

The minutes of the Fairmont City Council meeting held on Monday, October 28, 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: Public Works Director/City Engineer Troy Nemmers, Finance Director Paul Hoye, City Clerk Patricia J. Monsen, Police Chief Mike Hunter and Interim City Attorneys Erik Ordahl and Chelsea J. Bodin.

Council Member Cyphers asked why there wasn't anything on the agenda regarding correspondence from the County Attorney regarding the cases not prosecuted by the former city attorney. Mayor Foster stated that Flaherty and Hood has advised that nothing should be shared with the public regarding the cases since the investigation was still pending. The correspondence was only shared with the Mayor and Council Members. It was moved by Council Member Hawkins to approve the agenda with the addition of a revised School Resource Officer Memorandum of Understanding for agenda item 16.2 and the addition of agenda item 16.6 Salary Increase for Troy Nemmers, PE, Public Works Director/City Engineer, Acting City Administrator. Council Member Cyphers 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 October 14, 2019.

During celebration time, Economic Development Coordinator Linsey Preuss shared the fact that 23 Fairmont leaders, including herself, completed a five-day residential Blandin Leadership Retreat which was made possible as a result of a grant application written by the Fairmont Area Chamber of Commerce.

Another event last week included a visit from the One Minnesota Commissioners Tour, which included state agency leaders including Commissioners from eleven Minnesota Departments. Fairmont was one of eleven community stops with a goal of increasing awareness and helping businesses cut through red tape when working with state agencies. The Mayor was in attendance at this event.

During open discussion, Sharon Scheff of 1601 North Park Street shared her concerns with the actions of some of the council members.

Mayor Foster proclaimed November 9, 2019 as Poppy Day in the City of Fairmont. Velma Schaal with the American Legion Post 36 Women's Auxiliary spoke.

Mayor Foster proclaimed November 11, 2019 as "Moni Harper" Day in the City of Fairmont. Moni Harper is the recipient of the Golden Deeds Award by the Fairmont Exchange Club. Don Richards with the Fairmont Exchange Club spoke.

Mayor Foster proclaimed November 14, 2019 as Community Education and Recreation Day in the City of Fairmont. Community Education and Recreation Director Roni Dauer spoke and invited everyone to an open house on November 14<sup>th</sup> from 9:00 a.m. – 4:00 p.m.

Council Member Hasek made a motion to approve an Event Permit for the Glows parade scheduled for November 22, 2019. Council Member Peters seconded the motion and the motion carried.

During Old Business, the Council was asked to consider revised **Resolution 2019-46**. The revision corrects the effective date to read January 1, 2020 until December 31, 2022. Council Member Hasek made a motion to approve revised **Resolution 2019-46**. Council Member Hawkins seconded the motion. On roll call: Council Members Cyphers, Hasek, Hawkins, Lubenow and Peters all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Mayor Foster gave an update on the forensic audit. A conference call is scheduled for Wednesday, October 30, 2019 from 3:30 – 5:00 p.m. involving Mayor Foster, Councilor Cyphers, Finance Director Paul Hoyer, City Clerk Patricia J. Monsen, City Attorney Erik Ordahl, and nine representatives from the Minnesota State Auditor's Office. Council Member Lubenow asked City Attorney Ordahl if there was a conflict of interest with the Mayor serving on this committee for the forensic audit, since her late husband was an employee with the City? Attorney Ordahl stated that Flaherty and Hood does not see a conflict of interest.

Linsey Preuss and Judd Schultz of Minnesota Valley Action Council spoke of submitting an application to the Department of Employment and Economic Development through their Small Cities Development Program Grant to assist with rehabilitation of income eligible owner-occupied housing and with commercial rehabilitation within a targeted area. Council Member Hawkins made a motion to authorize the Mayor and City Clerk to apply to the Department of Employment and Economic Development for funding through the Small Cities Development Program Grant on behalf of the City of Fairmont with Minnesota Valley Action Council as the Administrator of the program. Council Member Cyphers seconded the motion and the motion carried.

Council Member Peters made a motion to authorize the Mayor and City Clerk to sign the School Resource Officer Memorandum of Understanding between Southern Plains Education Cooperative and the City of Fairmont Police Department. Council Member Hasek seconded the motion and the motion carried.

Council Member Cyphers made a motion to approve **Resolution 2019-40**, approving the Double Frontage Assessment Agreements. Council Member Hawkins 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 approve **Resolution 2019-47**, approving the applications and agreements for the special assessment deferrals. Council Member Hawkins 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.

Discussion was held regarding the tree dump site. The site is quite full and different options for making more room were discussed.

Council Member Lubenow made a motion that Public Works Director Troy Nemmers be paid an annualized salary of \$147,347.00 effective October 28, 2019 until he is no longer expressly

assigned by the City Council to perform duties and responsibilities of City Administrator. Council Member Hawkins seconded the motion and the motion carried.

Council Member Lubenow made a motion that he City Council and Troy Nemmers will reconsider such salary to be effective January 1, 2020 until he is no longer expressly assigned by the City Council to perform duties and responsibilities of City Administrator upon request of either the City Council or Troy Nemmers if he is assigned as such as of that date. Council Member Cyphers seconded the motion and the motion passed.

Council Member Peters made a motion to approve the payment of the October 2019 bills in the amount of \$2,495,911.63. Council Member Hasek seconded the motion and the motion carried.

Mayor Foster asked Mike Humpal if he would like the continuation of his performance evaluation to be open to the public or closed. Humpal stated he would like it closed. At approximately 6:31 p.m., Council Member Hawkins made a motion to go into closed session based on Minnesota Statute 13D.05, Subd. 3(a), to discuss the City Administrator's performance evaluation. Council Member Cyphers seconded the motion and the motion carried.

At approximately 8:00 p.m. the city council meeting reopened.

Council Member Cyphers made a motion to continue this meeting until November 15, 2019 at 5:30 p.m. in the council chambers of Fairmont City Hall. Council Member Hawkins seconded the motion and the motion carried.

Council Member Lubenow made a motion to authorize Councilor Cyphers and Councilor Peters to work with legal counsel in negotiating any potential agreement with Mike Humpal. Council Member Hawkins seconded the motion and the motion carried.

A motion was made by Council Member Peters, seconded by Council Member Hasek and carried to adjourn the meeting at 8:03 p.m.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk