this 20th day of April 2019.

Mayor

Attest:

City Clerk



STATE OF MINNESOTA

AGENCY AGREEMENT

for

FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION

State Project Number: 150-090-003_____

FAIN Number: TA 5220(152)_____

This agreement is entered into by and between City of North Mankato ("Local Government") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT").

RECITALS

1. MnDOT Contract Number dcp(1029968) which has been executed between the Local Government and MnDOT, appoints MnDOT as the Local Government's agent to receive and disburse transportation related federal funds, and sets forth duties and responsibilities for letting, payment, and other procedures for a federally funded contract let by the Local Government; and
2. Pursuant to Minnesota Statutes Section 161.36, the Local Government desires MnDOT to act as the Local Government's agent to accept and disburse federal funds for the construction, improvement, or enhancement of transportation financed in whole or in part by federal funds, hereinafter referred to as the "Project"; and
3. The Local Government is proposing a federal aid project to Dakota Meadows Middle School Safe Routes to School Improvements, hereinafter referred to as the "Project"; and
4. The Project is eligible for the expenditure of federal aid funds and is programmed in the approved federally approved STIP for the fiscal years 2020 and 2021, and is identified in MnDOT records as State Project 150-090-003, and in Federal Highway Administration ("FHWA") records as Minnesota Project TA 5220(152); and
5. The Local Government desires to proceed with the construction of the project in advance of the year it is programmed for the federal funds; and
6. It is permissible under Federal Highway Administration procedures to perform advance construction of eligible projects with non-federal funds, with the intent to request federal funding for the federally eligible costs in a subsequent federal fiscal year(s), if sufficient funding and obligation authority are available; and
7. The Local Government desires to temporarily provide Local Government State Aid and/or other local funds in lieu of the federal funds so that the project may proceed prior to the fiscal year(s) designated in the STIP; and
8. MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

AGREEMENT TERMS

1. Term of Agreement

- 1.1. **Effective Date.** This agreement will be effective upon execution by the Local Government and by appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect for five

(5) years from the effective date or until all obligations set forth in this agreement have been satisfactorily fulfilled, whichever occurs first.

2. Local Government's Duties

- 2.1. The Local Government will perform all of its duties and obligations in MnDOT Contract Number dcp(1029968), which is incorporated herein by reference, in the solicitation, letting, award, and administration of the construction of the Project.

3. MnDOT's Duties

- 3.1. MnDOT will perform all of its duties in accordance with MnDOT Contract Number dcp(1029968), which is incorporated herein by reference.
- 3.2. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project, and for reimbursement of eligible costs pursuant to the terms of this agreement.
- 3.3. MnDOT will request the conversion of the Project to federal funding of eligible costs, when funding and obligation authority are available.
- 3.4. At such time that the project is converted to federal funding and such funding is received by MnDOT, MnDOT will reimburse to the Local Government the federal aid share of the federally eligible costs, previously provided by the Local Government. Reimbursement for Local Government State Aid funds used in lieu of federal funds, will be deposited in the Local Government's State Aid Account. Reimbursement for other Local Government funds used in lieu of federal funds will be forwarded to the Local Government.

4. Time

- 4.1. The Local Government must comply with all the time requirements described in this agreement. In the performance of this agreement, time is of the essence
- 4.2. The period of performance is defined as beginning on the date of federal authorization and ending on the date defined in the federal financial system or federal agreement ("end date"). **No work completed after the end date** will be eligible for federal funding. Local Government must submit all contract close out paperwork to MnDOT, twenty four months prior to the **end date**.

5. Payment

- 5.1. It is estimated that the total cost of the Project is \$835,000. The remaining share will be paid by the Local Government.
 - 5.1.1. Of these TA funds, \$ 267,360 is available in federal fiscal year 2020.
 - 5.1.2. Of these TA funds, \$ 84,948 is available in federal fiscal year 2021.
- 5.2. The Local Government will pay any part of the cost or expense of the work that the FHWA does not pay.
- 5.3. Request for reimbursement of the federal aid share of the federally eligible costs can be made any time after the work is completed, however payment may not be made until after October 1, 2020 for federal fiscal year 2020 and until after October 1, 2021 for federal fiscal year 2021. It could be earlier if funding and obligation authority are available (subject to the Area Transportation Partnership (ATP) policy).
- 5.4. The Local Government will make requests for reimbursement in accordance with the payment provisions in MnDOT Contract Number dcp(1029968), which is incorporated by reference, and will comply with the requirements of 2 CFR Part 200.

6. Authorized Representatives

- 6.1. MnDOT's Authorized Representative is:

Name: Angela Murphy _____, or her successor.

Title: State Aid, Federal Plans Engineer

Phone: 651-366-3826

Email: angela.murphy@state.mn.us

MnDOT's Authorized Representative has the responsibility to monitor Local Government's performance and the authority to accept the services provided under this agreement. If the services are satisfactory, MnDOT's Authorized Representative will certify acceptance on each invoice submitted for payment.

6.2. The Local Government's Authorized Representative is:

Name: John Harrenstein _____, or his/her successor.

Title: North Mankato City Administrator

Phone: 1001 Belgrade Avenue

Email: North Mankato, MN 56003

If the Local Government's Authorized Representative changes at any time during this agreement, the Local Government will immediately notify MnDOT.

7. Assignment Amendments, Waiver, and Agreement Complete

- 7.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 7.2. **Amendments.** Any amendments to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- 7.3. **Waiver.** If MnDOT fails to enforce any provision of this agreement, that failure does not waive the provision or MnDOT's right to subsequently enforce it.
- 7.4. **Agreement Complete.** This agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.
- 7.5. **Severability.** If any provision of this Agreement or the application thereof is found invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.

8. Liability and Claims

- 8.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- 8.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The Local Government will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any *ultra vires* acts. The Local Government will indemnify, defend (to the extent permitted by the Minnesota

Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project(s), including reasonable attorney fees incurred by MnDOT. The Local Government's indemnification obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.

9. Audits

- 9.1. Under Minn. Stat. § 16C.05, Subd.5, the Local Government's books, records, documents, and accounting procedures and practices of the Local Government, or other party relevant to this agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.
- 9.2. All requests for reimbursement are subject to audit, at MnDOT's discretion. The cost principles outlined in 2 CFR 200.400-.475 will be used to determine whether costs are eligible for reimbursement under this agreement.
- 9.3. If Local Government expends \$750,000 or more in Federal Funds during the Local Government's fiscal year, the Local Government must have a single audit or program specific audit conducted in accordance with 2 CFR Part 200.

10. Government Data Practices. The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by MnDOT under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this agreement. The civil remedies of Minn. Stat. §13.08 apply to the release of the data referred to in this clause by either the Local Government or MnDOT.

11. Workers Compensation. The Local Government certifies that it is in compliance with Minn. Stat. §176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MnDOT's obligation or responsibility.

12. Governing Law, Jurisdiction, and Venue. Minnesota law, without regard to its choice-of-law provisions, governs this agreement. Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. Termination; Suspension

- 13.1. **Termination by MnDOT.** MnDOT may terminate this agreement with or without cause, upon 30 days written notice to the Local Government. Upon termination, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 13.2. **Termination for Cause.** MnDOT may immediately terminate this agreement if MnDOT finds that there has been a failure to comply with the provisions of this agreement, that reasonable progress has not been made, that fraudulent or wasteful activity has occurred, that the Local Government has been convicted of a criminal offense relating to a state agreement, or that the purposes for which the funds were granted have not been or will not be fulfilled. MnDOT may take action to protect the interests of MnDOT of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.
- 13.3. **Termination for Insufficient Funding.** MnDOT may immediately terminate this agreement if:
 - 13.3.1. Funding is not obtained from the Minnesota Legislature; or

13.3.2. Funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Local Government. MnDOT is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. MnDOT will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. MnDOT will provide the Local Government notice of the lack of funding within a reasonable time of MnDOT's receiving that notice.

13.4. **Suspension.** MnDOT may immediately suspend this agreement in the event of a total or partial government shutdown due to the failure to have an approved budget by the legal deadline. Work performed by the Local Government during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.

14. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Local Government consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
15. **Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this Project.
16. **Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.
17. **Appendix II 2 CFR Part 200 Federal Contract Clauses.** The Local Government agrees to comply with the following federal requirements as identified in 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and agrees to pass through these requirements to its subcontractors and third party contractors, as applicable. In addition, the Local Government shall have the same meaning as "Contractor" in the federal requirements listed below.

17.1.1. **Remedies.** Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and

Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

- 17.1.2. **Termination.** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- 17.1.3. **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- 17.1.4. **Davis-Bacon Act, as amended.** (40 U.S.C. 3141-3148) When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- 17.1.5. **Contract Work Hours and Safety Standards Act.** (40 U.S.C. 3701-3708) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- 17.1.6. **Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes

to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

- 17.1.7. **Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended.** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued under the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 17.1.8. **Debarment and Suspension.** (Executive Orders 12549 and 12689) A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 17.1.9. **Byrd Anti-Lobbying Amendment.** (31 U.S.C. 1352) Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 17.1.10. **Procurement of Recovered Materials.** See 2 CFR 200.322 Procurement of Recovered Materials.
- 17.2. **Drug-Free Workplace.** In accordance with 2 C.F.R. § 32.400, the Local Government will comply with the Drug-Free Workplace requirements under subpart B of 49 C.F.R. Part 32.
- 17.3. **Nondiscrimination.** The Local Government hereby agrees that, as a condition of receiving any Federal financial assistance under this agreement, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d), related nondiscrimination statutes (i.e., 23 U.S.C. § 324, Section 504 of the Rehabilitation Act of 1973 as amended, and the Age Discrimination Act of 1975), and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap, or age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Local Government receives Federal financial assistance. The specific requirements of the Department of Transportation Civil Rights assurances (required by 49 C.F.R. §§ 21.7 and 27.9) are incorporated in the agreement.
- 17.4. **Federal Funding Accountability and Transparency Act (FFATA).**
- 17.4.1. This Agreement requires the Local Government to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The Local Government is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the Local Government provides information to the MnDOT as required.
- a. Reporting of Total Compensation of the Local Government's Executives.

- b. The Local Government shall report the names and total compensation of each of its five most highly compensated executives for the Local Government’s preceding completed fiscal year, if in the Local Government’s preceding fiscal year it received:
 - i. 80 percent or more of the Local Government’s annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

Executive means officers, managing partners, or any other employees in management positions.

- c. Total compensation means the cash and noncash dollar value earned by the executive during the Local Government’s preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax qualified.

17.4.2. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

17.4.3. The Local Government must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.

17.4.4. The Local Government will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>

17.4.5. The Local Government’s failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be

obligated to pay any outstanding invoice received from the Local Government unless and until the Local Government is in full compliance with the above requirements.

[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK.]

City of North Mankato

City of North Mankato certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable articles, bylaws, resolutions or ordinances

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: State Aid Engineer _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

RESOLUTION NO.

RESOLUTION APPROVING MN/DOT CONTRACT NO. 1036826 APPOINTING MN/DOT AS THE CITY'S AGENT IN ACCEPTING FEDERAL AID FUNDS IN CONJUNCTION WITH THE DAKOTA MEADOWS SAFE ROUTES TO SCHOOL PROJECT

WHEREAS, federal funds for the Dakota Meadows Safe Routes to School Project, SP 150-090-003, TA 5220(152), have been programmed in the State Transportation Improvement Program (STIP) for the years 2020 and 2021, and

WHEREAS, the City of North Mankato intends to construct the Dakota Meadows Safe Routes to School Project in 2020, and

WHEREAS, the City of North Mankato must designate the State of Minnesota, through its Commissioner of Transportation, as an agent of the City to accept the federal funds on behalf of the City to secure the federal funds in advance of the years that the funds are designated in the STIP.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA that, pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as an agent of the City of North Mankato to accept as its agent, federal funds which may be made available for eligible transportation projects.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed for and on behalf of the City of North Mankato to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation MnDOT Contract Number 1036826," a copy of which said agreement was before the City Council and which is made a part hereof by reference

Adopted by the City Council this 20th day of April 2019.

Mayor

Attest:

City Clerk

CITY OF NORTH MANKATO
REQUEST FOR COUNCIL ACTION



| | | |
|------------------|---------------------|-------------------------------|
| Agenda Item # 9B | Dept: City Engineer | Council Meeting Date: 4/20/20 |
|------------------|---------------------|-------------------------------|

TITLE OF ISSUE: Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids Project No. 19-07 DEF Dakota Meadows Middle School Safe Routes to School Improvement Project.

BACKGROUND AND SUPPLEMENTAL INFORMATION: Please review the attached memo. City Engineer Sarff will provide information at the meeting.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Adopt Resolution Approving Plans and Specifications and Ordering Advertisement for Bids Project No. 19-07 DEF Dakota Meadows Middle School Safe Routes to School Improvement Project.

For Clerk's Use:

Motion By: _____
 Second By: _____

Vote Record:

| | Aye | Nay | |
|--|-------|-------|----------|
| | _____ | _____ | Whitlock |
| | _____ | _____ | Steiner |
| | _____ | _____ | Norland |
| | _____ | _____ | Oachs |
| | _____ | _____ | Dehen |

SUPPORTING DOCUMENTS ATTACHED

| Resolution | Ordinance | Contract | Minutes | Map |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (specify) _____ | | Memo _____ | | |
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| <input type="checkbox"/> | Workshop |
| <input checked="" type="checkbox"/> | Regular Meeting |
| <input type="checkbox"/> | Special Meeting |

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|--------------------------|--------------------|
| <input type="checkbox"/> | Refer to: _____ |
| <input type="checkbox"/> | Table until: _____ |
| <input type="checkbox"/> | Other: _____ |

RESOLUTION NO.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING
ADVERTISEMENT FOR BIDS
PROJECT NO. 19-07 DEF DAKOTA MEADOWS MIDDLE SCHOOL SAFE ROUTES TO
SCHOOL IMPROVEMENT PROJECT

WHEREAS, pursuant to a resolution of the City Council adopted on the 21st day of January 2020, the City Engineer has prepared plans and specifications for Project No. 19-07 DEF Dakota Meadows Middle School Safe Routes to School Improvement Project and has presented such plans and specifications to the council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, as follows:

1. Such plans and specifications, a copy of which is on file in the City Clerk's office and made a part hereof, are hereby approved.
2. The city clerk shall prepare and cause to be inserted in the official paper and on Quest Construction Data Network, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for not less than three weeks, shall specify the work to be done, shall state that bids will be received by the clerk until 11:00 a.m. on May 12, 2020, at which time they will be publicly opened in the Council Chambers of the City Hall by the City Clerk and the City Engineer
3. The bids will then be tabulated and will be considered by the City Council at their regular meeting at 7:00 p.m. on May 18, 2020, in the Council Chambers of the City Hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility.
4. No bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the clerk for five (5) percent of the amount of such bid.

Adopted by the City Council this 20th day of April 2020.

Mayor

ATTEST:

City Clerk



Real People. Real Solutions.

1960 Premier Drive
Mankato, MN 56001-5900

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Fax: [507] 625-4177
Bolton-Menk.com

MEMORANDUM

Date: April 16, 2020
To: John Harrenstein, City Administrator
From: Daniel R. Sarff, P.E., City Engineer
CC: Nate Host, Public Works Director
Kevin McCann, Finance Director
Subject: Dakota Meadows Middle School Safe Routes to School (SRTS) Improvement Project
City Project No. 19-07 DEF
BMI Project No. M18.119663

Plans and specifications have been prepared for the Dakota Meadows Middle School SRTS Improvement Project. The proposed improvements are essentially the same as that presented with the Preliminary Engineering Report and subsequent City Council discussions. The following is a brief summary of the proposed improvements:

Proposed Improvements:

- Replacement of the existing, 4-foot wide deteriorating sidewalk along the south side of Howard Drive from Lookout Drive to Lor Ray Drive (approximately 0.8 miles) with an 8-foot wide multi-use concrete trail
- Construction of a new 8-foot wide multi-use bituminous trail from Howard Drive to Carlson Drive along the east side of the school property (approximately 0.13 miles) and in an existing easement along the east side of the Avalon Estates manufactured home community property (approximately 0.25 miles)
- Provide new lighting on the multi-use trail extending from Howard Drive to Carlson Drive
- Construct mid-block crossings with Rectangular Rapid Flash Beacons (RRFB) on Howard Drive and Carlson Drive to provide safer crossings for pedestrians and bicyclists.

Estimated Project Cost: \$946,500

Funding:

- Federal Funds (Transportation Alternative Funding Program): \$352,300
- Estimated City Funds/Special Assessments: \$594,200

Recommended Action: Adopt resolution approving plans and specifications and ordering advertisement for bids. Copy of resolution is included in Council Packet.