

The minutes of the Fairmont City Council meeting held on Monday, June 24, 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, Finance Director Paul Hoye, Public Works Director/City Engineer Troy Nemmers, City Clerk Patricia J. Monsen and Police Chief Mike Hunter.

It was moved by Council Member Hawkins to approve the agenda with the deletion of item numbers 15.4 Natural Gas Franchise Fee and 15.7 Award Contract for Airport T-Hangar Improvement Project. Council Member Lubenow also requested to return to the regular meeting after the closed session for the City Administrator's performance evaluation. Council Member Lubenow wanted the summary of the evaluation presented at that time and he had a resolution that he wanted to present. Council Member Cyphers seconded the motion. On a roll call vote: Council Members Cyphers, Hawkins and Lubenow all voted aye. Council Members Hasek and Peters voted nay. Mayor Foster declared said motion passed.

During open discussion, Jon Omgvig of 523 Budd Lake Drive requested that the City consider revisiting the elevation of the lakes and the use of the George Lake dam. He felt that the water level was too high.

Lon and Heidi Luhmann of 511 N. Prairie Avenue addressed the council regarding a sewer pipe break that they experienced at their home. They felt that the reason for the break was due to the fact that Prairie Avenue has been used for detour routes and been driven on by large equipment, too heavy for the road. The Luhmann's would like to be reimbursed for the costs associated with the sewer line break.

Airport Manager Lee Steinkamp and Verlus Burkhart reported on the success of the Air Race Classic Days, Touch an Airplane Event and the Lion's Club Fly-in Breakfast all held at the Fairmont Airport.

Humpal introduced Chris Hood, attorney with Flaherty & Hood. Hood thanked the City Council for hiring them as Interim City Attorneys. Hood gave background on the law firm and introduced Attorneys Erik Ordahl and Robert Scott to the council.

Jessica O'Brien of Region Nine Development commission gave a presentation.

Marty Seifert with the Coalition of Greater Minnesota Cities gave a presentation.

Jennifer Nelson of Southern Minnesota Initiative Foundation gave a presentation.

Council Member Peters made notice that the City Council minutes had not been approved. 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 June 10, 2019.

Mayor Foster opened the public hearing on proposed **Ordinance 2019-12**, an ordinance amending **Ordinance 2018-15**, relating to the Rural and Urban Service Districts for the City of

Fairmont. Paul Miller, speaking on behalf of his father Randy Miller, asked if this would affect their property taxes. Humpal stated that the changes to their property were just name changes and it would not affect their taxes. No other public comment was received. Council Member Hawkins made a motion to close the public hearing. Council Member Hasek seconded the motion and the motion carried. Council Member Peters made a motion to approve **Ordinance 2019-12**. Council Member Hasek 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.

Nemmers explained that the Public Utilities Commission approved a new Distributed Energy Resources Process. Documents were provided for the Council's review.

Council Member Hasek made a motion to approve a \$1,500 request to help fund the Fourth of July fireworks. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to schedule a public hearing on proposed **Ordinance 2019-13**, an ordinance eliminating Sec. 2-188 (4) from the City Code. This would eliminate the requirement for the City Attorney to attend all council meetings. Council Member Lubenow seconded the motion. Council Member Peters stated that he feels this is the wrong time to not have an attorney at the council meetings. Council Member Hawkins stated that this just takes the requirement out of the City Code. If the Council wishes to have this as a requirement, they can add it to the contract. The motion carried.

Council Member Peters made a motion to adopt **Resolution 2019-29**, approving the ICMA Administrative Services Agreement Renewal. Council Member Hasek 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 Hawkins made a motion to adopt **Resolution 2019-30**, awarding the Winnebago Avenue Reconstruction project to R & R Excavating, Inc. of Hutchinson, MN in the amount of \$2,488,165.17. Council Member Peters 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 Cyphers made a motion to declare a list of items excess from the Police Department. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hasek made a motion to pay the bills for June 2019 in the amount of \$425,275.26. Council Member Peters seconded the motion and the motion carried.

Council Member Peters spoke of his concerns with Councilor Lubenow's public comments regarding past City Attorney Bloomquist's performance. Council Member Peters read a section from the Separation Agreement wherein it states that "City will not make any disparaging or defamatory statements concerning any aspect of its employment relationship with Elizabeth Bloomquist". Council Member Peters also spoke of Council Member Hawkins' efforts to contact an outside attorney to train the Charter Commission with no Council direction to do so. In Councilor Hawkins' correspondence he made negative comments about the past City Attorney. It is for these reasons that Council Member Peters feels that the City Attorney should

be present at council meetings. Council Member Hawkins stated that Council Member Lubenow only asked questions. Council Member Lubenow stated that it was all public record.

Council Member Lubenow thanked Police Chief Hunter for verifying that none of the cases which were not charged out involved any city employees.

Council Member Hasek stated that Council Member Lubenow had previously stated that the City had chased away businesses. He asked Council Member Lubenow what businesses Councilor Lubenow had been referring to. Council Member Lubenow replied John Deere and Aerospace. Humpal explained the circumstances surrounding why Aerospace moved to Blue Earth and stated that the statement that Fairmont did not do anything to entice Aerospace to stay in Fairmont was totally not true. Council Member Peters stated that in the case of John Deere, C & B Operations, they needed interstate access and at the time, the City of Fairmont didn't have any available for sale.

Council Member Hawkins stated that he, Lubenow and Cyphers have been slandered and drug through the mud lately. He reiterated that 37 criminal cases were determined to be open and past the statute of limitations. Councilor Hawkins stated that there are reasons why we make decisions. These are facts.

Council Member Hasek asked Council Member Hawkins what was said to drag them through the mud? Council Member Hawkins stated that the Mayor called them unethical and the Sentinel called them unprofessional. Council Member Peters stated that it was just stupid, and it is costing the City a boat load of money.

City Attorney Hood told the Council it was time to move on.

At approximately 6:58 p.m., Council Member Peters made a motion to close the City Council meeting pursuant to Minnesota Statute 13D.05, Subd. 3(a) for the evaluation of the performance of Mike Humpal, City Administrator. Council Member Hawkins seconded the motion and the motion carried. The Council took a short break before the closed session. The City Council began the closed session at 7:10 p.m. On a motion by Council Member Lubenow, seconded by Peters and carried, the Council came out of closed session at 9:31 p.m.

Council Member Lubenow made a motion to table the summary of the closed session until the next City Council meeting. Council Member Peters seconded the motion and the motion carried.

A motion was made by Council Member Cyphers, seconded by Hasek and carried to adjourn the meeting at 9:44 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk