

The minutes of the Fairmont City Council meeting held on Monday, October 11, 2021, at the City Hall Council Chambers.

Mayor Deborah J. Foster called the meeting to order at 5:30 p.m.

Council Members Wayne Hasek, Britney Kawecki, Randy Lubenow, Michele Miller, and Bruce Peters were present. Also in attendance: City Administrator Cathy Reynolds, Public Works Director/City Engineer Troy Nemmers, Finance Director Paul Hoye, Police Chief Mike Hunter, City Clerk Patricia J. Monsen, and City Attorney Mark Rahrick.

Council Member Peters made a motion to approve the agenda with the removal of 7.1 public hearing on 2021 Improvement Program and the addition of 8.3 calling for an Assessment Hearing on the 2021 Improvement Program for October 27, 2021. Council Member Lubenow seconded the motion and the motion carried.

Mayor Foster declared October 15, 2021, as Pregnancy and Infants Loss Remembrance Day in the City of Fairmont.

During public comment, Jay Maynard of 1831 Oakwood questioned the City Council on the scheduled Performance Evaluation of the City Administrator.

Council Member Miller made a motion to approve the items on the Consent Agenda. Council Member Peters seconded the motion and the motion carried. Items on the Consent Agenda were: Minutes from the September 27, 2021 City Council Meeting; Change Order #1 for the Wastewater Treatment Plant Scum Removal Project, and approval of an Event Permit for the Fairmont Chamber of Commerce to hold the Glows Parade on November 19, 2021.

The public hearing scheduled for this meeting on the 2021 Improvement Program Assessments was rescheduled to October 27th.

Discussion was held regarding changes to proposed **Ordinance 2021-03**, Fairmont City Code Chapter 27, Rental Housing. By consensus of the Council, it was decided to continue the vote on the proposed ordinance to the October 25th City Council meeting.

Discussion was held regarding changes to proposed **Ordinance 2021-04**, Fairmont City Code Chapter 28, Vacant Building Regulation. By consensus of the Council, it was decided to continue the vote on the proposed ordinance to the October 25th City Council meeting.

Council Member Miller made a motion to adopt **Resolution 2021-49**, a resolution calling for a public hearing on proposed Assessments of the 2021 Improvement Program at a special meeting to be held on October 27, 2021, at 5:30 p.m. in the City Hall Council Chambers. Council Member Peters seconded the motion and the motion carried.

Council Member Peters made a motion to approve **Resolution 2021-48**, authorizing the Mayor and City Clerk to sign the MNDOT Grant Agreement for Airport Coronavirus Response Grant Program. Council Member Hasek seconded the motion and the motion carried.

Council Member Lubenow made a motion to approve an increase to the Fire Department's pension from \$3,800 per year of service to \$4,800 per year of service. Council Member Hasek

seconded the motion. On roll call: Council Members Hasek, Kawecki, Lubenow and Peters all voted aye. Council Member Miller abstained. Mayor Foster declared said motion passed.

Council held discussion regarding the Krause Anderson contract for the Public Works Facility.

Council held discussion regarding the RFP for the Community Center.

Council held discussion on the Grant Street Project.

Nemmers stated that construction on Holland Street continues. The final aggregate surface should be completed in the next couple of weeks. Work on the closure of the lime ponds and the habitat restoration project continues. The city parks will be closing on October 15th. The Leaf pickup will begin the week of November 1st. The yard waste site will be closing no December 1st.

Reynolds stated that the City currently has two vacancies on the Charter Commission. The Boards and Commission application is on the City's website, and she encourages citizens to apply. The Community Development Department has had a very busy September. In September 2021 the City issued 25 building permits at a value of 6.8 million, compared to 12 building permits at a value of \$619,000 in September 2020. She shared that she attended the ICMA City Managers Annual Conference in Portland, Oregon and it was a good conference with a lot of networking. She attended sessions on communication, community engagement, community development and professional ethics. It is her intent to share and implement items from the conference within the city. She was also able to view different community development software from the vendor show at the conference.

Council Member Peters shared that Visit Fairmont has hired a new director. The new director's name is Nicole Johnston.

A performance evaluation of the City Administrator was placed on the City Council Agenda. The City Administrator was not provided written notification of topics for the evaluation prior to the City Council Meeting. City Administrator Cathy Reynolds choose to have the evaluation done during open session to ease the anxiety of staff, to increase transparency in the process and to allow the community transparency.

Council Members Miller, Lubenow and Kawecki all expressed concern over the supervisory role of the City Administrator as it relates to the Building Official. Council Member Miller has concerns on hiring practices and that the city currently does not have an employee evaluation process in place. Council Member Lubenow had concerns regarding communication with the council and City Staff. Council Member Kawecki also expressed that she feels she is being harassed by the City Administrator because the Administrator forwards her email questions and responses to the entire City Council, and this is not done with other council members' emails. Council Member Kawecki feels that the City Administrator is "lobbying" the City Council. Council Member Kawecki stated that when she requests items to be placed on the agenda, she is denied. Council Member Kawecki feels that the City Administrator is rude and cold to her and the public. Council Member Kawecki expressed that some of her emails go unanswered and she must request a response from the City Administrator. Council Member Kawecki has concerns about the City Administrator not appointing someone to be in charge when she is away from the office. Council Member Kawecki also has concerns that the City Administrator is acting as an

attorney and is not licensed to do so in the State of Minnesota. Other concerns of Council Member Kawecki's are the request to use HRA funds inappropriately and the advertisement for a Water and Wastewater Superintendent.

Administrator Reynolds responded that every person has room for improvement, and she is the first to admit that she has room for improvement and growth. She stated that she is hearing that communication and approachability are concerns. Reynolds sends out bi-weekly updates to the Council and is sending out staff updates to enhance communication. She holds "Key Employee" meetings with all management personnel on the first and third Tuesdays of every month. The City is in the process of updating all employee job descriptions. Reynolds denies acting as an attorney for the City and stated that the City has an attorney, and all legal questions and issues are sent to him. She can utilize her skills and knowledge as an attorney to help interpret items, but legal issues for the city go to City Attorney Rahrlick. She explained a situation which occurred during a conversation with two community members about a potential mechanic for the airport, who had a "do not compete agreement". She provided them with an example from her experience as an attorney with do not compete clauses. Reynolds stated that she receives far more emails from Council Member Kawecki than any other council member. She stated that in a five-day period, she received 19 emails from Council Member Kawecki compared to 2 emails from the rest of the council combined. Reynolds stated that it is her goal to respond to all emails, but because of time constraints and other city business, responses are prioritized. Reynolds stated that it is her duty and obligation to ensure that all city council members receive the same information and that is why she does forward her responses to council members' emails to the entire council. Reynolds stated that when she is gone for more than one day, she does appoint a staff member to be in charge. She stated that she does travel back to Shakopee some weekends but is available by phone and email and does not feel that an interim is required to be appointed for those periods. She stated that the use of HRA funds was just an option to be considered. Reynolds stated that she is aware of what some of the council's direction is to her concerning the Building Official. She stated that it is her practice to work, train, mentor, and lead employees. She is aware that the State of Minnesota has an "at will employment" policy, however the City of Fairmont also has an Employment Policy which implements a "for cause" dismissal policy.

City Council directed City Attorney Rahrlick to provide the council with information regarding "for cause" policy versus an "at will" employee.

A motion was made by Council Member Peters, seconded by Council Member Lubenow and carried to adjourn the meeting at 7:56 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk