



Owatonna Fire Department

107 West Main Street
Owatonna, Minnesota 55060-2913

Michael Johnson
Fire Chief
Phone (507) 444-2454

January 12, 2021

To : Honorable Mayor and City Council
Attn: Kris M. Busse, City Administrator
540 West Hills Circle
Owatonna, MN 55060-0800

From : Michael J. Johnson
Fire Chief

Subject: Fire Inspection Contract with Owatonna Public Schools

Purpose:

This is a request for council approval to sign a new three year agreement with the Owatonna Public Schools to continue to conduct fire inspections of the Owatonna Public Schools. The fire department is currently under contract with the MN State Fire Marshal's office to conduct school inspections in Owatonna.

Background:

The Owatonna Fire Department has had contracts with the MN State Fire Marshal's Office and the Owatonna School District for inspection services since 2003.

Budget Impact:

The Owatonna School District is invoiced at the MN SFM rate of 1.4 cents per sq. foot.

Staff Recommendation:

Accept this proposal to sign the contract with the Owatonna School District. With your approval, the Fire Department will assume these responsibilities on the date the contracts are signed.

If you have any questions or concerns regarding this issue please contact me.

Sincerely,

Mike Johnson

Michael J. Johnson
Fire Chief

**CITY OF OWATONNA
AND
INDEPENDENT SCHOOL DISTRICT NO. 761**

PUBLIC SCHOOL INSPECTION AGREEMENT 2021 - 2024

THIS AGREEMENT is between City of Owatonna, acting through its Fire Department, hereinafter referred to as “City” and Independent School District No. 761, hereinafter referred to as “School District”.

WHEREAS, the State of Minnesota, pursuant to Minn. Stat. § 123B.73 is required to develop a plan to inspect once every three years every public school facility used for educational purposes; and

WHEREAS, the State is empowered under Minn. Stat. § 471.59, subd. 10, to engage such assistance as deemed necessary; and

WHEREAS, the City of Owatonna, acting through its Fire Chief of the Owatonna Fire Department, has, under a separate Public School Inspection Agreement between the State and the City, agreed to conduct public school fire inspections within the City of Owatonna in accordance with the terms of that Agreement; and

WHEREAS, School District requests that City of Owatonna conduct fire inspections of the school buildings hereinafter set forth in accordance with the standards stated in the Public School Inspection Agreement between the State of Minnesota and the City on the terms hereafter set forth;

NOW, THEREFORE, IT IS AGREED by and between City of Owatonna and Independent School District No. 761 as follows:

1. All public school facilities used for educational purposes within the jurisdiction of the City of Owatonna will be inspected by the City of Owatonna acting through the Fire Chief of its Fire Department at least once every three years. The public school facilities to be inspected are as set forth in the attached Exhibit A which is made a part hereof and incorporated herein by reference.
2. All public schools within the City of Owatonna’s jurisdiction will be inspected in accordance with the requirements of the Minnesota Uniform Fire Code (MUFC) or any successor applicable code and enforced in accordance with the administrative policies of the State Fire Marshal.
3. The cost of inspection is set forth in the attached Exhibit B which is made a part hereof and incorporated herein by reference.

4. Copies of inspection reports will be filed with the School District and the State Fire Marshal within seven (7) days following the inspection.
5. All variances to fire code orders must be approved by the State Fire Marshal.
6. This contract may be cancelled by the City or School District at any time with or without cause upon written notice to the other party.
7. This contract shall be effective on January 1st, 2021 and shall remain in effect until December 31, 2024 or until all obligations set forth in this Agreement have been satisfactorily fulfilled, whichever occurs first.
8. The City's authorized agent for purposes of administration of this Agreement is Michael Johnson, Fire Chief, or his successor in office, Owatonna Fire Department, City of Owatonna, 107 West Main Street, Owatonna, MN 55060-2913; telephone (507) 444-2454.
9. City and School District each releases and relieves the other and waives its entire right of recovery against the other for loss or damage arising out of or incident to the perils covered by fire with extended insurance policies coverage approved for use in the State of Minnesota that occur in, on, or about the property, whether caused by the negligence of either party, their agents, employees, or otherwise. Each party shall obtain from its insurer or insurers provisions permitting waiver of any claim against the other party for loss or damage within the scope of the above-specified insurance. The insurance policies of City and School District must expressly waive any right of subrogation on the part of the insurer against the other party.
10. School District will indemnify, save, and hold City, its agents and employees, harmless from any claims or causes of action, including attorney's fees incurred by the City arising from the performance of this Agreement by the School District or the School District's agents or employees. This clause will not be construed to bar any legal claims the School District may have for the City's failure to fulfill its obligations under this Agreement.

City will indemnify, save, and hold School District, its agents and employees, harmless from any claims or causes of action, including attorney's fees incurred by the School District arising from the performance of this Agreement by the City or the City's agents or employees. This clause will not be construed to bar any legal claims the City may have for the School District's failure to fulfill its obligations under this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby.

INDEPENDENT SCHOOL DISTRICT NO. 761

By: _____

Its: _____

By: _____

Its: _____

Dated: _____

Dated: _____

CITY OF OWATONNA

By: _____

Thomas A. Kuntz

Its: Mayor

By: _____

Kris M. Busse

Its: City Administrator

Dated: _____

Dated: _____

EXHIBIT A

2021 Owatonna Schools Square Footage

Building	Address	Square feet
Lincoln Elementary	747 Havana Rd	71,450
McKinley Elementary	1050 22 St NE	86,484
Owatonna Education Center	338 Main St E	53,439
Owatonna High School	333 School St E	351,313
Owatonna Middle School	500 15 St NE	203,580
Roosevelt Community School	122 McKinley St E	20,878
Washington Elementary	423 14 St NE	66,749
Wilson Elementary	325 Meadow Ln SW	65,800
Total for District		919,693



State Fire Marshal

445 Minnesota Street • Suite 145 • Saint Paul, Minnesota 55101-5145

Phone: 651-201-7200 • Fax: 651-215-0525 • TTY: 651-282-6555

www.dps.state.mn.us

EXHIBIT B

Alcohol and
Gambling
Enforcement

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Emergency
Communication
Networks

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Pipeline Safety

Office of
Traffic Safety

State Fire
Marshal

MEMORANDUM

DATE: 1/15/2015

TO: Local Units of Government

FROM: Forrest Williams – Fire Safety Supervisor

SUBJECT: Public School Inspections by Local Jurisdictions

BACKGROUND

Minnesota Statute §299F.47 allows fire departments, as local units of government, to conduct inspections of public school buildings if inspections were conducted by the jurisdiction prior to the statute's adoption. [Click here to view MN §299F.47.](#)

REQUIREMENTS FOR LOCAL INSPECTIONS OF PUBLIC SCHOOLS

ITEM	MEASURE/DESCRIPTION	RATIONALE
Inspected schools between January 1, 1987 and January 1, 1990	Documentation of school inspections conducted during the prescribed time period (1987 to 1990)	Required by MN §299F.47
Inspection frequency	Once every 3-years	Required by MN §299F.47
Resource documents	Copies of the following: <ul style="list-style-type: none"> • 2007 Minnesota State Fire Code (2006 IFC + amendments) • 2007 Minnesota State Building Code (2006 IBC + state amendments) • NFPA 13 (2010 edition) • NFPA 58 (2011 edition) • NFPA 72 (2010 edition) 	Adopted codes and standards necessary to conduct comprehensive fire safety inspections

ITEM	MEASURE/DESCRIPTION	RATIONALE
Training	Completion of the State Fire Marshal Division's school inspection training course	Demonstrate competency and qualifications
Certification of fire inspectors	Fire Inspector II certification (MN Fire Service Board or NFPA)	Demonstrate competency and qualifications
Agree to school inspection responsibilities	<ul style="list-style-type: none"> • Sign written agreement with State Fire Marshal to conduct inspections • Complete inspection responsibilities even if funding method changes • Submit detailed inspection reports using the inspection application software provided by the State Fire Marshal • Inspect to and enforce the provisions of the Minn. State Fire Code • Adhere to SFM code interpretations • Variances must be approved by the State Fire Marshal 	<ul style="list-style-type: none"> • Meet the intent and requirements of MN §299F.47 • Ensure consistency and continuity of inspections

INSPECTION FEES FOR PUBLIC SCHOOLS (NON-CHARTER)

Local jurisdictions may charge school districts \$0.014 per square foot for each school building inspected. These rates shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the local jurisdiction may charge \$0.005 per square foot for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

INSPECTION FEES FOR PUBLIC CHARTER SCHOOLS

Local jurisdictions may charge charter schools \$100 for each school building inspected. This rate shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the local jurisdiction may charge \$50 for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

ADDITIONAL INFORMATION

For additional information, please contact:

Forrest Williams
Supervisor - School Inspections
Minnesota State Fire Marshal Division
Phone: 651-769-7784
Email: forrest.williams@state.mn.us