

The minutes of the Fairmont City Council meeting held on Monday, August 26, 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, Finance Director Paul Hoye, City Clerk Patricia J. Monsen, Police Chief Mike Hunter and Interim City Attorney Erik Ordahl.

It was moved by Council Member Peters to approve the agenda as presented. Council Member Hasek seconded the motion and the motion carried.

It was moved by Council Member Cyphers, seconded by Council Member Hawkins and carried to approve the minutes of the City Council meeting held on August 12, 2019.

There was no open discussion.

Brigid Tuck of the University of Minnesota Extension, Mankato Regional Office presented a campground study of the potential economic contribution of a City-owned campground in the City of Fairmont.

Troy Nemmers gave a presentation on the City's existing metering infrastructure load management and lift station monitoring and a proposal to convert the City over to an AMI system.

Mayor Foster opened the public hearing on the proposed tax abatement request from CHS, Inc. for the \$100,000,000 expansion to their current facility. Jason Harris, Lynn Harris and Mike Borchardt all neighbors of CHS voiced their concerns regarding semi parking, safety and water issues. Brandon Nordstrom, Plant Manager and Tom Malecha, Senior Vice President of Processing and Food Ingredients for CHS, Inc. addressed the neighbor's concerns. Ralph McMillian of 983 Shoreacres Drive and Bruce Ehlers of 3708 Cedar Creek Court spoke in favor of the tax abatement. Council Member Peters made a motion to close the public hearing. Council Member Hasek seconded the motion and the motion carried. After much discussion by the council, Council Member Peters made a motion to approve **Resolution 2019-34** approving property tax abatement and authorizing execution of a tax abatement and business subsidy agreement. 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 Hasek made a motion to approve the Event Permit for Grace Lutheran Church to block off Grant Street between Tilden and Webster Streets for an event to be held on September 8, 2019 from 9:30 a.m. – 1:00 p.m. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to approve an Event Permit for Fairmont United Methodist Church to hold a multi-block party at Veterans Park on September 4, 2019 from 5:00 p.m. – 8:00 p.m. Council Member Cyphers seconded the motion and the motion carried. Pastor Tony Fink spoke about the event.

Council Member Hasek made a motion to approve proposed **Resolution 2019-32** a resolution updating the City of Fairmont's Data Practices Policy, Records Retention and Appointing a Responsible Authority. Council Member Peters seconded the motion. Interim City Attorney Ordahl explained the reason for the update. On roll call: Council Members Hasek and Peters voted aye. Council Members Hawkins, Lubenow and Cyphers all voted nay. Mayor Foster declared said motion did not pass.

Council Member Lubenow made a motion to authorize the Mayor to sign Amendment #1 to Task Order #7 with KLJ for professional services at the airport. Council Member Peters seconded the motion and the motion carried.

Council Member Lubenow made a motion to authorize the Mayor and City Clerk to sign the Grant Agreement with the MN DNR for funding of a proposed project. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to approve **Resolution 2019-35**, a resolution stating the need for a variance from standard for state aid operation for Lake Avenue Reconstruction Project S.A.P. 123-111-010. 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 Cyphers made a motion to direct staff and legal counsel to determine the process of having an audit under Minnesota Statute 6.55, examination of records resolution of governing body. Council Member Lubenow seconded the motion and the motion carried.

Council Member Peters made a motion to approve the payment of the August 2019 bills in the amount of \$1,425,728.09. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins stated that he had received a call from a victim of abuse, whose alleged perpetrator was one of the cases which the County Attorney's Office received from the City Attorney's office and which prosecution was declined by the County Attorney's Office because the statute of limitations had passed. Council Member Hawkins asked city staff if they were aware of the cases being near or passed the statute of limitations. Humpal stated that he was not aware.

Council Member Lubenow reminded everyone of Grace Lutheran's event on September 8, 2019 and if anyone is in need of help, they should call the church.

Council Member Lubenow also advised of an incident involving Police, Sheriff and Ambulance at the 500 block of Blue Earth Avenue and he hopes that the Landlord is made aware of the event. Humpal stated that once a week the police calls for service are reviewed, and landlords are notified if it is warranted.

Council Member Cyphers asked where the checks and balances are for police reports which are sent to the City Attorney for review.

Mayor Foster read letters from the League of Minnesota Cities recognizing Representative Bob Gunther and Senator Julie A. Rosen for their contributions to Minnesota cities.

A motion was made by Council Member Peters, seconded by Hawkins and carried to adjourn the meeting at 7:19 p.m.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk