

FAIRMONT CITY COUNCIL AGENDA

Monday, July 11, 2022, 5:30 p.m.

1. **Roll Call/Determination of Quorum**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Recognition/Presentations**
 - 4.1 Presentation by Citizens 4 A Strong Fairmont (03)
5. **Public Discussion/Comment** (Individual comments are limited to 3 minutes) (04)
6. **Consent Agenda** (Items removed from consent will be placed at the end of the items under new business)
 - A. **Minutes**
 - 6.A.1 Regular Meeting, June 27, 2022 (05)
 - B. **Check Registers**
 - C. **Other**
 - 6.C.1 Event Permit – Play4ACure Softball Tournament, August 5-7, 2022 (09)
 - 6.C.2 Event Permit – Martin County Library, Library Family Event, August 10, 2022 (12)
 - 6.C.3 Event Permit – Trevor Boehne, Cedar Creek Open Disc Golf Tournament, August 12-14, 2022 (15)
7. **Public Hearings**
8. **Old Business**
9. **New Business**
10. **Council Discussion**

11. Staff/Liaison Reports

A. Public Works

B. Finance

C. City Administrator

D. Mayor/Council

Hasek – PUC, BZA

Lubenow – HRA

Peters – BZA, Visit Fairmont

12. Closed Session

12.1 Attorney-Client Privilege (per Minn. Stat. 13D.05, Subd. 3(b)) **(18)**

13. Adjournment



Fairmont City Council
June 27, 2022

Agenda Item: 4.1

From: Cathy Reynolds, City Administrator
To: Mayor and City Council

Subject: Citizens 4 A Strong Fairmont Presentation

Policy/Action Requested:

Vote Required: ____ Simple Majority ____ Roll Call

Recommendation:

Overview: Citizens 4 A Strong Fairmont have requested to give a presentation.

Budget Impact: N/A

Attachments:

Council Action: _____ Date: _____



Fairmont City Council
July 11, 2022

Agenda Item: 5

From: Cathy Reynolds, City Administrator
To: Mayor and City Council

Subject: Open Discussion/Comment

Policy/Action Requested:

Vote Required: ____ Simple Majority ____ Roll Call

Recommendation: N/A

Overview: Prior to regular business, is there any public discussion/comment?

Budget Impact: N/A

Attachments: N/A

Council Action: _____ Date: _____



Fairmont City Council
July 11, 2022

Agenda Item: 6.A.1

From: Patricia J. Monsen, City Clerk
To: Mayor and City Council

Subject: Council Minutes from Regular Meeting on June 27, 2022

Policy/Action Requested: To Approve City Council Minutes from June 27, 2022

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview:

Budget Impact: N/A

Attachments: City Council Minutes Regular Meeting, June 27, 2022

Council Action: _____ Date: _____

The minutes of the Fairmont City Council meeting held on Monday, June 27, 2022, 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 Rahrack via telephone.

Council Member Miller made a motion to approve the agenda as presented. Council Member Peters seconded the motion and the motion carried.

Mayor Foster recognized the following employees for their years of service: David Schiltz, Wastewater, 30 years; Sgt. James Kotewa, Police, 25 years; David Hinz, Electric, 25 years; and Tyler Cowing, Engineering, 10 years.

Matt Mayer, a representative from Bergan KDV presented the results of the 2021 financial audit. Council Member Hasek made a motion to accept the 2021 audit and approve the distribution of the 2021 Annual Comprehensive Financial Report. Council Member Miller seconded the motion and the motion carried.

During Open Discussion, the following citizens spoke in favor of the proposed emergency interim ordinance moratorium on spreading of manure in city limits: Rob True, 1435 Holland Street; Joe Loughmiller, 207 Sisseton Drive; Jeff Schuett, 1306 Holland Street; Earl Meyer, 117 W. Margaret Street; Angie Simmering, 203 W. Christina; Dan Simmering, 1404 Holland Street; Jay Maynard, 1831 Oakwood; Jason Dunker, 1424 Holland Street; Gene Goerndt, 1345 Holland Street; and Jean Johnson, 1306 Lucia. Paula Bulfer of 709 S. Bixby Road voiced concerns about the ordinance, as their farm is within city limits. Patrick Summers, attorney with the DeWitt Law Firm, representing the Carlson Walters Group voiced his concerns about the proposed emergency ordinance. Terry Riggs of 210 South Elm Street voiced concerns about the operational costs of the proposed community center and if that cost would be the City's responsibility.

Council Member Peters made a motion to approve the items on the Consent Agenda. Council Member Miller seconded the motion and the motion carried. Items on the Consent Agenda were: minutes from the June 13, 2022 city council meeting; payment of the June 2022 accounts payable; approve \$1,500.00 funding for the July 4th fireworks; approve permit for outdoor public fireworks display by J & M Displays for July 4, 2022; Event Permit for Martin County Veterans Memorial Bell Dedication on July 4, 2022 at the Winnebago Sports Complex; Event Permit for Shepherd of Lakes Lutheran Church to hold vacation bible school at Gomsrud Park on July 22, 2022; and Temporary On-Sale Liquor License for Truman Fire Department Relief Association to have a beer garden at the Martin County Fair August 15, 2022 through August 21, 2022.

Council Member Peters made a motion to amend proposed **Ordinance 2022-08** an Emergency Interim Ordinance, Moratorium on the Spreading of Manure in City Limits, to remove the specified zoning designations and replace that wording with "within the city limits". Council Member Miller seconded the motion. On roll call: Council Members Lubenow, Miller, Peters and Hasek all voted aye. Council Member Kawecki voted nay. Mayor Foster declared

said motion passed. Council Member Lubenow made a motion to further amend the proposed ordinance by changing the end date of the ordinance to read October 1, 2022 instead of June 1, 2023. Council Member Peters seconded the motion. On roll call: Council Members Miller, Peters, Kawecki and Lubenow voted aye. Council Member Hasek voted nay. Mayor Foster declared said motion passed. Council Member Miller made a motion to approve amended **Ordinance 2022-08**. Council Member Peters seconded the motion. On roll call: Council Members Peters, Hasek, Lubenow and Miller all voted aye. Council Member Kawecki voted nay. Mayor Foster declared said motion passed.

Council Member Miller made a motion to approve the Electronic Funds Transfer Policy. Council Member Peters seconded the motion and the motion carried.

Council Member Miller made a motion to approve the lease agreement with UHD for office space in the SMEC building starting September 1, 2022. Council Member Peters seconded the motion and the motion carried.

Council Member Lubenow made a motion to approve the contract with Kraus Anderson for construction manager services for the community center. Council Member Kawecki seconded the motion. On roll call: Council Members Miller, Peters, Kawecki and Lubenow all voted aye. Council Member Hasek voted nay. Mayor Foster declared said motion passed.

Council Member Peters made a motion to approve a contract with Allegiant for Automated Meter Infrastructure installation. Council Member Hasek seconded the motion and the motion carried.

Nemmers reported that the Park Department has found Emerald Ash Borers in Ash trees located on Lake Avenue and at the Day Farm. The City is working with the Department of Agriculture and will be doing a press release to advise the public.

Reynolds stated that the City has been sending out renewals and updates for inspections to comply with the rental housing ordinance. The City has been actively working on the ordinance and its enforcement.

Reynolds attended the League of Minnesota Cities Conference last week in Duluth. The conference was very good and information was gained on communication ideas and suggestions to look at for our city.

The community center committee is working to plan a stakeholder meeting to begin working with 292 Group, the architects for the project.

Council Member Hasek reported that the PUC talked about the AMI installation contract with Allegiant Utility Services and about an upcoming switch gear expense.

Council Member Hasek reported that the airport hosted the Lion's Club Fly-in Breakfast last weekend. They also talked about some remodeling projects.

Council Member Kawecki reported that the activities hosted by the library have been well attended. She also reminded citizens to utilize the State Park pass at the library.

Council Member Lubenow reported that the Park Board talked about a buildings assessment for the Lincoln Park Shelter house and the band shell. They also talked about the Gomsrud Park revitalization project.

Council Member Miller reported that FEDA amended a revolving loan fund agreement with Well Minded Properties. They extended the agreement for five years.

A motion was made by Council Member Miller, seconded by Council Member Hasek and carried to adjourn the meeting at 7:10 p.m.

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk



Fairmont City Council
July 11, 2022

Agenda Item: 6.C.1

From: Patricia J. Monsen, City Clerk
To: Mayor and City Council

Subject: Event Permit – Play4ACure Softball Tournament, August 5-7, 2022

Policy/Action Requested: Motion to approve an Event Permit for Play4ACure to hold a softball tournament at Winnebago Sports Complex August 5-7, 2022.

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: Play4ACure has made application for an Event Permit to hold a softball tournament at the Winnebago Sports Complex the weekend of August 5-7, 2022. This event will include overnight camping. Play4ACure has held this event with camping for several years and there have been no problems or complaints.

Budget Impact: N/A

Attachments: Event Permit Application

Council Action: _____ Date: _____



EVENT APPLICATION/PERMIT

This form must be filed with the City at least thirty (30) days in advance of the event. The City will review the application in accordance with the permitting process outlined in the City Code, Chapter 18. Attach additional sheets, maps, etc. if necessary. For events which include overnight camping a separate addendum must be included with the event application.

Date: 6/23/22 Permit Fee: \$15.00

Event: Play4ACure Softball Tournament

Sponsoring entity: Play4ACure

Address: _____

Maximum estimated number of persons expected to attend at any one time: 300+

Event coordinator(s): Mike Fischer

Contact Info: 567-990-1528 Phone #

fischermike27@yskoo.com E-mail

Primary contacts (during event):

Name: <u>Alvare</u>	Name: _____
Cell#: _____	Cell#: _____
E-mail: _____	E-mail: _____

Event Start: Day/Date Friday Aug 5th Time: 7:00 am

Event End: Day/Date Sunday Aug 7th Time: 10:00 pm

Setup: Day/Date _____ Start time: _____ End Time: _____

Teardown: Day/Date _____ Start time: _____ End Time: _____

1. Type and description of the event and a list of all activities to take place at the event.

Bean bag tournament Friday evening
Softball tournament Friday - Sunday

2. Proposed location of event, including a site plan or diagram of the proposed area to be used showing the location of any barricades, perimeter/security fencing, fire extinguishers, safety or first aid stations, entertainment, stages, restrooms or portable toilets, parking areas, ingress and egress routes, signs, special lighting, trash containers and any other items related to the event.

Winnebago Diamonds Complex
Need barricades + Gator for usage
Need dumpster

Will outside drinking water or waste collection systems be supplied? ___ Yes; No
If yes, supply public health plans, including the number of toilet facilities that will be available.

Will the event be providing: fire prevention, emergency medical service, security and severe weather shelter. ___ Yes; No
If yes, provide the written plans.

Will organizers allow outside food wagon/vendors at the event? ___ Yes; No
If yes, all food wagons/vendors must complete a Food Wagon/Vendor Permit and submit payment.

Will camping or temporary overnight lodging be included for the event? (allowed only at Cedar Creek Park and Winnebago Sports Complex): Yes; ___ No
If yes, event coordinator must complete temporary overnight camping permit and submit payment.

Will the event be using any sound amplification, public address system or will there be any live performances of any music or musical instruments? ___ Yes; No
If yes, please describe: _____

Will the event restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns? ___ Yes; No
If yes, provide a detailed description of all public rights of way and private streets for which the applicant requests the city to restrict or alter traffic flow. (Please attach a detailed map).

Will you be providing shuttle service? ___ Yes; No
If yes, provide offsite parking locations, shuttle routes, types of vehicles that will be used for shuttling passengers, hours of operation and frequency of shuttle service.

I am authorized to execute this application on behalf of the applicant and that the statements contained are true and correct to the best of my knowledge. If the special event requires special services provided by the firmont, the applicant agrees to indemnify, defend and hold the City of Fairmont, its officials, employees, and firmless from any claim that arises in whole or in part out of the special event, except any claims arising solely negligent acts or omissions of the City of Fairmont, its officials, employees and agents. The applicant agrees fees and meet all City Code requirements.

Mike Fischer Title Tournament Director Date 7-6-22

Would like your event published on the City's website/Community Calendar, please ___ Yes; ___ No

Office Use Only			
Paid	Date: <u>6/28/22</u>	Received by: <u>RM</u>	
Council	<input checked="" type="checkbox"/> Yes; ___ No	Council Meeting Date: <u>7/11/22</u>	Action:
Administrator	Yes	No	Date

Contribution:
by
applicant
license
marks/Streets
number



Fairmont City Council
July 11, 2022

Agenda Item: 6.C.2

From: Patricia J. Monsen, City Clerk
To: Mayor and City Council

Subject: Event Permit – Martin County Library, Library Family Event, August 10, 2022

Policy/Action Requested: Motion to approve an Event Permit for the Martin County Library to hold Library Family Event on Second Street August 10, 2022.

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: The Martin County Library has made application for an Event Permit to hold Library Family Event on August 10, 2022. The Library would like to close Second Street between Park Street and North Elm Street from approximately 10:00 a.m. – 3:00 p.m. The Event will include food trucks, petting zoo and other children’s activities.

Budget Impact: N/A

Attachments: Event Permit Application

Council Action: _____ Date: _____



EVENT APPLICATION/PERMIT

This form must be filed with the City at least thirty (30) days in advance of the event. The City will review the application in accordance with the permitting process outlined in the City Code, Chapter 18. Attach additional sheets, maps, etc. if necessary. For events which include overnight camping a separate addendum must be included with the event application.

Date: July 1, 2022

Permit Fee: \$15.00

Event: Library family event

Sponsoring entity: Martin County Library

Address: 110 N. Park St Fairmont

Maximum estimated number of persons expected to attend at any one time: 500

Event coordinator(s): Jenny
Contact Info: _____ Phone # _____
E-mail _____

Primary contacts (during event):

Name: CHRIS
Cell#: _____
E-mail: _____

Name _____
Cell# _____
E-mail: _____

Event Start:	Day/Date	<u>Aug. 10</u>	Time:	<u>11:00 AM</u>
Event End:	Day/Date	<u>Aug. 10</u>	Time:	<u>2:00 PM</u>
Setup:	Day/Date	<u>Aug. 10</u>	Start time:	<u>10 ish</u>
Teardown:	Day/Date	<u>Aug. 10</u>	Start time:	<u>2 ish</u>
			End Time:	<u>3 ish</u>

1. Type and description of the event and a list of all activities to take place at the event,
Food trucks, petting zoo, children's activities

2. Proposed location of event, including a site plan or diagram of the proposed area to be used showing the location of any barricades, perimeter/security fencing, fire extinguishers, safety or first aid stations, entertainment, stages, restrooms or portable toilets, parking areas, ingress and egress routes, signs, special lighting, trash containers and any other items related to the event.

We would like to have food trucks north of library in street. We will have petting zoo in grassy areas around library. We would need street blocked from N Park St -> N. Am St on 2nd Street. Will also need tables & chairs around food truck areas.

3. Will outside drinking water or waste collection systems be supplied? ___ Yes; No
If yes, supply public health plans, including the number of toilet facilities that will be available.
4. Will the event be providing: fire prevention, emergency medical service, security and severe weather shelter. ___ Yes; No
If yes, provide the written plans.
5. Will organizers allow outside food wagon/vendors at the event? Yes; ___ No
If yes, all food wagons/vendors must complete a Food Wagon/Vendor Permit and submit payment.
6. Will camping or temporary overnight lodging be included for the event? (allowed only at Cedar Creek Park and Winnebago Sports Complex): ___ Yes; No
If yes, event coordinator must complete temporary overnight camping permit and submit payment.
7. Will the event be using any sound amplification, public address system or will there be any live performances of any music or musical instruments? ___ Yes; No
If yes, please describe: _____
8. Will the event restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns? Yes; ___ No
If yes, provide a detailed description of all public rights of way and private streets for which the applicant requests the city to restrict or alter traffic flow. (Please attach a detailed map).
9. Will you be providing shuttle service? ___ Yes; No
If yes, provide offsite parking locations, shuttle routes, types of vehicles that will be used for shuttling passengers, hours of operation and frequency of shuttle service.

I affirm that I am authorized to execute this application on behalf of the applicant and that the statements contained therein are true and correct to the best of my knowledge. If the special event requires special services provided by the City of Fairmont, the applicant agrees to indemnify, defend and hold the City of Fairmont, its officials, employees, and agents harmless from any claim that arises in whole or in part out of the special event, except any claims arising solely out of the negligent acts or omissions of the City of Fairmont, its officials, employees and agents. The applicant agrees to pay all fees and meet all City Code requirements.

Signature Jennifer Jurskewski Title Library director Date 7/1/22

If you would like your event published on the City's website/Community Calendar, please indicate: Yes; ___ No

Office Use Only			
\$15.00 Fee Paid	Date: <input checked="" type="checkbox"/> Yes; ___ No	Received by: <u>Heather Reynolds</u>	
Requires Council Approval		Council Meeting Date: <u>7-11-22</u>	Action:
City Administrator Approval	Yes	No	Date

Permit distribution:

- ___ City
___ Applicant
___ Police
___ Parks/Streets
___ Other



Fairmont City Council
July 11, 2022

Agenda Item: 6.C.3

From: Patricia J. Monsen, City Clerk
To: Mayor and City Council

Subject: Event Permit – Trevor Boehne, Cedar Creek Open Disc Golf Tournament, August 12-14, 2022

Policy/Action Requested: Motion to approve an Event Permit for Trevor Boehne to hold the Cedar Creek Open Disc Golf Tournament at Cedar Creek Park on August 12-14, 2022.

Vote Required: Simple Majority Roll Call

Recommendation: Approval

Overview: Trevor Boehne has made application for an Event Permit to hold the Cedar Creek Open Disc Golf Tournament at Cedar Creek Park the weekend of August 12-14, 2022. This event will include overnight camping. Boehne has held this event with camping for several years and there have been no problems or complaints.

Budget Impact: N/A

Attachments: Event Permit Application

Council Action: _____ Date: _____



EVENT APPLICATION/PERMIT

This form must be filed with the City at least thirty (30) days in advance of the event. The City will review the application in accordance with the permitting process outlined in the City Code, Chapter 18. Attach additional sheets, maps, etc. if necessary. For events which include overnight camping a separate addendum must be included with the event application.

Date: 8/12/22-8/14/22

Permit Fee: \$15.00

Event: Cedar Creek Open Disc Golf tournament

Sponsoring entity: Trevor Boehne

Address: Cedar Creek Park

Maximum estimated number of persons expected to attend at any one time: 300

Event coordinator(s): Charles Schwandt, Trevor Boehne

Contact Info: 507-479-0485 Phone#

childofgodlove@msn.com E-mail

Primary contacts (during event):

Name: Charles Schwandt

Name: Trevor Boehne

Cell#: 507-479-0485

Cell#: 612-850-8795

E-mail: childofgodlove@msn.com

E-mail: Trevorboehne@gmail.com

Event Start: Day/Date Friday August 12th Time: 12pm

Event End: Day/Date Sunday August 14th Time: _____

Setup: Day/Date Friday 8/12/22 Start time: 12pm End Time: 10pm

Teardown: Day/Date Sunday 8/14/22 Start time: 4pm End Time: 6pm

1. Type and description of the event and a list of all activities to take place at the event.

Disc golf tournament and shelter rental.

2. Proposed location of event, including a site plan or diagram of the proposed area to be used showing the location of any barricades, perimeter/security fencing, fire extinguishers, safety or first aid stations, entertainment, stages, restrooms or portable toilets, parking areas, ingress and egress routes, signs, special lighting, trash containers and any other items related to the event.

Cedar creek park. Bathrooms at park will be used
No additional parking or accommodations will be
needed. First aid kits, fire extinguishers
and trash receptacles will be available and
utilized.

3. Will outside drinking water or waste collection systems be supplied? ___ Yes; No
If yes, supply public health plans, including the number of toilet facilities that will be available.
4. Will the event be providing: fire prevention, emergency medical service, security and severe weather shelter. Yes; ___ No
If yes, provide the written plans.
5. Will organizers allow outside food wagon/vendors at the event? ___ Yes; No
If yes, all food wagons/vendors must complete a Food Wagon/Vendor Permit and submit payment.
6. Will camping or temporary overnight lodging be included for the event? (allowed only at Cedar Creek Park and Winnebago Sports Complex): Yes; ___ No
If yes, event coordinator must complete temporary overnight camping permit and submit payment. *Camping permit purchased*
7. Will the event be using any sound amplification, public address system or will there be any live performances of any music or musical instruments? ___ Yes; No
If yes, please describe: _____
8. Will the event restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns? Yes; ___ No
If yes, provide a detailed description of all public rights of way and private streets for which the applicant requests the city to restrict or alter traffic flow. (Please attach a detailed map).
Parking lot will be full, not blocked
9. Will you be providing shuttle service? ___ Yes; No
If yes, provide offsite parking locations, shuttle routes, types of vehicles that will be used for shuttling passengers, hours of operation and frequency of shuttle service.

I affirm that I am authorized to execute this application on behalf of the applicant and that the statements contained therein are true and correct to the best of my knowledge. If the special event requires special services provided by the City of Fairmont, the applicant agrees to indemnify, defend and hold the City of Fairmont, its officials, employees, and agents harmless from any claim that arises in whole or in part out of the special event, except any claims arising solely out of the negligent acts or omissions of the City of Fairmont, its officials, employees and agents. The applicant agrees to pay all fees and meet all City Code requirements.

Signature Charles M. Schwandt Title Charles Schwandt Date 7/6/22

If you would like your event published on the City's website/Community Calendar, please indicate: ___ Yes; No

Office Use Only			
\$15.00 Fee Paid	Date: <u>7/7/22</u>	Received by: <u>[Signature]</u>	
Requires Council Approval	<input checked="" type="checkbox"/> Yes; ___ No	Council Meeting Date: <u>7/11/22</u>	Action:
City Administrator Approval	Yes	No	Date

- Permit distribution:
- ___ City
 - ___ Applicant
 - ___ Police
 - ___ Parks/Streets
 - ___ Other



Fairmont City Council
July 11, 2022

Agenda Item: 12.1

From: Cathy Reynolds, City Administrator
To: Mayor and City Council

Subject: Closed Session - Attorney-Client Privilege

Policy/Action Requested: Motion to go into a closed session pursuant to Minnesota Statutes 13D.05, Subd 3(b) to discuss pending litigation.

Vote Required: Simple Majority Roll Call

Recommendation:

Overview:

The Council will go into closed session to discuss pending litigation. The session may be closed pursuant to Minnesota Statutes 13D.05, Subd 3(b).

Budget Impact:

Attachments:

Council Action: _____

Date: _____