City of Fairmont 100 Downtown Plaza Fairmont, MN 56031

City Council Minutes

August 26, 2024
Special Meeting: Ice Compressor Installation at Martin County Arena

City Hall, 4:30 p.m.

CALL TO ORDER

The Fairmont City Council met in special session at Fairmont City Hall in the

Council Chambers. Mayor Baarts called the meeting to order at 4:30 p.m.

ROLL CALL Council present: Lee Baarts, Mayor

Wayne Hasek, Councilmember Britney Kawecki, Councilmember Randy Lubenow, Councilmember Michele Miller, Councilmember Jay Maynard, Councilmember

Absent: None

Staff present: Matt Skaret, City Administrator

Paul Hoye, Finance Director Michael Hunter, Chief of Police

Matthew York, Director of Public Works/Utilities

Betsy Steuber, City Clerk

Cara Brown, City Attorney, via telephone

(Flaherty & Hood)

PLEDGE OF ALLEGIANCE

The City Council and all present stood for the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion was made by Councilmember Maynard, seconded by

Councilmember Miller to approve the agenda as presented. All present

voted in favor. Motion carried.

ROTATING VOTESPlease note that votes taken by roll call are called by the City Clerk on a

rotating basis; however, the written minutes list the Councilmembers in

alphabetical order.

NEW BUSINESS Administrator Skaret stated the special meeting was requested by several

Councilmembers after an email was distributed last week alleging potential legal claims regarding compressor installation, ownership concerns and a change order request. An attorney-client privilege memo was sent to Council by Attorney Brown outlining the various compressor

issues (installation, ownership and change order request).

Councilmember Miller expressed frustration with misinformation circulating, in the community and on social media, and the lack of (staff) transparency and communication regarding the overall ice compressor project. Councilmember Miller expressed continued support of installation of the new compressors, however stated the project should have been handled differently and that all parties involved should have held discussions early on (Martin County Fair Board, Fairmont Hockey and the City of Fairmont).

Administrator Skaret stated the project dates back to 2022 spanning three City Administrators, two public works directors, gaps in between, and other staff transitions during that time; in hindsight, the proper order of steps would have called for a written agreement with the Fair Board regarding compressor installation, well before install.

Councilmember Lubenow voiced support of an agreement regarding the new compressors and for installation to occur in a timely fashion as the hockey season is fast approaching.

Much discussion was held referencing fellow councilmembers comments, Facebook posts, and emails.

Councilmember Maynard stated "...we purchased the replacement compressors.... and we own them. The only thing that makes sense to do is to install them." Councilmember Maynard was perplexed on why the special meeting was occurring in the first place.

Councilmember Kawecki agreed that installation needs to occur, and that she has no intent of breaking the contract with Kraus-Anderson or stopping the hockey season. Councilmember Kawecki questioned the compressor warranty and operating contracts.

Finance Director Hoye agreed that an agreement or an amendment should have been/should be in place prior to moving forward with the installation of the new refrigeration equipment, but there was and continues to be no immediate need to revamp the existing 2004 operating agreement (with the Martin County Fair Board). Director Hoye said in conversations with the prior city administrator (Jeff O'Neill) agreement to wait until after the November referendum to determine what the terms and conditions may need to state.

Administrator Skaret stated after an August 6, 2024 meeting with representatives from Fairmont Hockey, the Martin County Fair Board and the City of Fairmont, a one-to-two-page agreement had been drafted

regarding the compressor installation and ownership. Administrator Skaret confirmed the new compressors would have a one-year warranty, but no specific warranty documentation had been received as of present.

ADJOURNMENT

Motion was made by Councilmember Maynard, seconded by Councilmember Miller, to adjourn the special meeting, as there was no further business to come before the Council. All present voted in favor. Motion carried. The Fairmont City Council adjourned at 4:57 p.m.

Lee C. Baarts, May

ATTEST:

Betsy Steuber, City Clerk