

**City of Fairmont
100 Downtown Plaza
Fairmont, MN 56031**

City Council Minutes
Regular Meeting

January 13, 2025
City Hall, 5:30 p.m.

CALL TO ORDER

The Fairmont City Council met in regular session at the City Hall Council Chambers. Mayor Baarts called the meeting to order at 5:30 p.m.

ROLL CALL

Council present: Lee Baarts, Mayor
Wayne Hasek, Councilmember
Britney Kawecki, Councilmember
James Kotewa, Councilmember
Randy Lubenow, Councilmember
Jay Maynard, Councilmember

Absent: None

Staff present: Jeff O'Neill, Interim City Administrator
Matthew York, Director of Public Works/Utilities
Paul Hoyer, Finance Director
Michael Hunter, Chief of Police
Pat Oman, Community Development Director
Tyler Cowing, Civil Engineer
Nick Lardy, Public Works Superintendent
Rachel Viesselman, Human Resources Manager
Betsy Steuber, City Clerk
Troy Nemmers, Bolton & Menk (contracted services)
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

Prior to approval of the agenda, Mayor Baarts added Item 9.A.6: Appointment of two (2) City Council Representatives to a City Engineering RFP Review Committee, for citywide engineering services and a downtown project.

Motion was made by Councilmember Kawecki, seconded by Councilmember Kotewa to conduct discussion on the following consent agenda items prior to Council voting on the items:

- Item 6.C.5: Consideration to Approve the Purchase of a New Pickup for the Street Department

- Item 6.C.6: Consideration to Approve the Purchase of a New Pickup, Dump Body, Hoist and Snowplow for the Park Department and Declare Equipment as Excess
- Item 6.C.7: Consideration to Approve the Purchase of a New Pickup for the Park Department and Declare Equipment as Excess

On roll call, Councilmembers Kawecki, Kotewa, and Lubenow voted in favor; Councilmembers Hasek and Maynard voted against. Motion carried.

Motion was made by Councilmember Hasek, seconded by Councilmember Maynard to remove agenda item 9.A.3: Consideration to Reconsider Approval of Fairmont Lease Agreement Terms. In discussion, Councilmember Lubenow stated he would like to reconsider the lease terms relating to no-till and cover crops and his previous vote (December 9, 2025) on this matter. On roll call, Councilmembers Hasek and Maynard voted in favor; Councilmembers Kawecki, Kotewa, and Lubenow voted against. Motion failed.

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to approve the agenda as discussed (addition of item 9.A.6 and to hold discussion on items 6.C.5, 6.C.6 and 6.C.7 prior to voting). All present voted in favor. Motion carried.

ROTATING VOTES

Please 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.

**RECOGNITION/
PRESENTATIONS
Item 4.1**

Councilmembers Kawecki, Lubenow and Hasek were sworn in and signed Oaths of Office and Councilmember Kotewa was ceremonially sworn in.

**PUBLIC DISCUSSION/
COMMENT**

Councilmember Lubenow read an email from Michelle Miller, a Fairmont resident and former Councilmember, at her request regarding verbal harassment from a Councilmember. Miller also thanked the community for allowing her to serve on the Fairmont City Council for the past 4 years.

Darlene Lutz, a Fairmont resident, addressed Council asking them to do better and treat fellow Council and community members with respect.

Terry Riggs, a Fairmont resident, asked Councilmembers Hasek and Maynard to hold the January 15, 2025 hearings on the accusations against them open to the public and to reclude themselves from voting on their own allegations, as Councilmember Kawecki had done.

Jim Uttermark, a Fairmont resident and member of the Fairmont Lakes Foundation, Inc., voiced support in creating a Lakes Commission, with City Council and Fairmont Lakes Foundation members collaborating to put greater focus on our lakes and water quality.

Greg Poulson, a Fairmont resident, voiced support of implementing no-till farming practices (on city owned ag land) and noted the numerous benefits to water quality.

Bill Cieslinski, a Fairmont resident, asked that the January 15, 2025 hearings be open to allow for transparency. Mr. Cieslinski voiced support of implementing measures to enhance water quality.

Dr. Scott Burtis, a Fairmont resident, stated to preserve our future as the “City of Lakes”, we need to do whatever we can to preserve and restore lake quality (no-till farming practices, consideration of differing crop methods to mitigate nitrate leaching, etc).

Mari Myren, a Fairmont resident and member of the Fairmont Lakes Foundation and Fairmont School Board, spoke of upcoming collaborative efforts with Fairmont School District students on restorative lake efforts.

Cheryl Rippke, a Fairmont resident and member of the Fairmont Lakes Foundation, shared her top three concerns Council should address in 2025, as:

- Improving lake quality
- Managing curly leaf pondweed
- Restoring Fairmont Opera House

Councilmember Lubenow voiced his opinion that the January 15, 2025 special meeting should be open to the public as Council serves on behalf of the public.

CONSENT AGENDA

Mayor Baarts introduced the consent agenda items as listed for consideration to be enacted by one motion unless requested that an item be removed and included under new business. Mayor Baarts reviewed the consent items, as follows:

- City Council Minutes from the Regular Meeting held December 9, 2024
- City Council Minutes from the Special Meeting held December 17, 2024
- Accounts Payable for December 2024

- An Event Permit for the Fairmont Lakes Foundation, Inc. to Host an Ice Fishing Tournament on Saturday, January 25, 2025
- The Officer Elections of the Fairmont Fire Department for 2025
- Purchase Order Number 15359 and Purchase Order 15358 for Five APX6500 Squad Car Radios and Programming for the Fairmont Police Department
- Declare Equipment, as listed, as Excess within the City of Fairmont Street, Park and Fire Department and Authorize Staff to Post for Sale or Disposal

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to approve the consent agenda. All present voted in favor. Motion carried.

After discussion was held on agenda items 6.C.5, 6.C.6, and 6.C.7 with regards to equipment need/usage, budgetary impact and bidding process, a motion was made by Councilmember Maynard, seconded by Councilmember Hasek to approve consent agenda items 6.C.5, 6.C.6 and 6.C.7. All present voted in favor. Motion carried.

**PUBLIC HEARING
RESOLUTION 2025-03
Item 7.1**

Mayor Baarts opened the public hearing on the Consideration to Approve Resolution 2025-03: Adopting the Special Assessments for the Woodland Avenue Improvement Project at 6:27 pm.

No public comments were heard.

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to close the public hearing at 6:28 pm. All present voted in favor. Motion carried.

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to Adopt Resolution 2025-03: Adopting the Special Assessments for the Woodland Avenue Improvement Project. All present voted in favor. Motion carried.

**OLD BUSINESS
ORDINANCE 2024-07
Item 8.1**

Prior to Council making a motion regarding the second and final consideration of proposed Ordinance 2024-07: An Ordinance Amending Fairmont City Code, Chapter 14 – Licenses, Permits and Business Regulations relating to Cannabis and Hemp Retail Business Registrations and Temporary Cannabis Events, Clerk Steuber briefed Council on the updates made to the Ordinance per their motion at the December 9, 2024 meeting pertaining to:

- Property line setbacks
- Hours of Operation

- Limitation on the Number of Registrations
- Municipal Cannabis Retailer

Council held discussion on reducing the number of registrations from two (2) retail businesses within City limits to one (1).

Motion was made by Councilmember Kawecki, seconded by Councilmember Lubenow to Approve the Second and Final Consideration of Proposed Ordinance 2024-07: An Ordinance Amending Fairmont City Code, Chapter 14 Licenses, Permits and Miscellaneous Business Regulations to Regulate Cannabis and Hemp Retail Business Registrations and Temporary Cannabis Events with the change of allowing one (1) retail business within the City limits. On roll call, Councilmembers Hasek, Kawecki, Kotewa, and Lubenow voted in favor; Councilmember Maynard voted against. Motion carried.

NEW BUSINESS
RESOLUTION 2025-01
Item 9.A.1

Motion was made by Councilmember Maynard, seconded by Councilmember Hasek to Approve Resolution 2025-01, Declaring the Official Designation for 2025 as follows:

- Mayor Pro-tem: Councilmember At-Large Britney Kawecki
- Council Secretary: City Clerk Betsy Steuber
- Depository of City Funds: Bank Midwest
- Newspaper: Fairmont Sentinel

All present voted in favor. Motion carried.

MOTION
Item 9.A.2

Human Resources Manager Viesselman reviewed the staff memo in the agenda packet pertaining to this item of business: Consideration to Update the Earned Sick and Safe Time (ESST) Sick Leave Policy, noting additional statutory changes have resulted in the need for the City's policy to be updated.

Motion was made by Councilmember Lubenow, seconded by Councilmember Maynard to Update the City of Fairmont Earned Sick and Safe Time (ESST) Sick Leave Policy, as presented. All present voted in favor. Motion carried.

MOTION
Item 9.A.3

Interim O'Neill stated while Council removed Article 6.1 items a, b, and c (relating to no-till farming practices, cover crops, and erosion control/storm water runoff) from the farm lease agreements at the December 9, 2024 meeting, said items could be added back into the lease agreement or added with modifications as this item of business is for reconsideration.

Motion was made by Councilmember Lubenow, seconded by Councilmember Kawecki to update Article 6.1, items a, b, and c as follows

(based off the original ag lease agreement as presented on December 9, 2024):

A. Add “no till after harvest” and to remove the remainder, to read:

“To utilize no till farming practices after harvest.”

B. Remove completely

c. Add, to read:

“To work with the Martin County Soil and Water Conservation District to control soil erosion and storm water runoff.”

All present voted in favor. Motion carried.

MOTION
Item 9.A.4

Interim O’Neill provided a recap on the overall process and current status of the Recodification Project with American Legal.

Motion was made by Councilmember Kawecki, seconded by Councilmember Lubenow to Approve Councilmembers Lubenow and Kotewa to serve on the Charter Review Team. On roll call, Councilmembers Kawecki, Kotewa, and Lubenow voted in favor; Councilmembers Hasek and Maynard voted against. Motion carried.

Motion was made by Councilmember Kawecki, seconded by Councilmember Lubenow to Authorize Staff to Seek Two Volunteer Citizens (Citizens at Large) Interested in Serving on the Charter Review Team. All present voted in favor. Motion carried.

MOTION
Item 9.A.5

With the change in Council, Mayor Baarts reviewed the Councilmember assignments as liaisons to City Boards and Commissions. After the Mayor’s review and Council’s discussion, motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to Approve the City Council Liaison Appointment to City Boards and Commissions as follows:

- | | |
|-------------------------------------|------------------------------|
| • Airport Board | Councilor Maynard |
| • Board of Zoning Appeals | Councilors Hasek & Kotewa |
| • Community Education & Recreation | Councilor Lubenow |
| • Economic Development Authority | Councilors Kawecki & Maynard |
| • Housing & Redevelopment Authority | Councilor Lubenow |
| • Library Board | Councilor Kawecki |
| • One Watershed One Plan | Councilor Kawecki |
| • Park Board | Councilor Lubenow |
| • Planning Commission | Councilor Hasek |
| • Public Utilities Commission | Councilor Hasek |
| • Region 9 | Councilor Kotewa |

- Visit Fairmont

Mayor Baarts

Mayor Baarts further stated the need for Council to identify two Council members to serve on the Community Resilience Planning Committee as part of the MOU with the Region Nine Development Commission to create the Energy and Environmental Resilience Plan for Fairmont (approved November 25, 2024). Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to Approve Councilors Hasek and Kotewa to Serve on the Community Resilience Planning Committee. All present voted in favor. Motion carried.

MOTION
Item 9.A.6

In following the Council's directive, staff created a RFP process for establishing City Engineering Services. Interim O'Neill said the next step is to appoint two Council representatives to a City Engineering RFP Review Committee.

Motion was made by Councilmember Maynard, seconded by Councilmember Hasek to Appoint Councilmembers Kawecki and Kotewa to Serve as Representatives for the City Engineering RFP Review Committee. All present voted in favor. Motion carried.

RESOLUTION 2025-02
Item 9.B.1

Motion was made by Councilmember Lubenow, seconded by Councilmember Maynard to Approve Resolution 2025-02 Ordering the Preparation of an Engineering Report for 2025 Street Improvements. All present voted in favor. Motion carried.

MOTION
Item 9.B.2

Director York presented agenda item 9.B.2, emphasizing prior council decisions and the forthcoming timeline for the Blue Earth Avenue Mill and Overlay Project.

Troy Nemmers, engineer with Bolton & Menk, answered Council's questions regarding the project timeline, design, deliverables, and public engagement.

Motion was made by Councilmember Maynard, seconded by Councilmember Kotewa to Approve Task Order #8 with Bolton & Menk for Blue Earth Avenue Preconstruction and Bidding Services (SP-1523-111-011). All present voted in favor. Motion carried.

RECESS

Council paused for a 5-minute break at 7:30 pm.

COUNCIL DISCUSSION
Item 10.1

Councilmember Kawecki presented Item 10.1: Grant Alternative Funding. Given the abundance of grant opportunities and limitations of staff (staffing, time, etc.) Councilmember Kawecki proposed Council consider working with a local grant writing agency. Interim O'Neill shared his

insight on this subject and stated staff would further discuss and follow up with Council March 2025.

Item 10.2

As it has been several years since services and fees related to legal services were reviewed, Councilmember Kawecki brought forth this item for discussion. To offer an accounting of projects completed and services rendered, Attorney Brown proposed a future discussion with Council. Council was open to convening to discuss.

Item 10.3

While Council will hold a workshop on January 27 regarding the Yard Waste Site operations and procedures, Councilmember Kawecki suggested the City consider a brush drop-off site at the former public works building to minimize Yard Waste Site abuse and material intermixing.

Item 10.4

Councilmember Kawecki asked Council consider providing options for City/Staff to attend meetings remotely to boost participation and involvement in government.

Item 10.5

A discussion took place regarding the submission of agenda items by Councilmembers, with Council looking for a future update to the Rules of Procedure Policy reflective of the following:

- Councilmembers should identify, in writing, agenda items to the City Administrator, the Monday prior to the Council meeting to initiate the agenda process.

**STAFF/LIAISON
REPORTS**

Based on the recent avian flu goose kill on the Chain of Lakes, concerns have been raised on the effect to Fairmont's drinking water. Director York stated Fairmont's water is safe to drink and meets all required standards. York also mentioned the City of Fairmont was awarded \$5.3 million of state funds to assist with lead service line remediation.

Interim O'Neill stated with the new year and new council, a goal setting session will be held along with a training session led by the League of Minnesota Cities on the governance of City Council and staff no later than mid-March.

Councilmember Hasek gave an update to Council on the recent Public Utilities Commission meeting.

Councilmember Lubenow reported the Housing and Redevelopment Authority (HRA) approved the Minnesota City Participation Program, which aids first-time home buyers, and Habitat for Humanity presented on the "Cash for Keys" program.

Councilmember Maynard reported FEDA approved two loans and renewed sponsorships with the Area Career Exploration Fair and Greater Minnesota Partnership.

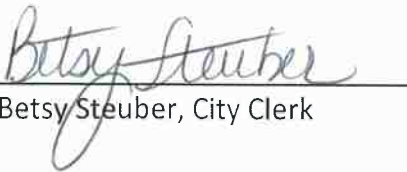
ADJOURNMENT

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow, to adjourn the 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 8:03 p.m.

ATTEST:



Lee C. Baarts, Mayor



Betsy Steuber, City Clerk