

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

City Council Minutes
Special Meeting

April 10, 2025
City Hall, 3:00 p.m.

CALL TO ORDER

The Fairmont City Council met in special session at the City Hall Council Chambers. Mayor Baarts called the meeting to order at 3:00 p.m.

ROLL CALL

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

Absent: None

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

Also present: Christina Petsoulis, Attorney (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 Kotewa to approve the agenda as presented. All present voted in favor. Motion carried.

**MOTION
Item 4A**

Mayor Baarts introduced agenda item 4A, a continuation of the agenda item from the January 15, 2025 special City Council meeting on preliminary consideration of allegations against a City of Fairmont Councilmember under Minnesota Statutes, Section 13D.05, subdivision 2(b), with the City Councilmember being Wayne Hasek. Mayor Baarts prohibited Councilmember Hasek from participating in discussion until provided an opportunity to respond, based on the unique and personal interest of him in this agenda item.

Mayor Baarts reiterated the City Council already determined there was a complaint under the Code of Conduct, which stated a sufficient claim of a violation of the Code, and the purpose of this meeting was to determine whether to take any formal action against Councilmember Hasek.

Mayor Baarts outlined the process for the meeting, recommending the following:

- Investigator Hiller present the findings of the investigation to determine whether the allegations against Councilmember Hasek substantiate a finding of a violation of the Code of Conduct or Rules of Procedure
- Councilmembers ask Investigator Hiller questions regarding the investigation
- Councilmember Hasek be given an opportunity to respond to the allegations and investigation findings
- Council deliberate on whether a violation occurred and, if any formal action be taken it be made through a motion and vote.

Council had no objections to the process, however Councilmember Kawecki voiced frustrated with and felt targeted by the investigation process.

Investigator Hiller introduced himself to Council prior to explaining the investigation process and his findings. Hiller stated he was asked by the city administrator to investigate if there were any special privileges involving Councilmembers Maynard and Hasek. In his investigation, Hiller reviewed actions from the previous city administrator and the events leading up to the investigation. Hiller stated the issue began with a local citizen who exhibited troubling behavior towards city staff, making them feel harassed and intimidated; staff wanted the city administrator to address this issue. The prior city administrator, per his duty and obligation, consulted legal counsel around June 16, 2024, to resolve the matter, which lead to the issuance of a cease and desist to the citizen on October 10, 2024. Hiller stated that assertions were made about Councilmembers Hasek and Maynard possibly having special privileges, but his investigation found no violations of the City's Code of Conduct by either member.

Councilmember Lubenow criticized Hiller's interview process and felt the investigation became a session of complaints rather than a focused inquiry, claiming the investigation contained false statements and questioned its adherence to its original intended scope. Hiller stood behind the investigation, stating it concluded that Councilors Hasek and Maynard did not have any special privilege.

Councilmember Lubenow stated he found the situation's timing unusual and criticized Flaherty and Hood for not suggesting any steps to prevent staff harassment. Hiller further clarified his role was to assess special privilege for the two councilors, not to question the council's approach. Councilmember Kawecki concurred with Councilmember Lubenow's

comments and reiterated frustration with the investigation, and felt it was made out to be an investigation of her (Kawecki). Hiller responded that the evidence given by others was honest and correct, he fully supports his report, he needed city staff's input for a better understanding during the investigation and everyone answered the same questions. Hiller stated other councilors shared relevant information about the harassment.

Councilmember Maynard inquired if Mr. Skaret was definite in his assessment of whether or not he had gotten any influence or any order from himself or Mr. Hasek. Investigator Hiller stated that the former city administrator is certain he received no influence or direction from Councilmembers Maynard or Hasek regarding the process, decision making, or the cease and desist issued to the local community member.

Councilmembers Kawecki and Lubenow continued to question the scope of the investigation and certain Councilmembers' knowledge of the cease and desist letter prior to issuance. Councilmember Kotewa asked Investigator Hiller to clarify his role and opinion in the investigation. Hiller stated he was asked to determine whether or not there were special privileges that were asserted by Councilmembers Maynard or Hasek in the determination and issuance of a cease and desist notice to a local citizen and based on the evidence and exhibits presented, more likely than not, Councilmember Maynard and Councilmember Hasek did not violate any policies or procedures.

Mayor Baarts offered the floor to Councilmember Hasek to respond to the allegations against him and/or the findings of the investigation, to which Councilmember Hasek responded "I agree with Mr. Hiller."

During deliberation, a motion was made by Councilmember Maynard, seconded by Councilmember Kotewa that the matter be closed with no action taken. On roll call, Councilmembers Kotewa and Maynard voted in favor; Councilmember Kawecki voted against; Councilmember Hasek abstained due to his involvement in the matter and Councilmember Lubenow abstained due to the lack of information to make an educated vote. Motion carried.

MOTION
Item 4B

At 3:43 pm, Mayor Baarts introduced agenda item 4B, a continuation of the agenda item from the January 15, 2025 special City Council meeting on preliminary consideration of allegations against a City of Fairmont Councilmember under Minnesota Statutes, Section 13D.05, subdivision 2(b), with the City Councilmember being Jay Maynard. Mayor Baarts prohibited Councilmember Maynard from participating in discussion until

provided an opportunity to respond, based on the unique and personal interest of him in this agenda item.

Mayor Baarts reiterated that the City Council already determined there was a complaint under the Code of Conduct, which stated a sufficient claim of a violation of the Code, and that the purpose of the meeting was to determine whether to take any formal action against Councilmember Maynard.

Mayor Baarts asked if any Councilmembers wanted Investigator Hiller to review the information he recently presented or ask him any questions prior to allowing Councilmember Maynard to respond to the allegations and investigation findings. Councilmember Maynard had no additional comments other than requesting the matter be handled as Councilmember Hasek's – the matter be closed with no action taken.


During Council deliberation, a motion was made by Councilmember Hasek, seconded by Councilmember Kotewa that the matter be closed with no action taken. During discussion, Councilmember Lubenow stated he believed that Councilmember Maynard gave a direct order to the City Administrator to send the cease and desist. On roll call, Councilmembers Hasek and Kotewa voted in favor; Councilmembers Kaweck and Lubenow voted against; and Councilmember Maynard abstained due to his involvement in the matter. Mayor Baarts broke the tie vote voting in favor. Motion carried.

Prior to adjourning, Councilmember Maynard made a motion to direct staff to redact the investigators report to the minimum extent necessary to comply with the law and prepare it for public release. Councilmember Maynard withdrew his motion after Attorney Petsoulis advised against such practice, stating taking the initiative sets an unrealistic expectation and brushes against the data practices policy.

ADJOURNMENT

Motion was made by Councilmember Maynard, seconded by Councilmember Kotewa 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 3:49 p.m.

ATTEST:


Betsy Steuber, City Clerk


Lee C. Baarts, Mayor