

The minutes of the Fairmont City Council meeting held on Monday, January 13, 2020 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: Interim City Administrator Mark Sievert, 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.

Council Member Hasek made a motion to approve the agenda as presented. Council Member Hawkins seconded the motion and the motion carried.

Council Member Cyphers made a motion to approve the minutes of the December 9, 2019 City Council meeting. Council Member Hawkins seconded the motion and the motion carried.

During Celebration Time, Fairmont Airport Manager Lee Steinkamp reported that the Fairmont Airport had a Presidential Candidate's Air 35 Regional Jet land at the airport. They picked Fairmont over other airports because of its long runway. The candidate was making an appearance in Wells, Minnesota.

During open discussion, Peter Engstrom of 500 Home Street encouraged the City Council to show their support to the Martin County Commissions regarding allowing refugees into Martin County.

Kaley Hernandez, Community Health Specialist; Martin County Deputy Chris Gerhardt; and Steph Johnson, Martin County Substance Abuse Prevention Coordinator gave a presentation on "Tobacco 21".

Mayor Foster opened the public hearing regarding the closure of Trees Trailer Park in the City of Fairmont. No public comments were 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 finding the Closure Statement provided by Shepherd of Lakes was sufficient pursuant to the requirements of Minnesota Statute 327C.095. Council Member Hawkins seconded the motion and the motion carried. Council Member Hawkins made a motion to appoint Judd Schultz of Minnesota Valley Action Council as a qualified neutral third party as required by Minnesota Statute 327C.095, subd. 4(c). Council Member Hasek seconded the motion and the motion carried. Council Member Peters made a motion finding that there was not an ordinance in effect on May 26, 2007 that would provide compensation to displaced residents. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to video record and broadcast all City Council work sessions. Council Member Cyphers seconded the motion. On roll call vote: Council Members Lubenow, Hawkins, Peters and Cyphers all voted aye. Council Member Hasek voted nay. Mayor Foster declared said motion passed.

Discussion was held regarding Michelle Soldo's 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. Interim City Attorney Ordahl advised

that the City could not hold a closed session to have a conference call with Investigator Soldo, as this did not meet the requirements of one of the specific exceptions listed in the open meeting law. Council Member Lubenow made the following motion, I move that we ask for the information that was shared with Councilor Hawkins and Mayor Foster from Michelle Soldo. Council Member Cyphers seconded the motion. On roll call vote: Council Members Hawkins, Lubenow and Cyphers all voted aye. Council Members Hasek and Peters voted nay. Mayor Foster declared said motion passed.

Interim City Administrator presented an updated Request for Proposals (RFP) and a list of attorneys that the RFP would be sent to for the City Attorney search. Council was advised that if there are any additional law firms that they wish to have the RFP sent to, they should let him know in the next couple of days.

Council Member Peters made a motion to adopt **Resolution 2020-01**, a resolution waiving the reading of resolutions, unless a request is made by one or more council members or citizens for the resolution to be read before a vote. Council Member Hawkins seconded the motion and the motion carried.

Council Member Peters made a motion to approve **Resolution 2020-02**, adopting the official designations of the City as Mayor Pro-tem: Tom Hawkins, Council Member At Large; Newspaper: The Sentinel; Council Secretary: Patricia J. Monsen, City Clerk; and Depository of City Funds: Bank Midwest. Council Member Hasek seconded the motion. On roll call: Council Members Hasek and Peters voted aye. Council Members Hawkins, Lubenow and Cyphers voted nay. Mayor Foster declared said motion failed. Council Member Hawkins made a motion to approve **Resolution 2020-02**, adopting the official designations of the City as Mayor Pro-tem: Tom Hawkins, Council Member At Large; Newspaper: Fairmont Photo Press; Council Secretary: Patricia J. Monsen, City Clerk; and Depository of City Funds: Bank Midwest. Council Member Lubenow seconded the motion. On roll call: Council Members Hawkins, Lubenow and Cyphers all voted aye. Council Members Hasek and Peters voted nay. Mayor Foster declared said motion passed.

Council Member Lubenow made a motion to adopt the Elected Officials Out-of-State Travel Policy dated January 1, 2020. Council Member Hawkins seconded the motion and the motion carried.

Council Member Peters made a motion to approve the officer election of the Fairmont Fire Department. Chief – Brandon Scott; Assistant Chief – Bryan Kastning; Captain – Colby Whitmore; 1st Lieutenant – Tim Miller; 2nd Lieutenant – Rob Iverson and Secretary – Matt Streit. Council Member Hasek seconded the motion and the motion carried.

Council Member Hawkins made a motion to approve **Resolution 2020-03**, approving a city administrator's choice to be excluded from participating in the PERA coordinated plan. Council Member Cyphers seconded the motion. On roll call: Council Members Hawkins, Lubenow, Peters, Cyphers and Hasek all voted aye. No one voted nay. Mayor Foster declared said motion passed.

Council Member Hawkins made a motion to approve the appointments and reappointments of the following individuals to Boards and Commissions for the City of Fairmont: Paula Eppens to the Police Commission, Monica Shelgren and Greg Gellert to the Park Board, Matt Huset and

David Segar to the Public Utilities Commission, Tom Mesich, Jon Omvig and Ron Davison to the Planning Commission, Mike Jacobson and Susan Krueger to the Board of Zoning Appeals, Paul Determan to the Housing & Redevelopment Authority, Ralph McMillan and Paul Carlson to the Safety Council, Barry Altman, Jerry Brooks and Chad Brusky to the Airport Board, Brad Malmanger and Jim Frisch to the Building/Fire Code Appeals. Council Member Peters seconded the motion and the motion carried.

Three proposals from consulting firms for the search for a City Administrator was received. The firms were David Drown and Associates; Baker Tilly and GovHRUSA. Council Member Peters made a motion to hire Baker Tilly. Council Member Hasek seconded the motion and the motion carried.

Council Member Peters made a motion to approve **Resolution 2020-04**, approving the use of a local sales tax authorized by special law for street funding. 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 Peters made a motion to postpone until the City Council meeting on January 27, 2020 the discussion regarding an agreement with Flaherty & Hood, P.A. to provide services related to the City of Fairmont's request to the Legislature to authorize a local option sales tax during the 2020 session. Council Member Cyphers seconded the motion and the motion carried.

Council Member Peters made a motion to schedule a public hearing for February 10, 2020 on **Ordinance 2020-01**, Softened Water Service Rates. Council Member Cyphers seconded the motion and the motion carried.

Council Member Peters made a motion to schedule a public hearing for February 10, 2020 on **Ordinance 2020-02**, Wastewater Rates. Council Member Hasek seconded the motion and the motion carried.

Council Member Hasek made a motion to schedule a public hearing for February 10, 2020 on Adam Garber's Application for Rezoning the property at 924 Lake Avenue from Heavy Industrial (I-2) to General Business (B-3). Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to approve work order #1 with Barr Engineering for professional services on the water quality projects in the Dutch Creek watershed. Council Member Cyphers seconded the motion and the motion carried.

Council Member Hawkins made a motion to pay the bills for the month of December 2019 in the amount of \$2,422,086.42. Council Member Peters seconded the motion and the motion carried.

Council Member Lubenow advised citizens of the Pond Hockey Tournament in Fairmont this coming weekend.

Council Member Hawkins and Peters reported that the HRA and Feda Board are addressing the housing needs in the City.

Council Member Hasek reminded citizens to shovel their sidewalks.

Mayor Foster stated that Saturdays with the City will not be scheduled for 2020 yet and that it will be readdressed after a permanent City Administrator has been hired. She also reminded the Council of the February 3, 2020 work session where a presentation by Pamela Whitmore, a Collaboration and Mediation Manager at the League of Minnesota Cities.

A motion was made by Council Member Peters, seconded by Council Member Hasek and carried to adjourn the meeting at 7:23 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk