

The minutes of the Fairmont City Council meeting held on Monday, January 27, 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 Sergeant Chad Sanow and Interim City Attorney Erik Ordahl.

Council Member Lubenow made a motion to approve the agenda with the additions of two old business items: the Soldo Investigation and the City Administrator Search; and the addition of 16.7 PERA Police Officer Declaration. Council Member Hawkins seconded the motion and the motion carried.

Council Member Cyphers made a motion to approve the minutes of the January 13, 2020 City Council meeting. Council Member Hasek seconded the motion and the motion carried.

During Celebration Time, Mayor Foster shared that Economic Development Coordinator Linsey Preuss and the CHS Project was awarded the 2019 Project of the Year given out by the Economic Development Association of Minnesota. This is a great honor to be chosen for this award by her peers. Councilor Lubenow also stated that there was a lot of people in town this past weekend with a Hockey Tournament and a Fishing Contest being held. It was great to see everyone in town.

During open discussion, Jay Maynard of 1831 Oakwood spoke regarding his displeasure with the Council.

Mayor Foster proclaimed February 7-14, 2020 as Congenital Heart Defect Awareness Week in the City of Fairmont. Hailee Greeley spoke regarding congenital heart defects.

Mayor Foster proclaimed January 26-February 1, 2020 as School Choice Week in the City of Fairmont.

Finance Director Paul Hoye presented the December 31, 2019 Investment Report.

Council Member Hawkins made a motion to approve a transient merchant license for TNT Fireworks from Florence, AL to sell fireworks at the Walmart parking lot between June 19, 2020 and July 6, 2020. Council Member Hasek seconded the motion and the motion carried.

Discussion was held regarding legislative services for the proposed local option sales tax. Council Member Peters made a motion to postpone this decision until such time as the Council feels it may be needed. Council Member Lubenow seconded the motion and the motion carried.

Councilor Hawkins requested that Fairmont City Code Chapter 10, Article II be reviewed and amended. After much discussion, Council Member Peters made a motion to instruct the City Administrator and Fire Chief to work with Legal Counsel on proper language to change control of the Fire Department to the City Administrator instead of the City Council. Council Member Hawkins seconded the motion and the motion carried.

Council Member Hawkins made a motion to approve **Resolution 2020-05**, approving election judges for the Presidential Nomination Primary on March 3, 2020, the Primary Election on August 11, 2020 and the General Election on November 3, 2020. Council Member Hasek 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 Hawkins made a motion to approve **Resolution 2020-06**, a deed restriction for Cedar Park Trail Project. Council Member Peters 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.

Proposed **Ordinance 2020-03**, rezoning 924 Lake Avenue from I-2 Heavy Industrial to B-3 General Business was introduced and its first reading was completed.

Council Member Hasek made a motion to approve **Resolution 2020-07**, a permit from MNDOT for the construction of the trail in the right-of-way along TH 15, near Torgerson Drive. Council Member Peters 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.

A motion was made by Council Member Peters to direct staff to receive bids on hosting the City's website. Council Member Hasek seconded the motion and the motion carried.

Council Member Lubenow made a motion to approve **Resolution 2020-08** declaring that Luis Figueroa and William Murray meet all the Police and Fire Plan membership requirements. Council Member Peters 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 Hasek made a motion to approve the payment of the January 2020 bills in the amount of \$780,767.99. Council Member Hawkins seconded the motion and the motion carried.

Council Member Lubenow shared that he was alarmed by the statistics in the paper regarding the increase in crime. Lubenow stated that the City spends almost three million dollars for Law Enforcement. He considers arrests and incarceration as bad services. He is hoping that this money can be spent on good services in the future like a YMCA or CER to get kids out of bad home situations and into something good that will help them become better citizens for the future.

Council Member Hawkins wanted to clarify for the public that comparing column pricing between newspapers is not a good comparison, as the cost and what is being provided is different for each establishment.

Council Member Hawkins also wanted to state that at the January 13<sup>th</sup> council meeting, Mayor Foster accused Council Member Cyphers and him of violating the open meeting law. Council Member Hawkins stated that after conversations with Brandon Fitzsimmons of Flaherty & Hood, he feels no open meeting law violation occurred. Erik Ordahl of Flaherty & Hood reminded the

Council that any discussion of city business outside of the council meetings could possibly be open meeting law violations and that the Council should refrain from having these conversations.

Mayor Foster stated that Martin County Pheasants Forever held the first annual Ice Fishing Day last Saturday on Hall Lake. The event was a huge success and such a positive, fun event for kids and their families. Thank you to the Martin County Pheasants Forever.

Mayor Foster also advised the public that eight positions on the Charter Commission will be expiring on March 16<sup>th</sup>. If anyone is interested in serving on the Charter Commission, they should contact the City Clerk and make an application. Applications will be accepted until February 28<sup>th</sup>. The list of applicants will then be approved by the City Council and sent to the Chief District Court Judge for consideration and appointment.

A motion was made by Council Member Peters, seconded by Council Member Hasek and carried to adjourn the meeting at 6:43 p.m.

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Deborah J. Foster, Mayor

ATTEST:

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Patricia J. Monsen, City Clerk