

# FAIRMONT CITY COUNCIL AGENDA

## 1. CALL TO ORDER -

- Regular meeting of the Fairmont City Council held on

**MONDAY, JULY 8, 2019**

at **5:30 p.m.** in the City Hall Council Chambers

## 2. ROLL CALL -

Mayor Foster  
Councilors:

Cyphers  
Hasek  
Hawkins  
Lubenow  
Peters

## 3. DETERMINATION OF QUORUM -

## 4. PLEDGE OF ALLEGIANCE -

## 5. APPROVAL OF AGENDA -

## 6. READING OF MINUTES –

6.1 Minutes of Regular Meeting, June 24, 2019 (01-03)

## 7. OPEN DISCUSSION (04)

## 8. RECOGNITIONS/PRESENTATIONS -

8.1 Proclaim July 12-14, 2019 as Interlaken Golf Club Days (05)

8.1a Proclamation (06)

**9. SCHEDULED HEARINGS –**

9.1 Public Hearing Amending City Code Section 2-188(4) (07)

9.1a Hearing Notice (08)

9.1b Ordinance 2019-13 (09)

**10. ADMINISTRATIVE APPEALS –**

**11. FINANCIAL REPORTS –**

**12. REPORTS OF BOARDS, COMMITTEES, AND  
DEPARTMENT HEADS –**

**13. LICENSES AND PERMITS –**

13.1 Event Permit for Midco/American Cancer Society Softball  
Tournament (10)

13.1 Permit Applications (11-13)

**14. OLD BUSINESS –**

**15. NEW BUSINESS –**

15.1 City Administrator's Performance Evaluation (14)

15.2 Natural Gas Franchise Fee (15)

15.3 Ordinance Amendment, Chapter 27 – Rental Housing  
Standards (16)

15.3a Draft Ordinance 2019-15 Amendment (17-20)

15.3b Notice of Hearing (21)

**16. REGULAR AND LIQUOR DISPENSARY BILLS –**

**17. STATUS REPORTS/COUNCIL/STAFF INFORMATION**

**18. ADJOURNMENT –**

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 Omvig 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 Hawkins stated that he, Lubenow and Cyphers have been slandered and drag 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.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

**CITY OF FAIRMONT----AGENDA CONTROL SHEET----AGENDA ITEM NO. 7.1**

**MEETING DATE:** July 8, 2019

**SUBJECT:** Open Discussion

**REVIEWED BY:** Mike Humpal, CEcD, City Administrator 

**SUBJECT INITIATION BY:**

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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**SUBJECT BACKGROUND:**

**INTRODUCED BY:** Mayor Deborah J. Foster

**COUNCIL LIAISON:**

**TYPE OF ACTION:**

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

**RECOMMENED ACTION BY:**

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input checked="" type="checkbox"/>	No action needed	<input type="checkbox"/>	

**STATEMENT:** Prior to regular business, is there any open discussion?

**MOTION:** None

**VOTE REQUIRED:**

**ATTACHMENTS:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

\*\*\*\*\*

Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

MEETING DATE: July 8, 2019

SUBJECT: Proclaim July 12-14, 2019 as Interlaken Golf Club Days

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input checked="" type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mayor Debra Foster

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input checked="" type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: Mayor Foster will proclaim July 12-14, 2019 as Interlaken Golf Club Days in the City of Fairmont.

MOTION:

VOTE REQUIRED:

ATTACHMENTS:

1. Proclamation
- 2.
- 3.

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
www.fairmont.org

Phone (507) 238-9461

Fax (507) 238-9469

### PROCLAMATION

**WHEREAS**, the Interlaken Golf Club Centennial Celebration will be held on July 12, 13, and 14; and,

**WHEREAS**, in 1918 former Mayor Frank Wade hired Scottish Golf Course Designer Thomas Bendelow to come to Fairmont and layout a new nine-hole golf course on 67 acres of his Interlaken Park land; and,

**WHEREAS**, the Interlaken Golf and Boat Club was incorporated in 1918 and formally opened with a new clubhouse and finished course in 1919; and,

**WHEREAS**, Fairmont recognizes Interlaken Golf Club as it celebrates 100 years of serving Fairmont, Martin County and the surrounding area as a wonderful recreation and meeting facility; and,

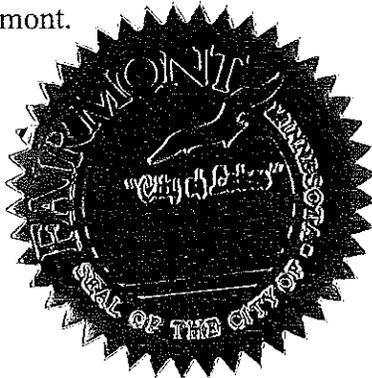
**WHEREAS**, Fairmont recognizes the significant equal opportunity Interlaken Golf Course has provided for all men, women and children in Fairmont, Martin County and the surrounding area to learn and enjoy the game of golf; and,

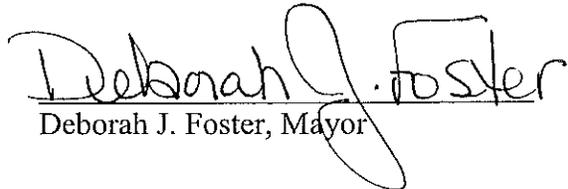
**WHEREAS**, the Interlaken Golf Club celebration hosts the Minnesota Golf Association, The United States Golf Association, The Fairmont Chamber of Commerce, officials from the City of Fairmont, State Representatives, Interlaken members, former members and all friends of the club.

**NOW THEREFORE**, I, Deborah J. Foster, Mayor of the City of Fairmont, Minnesota, do hereby proclaim July 12-14, 2019 as:

### INTERLAKEN GOLF CLUB DAYS

in the City of Fairmont.



  
Deborah J. Foster, Mayor

C I T Y O F L A K E S

MEETING DATE: July 8, 2019

SUBJECT: Public Hearing – Ordinance 2019-13, amending Section 2-188(4)

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input checked="" type="checkbox"/>	Ordinance 2 <sup>nd</sup> Reading (Roll call)	<input checked="" type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: At the June 10, 2019 City Council meeting, the Council directed Staff to prepare an ordinance that would eliminate Sec. 2-188 (4) from the City Code.

MOTION #1: To close Public Hearing

VOTE REQUIRED MOTION #1: Simple majority

MOTION #2: To approve Ordinance No. 2019-13

VOTE REQUIRED MOTION #2: Simple majority – Roll Call

ATTACHMENTS:

- Hearing Notice
- Ordinance 2019-13

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

OFFICIAL PUBLICATION

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Fairmont will hold a public hearing to consider proposed Ordinance 2019-13, an Ordinance removing Fairmont City Code Chapter 2 Administration, Article IV. Departments and Divisions, Section 2-188(4)

Sec. 2-188 Legal Department.

(b) Powers and duties.

~~(4) Attend council meetings. Attend all council meetings in their entirety for the purpose of giving the council any legal advice requested by its members, and at the request of the presiding officer, attend committee board or commission meetings.~~

**You are further notified** said hearing will be held in the **City Council Chambers of City Hall**, 100 Downtown Plaza, Fairmont, Minnesota on Monday, July 8, 2019 at 5:30 p.m.

BY ORDER OF THE CITY OF FAIRMONT

/s/ Patricia J. Monsen

Patricia J. Monsen, City Clerk

**ORDINANCE 2019-13**

**ORDINANCE AMENDING FAIRMONT CITY CODE CHAPTER 2,  
ADMINISTRATION, ARTICLE IV. DEPARTMENTS AND DIVISIONS,  
SECTION 2-188 (4)**

**WHEREAS**, Fairmont City Code, Chapter 2, Article IV, Section 2-188 (4), requires the City Attorney to attend all council meetings in their entirety for the purpose of giving the council any legal advice requested by its members and at the request of the presiding officer, attend committee board or commission meetings, and;

**WHEREAS**, City Council believes this requirement is no longer needed.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code, Chapter 2 Administration, Article IV Departments and Divisions, Section 2-188 (4) be removed from the City Code in its entirety.

Motion by:  
Seconded by:  
All in Favor:  
Opposed:  
Abstained:  
Absent:

PASSED, APPROVED AND ADOPTED THIS 8th day of July 2019.

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Deborah J. Foster, Mayor

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Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: June 24, 2019

2<sup>nd</sup> Reading: July 8, 2019

MEETING DATE: July 8, 2019

SUBJECT: Event Permit for Midco/American Cancer Society Softball Tournament

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input checked="" type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input checked="" type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input checked="" type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: This is the 6<sup>th</sup> Annual “Play 4 A Cure” Charity Coed Softball Tournament. The tournament and weekend events are planned for Friday, August 9<sup>th</sup> through Sunday, August 11<sup>th</sup> at the Winnebago Sports Complex. This event will be offering Temporary Overnight camping. See attached application for details.

MOTION: To approve the Event Permit for Midco/American Cancer Society Charity Softball Tournament and camping at the Winnebago Sports Complex for August 9-11, 2018.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Permit Applications.

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_



# EVENT APPLICATION/PERMIT

This form must be filed with the City at least thirty (30) days in advance of the event. The City will review the application in accordance with the permitting process outlined in the City Code, Chapter 18. Attach additional sheets, maps, etc. if necessary. For events which include overnight camping a separate addendum must be included with the event application.

Date: 7/1/19

Permit Fee: \$15.00

Event: Play4ACure 2019

Sponsoring entity: Midco / American Cancer Society

Address: 1299 Hwy 15 South Fairmont

Maximum estimated number of persons expected to attend at any one time: 200 +

Event coordinator(s): Mike Fischer

Contact Info: 507-990-1528 Phone #

fischermike27@yahoo.com E-mail

Primary contacts (during event):

Name: Mike Fischer

Cell#: 507-990-1528

E-mail: \_\_\_\_\_

Name Luke Ebeling

Cell# 507-236-7657

E-mail: \_\_\_\_\_

Event Start: Day/Date Friday Aug. 9th Time: 6:00 p.m.

Event End: Day/Date Sunday Aug. 11th Time: 11:00 p.m.

Setup: Day/Date \_\_\_\_\_ Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

Teardown: Day/Date \_\_\_\_\_ Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

1. Type and description of the event and a list of all activities to take place at the event.

Coed charity softball tournament  
Bean bag tournament  
Bouncy Castles, Rattles, music, concessions

2. Proposed location of event, including a site plan or diagram of the proposed area to be used showing the location of any barricades, perimeter/security fencing, fire extinguishers, safety or first aid stations, entertainment, stages, restrooms or portable toilets, parking areas, ingress and egress routes, signs, special lighting, trash containers and any other items related to the event.

Winnebago Diamonds  
Will need barricades used for sectioning off where bouncy castles are set up.

3. Will outside drinking water or waste collection systems be supplied? ~~Yes~~ Yes;  No  
If yes, supply public health plans, including the number of toilet facilities that will be available.
  
4. Will the event be providing: fire prevention, emergency medical service, security and severe weather shelter.  Yes;  No  
If yes, provide the written plans.
  
5. Will organizers allow outside food wagon/vendors at the event?  Yes;  No  
If yes, all food wagons/vendors must complete a Food Wagon/Vendor Permit and submit payment.
  
6. Will camping or temporary overnight lodging be included for the event? (allowed only at Cedar Creek Park and Winnebago Sports Complex):  Yes;  No  
If yes, event coordinator must complete temporary overnight camping permit and submit payment.
  
7. Will the event be using any sound amplification, public address system or will there be any live performances of any music or musical instruments?  Yes;  No  
If yes, please describe: Speaker system
  
8. Will the event restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns?  Yes;  No  
If yes, provide a detailed description of all public rights of way and private streets for which the applicant requests the city to restrict or alter traffic flow. (Please attach a detailed map).  
(Sectioned off area for bouncy castles)
  
9. Will you be providing shuttle service?  Yes;  No  
If yes, provide offsite parking locations, shuttle routes, types of vehicles that will be used for shuttling passengers, hours of operation and frequency of shuttle service.

I affirm that I am authorized to execute this application on behalf of the applicant and that the statements contained therein are true and correct to the best of my knowledge. If the special event requires special services provided by the City of Fairmont, the applicant agrees to indemnify, defend and hold the City of Fairmont, its officials, employees, and agents harmless from any claim that arises in whole or in part out of the special event, except any claims arising solely out of the negligent acts or omissions of the City of Fairmont, its officials, employees and agents. The applicant agrees to pay all fees and meet all City Code requirements.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

If you would like your event published on the City's website/Community Calendar, please indicate:  Yes;  No

Office Use Only			
\$15.00 Fee Paid	Date:	Received by:	
Requires Council Approval	<input type="checkbox"/> Yes; <input type="checkbox"/> No	Council Meeting Date:	Action:
City Administrator Approval	Yes	No	Date

- Permit distribution:
- \_\_\_\_\_ City
  - \_\_\_\_\_ Applicant
  - \_\_\_\_\_ Police
  - \_\_\_\_\_ Parks/Streets
  - \_\_\_\_\_ Other



## CITY OF FAIRMONT

### Temporary Overnight Camping Permit

Allowed in Cedar Creek Park and Winnebago Sports Complex Designated Areas (Map attached)

Special Event Information		
Name of Event	Play 4 A Cure 2019	
Date(s) of Event	Aug 9th - 11th 2019	
Start/Finish Time	Start 8/9 @ 6:00 p.m.	Finish 8/11 @ 11:00 p.m.
Location	Cedar Creek Park	(WSC)
Estimated # of Units	? 6	
Estimated # of people	? 200+	
Applicant Information		
Sponsoring Organization	Midco / American Cancer Society	
Mailing Address	1299 Hwy 15 South Fairmont	
Applicant Name	Mike Fischer	
Address	418 N. State St. Apt. 7 Fairmont	
Phone	507-990-1528	
Cell Phone		
E-Mail	fischer.mike.27@yahoo.com	
Sponsoring Organization/Event Website: www		
<b>NOTE: Each unit must obtain a vehicle permit which will be available from the event organizer. The permit must be posted in the windshield of the vehicle. The area will be patrolled and anyone without a displayed vehicle permit will be asked to leave.</b>		
<b>Fee for the special event camping permit - \$50.00</b>		

See attached regulations.

OFFICE USE ONLY		
\$50.00 Fee Paid	Date:	Received by:
Approved		Denied
Signature		Date

MEETING DATE: July 8, 2019

SUBJECT: City Administrator's Performance Evaluation

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Council	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mayor Deborah J. Foster

INTRODUCED BY: Mayor Deborah J. Foster

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input type="checkbox"/>	Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/>	Set Public Hearing (Motion)	<input checked="" type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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<input type="checkbox"/>	Issuance	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input checked="" type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: During a closed session, following the regular meeting on June 24, 2019, the Council met to complete the annual performance evaluation of the City Administrator. The Mayor will present a public report on the results of the evaluation at this Council meeting.

MOTION:

VOTE REQUIRED:

ATTACHMENTS:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

MEETING DATE: July 8, 2019

SUBJECT: Natural Gas Franchise Fee

REVIEWED BY: Mike Humpal, CEcD, City Administrator 

SUBJECT INITIATION BY:

<input type="checkbox"/> Petition	<input type="checkbox"/> Board	<input checked="" type="checkbox"/> Staff	<input type="checkbox"/> Council	<input type="checkbox"/> Commission	<input type="checkbox"/> Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/> Motion (Voice Vote)	<input type="checkbox"/> Resolution (Roll Call)	<input type="checkbox"/> Discussion
<input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input type="checkbox"/> Set Public Hearing (Motion)	<input checked="" type="checkbox"/> Information Only
<input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading (Roll call)	<input type="checkbox"/> Hold Public Hearing (Motion to close)	

RECOMMENED ACTION BY:

<input type="checkbox"/> City Staff	<input type="checkbox"/> Board	<input type="checkbox"/> Commission	<input type="checkbox"/> Committee
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<input type="checkbox"/> Issuance	<input type="checkbox"/> Approval	<input type="checkbox"/> Authorization	<input type="checkbox"/> No recommendation
<input type="checkbox"/> Denial	<input type="checkbox"/> Rejection	<input type="checkbox"/> No action needed	

**STATEMENT:** The City of Fairmont is looking at alternative sources of revenue to fund street repair. The city is allowed to impose a Natural Gas Franchise Fee for the purpose of maintaining street right of way. The city plans to use these new revenues to eventually eliminate bonding and assessments. Minnesota Energy Resources is in the process of reworking its rate classifications. The new rate classifications will not be ready until August. Therefore, Staff cannot advance an ordinance at this time. Staff will provide the Council a full status report.

MOTION:

VOTE REQUIRED:

ATTACHMENTS:

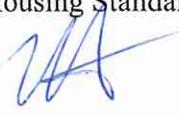
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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

MEETING DATE: July 8, 2019

SUBJECT: Ordinance Amendment, Chapter 27 – Rental Housing Standards

REVIEWED BY: Mike Humpal, CEcD, City Administrator



SUBJECT INITIATION BY:

<input type="checkbox"/>	Petition	<input type="checkbox"/>	Board	<input type="checkbox"/>	Staff	<input type="checkbox"/>	Council	<input checked="" type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
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SUBJECT BACKGROUND: Mike Humpal, CEcD, City Administrator

INTRODUCED BY: Mike Humpal, CEcD, City Administrator

COUNCIL LIAISON:

TYPE OF ACTION:

<input type="checkbox"/>	Motion (Voice Vote)	<input type="checkbox"/>	Resolution (Roll Call)	<input type="checkbox"/>	Discussion
<input checked="" type="checkbox"/>	Ordinance 1 <sup>st</sup> Reading (Introduction only)	<input checked="" type="checkbox"/>	Set Public Hearing (Motion)	<input type="checkbox"/>	Information Only
<input type="checkbox"/>	Ordinance 2 <sup>nd</sup> Reading (Roll call)	<input type="checkbox"/>	Hold Public Hearing (Motion to close)	<input type="checkbox"/>	

RECOMMENED ACTION BY:

<input type="checkbox"/>	City Staff	<input type="checkbox"/>	Board	<input checked="" type="checkbox"/>	Commission	<input type="checkbox"/>	Committee
<input type="checkbox"/>	Issuance	<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	Authorization	<input type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial	<input type="checkbox"/>	Rejection	<input type="checkbox"/>	No action needed	<input type="checkbox"/>	

STATEMENT: City staff has been working to strengthen the rental housing code as it pertains to license requirements, inspections, and background checks. The draft ordinance provided was reviewed by the Interim City Attorney.

MOTION: To set a public hearing for July 22, 2019 to discuss Ordinance Amendment, Chapter 27 – Rental Housing Standards.

VOTE REQUIRED: Simple majority

ATTACHMENTS:

1. Draft Ordinance 2019-15 Amendment
2. Notice of Hearing

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Council Action: \_\_\_\_\_ Date: \_\_\_\_\_

ORDINANCE NO. 2019-15

AN ORDINANCE AMENDING FAIRMONT CITY CODE, CHAPTER 27 – RENTAL HOUSING STANDARDS

**THE CITY OF FAIRMONT DOES ORDAIN** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Fairmont Code, Chapter 27 – Rental Housing Standards, Section 27-3, Subsection (b), is hereby amended to read as follows:

Sec. 27-3. - Health and safety.

- (b) Garbage. The owner of each rental unit shall provide garbage collection containers, dumpsters or other garbage management options adequate to accommodate all garbage and recyclables generated by each rental unit. Owners of each rental unit shall provide to the city building official, with five days of request by the city building official, proof of current garbage contract covering each rental unit with a garbage hauler licensed in Martin County, Minnesota. Owners and tenants of single-family or multi-family units, shall comply with Fairmont City Code section 22-18.

SECTION 2. Fairmont Code, Chapter 27 – Rental Housing Standards, Section 27-4, Subsections (a)(3) and (c), are hereby amended to read as follows:

Sec. 27-4. - Registration and licensing of rental units.

- (3) Paying the registration fee.
  - a. Rental housing units in existence on the date of the adoption of this chapter will not be charged the registration fee if the rental housing unit is registered within one hundred eighty (180) days of said adoption.
  - b. Every ~~three (3)~~ two (2) years the rental housing registration will be reapplied for and the then current registration fee will be paid.
- (4) Receiving a rental license for the unit from the city.
  - ...
- (c) License expiration. The rental license will expire ~~thirty-six (36)~~ twenty-four (24) months after the date of original registration.

SECTION 3. Fairmont Code, Chapter 27 – Rental Housing Standards, Section 27-5, is hereby amended to read as follows:

Sec. 27-5. - Rental housing inspection.

- (a) The city has the authority to inspect any housing unit upon receiving a complaint of code violations and as a condition of license issuance or renewal.
- (b) A rental housing inspection for general health and life safety shall be completed at least once in a ~~three-two~~-year period; but does not have to be completed before licensing, but is a condition for continued licensing. Failure by an owner/licensee to receive a timely and satisfactory city

inspection noticed by the city building official or his or her designee is grounds for denial of issuance or renewal of a license and is grounds for suspension or revocation of a license that has been issued or renewed by the city.

- (c) The inspection ~~may~~must be completed by ~~the city Fairmont City staff~~ building official or his or her designee designated to complete inspections for a fee or the property owner may hire a licensed home inspector to complete the inspection and submit the inspection checklist to the city.
- (d) ~~The community development department staff~~ The city building official or his or her designee will notify the owner of the date, place and time of any inspection conducted pursuant to this section. The owner may be present for the inspection. The owner is responsible for notifying the tenants and obtaining consent to enter their units for inspections.
- (e) Properties inspected by another state or federal agency are exempt from ~~three~~two-year inspections.
- (f) The city will provide an inspection checklist to be completed and signed by the city inspecting party.
- (g) Items on the inspection checklist found to be incomplete, missing or inoperable will be corrected by the owner. The correction will be made in a time frame agreeable to the inspector city building official or his or her designee, owner and tenant. A re-inspection to insure correction has been completed is required but no additional fee will be assessed. Failure by an owner/licensee to receive a timely and satisfactory city re-inspection noticed by the city building official or his or her designee, or to correct city identified violations or other deficiencies, is grounds for denial of issuance or renewal of a license and is grounds for suspension or revocation of a license that has been issued or renewed by the city. The failure to remove or correct each noted violation in the notice within the time period noted constitutes a separate violation for each day the violation continues to exist.
- (h) Units that pass an inspection during the two-year license period, and that do not receive a complaint or for which the building official has not otherwise identified any violation of city code or this chapter, within the ~~three~~two-year license period are exempt from the inspection requirements herein for the next ~~three~~two-year period provided the rental unit remains fully compliant during the subsequent two-year period. All units must have an inspection after ~~six (6)~~four (4) years without an inspection.
- (i) ~~The community development department staff~~ The city building official or his or her designee will be responsible for inspecting rental units and common areas when a tenant files a complaint with the city regarding code violations. ~~The tenant must notify the owner/representative of the code violation prior to making a complaint with the city.~~ The tenant must allow the owner/representative access to the area of the property needing repair.
- (j) Forms. The city shall provide forms upon which complaints may be made regarding the condition or license and registration status of any rental property.
- (k) Property condition complaints. Pursuant to Minnesota Statutes, section 14.44, subd. 1, the identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to Minnesota Statutes, section 13.02, subd. 3. The complainant shall either:
  - (1) ~~Promptly provide to the owner/representative a copy of the complaint filed with the city and all supporting documents and shall give the owner/representative forty-eight (48) hours to correct the alleged code violation or~~
  - (2) ~~Notwithstanding subsection (h) above of this Section, if the city receives a complaint concerning violations of city code or this chapter, the city building official or his or her designee shall provide not less than a seventy-two hours' written notice of its intention to have the city conduct an inspection of the rental unit, unless the city building official determines immediate action is required due to an emergency or imminent threat to public~~

health, safety or welfare. The owner is responsible for notifying the tenants and obtaining consent to enter their units for inspections. The owner/representative shall be assessed appropriate inspection fees if the complaint is found to be substantiated by this inspection.

- (l) When at the city staff person building official or his or her designee makes an inspection as a result of a tenant complaint and no violations are found the city will issue a separate notice of compliance to the tenant and the owner/representative. If the complaint is substantiated by the inspection, written notice of the observed violation(s) will be separately given to the owner/representative and tenant. The city inspector city building official or his or her designee will work with the owner/representative to develop a timeline for the required repairs. A re-inspection will be conducted at the expiration of the time period set for repairs. If the repairs have been completed in a satisfactory manner, a notice of compliance will be issued separately to the owner/representative and the tenant. In the event the repairs have not been completed in a satisfactory manner further action will be taken as permitted by this Code or state law. Failure by an owner/licensee to receive a timely and satisfactory city re-inspection noticed by the city building official or his or her designee, or to correct city identified violations or other deficiencies, is grounds for denial of issuance or renewal of a license and is grounds for suspension or revocation of a license that has been issued or renewed by the city. The failure to remove or correct each noted violation in the notice within the time period noted constitutes a separate violation for each day the violation continues to exist.
- (m) License and registration complaints. Upon the determination of the city building official or his or her designee or upon receipt of a complaint and verification that a residential rental unit is not licensed or registered, the city shall inform the owner in writing that the owner has ninety (90) days to either:
  - (1) Comply with the terms of this chapter by registering the unit and by paying all applicable fees; or
  - (2) Cease rental operations.
- (n) No person may interfere with or hinder the city community development department, police department or the building official or his or her designee in the performance of their duties or refuse to permit inspections under this article.

SECTION 4. Fairmont Code, Chapter 27 – Rental Housing Standards, Section 27-14, is hereby amended to read as follows:

Sec. 27-14. - Crime free rental housing program.

- (a) The City Council finds that repeated police calls to certain rental housing in the city occupied by persons with criminal histories have taxed law enforcement resources. The City Council also finds that persons residing in rental housing who engage in disorderly behavior or cause nuisance conditions create a hostile environment for others living in close proximity, thereby threatening the public health, safety and welfare. In order to preserve and protect the city's neighborhoods and to promote public safety, the City Council enacts this crime free rental housing program.
- (b) The crime free rental housing program, except with respect to the required criminal history inquires provided in this section, is a voluntary, three-phase certification program for rental properties of all sizes, including single-family rental homes. The program is available to owners and property managers of rental properties located within the corporate limits of the City of Fairmont. Necessary training and support of the program is designed to provide for ease of participation. The program is known to be effective in reducing criminal activity in rental properties. It is the policy of the City of Fairmont to encourage active participation in the program by all rental property owners and property managers.

- (c) It is the owner's responsibility to ensure the tenants, the tenant's family members and the guests of any tenant or tenant's family member do not engage in disorderly behavior or create nuisance conditions in the rental housing.
- (d) Criminal History Inquiries Required. An owner of rental property licensed under this chapter must conduct a criminal history inquiry of all prospective tenants and maintain documentation of the inquiry as long as the tenant resides at the property. Documentation of the tenant criminal history inquires such as a receipt demonstrating an inquiry was conducted must be made available for inspection upon request by the police or the city building official or his or her designee. Criminal history inquires must include the following:
- (1) A statewide (Minnesota) criminal history check of all prospective tenants covering at least seven years including all misdemeanor, gross misdemeanor and felony convictions; the check must be done utilizing the most recent update of the state criminal history files;
  - (2) A statewide criminal history check from the prospective tenant's previous state of residence covering at least seven years including all misdemeanor, gross misdemeanor and felony convictions, if available, if the tenant is moving directly from the previous state; and
  - (3) A criminal history check of any prospective tenant in their previous states of residence, if available, covering the last seven years including all misdemeanor, gross misdemeanor and felony convictions if they have not resided in the state for seven years or longer.

SECTION 5: This Ordinance shall take effect immediately after its publication.

Motion by:  
Seconded by:  
All in Favor:  
Opposed:  
Abstained:  
Absent:

Duly adopted by the City Council on this 22<sup>nd</sup> day of July 2019.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: July 8, 2019  
2<sup>nd</sup> Reading: July 22, 2019



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
[www.fairmont.org](http://www.fairmont.org)

Phone (507) 238-9461

Fax (507) 238-9469

CITY OF FAIRMONT  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Fairmont City Council will meet at City Hall Council Chambers, 100 Downtown Plaza, Fairmont, MN 56031 at 5:30 p.m. on Monday, July 22, 2019 to consider an ordinance amending Fairmont City Code, Chapter 27—Rental Housing Standards.

A complete copy of proposed Ordinance 2019-15 can be viewed on the City of Fairmont's website or at the City Clerk's Office.

Persons who desire to be heard in reference to the above will be heard at this meeting. Written comments can also be submitted to Fairmont City Hall, attention Patricia Monsen, 100 Downtown Plaza, Fairmont, MN 56031.

Patricia Monsen  
City Clerk