

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

City Council Minutes  
Special Meeting

January 15, 2025  
City Hall, 3:01 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 3:01 p.m.

**ROLL CALL**

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

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

Also present:           Christina Petsoulis, City Attorney (Flaherty & Hood)

**PLEDGE OF ALLEGIANCE**

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

**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.

**APPROVAL OF AGENDA**

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

**MOTION  
Item 5a**

Mayor Baarts stated the first item of business was a continuation of the agenda item from the December 17, 2024 special City Council meeting of Preliminary Consideration of Allegations Against a City of Fairmont City Councilmember 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:

- Council discuss and specify the conduct that constitutes a violation of the Code of Conduct/Rules of Procedure
- Councilmember Kawecky or her representative should not participate in discussion, except to respond to allegations
- Any formal action on this agenda item should be through a motion and vote in open session

Mayor Baarts specified the allegations against Councilmember Kawecky:

- On and after August 31, 2024, Councilor Kawecky criticized City staff in emails and Facebook posts, showing hostile and abusive behavior, violating the City's policy and rules.
- Councilmember Kawecky's Facebook discussion on the City's complaint investigation may violate privacy laws.

Corey Genelin, attorney representing Councilmember Kawecky, responded to the allegations.

After a question/answer period, Council deliberated over the allegations against Councilmember Kawecky to determine the following:

- If further investigation is necessary
- If the actions were inappropriate
- Actions to take, as outlined
  - Do nothing
  - Approve a Resolution of Censure
  - Issue a Letter of Censure
  - Issue a Directive to Councilmember Kawecky to refrain from hostile, harassing behavior
  - Remove Assignment from a Board or Commission
  - Request Councilmember Kawecky submit a written apology to the complainant and promise not to engage in communication with the complainant that violate Councilmember standards

After lengthy discussion, motion was made by Councilmember Lubenow, seconded by Councilmember Kotewa for the City Council to hereby issue a directive to Councilmember Kawecky to:

- a) not engage in direct written communication with the complaint complainant unless directed by City Council to do so,
- b) draft and submit to complaint complainant written communication apologizing for conduct towards the complainant.

After further discussion, Councilmember Lubenow withdrew his motion.

Motion was made by Councilmember Lubenow, for the City Council to hereby issue a directive to Councilmember Kawecki to:

- a) not engage in direct written communication with the complaint complainant unless directed by City Council to do so
- b) draft and submit to complaint complainant written communication apologizing for conduct towards the complainant
- c) there has been no findings of a code of conduct violation by Councilmember Kawecki

Councilmember Kotewa offered to second the motion if item c) would be amended to add **“at this time”** for the item to read:

- c) there has been no findings of a code of conduct violation by Councilmember Kawecki **at this time.**

Councilmember Lubenow accepted the amendment change to his motion.

Mayor Baarts read the amended motion as follows: Motion was made by Councilmember Lubenow, for the City Council to hereby issue a directive to Councilmember Kawecki to:

- a) not engage in direct written communication with the complaint complainant unless directed by City Council to do so
- b) draft and submit to complaint complainant written communication apologizing for conduct towards the complainant
- c) that there has been no findings of a code of conduct violation by Councilmember Kawecki at this time

Mayor Baarts asked for a second. Motion was seconded by Councilmember Kotewa. On roll call, Councilmembers Hasek, Kotewa, Lubenow and Maynard voted in favor; Councilmember Kawecki abstained due to her involvement in the matter. Motion carried.

## RECESS

Council took a 5-minute recess at 5:00 pm

## MOTION Item 5b

Mayor Baarts moved to the next item of business: a continuation of the agenda item from the December 17, 2024 special City Council meeting of Preliminary Consideration of Allegations Against a City of Fairmont City Councilmember 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 open to the public.

Mayor Baarts recommended the following:

- Council discuss and specify the conduct that constitutes a violation of the Code of Conduct/Rules of Procedure
- Councilmember Hasek or his representative should not participate in discussion, except to respond to allegations
- Any formal action on this agenda item should be through a motion and vote in open session

Mayor Baarts specified the allegations against Councilmember Hasek:

- During a closed City Council meeting on November 14, 2024, Councilmember Hasek yelled across the City Council Chambers at Councilmember Kawecki.

Councilmember Hasek responded to the allegations against him.

After a question/answer period, council deliberated over the allegations against Councilmember Hasek to determine the following:

- If further investigation is necessary
- If the actions were inappropriate
- Actions to take, as outlined
  - Do nothing
  - Approve a Resolution of Censure
  - Issue a Letter of Censure
  - Issue a Directive to Councilmember Hasek to refrain from yelling or otherwise raising his voice during City Council meetings
  - Remove Assignment from a Board or Commission
  - Request Councilmember Hasek submit a written apology to Councilmember Kawecki and former Councilmember Miller and promise not to engage in communication with them that violate Councilmember standards.

Motion was made by Councilmember Lubenow, for the City Council to hereby issue a directive to Councilmember Hasek to:

- a) refrain from raising his voice to other council members during council meetings

- b) draft and submit to former Councilmember Miller and Councilmember Kawecki written communication apologizing for his conduct at the November 14, 2024 meeting
- c) that there has been no findings of a code of conduct violation against Councilmember Hasek at this time

Councilmember Hasek suggested Council amend item b) to include **“Councilmember Lubenow”** for the item to read:

- b) draft and submit to former Councilmember Miller, Councilmember Kawecki, and Councilmember Lubenow written communication apologizing for his conduct at the November 14, 2024 meeting

Councilmember Lubenow accepted the amendment change to his motion.

Mayor Baarts read the amended motion as follows: Motion was made by Councilmember Lubenow, for the City Council to hereby issue a directive to Councilmember Hasek to:

- a) refrain from raising his voice to other council members during council meetings
- b) draft and submit to former Councilmember Miller, Councilmember Kawecki, and Councilmember Lubenow written communication apologizing for his conduct at the November 14, 2024 meeting
- c) that there has been no findings of a code of conduct violation against Councilmember Hasek at this time

Mayor Baarts asked for a second. Motion was seconded by Councilmember Kotewa. On roll call, Councilmembers Kawecki, Kotewa, Lubenow and Maynard voted in favor; Councilmember Hasek abstained due to his involvement in the matter. Motion carried.

**MOTION  
Item 5c**

Mayor Baarts moved to the next item of business: a continuation of the agenda item from the December 17, 2024 special City Council meeting of Preliminary Consideration of Allegations Against a City of Fairmont City Councilmember 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 open to the public.

Mayor Baarts recommended the following:

- Council discuss and specify the conduct that constitutes a violation of the Code of Conduct/Rules of Procedure
- Councilmember Maynard or his representative should not participate in discussion, except to respond to allegations
- Any formal action on this agenda item should be through a motion and vote in open session

Mayor Baarts specified the allegations against Councilmember Maynard:

- During a closed City Council meeting on November 14, 2024, Councilmember Maynard, who was sitting one chair away from Councilmember Kawecki in the City Council chambers, leaned towards Councilmember Kawecki and started yelling accusation at her. Councilmember Maynard also leaned toward Councilmember Miller and yelled at her.

Councilmember Maynard responded to the allegations against him.

After a question/answer period, council deliberated over the allegations against Councilmember Maynard to determine the following:

- If further investigation is necessary
- If the actions were inappropriate
- Actions to take, as outlined
  - Do nothing
  - Approve a Resolution of Censure
  - Issue a Letter of Censure
  - Issue a Directive to Councilmember Maynard to refrain from yelling or otherwise raising his voice during City Council meetings
  - Remove Assignment from a Board or Commission
  - Request Councilmember Maynard submit a written apology to Councilmember Kawecki and former Councilmember Miller apologizing for his conduct on November 14, 2024 and promise to not engage in any communication with them that violate Councilmember Standards

Motion was made by Councilmember Kotewa, for the City Council to hereby issue a directive to Councilmember Maynard to:

- a) refrain from raising his voice to other council members during council meetings

- b) draft and submit to former Councilmember Miller, Councilmember Kawecki, and Charter Commission Member Robynn Buhmann written communication apologizing for his conduct at the November 14, 2024 meeting and Charter meeting (respectively)
- c) that there has been no findings of a code of conduct violation against Councilmember Maynard

Councilmember Lubenow suggested to amend item a) to add “**engaging in conduct perceived as physically aggressive**” for the item to read:

- a) refrain from raising his voice or **engaging in conduct perceived as physically aggressive** to other council members during council meetings

Councilmember Kotewa accepted the amendment change to his motion and also asked that “**other City Boards and Commissions**” be added to item a) and that “at this time” be removed from item c).

Mayor Baarts read the amended motion as follows: Motion was made by Councilmember Kotewa, for the City Council to hereby issue a directive to Councilmember Maynard to:

- a) refrain from raising his voice or engaging in conduct perceived as physically aggressive to other council members during council meetings and other City Boards and Commissions
- b) draft and submit to former Councilmember Miller, Councilmember Kawecki, and Charter Commission Member Robynn Buhmann written communication apologizing for his conduct at the November 14, 2024 meeting and Charter meeting (respectively)
- c) that there has been no findings of a code of conduct violation against Councilmember Maynard

Mayor Baarts asked for a second. Motion was seconded by Councilmember Lubenow. On roll call, Councilmembers Hasek, Kawecki, Kotewa, and Maynard voted in favor; Councilmember Maynard abstained due to his involvement in the matter. Motion carried.

**MOTION**  
**Item 5d**

Mayor Baarts moved to the next item of business: a continuation of the agenda item from the December 17, 2024 special City Council meeting of Preliminary Consideration of Allegations Against a City of Fairmont City Councilmember 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 open to the public.

Mayor Baarts recommended the following:

- Council discuss and specify the conduct that constitutes a violation of the Code of Conduct/Rules of Procedure
- Councilmember Hasek or his representative should not participate in discussion, except to respond to allegations
- Any formal action on this agenda item should be through a motion and vote in open session

Mayor Baarts specified the allegations against Councilmember Hasek:

- Councilmember Hasek impermissibly and without City Council authority directed a former City Administrator to conduct City business.

Councilmember Hasek responded to the allegations against him.

After a question/answer period, council deliberated over the allegations against Councilmember Hasek to determine the following:

- If further investigation is necessary
- If the actions were inappropriate
- Actions to take, as outlined
  - Do nothing
  - Approve a Resolution of Censure
  - Issue a Letter of Censure
  - Issue a Directive to Councilmember Hasek to refrain from directing City staff without authority from City Council
  - Remove Assignment from a Board or Commission
  - If the desire is more information, Interim City Administrator O'Neill consult with legal and take appropriate action to obtain further information on the allegations and that this agenda item be continued at a later date

After a lengthy discussion on what "to obtain further information" entails, Council was open to have closed session tapes available and a 3<sup>rd</sup> party investigator investigate the allegations.

Motion was made by Councilmember Kotewa, seconded by Councilmember Lubenow that City Administrator O'Neill consult with



legal counsel and take any appropriate action to obtain further information on the allegations and draft and provide the subject of the allegations and any individual making the allegations at issue with any appropriate notice and that the meeting involving this agenda be continued at a future date, time, and location in the City Council Chambers. On roll call, Councilmembers, Kawecki, Kotewa, Lubenow and Maynard voted in favor; Councilmember Hasek abstained due to his involvement in the matter. Motion carried.

**MOTION  
Item 5e**

Mayor Baarts moved to the next item of business: a continuation of the agenda item from the December 17, 2024 special City Council meeting of Preliminary Consideration of Allegations Against a City of Fairmont City Councilmember 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 open to the public.

Mayor Baarts did not read through the procedures of this portion of the meeting noting them to be the same as the sessions prior.

Mayor Baarts specified the allegations against Councilmember Maynard:

- Councilmember Maynard impermissibly and without City Council authority directed a former City Administrator to conduct City business.

Councilmember Maynard responded to the allegations against him.

After a question/answer period, council deliberated over the allegations against Councilmember Hasek to determine the following:

- If further investigation is necessary
- If the actions were inappropriate
- Actions to take, as outlined
  - Do nothing
  - Approve a Resolution of Censure
  - Issue a Letter of Censure
  - Issue a Directive to Councilmember Maynard to refrain from directing City staff without authority from City Council
  - Remove Assignment from a Board or Commission
  - If the desire is more information, Interim City Administrator O'Neill consult with legal and take appropriate action to obtain further information on

the allegations and that this agenda item be continued at a later date


Motion was made by Councilmember Kawecky, seconded by Councilmember Kotewa that City Administrator O'Neill consult with legal counsel and take any appropriate action to obtain further information on the allegations and draft and provide the subject of the allegations and any individual making the allegations at issue with any appropriate notice and that the meeting involving this agenda be continued at a future date, time, and location in the City Council Chambers. On roll call, Councilmembers Kawecky, Kotewa, and Lubenow voted in favor; Councilmember Hasek voted against; Councilmember Maynard abstained due to his involvement in the matter. Motion carried.

#### ADJOURNMENT

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow, 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 6:50 p.m.

  
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Lee C. Baarts, Mayor

ATTEST:

  
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Betsy Steuber, City Clerk