

The minutes of the Fairmont City Council meeting held on Monday, April 22, 2019 at the City Hall Council Chambers.

Mayor Deborah J. Foster called the meeting to order at 5:30 p.m.

Council Members Ruth Cyphers, Wayne Hasek, Tom Hawkins, Randy Lubenow and Bruce Peters were present. Also, in attendance: City Administrator Mike Humpal, Public Works Director/City Engineer Troy Nemmers, City Attorney Elizabeth W. Bloomquist, City Clerk Patricia J. Monsen and Police Chief Mike Hunter.

It was moved by Council Member Hawkins to approve the agenda as presented. Council Member Cyphers seconded the motion. Council Member Peters made a comment that he would like to scratch the public report of the City Attorney's Evaluation after the closed session. On roll call: Council Members Cyphers, Hasek, Hawkins and Lubenow voted aye. Council Member Peters voted nay. Mayor Foster declared said motion passed.

It was moved by Council Member Peters, seconded by Council Member Lubenow and carried to approve the minutes of the City Council meeting held on April 8, 2019.

During Open Discussion, Jodie Whitmore of 1394 Oak Beach Drive reminded council members that they were elected to represent the citizens of Fairmont, not themselves. She did not believe that the council members had received phone calls requesting what was happening now. Ralph McMillian of 983 Shoreacres Drive reiterated Whitmore's comments and stated that it was an embarrassment to the City of Fairmont to have council members acting the way they did. McMillian urged citizens to do their research and become involved in the election process. Having no opposition in an election is crazy. He stated that we need better representation than we have right now.

Mayor Foster proclaimed April 26, 2019 as Arbor Day and the month of May as Arbor Month in the City of Fairmont. Chad Striemer, City Forester and St. John Vianney's, Mrs. Megan Finkbeiner's Fourth Grade Class will have a Tree Planting Arbor Day Celebration on April 26th at 1:30 p.m. at Memory Park.

Mayor Foster opened the public hearing on proposed **Resolution 2019-13**, the proposed application to DEED for a grant under the Minnesota Investment Fund program to assist with the expansion of Zierke Built Manufacturing to be used for financing equipment and the creation of jobs. Linsey Preuss, Economic Development Coordinator explained the project. No public input was received. Council Member Peters made a motion to close the public hearing. Council Member Hasek seconded the motion and the motion carried. Council Member Lubenow made a motion to approve **Resolution 2019-13**, the submittal of an application to DEED to assist Zierke Built Manufacturing with their business expansion. Council Member Hawkins seconded the motion. On roll call: Council Members Hawkins, Lubenow, Peters, Cyphers and Hasek all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Mayor Foster opened the public hearing on proposed **Ordinance 2019-09**, the sale of 407 North Elm Street through a quit claim deed to Habitat for Humanity of Martin and Faribault Counties. Staci Thompson, Executive Director and Jim Wood, Board President of Habitat for Humanity of Martin and Faribault Counties was present. Thompson spoke about the project. No public input was received. Council Member Peters made a motion to close the public hearing. Council

Member Hasek seconded the motion and the motion carried. Council Member Hawkins made a motion to approve **Ordinance 2019-09**. Council Member Cyphers seconded the motion. On roll call: Council Members Lubenow, Peters, Cyphers, Hasek and Hawkins all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Mayor Foster opened the public hearing on proposed **Ordinance 2019-10**, the sale of 415 East Sixth Street through a quit claim deed to Habitat for Humanity of Martin and Faribault Counties. Staci Thompson, Executive Director and Jim Wood, Board President of Habitat for Humanity of Martin and Faribault Counties was present. Thompson spoke about the project. No public input was received. Council Member Hasek made a motion to close the public hearing. Council Member Hawkins seconded the motion and the motion carried. Council Member Peters made a motion to approve **Ordinance 2019-10**. Council Member Lubenow seconded the motion. On roll call: Council Members Peters, Cyphers, Hasek, Hawkins and Lubenow all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Hasek made a motion to approve the parade permit for the Martin County VFW #1222 for the Memorial Day parade on May 27, 2019. Council Member Lubenow seconded the motion and the motion carried.

Council Member Hawkins made a motion to approve an Event Permit for The Blazer Bar & Grill to hold a street dance as part of the Interlaken Heritage Days Celebration on June 8, 2019. Council Member Cyphers seconded the motion and the motion carried.

Council Member Peters made a motion to approve an Event Permit for the Fairmont Opera House to sponsor the performance of Paul “Mayo” Mayasich at the Sylvania Park Bandshell on June 6, 2019. Council Member Hasek seconded the motion and the motion carried.

Council Member Hasek made a motion to approve an Event Permit for the Fairmont Opera House to sponsor the performance of Becky Schlegel at the Sylvania Park Bandshell on August 29, 2019. Council Member Peters seconded the motion and the motion carried.

Council Member Peters made a motion to approve the Intoxicating Liquor License for McCorkell Racing Enterprises, Inc., d/b/a Fairmont Raceway, pending a satisfactory background investigation. Council Member Hawkins seconded the motion and the motion carried.

Council Member Cyphers made a motion to approve Lakeview Methodist’s application to re-zone a portion of their property at 651 Fairlakes Avenue from Single Family Residential (R-1) to Multiple Family Residential (R-3) to accommodate a skilled nursing care facility. Council Member Peters seconded the motion. On roll call: Council Members Cyphers, Hasek, Hawkins, Lubenow and Peters all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Peters made a motion to allow The Blazer Bar & Grill to serve alcoholic beverages and beer in a beer garden in the public right-of-way in front of their establishment on June 8, 2019 for the Interlaken Heritage Days Festival. Council Member Hasek seconded the motion and the motion carried.

Council Member Lubenow made a motion to approve the Fiscal Sponsor Agreement with Kids Just Want to Have Fun for their Mini Golf Course Project. Council Member Hawkins seconded the motion and the motion carried.

Council Member Cyphers made a motion to declare inventory reported as excess property to be sold on MN Bid. Council Member Hawkins seconded the motion and the motion carried.

Council Member Peters made a motion to adopt **Resolution 2019-17**, approving the advertising of the 2019-D construction project. Council Member Lubenow seconded the motion. On roll call: Council Members Hasek, Hawkins, Lubenow, Peters and Cyphers all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Hawkins made a motion to approve **Resolution 2019-14**, an entitlement transfer with the City of Orr for the Fairmont Airport. Council Member Cyphers seconded the motion. On roll call: Council Members Lubenow, Peters, Cyphers, Hasek and Hawkins all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Lubenow made a motion to approve **Resolution 2019-15**, an entitlement transfer with the City of Sauk Centre for the Fairmont Airport. Council Member Cyphers seconded the motion. On roll call: Council Members Peters, Cyphers, Hasek, Hawkins and Lubenow all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Lubenow made a motion to approve **Resolution 2019-16**, an entitlement transfer with Houston County for the Fairmont Airport. Council Member Cyphers seconded the motion. On roll call: Council Members Cyphers, Hasek, Hawkins, Lubenow and Peters all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Peters made a motion to approve the payment of the April 2019 bills in the amount of \$598,680.92. Council Member Hasek seconded the motion and the motion carried.

Humpal advised that the City has a new program to help lower income residents clean up their properties by helping with the cost of dumpsters.

Council Member Lubenow serves as Council Liaison for the Park Board. Lubenow reported that Ed Willet recently presented to the Park Board on the Mini Golf Project. Lubenow expressed his excitement for this great City project.

The Council took a short break and went into closed session at 6:07 p.m., based on Minnesota Statute 13D.05, Subd. 3(a) to discuss the City Attorney's performance evaluation. The Council came out of closed session at approximately 7:33 p.m., followed by a short break.

At approximately 7:39 p.m. Council Member Peters made a motion for the Council to go back into session. Council Member Lubenow seconded the motion and the motion carried.

Mayor Foster reported the results of the closed session saying that three Council Members are very satisfied with the City Attorney's Evaluation and three Council Members are dissatisfied. The Council decided to give direction to the City Administrator, Mayor and a council member chosen by the City Attorney to negotiate a separation agreement with the City Attorney. The separation agreement will be on the May 13, 2019 City Council Agenda for approval.

A motion was made by Council Member Lubenow, seconded by Peters and carried to adjourn the meeting at 7:40 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk