

The minutes of the Fairmont City Council meeting held on Monday, September 23, 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 Captain Eric Tonder and Interim City Attorney Erik Ordahl.

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

It was moved by Council Member Peters, seconded by Council Member Hasek and carried to approve the minutes of the City Council meeting held on September 9, 2019.

During celebration time, Humpal commented on the new MRI machine at Mayo Clinic, a two-million-dollar investment in health care for our community. He reported that the old Iron Grill demolition is nearing completion. Humpal also reported that next week is Minnesota Manufacturing Week and the City of Fairmont has local businesses participating in a regional tour of manufacturing. 3M, Zierke Manufacturing, Kahler Automation and Valero are all participating and will have open house tours on October 3, 2019 from 9:00 a.m. – 3:00 p.m. Also, open Saturday, October 5, 2019 will be Kahler Automation from 9:00 a.m. – 11:00 a.m. and Valero from 9:00 a.m. – 1:00 p.m.

There was no open discussion.

Blake Potthoff gave a brief overview of the Opera House and requested funding in the amount of \$10,000.00.

Council Member Hasek made a motion to approve an event permit for the homecoming parade scheduled for October 4, 2019. Council Member Hawkins seconded the motion and the motion carried.

Council Member Cyphers made a motion to adopt **Resolution 2019-43**, as amended, authorizing the City Clerk to complete and file a petition requesting the State Auditor's Office examine the books, records, accounts and affairs of the City of Fairmont for the time period of January 2002 to January 2019. Council Member Hawkins seconded the motion. There was much discussion. On roll call vote: Council Members Hawkins, Lubenow, Peters and Cyphers all voted aye. Council Member Hasek voted nay. Mayor Foster declared said motion passed.

Officer Colin Hagert and Deputy Chad Schlichte gave a presentation and requested authorization to enter into a grant agreement with Minnesota Department of Public Safety for traffic safety "Toward Zero Deaths" projects from October 1, 2019 through October 30, 2020. Council Member Hawkins made a motion to approve **Resolution 2019-42**. Council Member Cyphers 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 2019-41**, approving the County classification of non-conservation lands for sale as tax forfeited property. Council Member Peters seconded the motion. On roll call: Council Members Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters all voted aye. Council Member Lubenow voted nay. Mayor Foster declared said motion passed.

Council Member Hasek made a motion to close Woodland Avenue from Albion Avenue to Lake Park Boulevard to automobile traffic on October 31, 2019 from 4:30 p.m. to 7:30 p.m. Council Member Lubenow seconded the motion and the motion carried.

Council Member Lubenow made a motion to direct City Administrator Mike Humpal, Council Members Lubenow and Cyphers to begin discussions for a long-term contract with the County Attorney for criminal prosecution. Council Member Peters seconded the motion and the motion carried.

Hoye presented the 2020 Proposed Budget and Tax Levy. Council Member Peters made a motion to approve **Resolution 2019-44**, adopting the proposed tax levy for 2020. Council Member Hawkins 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 Cyphers made a motion to approve **Resolution 2019-45**, adopting the proposed budget for 2020. 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 Peters made a motion to authorize the Mayor and City Clerk to sign the Master Collocation Agreement and the Supplemental Agreements with Minnesota Energy Resources for the three locations and giving Nemmers the latitude to negotiate a higher fee. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to set a public hearing for October 14, 2019 at 5:30 p.m. to consider proposed **Ordinance 2019-16**, which effectively deletes **Ordinance 2017-06** and replaces it with language recommended by the Minnesota Department of Revenue. Council Member Peters seconded the motion and the motion carried.

At the September 9, 2019 city council meeting, Council voted to move forward with an investigation with Flaherty & Hood facilitating. Flaherty & Hood sent an attorney-client privileged memorandum to the city council. After discussion, Council Member Cyphers made a motion that Councilor Hawkins and Mayor Foster and legal counsel be authorized to retain Jardine, Logan & O'Brien, PLLP – Joseph E. Flynn on behalf of the City and consult with the investigator to facilitate the completion of an investigation into criminal matters presented by law enforcement to the City Attorney for prosecution in which the statute of limitations passed and those individuals officially involved in the matters or aware of the matters and the extent of involvement and awareness during the dates of January 2012 through May 2019. Council Member Lubenow seconded the motion. On roll call: Council Members Cyphers, Hawkins and Lubenow all voted aye. Council Members Hasek and Peters voted nay. Mayor Foster declared said motion passed.

Council Member Hawkins made a motion to approve the payment of the September 2019 bills in the amount of \$953,126.18. Council Member Cyphers seconded the motion. Council Member

Lubenow asked Hoye how vendors were set up, who approved them and who approves the invoices. Hoye answered the question. The motion passed.

Mayor Foster announced that there was an opening on the Airport Advisory Board and that anyone interested should contact the City. The Mayor would like to appoint a replacement member at the October 14th council meeting.

Council Member Peters congratulated Project 1590 – Kids Just Want to Have Fun on the new Miniature Golf Course and ribbon cutting.

Council Member Cyphers relayed a concern from Betty Scheff regarding truck traffic on Falcon Drive. Humpal stated that staff will talk with Goldfinch about the concerns.

Council Member Lubenow asked Nemmers if there was a chance that Fourth Street construction would start soon. Nemmers responded affirmatively.

A motion was made by Council Member Peters, seconded by Cyphers and carried to adjourn the meeting at 8:06 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk