

The minutes of the Fairmont City Council meeting held on Monday, July 8, 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, Interim City Attorneys Robert Scott and Erik Ordahl, City Clerk Patricia J. Monsen and Police Chief Mike Hunter.

It was moved by Council Member Lubenow to approve the agenda with the revised City Council Minutes, Council Member Cypher's resolution she would like to present at 15.1 City Administrator's Performance Evaluation and moving item 15.1 City Administrator's Performance Evaluation to be heard after item 15.3. Council Member Hawkins seconded the motion. On 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.

It was moved by Council Member Hawkins, seconded by Council Member Peters and carried to approve the revised minutes of the City Council meeting held on June 24, 2019.

During Open Discussion, Joe Brown of 314 S. Prairie Avenue stated that he has been the Superintendent for Fairmont Area Schools for ten years. He thanked the Mayor, City Administrator and the City Council for working with the School District.

Terry Riggs of 210 S. Elm Street questioned how the City Administrator's evaluation was conducted and asked why a 360-type evaluation was not done. Mayor Foster responded.

Jody Whitmore of 1394 Oak Beach Drive spoke to the Council about her dissatisfaction with the actions being taken recently.

Representative Bob Gunther of 530 Kings Road expressed to the Council how displeased he was with their recent actions.

Linda Bach Quade of 1520 Meadowlark Lane addressed the Council with her concerns as a Landlord.

Leanne Zarling of 406 S. Hampton Street addressed the Council asking them to reconsider any actions they are contemplating to take against City Administrator Humpal.

Mary Blomstrom of 1830 Knollwood Drive asked the Council what their plan was and what was behind all their actions.

Ernie Nuss of 1800 S. Prairie Avenue spoke in favor of keeping the requirement of the City Attorney in the City Code.

Chuck Omgig of 806 Albion Avenue spoke in favor of the proposed Ordinance removing the requirement of the City Attorney attending all city council meetings.

Diane Theobald of 830 S. Prairie Avenue stated that she is a city employee and is embarrassed by the actions of the council.

Mayor Foster proclaimed July 12-14, 2019 as Interlaken Golf Club Days in the City of Fairmont.

Mayor Foster opened the public hearing on proposed **Ordinance 2019-13**, an ordinance eliminating Section 2-188 (4) from City Code. This section required the City Attorney to attend all council meetings. There was much discussion. Council Member Peters made a motion to close the public hearing. Council Member Cyphers seconded the motion and the motion carried. Council Member Hawkins made a motion to approve **Ordinance 2019-13**. Council Member Cyphers seconded the motion. On roll call: Council Members Hawkins, Lubenow and Cyphers all voted aye. Council Members Peters and Hasek voted nay. Mayor Foster declared said motion passed.

Council Member Hasek made a motion to approve an Event Permit for Midco/American Cancer Society Charity Softball Tournament to be held at the Winnebago Sports Complex on August 9-11, 2018. Council Member Peters seconded the motion and the motion carried. Mike Fischer, Coordinator of the event, spoke and encouraged all to attend.

Humpal gave an update on the Natural Gas Franchise Fee.

Council Member Lubenow made a motion to set a public hearing for July 22, 2019 to discuss proposed **Ordinance 2019-15**, an ordinance amending the Rental Housing Code, as it pertains to licensing requirements, inspections and background checks. Council Member Hawkins seconded the motion. Council Member Peters stated that he felt there should be more discussion about these changes and that the discussions should include landlords' input. Peters questioned how the proposed ordinance came about, as this was the first he had heard about it. Council Member Hawkins stated that he and Council Member Lubenow met with staff concerning their concerns and changes they felt needed to be done. The motion passed.

Mayor Foster gave a report of the closed session held on June 24, 2019, which was the City Administrator's annual performance evaluation. Mayor Foster stated that the Council did not reach a consensus on any conclusions regarding the performance of Mike Humpal in the closed session. Council Member Cyphers then presented a proposed **Resolution** to suspend the City Administrator. There was much discussion. Attorney Scott advised the City Council that the proposed **Resolution** should be reviewed by his office and that at this time, it was considered "private personnel data" and should not be read aloud. Council Member Hawkins made a motion to go into closed session. Council Member Lubenow seconded the motion. On roll call: Council Members Lubenow, Hawkins and Cyphers all voted aye. Council Members Hasek and Peters voted nay. Mayor Foster declared said motion passed. Mayor Foster declared that the Council would be going into Closed Session pursuant to Minnesota Statute Section 13D.05, subd. 3(a). The Council took a five-minute recess and then went into closed session at 7:21 p.m. The Council came out of Closed Session at 7:52 p.m. Council Member Hawkins made a motion to give the proposed **Resolution** to the City's Interim Attorneys to review. Council Member Cyphers seconded the motion. On roll call vote: Council Members Lubenow, Hawkins and Cyphers all voted aye. Council Members Hasek and Peters voted nay. Mayor Foster declared said motion passed.

A motion was made by Council Member Peters, seconded by Hawkins and carried to adjourn the meeting at 7:56 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk