

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

City Council Minutes
Regular Meeting

December 9, 2024
City Hall, 6:00 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 6:00 p.m.

ROLL CALL

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

Absent: None

Staff present: Jeff O'Neill, Interim City Administrator
Matthew York, Director of Public Works/Utilities
Paul Hoye, Finance Director
Michael Hunter, Chief of Police
Peter Bode, Planning & Zoning Official
Pat Oman, Community Development Director
Tyler Cowing, Civil Engineer
Hannah Neusch, Water Resources Technician
Nick Lardy, Public Works Superintendent
Miles Heide, Electric Distribution Superintendent
Brady Powers, Water/Wastewater Superintendent
Julie Zarling, Assistant Finance Director
Rachel Viesselman, Human Resources Manager
Lee Steinkamp, Airport Manager
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 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**

Mayor Baarts proclaimed Tuesday, December 10, 2024 as Human Rights Day in the City of Fairmont. Jerry Miller, Fairmont resident and member of the Human Rights Committee accepted the proclamation and thanked Council for supporting the Committee's efforts of bringing equality to all in the community. While Mr. Miller was pleased with the handicap accessible efforts (sidewalks/ramps) in Fairmont, he voiced concern on accessing the sidewalk by the Methodist Church (corner of Park Street & 2nd Street) and the sidewalk on the south side of the American Legion, off of the alley.

Rin Porter, Fairmont resident and member of the Human Rights Committee, thanked Council for their support and spoke of the Committee's ongoing efforts in making the Martin County Fair, local buildings, and restaurants more accessible for those with a handicap.

Item 4.2

Clerk Steuber thanked Councilmember Miller for serving as the At-Large Councilmember and for the contributions she made during her tenure. Certificates of Election were presented to the duly elected, who would begin their term on January 1, 2025.

**PUBLIC DISCUSSION/
COMMENT**

No public comments were heard.

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 November 18, 2024
- City Council Minutes from the Regular Meeting held November 25, 2024
- Alcoholic Beverage License Renewal for Kareem, Inc. dba I Mart Stores of 407 East Blue Earth Avenue, subject to the Licensee receiving a Satisfactory Police Investigation Report.

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

**PUBLIC HEARING
ORDINANCE 2024-05
Item 7.1**

Prior to Mayor Baarts opening the public hearing on the Consideration of Ordinance 2024-05: Amending Fairmont City Code, Chapter 26-Zoning relating to Cannabis Zoning Regulations, Official Bode provided background and summary information. Bode noted that Option A, as approved through the Planning Commission and introduced to Council on November 25, 2024, does not permit cannabis retail operations Downtown whereas Option B allows for such.

Mayor Baarts opened the public hearing at 6:15 pm with comments received from the following individuals:

- Shelly Larsen, Martin County Substance Abuse Prevention Coalition (MCSAP) Project Coordinator
- Kaley Hernandez, Public Health Planner for Human Services of Faribault and Martin Counties
- Desta Misegades, Martin County Substance Abuse Prevention Coalition (MCSAP) Project Coordinator provided comment prior to introducing the following members of the Martin County Substance Abuse Prevention Coalition Youth Organization, known as EMPOWER, to provide a youth perspective on this topic:
 - Michelle Esquivel
 - Kellen Day
 - Megan Wheeler
- Mercedes Johnson, Student Advisor for Fairmont EMPOWER, parent, Martin County Correctional Deputy, and Fairmont Firefighter
- Tracy Henning, a parent and Vice-President of the Martin County Substance Abuse Prevention Coalition Board

All comments received encouraged Council to implement measures to ensure public and youth health; reduce the risks for youth relating to cannabis businesses, operations, and use within the community; and adopt the maximum property setbacks and requirements possible.

Motion was made by Councilmember Maynard, seconded by Councilmember Miller to close the public hearing at 6:47 pm. All present voted in favor. Motion carried.

Council discussion centered around property setbacks for schools and parks/athletic fields/playgrounds and implementing cannabis business restrictions (i.e. limiting the number of retail businesses and hours of

operation). Staff noted cannabis business regulations would be addressed in the Chapter 14 ordinance, with that being the next item of business. Motion was made by Councilmember Kawecki, seconded by Councilmember Maynard to Approve the Second and Final Consideration of Ordinance 2024-05: An Ordinance Amending Fairmont City Code, Chapter 25 – Zoning, Option B (including Downtown Retail) with the following modifications.

- 700-foot setback from schools
- 500-foot setback from parks, playgrounds, athletic fields, etc. as defined by state guidelines

On roll call, Councilmembers Hasek, Kawecki, Maynard, and Miller voted in favor; Councilmember Lubenow voted against (as he preferred to adopt a 1000-foot setback). Motion carried.

RECESS

Council took a 5 minutes recess at 7:20 pm.

OLD BUSINESS MOTION ORDINANCE 2024-06 Item 8.1

Prior to Council making a motion regarding the second/final consideration of proposed Ordinance 2024-06: An Ordinance Amending Fairmont City Code, Chapter 4 – Animal, Official Bode stated a minor modification had been made to the ordinance appearing before Council after staff held discussions with a highly knowledgeable beekeeping citizen. Bode noted the amended ordinance removed the property limit on the number of hives.

After discussion on the keeping of bees, updated ordinance definitions, and listed setbacks for fowl and poultry, Councilmember Maynard made a motion, seconded by Councilmember Miller to Approve the Second and Final Consideration of Proposed Ordinance 2024-06: An Ordinance Amending Fairmont City Code, Chapter 4 – Animals with the removal of the words “property line or” from Section 4-4, (d) Exceptions (1) (b).***

*** For the section to read, as updated per Council:

Sec. 4-4. General restrictions on ~~livestock; wild animals prohibited~~ animals in the city.

~~(b)~~ Exceptions.

(1) Fowl and Poultry.

~~(e)~~b. No ~~chicken~~ fowl or poultry coop, run or other structure where ~~chickens~~, fowl or poultry are kept shall be maintained closer than thirty-five (35) feet from any ~~property line or~~ residence, other than the residence occupied by the owner or occupant of the premises upon which such ~~chickens~~, poultry or fowl are kept.

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

NEW BUSINESS MOTION

As Council approved Ordinance 2024-05, relating to the time, location and manner of cannabis activities in Fairmont, Ordinance 2024-07,

ORDINANCE 2024-07
Item 9.A.1

relating to cannabis and hemp business registration requirements was offered to Council for first consideration. Clerk Steuber referred Council to consider:

- Business hours of operation
- The number of businesses allowed
- Temporary events and the property setback requirements to mirror those of Ordinance 2024-05 (per Council modification)

Motion was made by Councilmember Kawecky, seconded by Councilmember Lubenow to Approve the First 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 Registration and Temporary Cannabis Events with the following additions:

- Business hours of operation from 10 am – 9 pm
- Limiting retail businesses, other than municipal, to 1
- Property setback requirements to be 700 feet from a school and 500 feet from a daycare, residential treatment facility and attraction within a public park that is regularly used by minors, as noted by State definitions/guidelines.

On roll call, Councilmembers Kawecky and Lubenow voted in favor; Councilmembers Hasek, Maynard, and Miller voted against. Motion failed.

Motion was made by Councilmember Maynard, seconded by Councilmember Miller to Approve the First 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 Registration and Temporary Cannabis Events with the following additions:

- Business hours of operation from 10 am – 9 pm
- Unlimited retail businesses
- Property setback requirements to be 700 feet from a school and 500 feet from a daycare, residential treatment facility and attraction within a public park that is regularly used by minors, as noted by State definitions/guidelines.

On roll call, Councilmembers Maynard voted in favor; Councilmembers Hasek, Kawecky, Lubenow, and Miller voted against. Motion failed.

Motion was made by Councilmember Lubenow, seconded by Councilmember Hasek to Approve the First 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 Registration and Temporary Cannabis Events with the following additions:

- Business hours of operation from 10 am – 9 pm
- Limiting retail businesses, other than municipal, to 2
- Property setback requirements to be 700 feet from a school and 500 feet from a daycare, residential treatment facility and attraction within a public park that is regularly used by minors, as noted by State definitions/guidelines.

On roll call, Councilmembers Hasek, Kawecki, Lubenow, Maynard, and Miller voted in favor. Motion passed.

MOTION
Item 9.A.2

Human Resources Manager Viesselman reviewed the staff memo in the agenda packet pertaining to this item of business: Consideration of a Family Medical Leave Act (FMLA) Policy. Viesselman noted while the City has been offering FMLA, when applicable under the Federal guidelines, the City had yet to adopt a formal policy.

Motion was made by Councilmember Hasek, seconded by Councilmember Lubenow to Adopt the Family and Medical Leave Act (FMLA) Policy, as presented. All present voted in favor. Motion carried.

MOTION
Item 9.A.3

When updating the FMLA policy, it was discovered modifications to the Leave of Absence without Pay Policy were necessary to allow for consistency amongst the two (policies).

Discussion was held on including a leave of absence without pay time limit in the policy.

Motion was made by Councilmember Lubenow, seconded by Councilmember Miller to Approve the Leave of Absence without Pay Policy, with the following modifications:

- 1) The City Administrator may grant an employee a leave of absence at their discretion for a period up to six months, and
- 2) Unpaid leaves of absence beyond six months must be considered and approved by City Council.

All present voted in favor. Motion carried.

MOTION
Item 9.A.4

Interim O'Neill introduced agenda item 9.A.4 prior to turning the floor over to Water Resources Technician Neusch. Neusch stated some additional technical updates were made to the lease agreements per prior Council direction (June 2024) regarding land operations with data driven best management practices from an erosion control standpoint. Neusch noted lease updates included cover crop plantings, reduced tillage practices, and reduced mowing to roadsides and fence rows.

Council discussion centered around cover crop requirements, reduced tillage practices, tenant interest, and water quality.

Motion was made by Councilmember Kawecki to Approve the Updated City Owned Ag Land Lease Agreement with the Changes and Additions as Outlined. Motion failed due to lack of a second.

Motion was made by Councilmember Lubenow, seconded by Councilmember Miller to allow the City to go out for bids under the current (non-updated) ag lease agreements allowing farmers to use their best practices to farm city owned ag land for a three-year term. After further discussion, a motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to Approve the City Owned Ag Land Lease Agreements with the Changes and Additions as outlined, with the removal of Article 6.1 items a, b, and c (relating to no-till farming practices, cover crops, and erosion control/storm water runoff). On roll call Councilmembers Lubenow, Maynard, and Miller voted in favor; Councilmembers Hasek and Kawecki voted against. Motion carried.

NEW BUSINESS
Item 9.C.1

Finance Director Hoye presented the 2025 tax levy and budget. There were no comments from the public.

MOTION
RESOLUTION 2024-47
Item 9.C.2

Mayor Baarts introduced agenda item 9.C.2, Consideration of the Payable 2025 Property Tax Levy, 2025 Budget and Utility Rate Increases, stating Council would vote on each of the five resolutions separately.

Motion was made by Councilmember Maynard, second by Councilmember Miller to Approve Resolution 2024-47, Adopting the 2025 Property Tax Levy and Ordering its Certification to the Martin County Auditor. Councilmembers Hasek, Lubenow, Maynard, and Miller voted in favor; Councilmember Kawecki voted against. Motion carried.

MOTION
RESOLUTION 2024-48

Motion was made by Councilmember Maynard, seconded by Councilmember Miller to Approve Resolution 2024-48, Adopting the 2025 Budget. Councilmembers Hasek, Lubenow, Maynard, and Miller voted in favor; Councilmember Kawecki voted against. Motion carried.

MOTION
RESOLUTION 2024-49

Motion was made by Councilmember Maynard, seconded by Councilmember Miller to Approve Resolution 2024-49, Amending Resolution 2023-43 of the City of Fairmont relating to the Softened Water Service Rates. All present voted in favor. Motion carried.

**MOTION
RESOLUTION 2024-50**

Motion was made by Councilmember Maynard, seconded by Councilmember Miller to Approve Resolution 2024-50, Amending Resolution 2023-44 of the City of Fairmont relating to Public Utility Wastewater Rates. All present voted in favor. Motion carried.

**MOTION
RESOLUTION 2024-51**

Motion was made by Councilmember Maynard, seconded by Councilmember Hasek to Approve Resolution 2024-51, Amending Resolution 2023-45 of the City of Fairmont relating to Electric Service Rates. All present voted in favor. Motion carried.

**MOTION
RESOLUTION 2024-52
Item 9.C.3**

As the City is required to approve donations received, Director Hoyer presented Council with a listing of the persons/entities who contributed to the City in 2024.

Motion was made by Councilmember Miller, seconded by Councilmember Hasek to Approve Resolution 2024-52, Accepting Donations to the City of Fairmont. All present voted in favor. Motion carried.

**COUNCIL DISCUSSION
Item 10.1**

Councilmember Lubenow brought item 10.1 forward to Council, Customer Service Training for City Staff. Councilor Lubenow stated he would like staff engage in such training in 2025.

Item 10.2

As safety and security has been an issue at City Hall, Councilmember Kawecki recommended an electronic surveillance (camera) system and time clock system be explored.

**STAFF/LIAISON
REPORTS**

Director York spoke of a recent goose kill on Sisseton Lake, with MN Fish and Wildlife and Minnesota DNR attributing this incident to be avian flu related and for additional information to contact said agencies.

Interim O'Neill stated he looks forward to serving the community and is reacclimating himself to the staff and projects underway since his prior tenure with the city.

Councilmember Lubenow reported the Housing and Redevelopment Authority (HRA) is proceeding forward with a 64-unit development, located by the Lakeview Methodist Home, and Southwest Minnesota Housing Partnership will be discussing the project with HRA next week.

Councilmember Maynard spoke on the happenings at the recent Fairmont Economic Development Authority (FEDA) meeting. FEDA members reviewed a purchase agreement for property located on County Road 39 and accepted the registration of 6-year board member Chantil Kahler Royer.


ADJOURNMENT

Motion was made by Councilmember Maynard, seconded by Councilmember Hasek, 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 10:04 p.m.

ATTEST:



Lee C. Baarts, Mayor



Betsy Steuber, City Clerk