

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

City Council Minutes
Special Meeting: Closed Session

December 17, 2024
City Hall, 2:36 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 2:36 p.m.

ROLL CALL

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

Staff present: Jeff O’Neill, Interim City Administrator
 Michael Hunter, Police Chief

Also present: Paul Merwin, League of MN Cities Attorney

ROTATING VOTES

Please note that votes taken by roll call are called on a rotating basis; however, the written minutes list the Councilmembers in alphabetical order.

CLOSED SESSION

Mayor Baarts stated the agenda item for this closed portion of the meeting was to engage in confidential attorney-client communications and litigation strategy related to the Carlson Walters Group, LLC (CWG) litigation. The legal basis to close this position of the meeting was pursuant to Minnesota Statute § 13D.05, subdivision. 3(b), under the attorney/client privilege exception to the Minnesota Open Meeting Law.

Motion was made by Councilmember Maynard, seconded by Councilmember Hasek to close the meeting pursuant to Minnesota Statute § 13D.05, subd. 3(b), to conduct a closed session pursuant to the attorney-client privilege to engage in confidential attorney-client communications and litigation strategy related to the Carlson Walter Group, LLC (CWG) litigation. All present voted in favor. Motion carried. Council went into closed session at 2:39 p.m.

Mr. Paul Merwin, attorney with the League of Minnesota Cities provided an overview to Council regarding the status of the Carlson Water Group, LLC (CWG) litigation.

OPEN SESSION

Mayor Baarts declared the meeting open at 4:05 p.m.

Mayor Baarts moved to the next item of business; Preliminary Consideration of Allegations Against Individual subject to City Council's Authority under Minnesota Statute § 13D.05, subd. 2(b), with the individual being Councilmember Britney Kawecki.

Councilmember Kawecki requested this portion of the meeting pertaining to the allegations against her be open to the public. Mayor Baarts recommended the following:

- Administrator O'Neill provide background information
- Council discusses the complaint against Councilmember Kawecki
- Council considers discussion of complaint with Councilmember Kawecki, allowing for Councilmember Kawecki to address Council
- Any formal actions taken on this agenda item be made through a motion and vote, during open session

Administrator O'Neill stated a personnel complaint was filed and led to an investigation. Following, O'Neill met individually with councilmembers to provide background materials on said matter.

Councilmembers discussed the concerns and effects of the allegations as a Council and City, as a whole.

After discussion, Councilmember Kawecki was offered the floor.

Councilmember Kawecki shared the following:

- 1) The complaint against her came out of an investigation initiated by the City's former administrator, who is no longer employee.
- 2) The former City Administrator used city resources to conduct an investigation, of which the Council did not authorize.
- 3) The 26-page long investigation report is exclusive of exhibits and Council is being asked to act (at this meeting) with no opportunity to digest the information.

To conclude, Councilor Kawecki reviewed some of the findings of the complaint report against her.

Council deliberated on the conclusion of the discussion and Mayor Baarts reviewed action options, consisting of;

- 1) Do nothing
- 2) Conduct a hearing on complaint against Councilmember Kawecki under the City Code of Conduct
 - a) Council will hold a hearing under the City Code of Conduct on the Complaint against Councilmember Kawecki
 - b) Administrator O'Neill will consult with legal to draft and provide communications to Councilmember Kawecki and the Council on the hearing process
 - c) The Council continue this item to a subsequent date (to hold the hearing)

An initial motion was made by Councilmember Maynard for option 2a: Conduct a hearing on complaint against Councilmember Kawecki under the City Code of Conduct. In further discussion, it was noted that option 2 would include the listed subitems, items a - c. A new motion was made by Councilmember Maynard, seconded by Councilmember Miller to Conduct a hearing on the complaint against Councilmember Kawecki under the City Code of Conduct (which would include subitems a – c). On roll call, Councilmembers Hasek, Maynard, and Miller voted in favor; Councilmember Lubenow voted against; Councilmember Kawecki abstained. Motion carried.

CLOSED SESSION

Mayor Baarts moved to the next item of business; Preliminary Consideration of Allegations Against Individual subject to City Council's Authority under Minnesota Statute § 13D.05, subd. 2(b), with the individual being Councilmember Wayne Hasek.

Councilmember Hasek requested this portion of the meeting pertaining to the allegations against him be closed to the public. Motion was made by Councilmember Maynard, seconded by Councilmember Miller to close this portion of the meeting pursuant to Minnesota Statute § 13D.05, subd. 2(b), as Council will be considering allegations against an individual subject to its authority. Councilmembers Kawecki, Lubenow, Maynard, and Miller voted in favor. Motion carried. Council went into closed session at 4:44 p.m.

OPEN SESSION

Mayor Baarts declared the meeting open at 5:05 p.m. Motion was made by Councilmember Kawecki, seconded by Councilmember Miller to separate the Allegations against Councilmember Hasek into two separate matters: harassment and undue influence of a councilmember to a City

Administrator. On roll call, Councilmembers Hasek, Kawecki, Lubenow, Maynard, Miller voted in favor. Motion carried.

Motion was made by Councilmember Maynard, seconded by Councilmember Hasek to take no action (do nothing) with regards to the harassment complaint against Councilmember Hasek under the City Code of Conduct. On roll call, Councilmembers Hasek and Maynard voted in favor; Councilmembers Lubenow and Miller voted against; Councilmember Kawecki abstained. With a split vote, Mayor Baarts voted against. Motion failed.

Motion was made by Councilmember Lubenow, seconded by Councilmember Miller to conduct a hearing on the harassment complaint against Councilmember Hasek under the City Code of Conduct. On roll call, Councilmembers Lubenow and Miller voted in favor; Councilmembers Hasek and Maynard voted against; Councilmember Kawecki abstained. With a split vote, Mayor Baarts voted in favor. Motion carried.

Motion was made by Councilmember Kawecki, seconded by Councilmember Lubenow to conduct a hearing on the complaint of undue influence by a councilmember (Councilmember Hasek) on the City Administrator. On roll call, Councilmembers Kawecki, Lubenow and Miller voted in favor; Councilmembers Hasek and Maynard voted against. Motion carried.

CLOSED SESSION

Mayor Baarts moved to the final item of business; Preliminary Consideration of Allegations Against Individual subject to City Council's Authority under Minnesota Statute § 13D.05, subd. 2(b), with the individual being Councilmember Jay Maynard.

Councilmember Maynard requested this portion of the meeting pertaining to the allegations against him be closed to the public. Motion was made by Councilmember Kawecki, seconded by Councilmember Miller to close this portion of the meeting pursuant to Minnesota Statute § 13D.05, subd. 2(b), as Council will be considering allegations against an individual subject to its authority. All present voted in favor. Motion carried. Council went into closed session at 5:10 p.m.

OPEN SESSION

Mayor Baarts declared the meeting open at 5:16 p.m. Motion was made by Councilmember Kawecki, seconded by Councilmember Miller to separate the Allegations against Councilmember Maynard into two separate matters: harassment and undue influence of a councilmember to a City Administrator. All present voted in favor. Motion carried.

Motion was made by Councilmember Lubenow, seconded by Councilmember Miller to conduct a hearing on the harassment complaint against Councilmember Maynard under the City Code of Conduct. On roll call, Councilmembers Lubenow and Miller voted in favor; Councilmembers Hasek and Maynard voted against; Councilmember Kawecki abstained. With a split vote, Mayor Baarts voted in favor. Motion carried.

Motion was made by Councilmember Kawecki, seconded by Councilmember Lubenow to conduct a hearing on the complaint of undue influence by a councilmember (Councilmember Maynard) on the City Administrator. On roll call, Councilmembers Kawecki, Lubenow and Miller voted in favor; Councilmembers Hasek and Maynard voted against. Motion carried.


ADJOURNMENT

Motion was made by Councilmember Miller, seconded by Councilmember Kawecki, 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 5:19 p.m.



Lee C. Baarts, Mayor

ATTEST:



Betsy Steuber, City Clerk