CITY COUNCIL AGENDA

Monday, November 9, 2026, 5:30 p.m.

1. Roll Call/Determination of Quorum

2. Pledge of Allegiance

3. Approval of Agenda

4. Recognition/Presentations

4.1 Proclamation – Community Education and Recreation Day (3)

5. Public Discussion/Comment (Individual comments are limited to 3 minutes) (5)

6. Consent Agenda (Items removed from consent will be placed at the end of the items under new business)

A. Minutes

6.A.1 Consideration of the City Council Minutes from the Regular Meeting held October 26, 2026 (6)

B. Check Registers

C. Other

6.C.1 Consideration of State Airport Fund Grant Agreement – Land Acquisition Resolution (14)

6.C.2 Consideration of State Airport Fund Grant Agreement – Clear Zone Acquisition Plan Resolution (16)

6.C.3 Consideration of an Easement with Southern Minnesota Municipal Power Agency (SMMPA) for a Transmission Line between the FES Substation and the WIP Substation (18)

6.C.4 Consideration to Approve an Application and Agreement for Special Assessment Deferral (29)

6.C.5 Consideration of Temporary On-Sale Liquor Licenses for Martin County Preservation Association d/b/a Red Rock Center for the Arts (34)

7. Public Hearing

8. Old Business

9. New Business

A. Other

B. Public Works/Utilities

C. Finance

D. Community Development

9.D.1 Consideration of Dilapidated and Hazardous Buildings Located at 112 and 114 W. 4th Street, Fairmont and Ordering Repair (41)

10. Council Discussion

10.1 Yard Waste Site: Councilmember Lubenow (77)

11. Staff/Liaison Reports

A. City Administrator
B. Public Works
C. Finance
D. Community Development
E. Mayor/Council
   Hasek – PUC
   Kawecki
   Kotewa
   Lubenow
   Maynard
   Baarts

12. Adjournment

Dates to Note

City Offices Closed	Veterans' Day	November 11, 2026	all day
City Council Meeting*	City Hall Council Chambers	November 23, 2026	5:30 pm
*Regular meeting with potential closed session pursuant to Minn. Stat. §13D.05, subd. 3(a), for the evaluation/review of City Administrator Baker			
City Offices Closed	Thanksgiving	November 26, 2026 & November 27, 2026	all day
City Council Meeting	City Hall Council Chambers	December 14, 2026	5:30 pm

STAFF MEMO

Prepared by: Betsy Steuber, City Clerk	**Meeting Date:** 11/09/2026	☐ **Consent Agenda Item** ☒ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 4.1
Reviewed by: Jason Baker, City Administrator	**Item:** Proclamation – Community Education and Recreation Day		
Presented by: Lee C. Baarts, Mayor	**Action Requested:**		
Vote Required: ☐ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** **Board/Commission/Committee Recommendation:**		

REFERENCE AND BACKGROUND

Mayor Baarts will proclaim Thursday, November 12, 2026, as Community Education and Recreation Day in the City of Fairmont, recognizing the importance of lifelong learning, recreation, and community involvement.

BUDGET IMPACT

SUPPORTING DATA/ATTACHMENTS

Proclamation

FAIRMONT

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
Phone (507) 238-9461 www.fairmont.org Fax (507) 238-9469

PROCLAMATION

WHEREAS, Fairmont Community Education and Recreation provides lifelong learning and leisure opportunities for all ages; and

WHEREAS, Fairmont CER recognizes the significant value of all youth and adults as important assets and resources to community development; and

WHEREAS, Fairmont CER fosters partnerships and collaborations with other organizations and agencies to promote the positive usage of community resources for the betterment of all citizens;, and

WHEREAS, The Fairmont CER Advisory Council is representative of the area populations and encourages all citizens, young and old, to be lifelong learners and actively engaged in the community; and

WHEREAS, Fairmont CER actively seeks new ways to be involved in achieving the goals of whole communities collaborating for the greater good; and

WHEREAS, Fairmont CER enhances the quality of life for our community and promotes healthy, purposeful lifestyles for all ages.

NOW, THEREFORE, I, Mayor Lee C. Baarts, do hereby proclaim Thursday, November 12, 2026, as

COMMUNITY EDUCATION and RECREATION DAY

in the City of Fairmont and call upon all citizens to recognize and participate in this special observance by supporting Fairmont Community Education and Recreation as a provider of lifelong learning and leisure opportunities for all ages and by being involved in community life activities.

Lee C. Baarts, Mayor

STAFF MEMO

Prepared by: Betsy Steuber, City Clerk	**Meeting Date:** 11/09/2026	☐ **Consent Agenda Item** ☒ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 5
Reviewed by: Jason Baker, City Administrator	**Item:** Public Discussion/Comment		
Presented by: Betsy Steuber, City Clerk	**Action Requested:**		
Vote Required: ☐ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** **Board/Commission/Committee Recommendation:**		

REFERENCE AND BACKGROUND

Prior to regular business, is there any public discussion/comment?

BUDGET IMPACT

SUPPORTING DATA/ATTACHMENTS

STAFF MEMO

Prepared by: Betsy Steuber, City Clerk	**Meeting Date:** 11/09/2026	☒ **Consent Agenda Item** ☐ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 6.A.1
Reviewed by: Jason Baker, City Administrator	**Item:** Consideration of the City Council Minutes from the Regular Meeting held October 26, 2026		
Presented by: Betsy Steuber, City Clerk	**Action Requested:** Motion to Approve the City Council Minutes from the Regular Meeting held October 26, 2026		
Vote Required: ☒ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** Approval **Board/Commission/Committee Recommendation:**		

REFERENCE AND BACKGROUND

BUDGET IMPACT

SUPPORTING DATA/ATTACHMENTS

City Council Meeting Minutes: October 26, 2026

City of Fairmont
100 Downtown Plaza
Fairmont, MN 56031

City Council Minutes — October 26, 2026
Regular Meeting — 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: Jason Baker, City Administrator
Matthew York, Director of Public Works/Utilities
Paul Hoye, Finance Director
Ned Koppen, Economic Development Director
Tyler Cowing, Civil Engineer
Michael Beletti, Police Chief
Betsy Steuber, City Clerk
Troy Nemmers, City Engineer (Bolton & Menk)
David Assaf, City Attorney, via telephone (Flaherty & Hood)

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.

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 Hasek to approve the agenda as presented. All present voted in favor. Motion carried.

RECOGNITION/ PRESENTATIONS
Item 4.1

Mayor Baarts recognized the following City Employees for their years of service: Bryan Kastning, Fire Department – 20 years; Cade Hartwig, Fire Department, 15 years; and Troy Barnes, Public Works Department, 10 years.

Item 4.2

Chief Beletti presented a Fairmont Police Department Lifesaving Award to Carter Simmering in recognition of his quick actions on October 8, 2026, at the Fairmont High School when he performed the Heimlich maneuver on a fellow student who was choking during lunch.

PUBLIC DISCUSSION/ COMMENT

Myron "Bruce" Eastlund, Fairmont resident and Ward 1 Councilmember Candidate, raised concerns regarding interactions he had experienced and reported communications between Councilmembers and candidates about potential plans following the election. Eastlund stated he reported his concerns to the City, County, League of Minnesota Cities, and filed a police report.

Char Kahler, pickleball enthusiast, spoke on the newly established pickleball organization, which had exceeded its membership goal of 50 members. Kahler requested the organization be included in future discussions regarding pickleball facilities and expressed appreciation of the proposed outdoor courts while encouraging consideration of an indoor facility.

Jon Omvig, Fairmont resident and representative of the Fairmont Lakes Foundation, addressed Council on the importance of improving Fairmont's lakes and water quality. Omvig emphasized the need for a clear plan and funding opportunities for lake restoration. He also invited the public to a meeting with the Shell Rock River Watershed District on October 29 at 5:15 p.m. at SMEC to discuss potential strategies and funding opportunities.

Councilmember Lubenow referenced the Declaration of Independence, the importance of having one's voice be heard and exercising the right to vote. He encouraged residents to vote in the November 3, 2026 General Election.

Councilmember Kawecki commented on freedom of speech and the rights to express differing opinions.

CONSENT AGENDA

Mayor Baarts introduced the consent agenda items as listed for consideration to be enacted by one motion unless an item was requested to be removed and placed under New Business. Mayor Baarts reviewed the consent items, as follows:

- Minutes from the Regular Meeting held October 12, 2026
- October 2026 Accounts Payable List
- Appointment of Angela Garbers to the Fairmont Public Utilities Commission (PUC)
- Declare the Identified Equipment from the Electric and Water Departments as Surplus and Authorize its Sale or Disposal (2002

Sterling Acterra M-8500, 1985 V40B Caterpillar Forklift and a 2017 Dodge Minivan)
- Temporary On-Sale Liquor License for Martin County Preservation Association d/b/a Red Rock Center for the Arts for an Event on November 13, 2026, Contingent upon Receipt of the Required Payment
- Temporary On-Sale Liquor License for Martin County Preservation Association d/b/a Red Rock Center for the Arts for an Event on November 30, 2026, Contingent upon Receipt of the Required Payment
- Purchase of a GPS Unit and Controller from Frontier Precision

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

PUBLIC HEARING
Item 7.1

Mayor Baarts opened the public hearing on the 2026 Improvement program at 5:48 p.m. No public comments were heard, however Mayor Baarts acknowledged receipt of a written objection from the Martin County Historical Society regarding the proposed special assessments for the Pioneer Museum and Pioneer Parsonage properties along Blue Earth Avenue. The correspondence was included in the Council packet.

Staff noted limited circumstances in which properties are exempt from special assessment and that nonprofit status is not an automatic qualifier for exemption.

Following Council discussion, motion was made by Councilmember Kawecki, seconded by Councilmember Maynard to pass upon the objection for the Martin County Historical Society Pioneer Museum and Pioneer Parsonage and keep the assessment as listed. On roll call, Councilmembers Hasek, Kawecki, Kotewa, Lubenow, and Maynard voted in favor. Motion carried.

Motion was made by Councilmember Maynard, seconded by Councilmember Kotewa to close the public hearing at 5:54 p.m. All present voted in favor. Motion carried.

Motion was made by Councilmember Maynard, seconded by Councilmember Hasek to Adopt Resolution 2026-38, Adopting the Special Assessment for the 2026 Improvement Program. All present voted in favor. Motion carried.

OLD BUSINESS

No old business.

NEW BUSINESS
MOTION
Item 9.C.1 to 9.A.1A

Mayor Baarts moved Agenda Item 9.C.1, Consideration of CivicPlus Service Agreement for City Website forward for consideration as Item 9.A.1A as Ryan Anderson, representative of CivicPlus, was available via remote meeting.

Director Hoye reviewed the RFP process for the replacement of the City website and the committee recommending CivicPlus.

Council discussed the website implementation timeline, the first-year cost of approximately $46,000 and ongoing annual costs of approximately $30,000, ADA compliance, staff involvement and terms of the agreement.

Motion was made by Councilmember Lubenow, seconded by Councilmember Maynard to Approve the CivicPlus Statement of Work and Addendum to the Master Service Agreement for the City of Fairmont Website Replacement Project. All present voted in favor. Motion carried.

ORDINANCE 2026-04
Item 9.A.1

Clerk Steuber introduced Agenda Item 9.A.1, Consideration of an Ordinance Granting a Cable Franchise to Midcontinent Communications (Midco). Steuber provided a brief overview of the proposed agreement, including the proposed franchise fee adjustment from 1.5% to 4% and the continuation of existing public, educational, and governmental (PEG) access channels. Steuber noted that the agreement was a joint staff effort and referred Council to Finance Director Hoye for financial questions, City Attorney Assaf for questions regarding the agreement, and City Administrator Baker for general oversight and fee adjustment.

Council discussed the proposed franchise fee increase, the fee's impact on cable television customers, and allocation of franchise fee revenue.

Motion was made by Councilmember Lubenow, seconded by Councilmember Kotewa to Approve the First Reading of Proposed Ordinance 2026-04 Granting a Cable Franchise to Midcontinent Communications (Midco), with 1.5% of the franchise fee designated to the General Fund and the remaining 2.5% designated to the Lake Restoration Fund, and to call for a Public Hearing to be held on November 23, 2026 at 5:30 p.m. in the Fairmont City Hall Council Chambers. Councilmembers Hasek, Kotewa, Lubenow, and Maynard voted in favor; Councilmember Kawecki voted against. Motion carried.

RESOLUTION 2026-39

Civil Engineer Cowing presented Resolution 2026-39, Ordering Preparation

Item 9.B.1

of a Report on Improvements for the 2027 Improvement Program during Agenda Item 9.B.1. Cowing stated the City is working to begin the design and bidding process sooner for the upcoming 2027 street improvements.

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to Adopt Resolution 2026-39 Ordering Preparation of Report on Improvements. All present voted in favor. Motion carried.

RESOLUTION 2026-40
Item 9.B.2

Engineer Cowing presented the 2027 Improvement Program Engineering Report, reviewing the proposed improvements, estimated project costs, funding sources, and special assessment process.

Motion was made by Councilmember Kotewa, seconded by Councilmember Hasek to Adopt Resolution 2026-40 Receiving the 2027 Engineering Report and Calling for a Public Hearing on the 2027 Improvement Program, to be held at 5:30 p.m. on Monday, November 23, 2026 in the Fairmont City Hall Council Chambers. All present voted in favor. Motion carried.

RESOLUTION 2026-41
Item 9.B.3

During Agenda Item 9.B.3, Engineer Cowing presented on the proposed Local Road Improvement Program (LRIP) grant application for the Albion Avenue Reconstruction Project (reconstruction of Albion Avenue from State Street to Cedar Street). Cowing noted construction to be anticipated in 2029, pending funding being awarded.

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow to Adopt Resolution 2026-41 Authorizing the Pursuit of 2026 Local Road Improvement Program Funding for the Albion Avenue Reconstruction Project. All present voted in favor. Motion carried.

MOTION
Item 9.B.4

The last item of new business to come before the Council was 9.B.4, Consideration of Base Material Options for the Pickleball Court Project. Director York presented options for the base material for the proposed courts, including asphalt and post-tensioned concrete which would include additional design costs. Director York and City Engineer Nemmers reviewed information and answered Council questions on anticipated lifespan of the material, project costs, budget considerations, court and site design, amenities, and the potential for future expansion.

Motion was made by Councilmember Lubenow, seconded by Councilmember Maynard to Approve Post-Tension Concrete as the Base Material for the Pickleball Court Project. All present voted in favor. Motion carried.

STAFF/LIAISON REPORTS

Administrator Baker thanked staff for their work during his absence while attending the ICMA Conference, noting that he would provide Council with information he found valuable from the conference, along with staff reports and updates covering his absence.

Director York reported that leaf pickup has begun and provided updates on the ongoing Lead Service Line Replacement Project and upcoming preconstruction meetings for the Airport Hangar Project and Raw Water Retaining Wall Project.

In response to Council's questions, Engineer Cowing reported the overlay projects are substantially completed. Cowing noted the petroleum-contaminated soils at the Park Street/Blue Earth Avenue intersection required water main replacement, resulting in project delays and additional costs for the Blue Earth Avenue Reconstruction Project. He noted that staff is pursuing potential reimbursement for costs associated with the contamination. York noted the contamination may be related to historical fuel leaks, but the exact sources could not be determined.

Director Koppen reported staff is working on recommendations for curly-leaf pondweed harvesting for next season and staff received the final draft of the Zoning Code Update from MSA, with both items returning to Council at a future date for consideration.

Koppen shared that Region Nine Development Commission and the Fairmont Economic Development Authority are hosting two community planning and visioning sessions to gather feedback and to help shape economic development priorities for Fairmont, and Martin County as a whole.

Councilmember Kotewa provided an update from his attendance at the recent Region Nine meeting, noting anticipated reductions in the state transportation fund due to changes in lower vehicle registration fees. He also noted that MnDOT does not anticipate improvements to State Highway 15 in Fairmont within the next ten years, as the project is currently a lower priority.

Councilmember Lubenow reported on the final Park Board meeting for 2026, noting Board members were provided information to review and assess City parks, including potential improvements and amenities for future

budget consideration.

Councilmember Maynard reported on the recent Airport Advisory Board meeting, noting members toured the new Advantage Aviation hangar at the Fairmont Municipal Airport. Maynard highlighted the facility's potential to expand aircraft maintenance and inspection services in the region.

Mayor Baarts reviewed upcoming events and meeting dates.

ADJOURNMENT

Motion was made by Councilmember Hasek, seconded by Councilmember Maynard 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 7:16 p.m.

_____

ATTEST: Lee C. Baarts, Mayor

_____

Betsy Steuber, City Clerk

STAFF MEMO

Prepared by: Lee Steinkamp, Airport Manager	**Meeting Date:** 11/09/2026	☒ **Consent Agenda Item** ☐ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 6.C.1
Reviewed by: Jason Baker, City Administrator	**Item:** Consideration of State Airport Fund Grant Agreement – Land Acquisition Resolution		
Presented by: Lee Steinkamp, Airport Manager	**Action Requested:** Motion to Approve Resolution No. 2026-42 Approving State Airport Fund Grant Agreement 1064781 with the Minnesota Department of Transportation		
Vote Required: ☒ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** Approval **Board/Commission/Committee Recommendation:**		

PREVIOUS COUNCIL ACTION

Project approved in the 2027 Capital Improvement Plan (CIP)

REFERENCE AND BACKGROUND

This resolution approves a State Airport Fund Grant Agreement applied for and awarded to the City of Fairmont. The resolution also authorizes proper signing officers to execute the agreement and any amendments on behalf of the City of Fairmont.

The State has implemented a new grant management software system called Black Cat. This is the initial step in processing the grant through the Black Cat system. The grant workflow process, including DocuSign, will now be completed through the Black Cat system.

BUDGET IMPACT

The total project cost is estimated at $110,000, with a State share of $77,000 and a local share of $33,000.

SUPPORTING DATA/ATTACHMENTS

Resolution 2026-42

RESOLUTION 2026-42 APPROVING
STATE AIRPORT FUND GRANT AGREEMENT
WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION

It is resolved by the **City of Fairmont** as follows:

- That it has applied for and been awarded a State Airport Fund grant by the Minnesota Department of Transportation, Agreement Number **1064781** ("Agreement");
- That it hereby agrees to the terms and conditions identified in the solicitation/application process as conditions for receiving an award through the Minnesota Department of Transportation; and
- That the proper signing officers are hereby authorized to execute the above-referenced Agreement and any amendments thereto on behalf of the **City of Fairmont**.

Adopted by the Fairmont City Council [GRANTEE NAME] on this 9th day of November, 2026.

By:

Print Name: Lee C. Baarts

Title/Date: Mayor

ATTESTATION:
(different authorized signer than above)

By:

Print Name: Betsy Steuber

Title/Date: City Clerk

STAFF MEMO

Prepared by: Lee Steinkamp, Airport Manager	**Meeting Date:** 11/09/2026	☒ **Consent Agenda Item** ☐ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 6.C.2
Reviewed by: Jason Baker, City Administrator	**Item:** Consideration of State Airport Fund Grant Agreement – Clear Zone Acquisition Plan Resolution		
Presented by: Lee Steinkamp, Airport Manager	**Action Requested:** Motion to Approve Resolution No. 2026-43 Approving State Airport Fund Grant Agreement 1064784 with the Minnesota Department of Transportation		
Vote Required: ☒ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** Approval **Board/Commission/Committee Recommendation:** Approval		

PREVIOUS COUNCIL ACTION

Project approved in the 2027 Capital Improvement Plan (CIP)

REFERENCE AND BACKGROUND

This resolution approves a State Airport Fund Grant Agreement applied for and awarded to the City of Fairmont. The resolution also authorizes proper signing officers to execute the agreement and any amendments on behalf of the City of Fairmont.

The State has implemented a new grant management software system called Black Cat. This is the initial step in processing the grant through the Black Cat system. The grant workflow process, including DocuSign, will now be completed through the Black Cat system.

BUDGET IMPACT

The total project cost is estimated at $10,000, with a State share of $7,000 and a local share of $3,000.

SUPPORTING DATA/ATTACHMENTS

Resolution 2026-43

RESOLUTION 2026-43 APPROVING
STATE AIRPORT FUND GRANT AGREEMENT
WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION

It is resolved by the **City of Fairmont** as follows:

- That it has applied for and been awarded a State Airport Fund grant by the Minnesota Department of Transportation, Agreement Number **1064784** ("Agreement");
- That it hereby agrees to the terms and conditions identified in the solicitation/application process as conditions for receiving an award through the Minnesota Department of Transportation; and
- That the proper signing officers are hereby authorized to execute the above-referenced Agreement and any amendments thereto on behalf of the **City of Fairmont**.

Adopted by the Fairmont City Council [GRANTEE NAME] on this 9th day of November, 2026.

By:

Print Name: Lee C. Baarts

Title/Date: Mayor

ATTESTATION:
(different authorized signer than above)

By:

Print Name: Betsy Steuber

Title/Date: City Clerk

STAFF MEMO

Prepared by: Matthew R. York, Public Works and Utilities Director	**Meeting Date:** 11/09/2026	☒ **Consent Agenda Item** ☐ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 6.C.3
Reviewed by: Jason Baker, City Administrator	**Item:** Consideration of an Easement with Southern Minnesota Municipal Power Agency (SMMPA) for a Transmission Line between the FES Substation and the WIP Substation		
Presented by: Matthew R. York, Public Works and Utilities Director	**Action Requested:** Motion to Approve an Easement with Southern Minnesota Municipal Power Agency (SMMPA) for a Transmission Line between the FES Substation and the WIP Substation, as Presented		
Vote Required: ☒ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** Approval **Board/Commission/Committee Recommendation:**		

PREVIOUS COUNCIL ACTION

This business item was previously included, but removed for legal review, on the September 28, 2026 agenda. This item is returning to Council for consideration following review and approval by both legal counsel and SMMPA.

REFERENCE AND BACKGROUND

The City of Fairmont and Southern Minnesota Municipal Power Agency (SMMPA) have been working together on the creation of an electrical transmission line interconnection between the existing Fairmont Energy Station (FES) Substation and the West Industrial Park (WIP) Substation.

The easement runs through Bull Head Park and will include three (3) elevated poles and approximately .93 acres of land with an easement width of 50-feet to allow for the transmission lines and associated work.

SMMPA has approved the attached compensation calculations and will pay the City of Fairmont $14,057.50 for the easement.

BUDGET IMPACT

The City will receive $14,057.50 in compensation for the easement.

SUPPORTING DATA/ATTACHMENTS

Easement Document
Calculations
Map of the Entire Run for Transmission Lines

This instrument was drafted by
and upon recording return to:

Dorsey & Whitney LLP (MJT/KH)
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402
(612) 492-6557

TRANSMISSION LINE EASEMENT
(With Survey Exhibit)

KNOW ALL MEN BY THESE PRESENTS: that City of Fairmont, a Minnesota municipal corporation (the "**Grantor**"), is the owner of the land situated in the County of Martin, State of Minnesota described on Exhibit A attached hereto (the "**Grantor's Land**").

In consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Grantor does hereby grant, warrant and convey unto **Southern Minnesota Municipal Power Agency**, a Minnesota municipal corporation and political subdivision of the State of Minnesota, its successors and assigns ("**SMMPA**"), the perpetual rights, privileges and easements hereinafter set forth, through, over, under and across (A) that part of the Grantor's Land described on Exhibit B attached hereto and designated thereon as the "Utility Easement" (the "**Easement Parcel**") and (B) including reasonable access to the Easement Parcel over adjacent portions of the Grantor's Land.

Grantor hereby grants, warrants, and conveys unto SMMPA the following perpetual rights, privileges and easements through, over, under and across the Easement Parcel:

1. The right to enter upon the Easement Parcel immediately upon execution hereof and at any time and from time to time thereafter for the purposes hereinafter set forth.

2. The right to construct, operate, repair, maintain, use, rebuild, relocate, add to, remove and replace, through, over, under and across the Easement Parcel and in or upon any streets, roads or highways which may be within the Easement Parcel, electric transmission lines, electric distribution lines and communication lines, with all towers, structures, poles, crossarms, cables, wires, guys, supports, counterpoises, transformers, splice boxes, conduits, and other fixtures and devices used or useful in the operation, maintenance and use of said lines (the "**Electric Facilities and Systems**").

3. The right to erect, at any time prior to the construction of the Electric Facilities and Systems, reasonable signs for the purpose of locating the boundaries of the Easement Parcel.

4. The right from time to time to reconstruct or relocate on the Easement Parcel the Electric Facilities and Systems with changed dimensions and to operate at increased or decreased voltages or to add additional Electric Facilities and Systems.

5. The right to permit the attachment and maintenance of wires of others to the Electric Facilities and Systems or to new structures constructed for such joint use.

Grantor also hereby grants, warrants and conveys unto SMMPA the following perpetual rights, privileges and easements through, over, under and across the Easement Parcel and, to the extent applicable, access rights thereto:

1. The right of reasonable access to the Easement Parcel, including any rights across the land adjacent thereto for ingress to and egress from public rights of way with said access to be designated by Grantor within a reasonable time upon request by SMMPA.

2. The right from time to time to enter upon the Grantor's Land to survey for and identify the location for the Electric Facilities and Systems.

3. The right from time to time to cut down, trim, control the growth of or eliminate by chemical spray or mechanical means, such trees, shrubbery, and other plant growth under or adjacent to the Electric Facilities and Systems, as it deems appropriate to properly operate and maintain the Electric Facilities and Systems located on the Easement Parcel and to eliminate present or future hazards thereto (collectively the "**Trimming Rights**").

SMMPA shall have the right to assign, transfer, apportion, divide, license, lease or otherwise set over the rights, privileges and easements herein granted.

Grantor covenants with SMMPA, its successors and assigns, that Grantor is the owner of Grantor's Land and has the right to grant, sell and convey these rights and easements in the manner and for the purposes aforesaid, subject only to existing, recorded easements and rights-of-way for highways, roads, railroads, pipelines, ditches, other electric transmission lines and telegraph and telephone lines heretofore granted and of record as of the date hereof.

Grantor reserves the right to cultivate, use and occupy said Easement Parcel so long as such use does not interfere with the exercise by SMMPA of the rights granted herein, except that Grantor shall not alter the existing ground elevation of the Easement Parcel by more than one (1) foot from its present elevation or erect any structures or other objects, permanent or temporary (hereinafter called "**Improvements**") on the Easement Parcel without the express written approval of SMMPA. No fences, gates, signs or other attachments of Grantor shall be attached to the Electric Facilities and Systems erected by SMMPA. If SMMPA shall approve erection of any Improvements, such Improvements shall not, and such approval shall not be construed to, authorize the erection of any Improvements which would impair the structural or electrical integrity of the Electric Facilities and Systems or any other lines attached thereto the structures or result in a ground or structure clearance of less than the minimum requirements specified by the National Electrical Safety Code as then in effect.

Grantor further agrees that Grantor will not perform any act which will interfere with or endanger the Electric Facilities and Systems and further, shall not plant any trees upon the Easement Parcel without prior express written approval from SMMPA.

SMMPA shall pay for all damages to landscaping, roads and driveways, fences, crops and fields caused by the construction or maintenance of said transmission lines other than damage caused by exercise of the Trimming Rights.

SMMPA agrees to indemnify and hold Grantor harmless from and against all third party claims which may result from the occupancy or use of said Easement Parcel, including, but not limited to injuries to or death of persons or animals, court costs and reasonable attorneys' fees to the extent the same are due to the negligence or intentional misconduct of SMMPA, its agents, contractors or employees.

SMMPA shall, at SMMPA's expense, maintain in effect commercial general liability insurance, including coverage for bodily injury and property damage, with limits not less than the maximum liability limits for a municipality as provided in Minnesota Statutes, Section 466.04, as the same may be amended from time to time, or the amount stated in SMMPA's insurance certificate, whichever is greater. Grantor shall be named as an additional insured for ongoing operations, to the extent permitted by law. Such insurance shall apply on a primary and non-contributory basis, where commercially available. Upon request, SMMPA shall deliver to Grantor certificates evidencing the required coverage and additional insured status, signed by an authorized representative and stating that all provisions of the specified requirements are satisfied.

SMMPA agrees to pay any and all real estate taxes which may be assessed against the Easement Parcel hereunder as such real estate taxes become due and payable.

SMMPA hereby covenants and agrees that SMMPA will not permit or allow any mechanic's or materialman's liens to be placed on Grantor's interest in the Easement Parcel or Grantor's Land during the term hereof for labor performed or material supplied in connection with any work or improvements performed or caused to be performed by SMMPA. Notwithstanding the previous sentence, however, in the event any such lien shall be so placed on Grantor's interest, SMMPA shall take all steps necessary to see that it is removed within thirty (30) days of its being filed; provided, however, that SMMPA may contest any such lien provided SMMPA first provides adequate security protecting Grantor against such lien.

SMMPA shall abide by all Federal, State and local laws, statutes, ordinances, rules and regulations now in effect or hereinafter adopted pertaining to this Easement or to the Electric Facilities and Systems, personal property, programs and staff for which SMMPA is responsible.

This instrument shall be binding upon Grantor, its successors and assigns, and shall run with title to the Grantor's Land.

It is mutually understood and agreed that this instrument covers all the agreements and stipulations between the parties and that no representation or statements, oral or written, have been made modifying, adding to or changing the terms hereof.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed as of the ____ day of _____, 2026.

City of Fairmont

By: _____
Lee C. Baarts, Mayor

By: _____
Betsy Steuber, City Clerk

STATE OF MINNESOTA)
) ss
COUNTY OF MARTIN)

This instrument was acknowledged before me on this ____ day of _____, 2026, by Lee C. Baarts, the Mayor of the City of Fairmont, a Minnesota municipal corporation, on behalf of the municipal corporation.

_____
Notary Public

STATE OF MINNESOTA)
) ss
COUNTY OF MARTIN)

This instrument was acknowledged before me on this ____ day of _____, 2026, by Betsy Steuber, the City Clerk of the City of Fairmont, a Minnesota municipal corporation, on behalf of the municipal corporation.

_____
Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF GRANTOR'S LAND

Lot 2, Block 1, Bullhead Park Addition, Martin County, Minnesota.

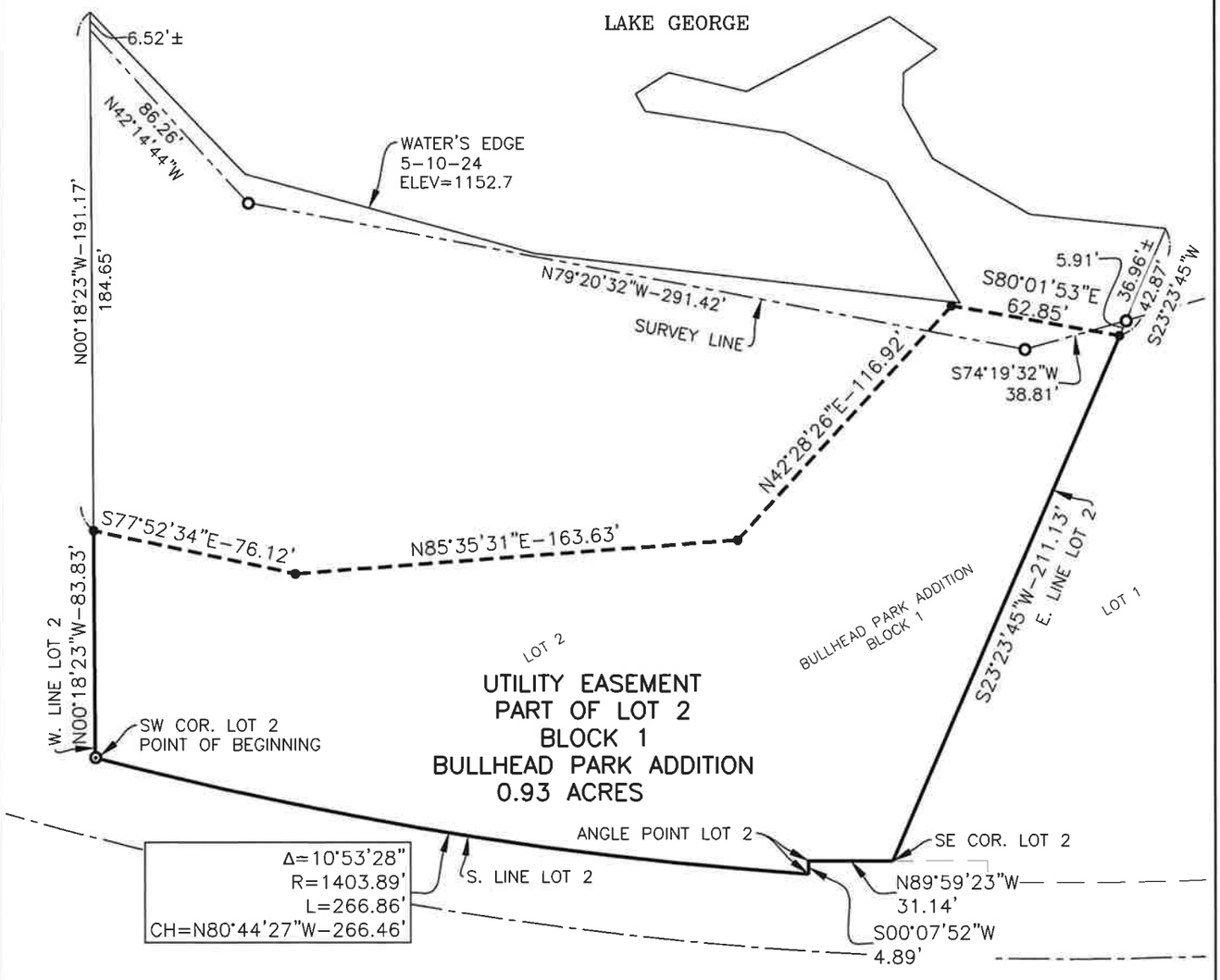
EXHIBIT B

DEPICTION/DESCRIPTION OF EASEMENT PARCEL

[See Attached]

PREPARED BY: DGR ENGINEERING, 1302 S. UNION STREET, P.O. BOX 511, ROCK RAPIDS, IOWA 51246 712-472-2531

EASEMENT EXHIBIT
PART OF LOT 2 IN BLOCK 1 OF BULLHEAD PARK ADDITION TO THE CITY OF FAIRMONT MARTIN COUNTY, MINNESOTA



DESCRIPTION – UTILITY EASEMENT

That part of Lot 2 in Block 1 of Bullhead Park Addition to the City of Fairmont, Martin County, Minnesota, described as follows:

Beginning at the Southwest Corner of said Lot 2; thence North 0°18'23" West on the west line of said Lot 2 for a distance of 83.83 feet; thence South 77°52'34" East for a distance of 76.12 feet; thence North 85°35'31" East for a distance of 163.63 feet; thence North 42°28'26" East for a distance of 116.92 feet; thence South 80°01'53" East for a distance of 62.85 feet to the east line of said Lot 2; thence South 23°23'45" West on said east line for a distance of 211.13 feet to the Southwest Corner of said Lot 2; thence North 89°59'23" West on the south line of said Lot 2 for a distance of 31.14 feet to an angle point of said south line; thence South 0°07'52" West on said south line for a distance of 4.89 feet to an angle point of said south line and to the beginning of a non-tangent curve, concave North having a radius of 1,403.89 feet; thence Westerly on said south line and on the arc of said curve to the right for an arc distance of 266.86 feet (said curve subtended by a chord which bears North 80°44'27" West with a chord distance of 266.46 feet) to the beginning to the Point of Beginning, containing 0.93 acres.

SUBJECT TO EASEMENTS, IF ANY, OF RECORD OR APPARENT.



BASIS OF BEARINGS:
NAD 1983 (2011) EPOCH 2010.00
US STATE PLANE, MINNESOTA SOUTH ZONE
US SURVEY FOOT

LEGEND
- FOUND 1/2" DIA. PIPE WITH RED SURVEYOR'S I.D. CAP NO. 43909
- FOUND 1/2" DIA. PIPE
- CALCULATED EASEMENT CORNER NO MONUMENT SET

ADAM N. WIERSMA LICENSED LAND SURVEYOR 51727 STATE OF MINNESOTA

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: Adam Wiersma 7-17-26
Adam N. Wiersma, L.S. License No. 51727 (Date)

My license renewal date is June 30, 2028

Sheets covered by this seal: THIS SHEET ONLY

DATE OF FIELD WORK-5-09-24
SURVEY REQUESTED BY: SMMPAA

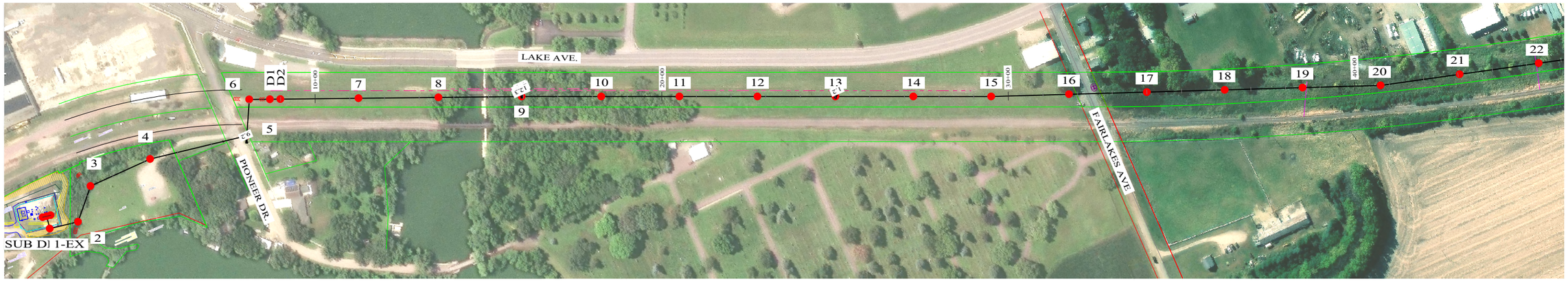
DGR ENGINEERING	Email dgr@dgr.com Web dgr.com	Date: 7-17-26 Drawn By: ANW Reviewed: TML Approved: ANW	PROJECT NO. 422656 DWG. # P:\04\226\56\422656CIVIL\DWG\422656 EASEMENT_CITY_BULLHEAD_REVISED.DWG

COMPENSATION CALCULATIONS				EASEMENT NO.		1
Option 1				Price	Quantity	Total
For each round/laminated pole placed in cultivated land within three (3) feet of the property line or fence				$ 500.00	0	$ -
For each round/laminated pole placed in cultivated land more than three (3) feet from the property line or fence				$ 750.00	0	$ -
For each round/laminated pole placed on non-tillable land				$ 200.00	3	$ 600.00
Steel Structure with concrete foundation and pad				$ 2,000.00	0	$ -
Steel Structure with concrete foundation and new easement				$ 2,000.00	0	$ -
Option 2	Length	Width	Acres	Accessed Value	Percentage	
Where single pole construction is used, compensation shall equal eighty-five (85%) percent of the accessed value of a strip of tillable land 50 feet wide multiplied by the length then converted to equivalent acres.			0.93	$ 15,000.00	85%	$ 11,857.50
Where double pole construction is used, compensation shall be computed in the same manner as single pole, only the width of the strip will be determined by the design of the line.			0		85%	$ -
For underground fiber or switches, effected areas will be measured, calculated, and converted to acres. Compensation will be based on fifty (50%) percent of fair market land value.			0		85%	$ -
For perpetual easement or purchases of land, the affected area will be measured, calculated, and converted to acres. Compensation will be based on 2.5 times the fair market land value.			0		250%	$ -
Overhang						
Where single pole construction is used, compensation shall equal fifty (50%) percent of the fair market value of a strip of tillable land 50 feet wide multiplied by the length then converted to equivalent acres.			0		50%	$ -
Anchors				Price	Quantity	
For each cluster of anchors in cultivated land within three feet from the property line or fence				$ 500.00	0	$ -
For each cluster of anchors in cultivated land more than three feet from the property line or fence				$ 750.00	0	$ -
For each cluster of anchors in non-tillable land				$ 200.00	8	$ 1,600.00
					Total	$ 14,057.50

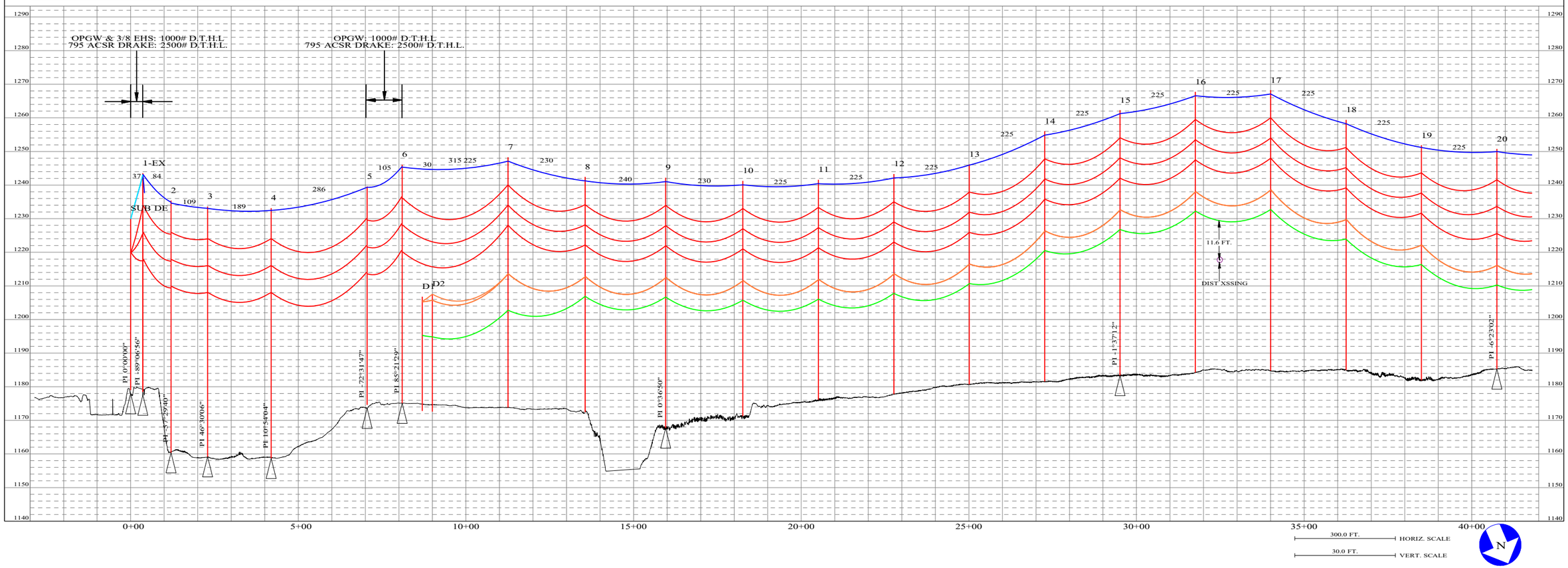
Jeramy Sutton, COO

9/22/26

PLS-CADD DRAWING



STR. #	SUB DE	1-EX	2	3	4	5	6	D1	D2	7	8	9	10	11	12	13	14	15	16	17	18	19	20
STATION	STA=0+00	STA=0+37	STA=1+20	STA=2+30	STA=4+19	STA=7+05	STA=8+10	STA=8+70	STA=9+00	STA=11+25	STA=13+56	STA=15+96	STA=18+26	STA=20+51	STA=22+76	STA=25+01	STA=27+26	STA=29+51	STA=31+75	STA=34+00	STA=36+25	STA=38+50	STA=40+75
POLE		SSSP-1W	LWP-2W	85(H1)	LWP-4W	SSSP-5W	TS-5GL	40(2)	40(2)	85(H3)	80(H2)	85(H3)	80(H2)	75(H2)	75(H2)	75(H2)	85(H2)	LWP-15	95(H3)	95(H3)	85(H2)	80(H3)	LWP-20
PTA		TS-5SX	TS-5GLA	TS-4G	TP-69B-BLP	TS-5SXA	WPG	C5.21L	C1.11	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69B,C2.51U
MISC:	TM-3	CB-1W,SPG	WPG	WPG	WPG	CB-5W,SPG		UM2-3(DB)	UM2-3(B)	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG
MISC:	FOS-1	TM-2					(4)E3.3D	H1.1	H1.1														
GUY			(4)E3.3D	(4)E3.3D			(12)E5,(4)D6	(2)E3-3D,E3-D															
GUY			(12)E5,(4)D6	(12)E5,(4)D6			45',40',35',30' E	(6)E5,(3)D6															
NOTE		65` AGL	35',30',25',20' NE	50',45' SE	74.5` AGL	65` AGL	71` AGL	30',25',20' E	BURY	XARM 15` BLW BTM Ø								79` AGL					65.5` AGL
NOTE			75' AGL	FANNED				BURY	10% +4`	N 10` BELOW XARM													
NOTE								10% +4`															



REV	DATE	DESCRIPTION
A	3-12-2026	ISSUED FOR PRELIMINARY DESIGN REVIEW
B	3-18-2026	ISSUED FOR MATERIAL PROCUREMENT

DGR ENGINEERING

PROJECT MANAGER:	TWM
DESIGNER:	DSM
PROJECT NUMBER:	422656
PHONE:	(712) 472-2531

POLES: D.F. (U.O.N.)
PHASE CONDUCTOR: 795 ACSR DRAKE, 7500# D.T.H.L.
SHIELD WIRE: 48-FIBER OPGW, 4000# D.T.H.L.
DIST PHASE CONDUCTOR: 477 ACSR HAWK, 5000# D.T.H.L.
NEUTRAL CONDUCTOR: 336 ACSR LINNET, 3800# D.T.H.L.
RULING SPAN: 235 FEET
SAGS: PHASE @ 212°F FINAL S.W. @ -20°F INITIAL
(D.T. APPLIES TO NESC HEAVY CONDITION)

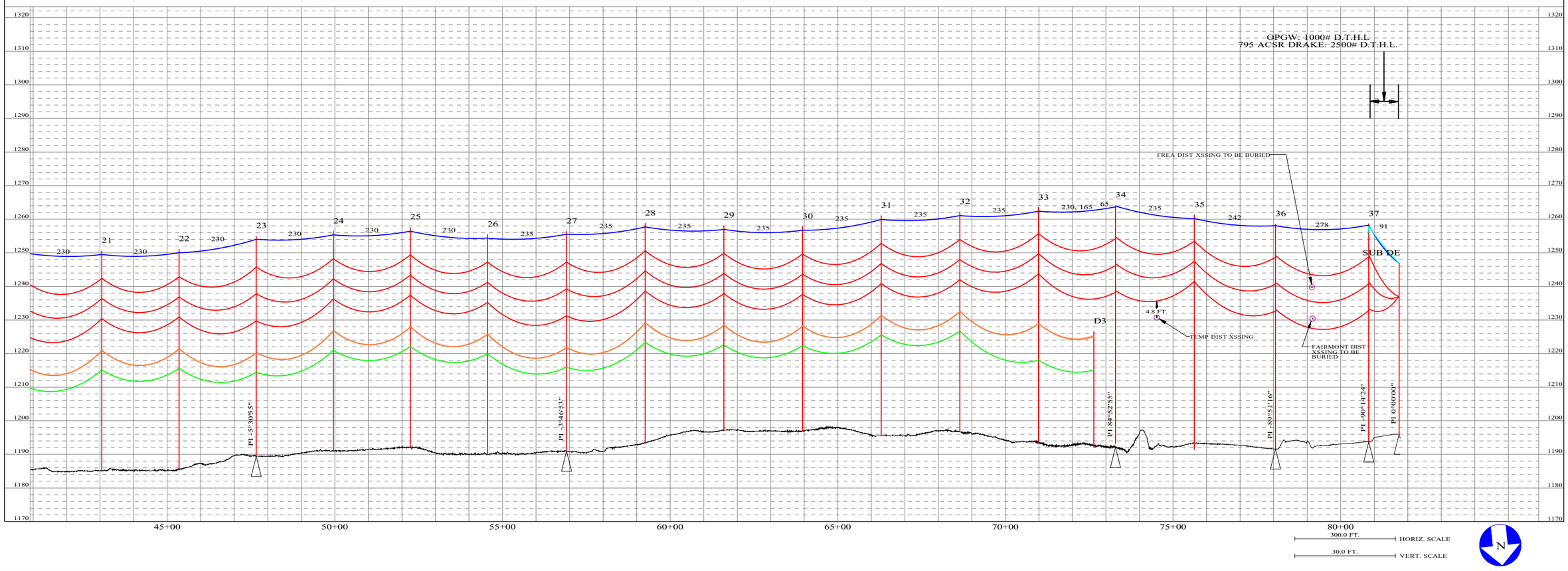
PLAN AND PROFILE
FAIRMONT FES TO WIP
69 KV T-LINE CONSTRUCTION

SHEET 1 OF 2

PLS-CADD DRAWING



STR. #	21	22	23	24	25	26	27	28	29	30	31	32	33	D3	34	35	36	37	SUB DE
STATION	STA=43+05	STA=45+35	STA=47+66	STA=49+95	STA=52+25	STA=54+55	STA=56+91	STA=59+25	STA=61+60	STA=63+95	STA=66+29	STA=68+64	STA=70+99	STA=72+64	STA=73+28	STA=75+63	STA=78+05	STA=80+83	STA=81+74
POLE	75(H3)	75(H3)	LWP-23	75(H3)	75(H2)	75(H3)	LWP-27	75(H3)	70(H2)	70(H2)	75(H2)	75(H2)	80(H2)	40(2)	SSSP-34W	80(H2)	LWP-36	LWP-37	
PTA	TP-69,C1.41U	TP-69,C1.41U	TP-69B,C2.51U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69B,C2.51U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	TP-69,C1.41U	C5.21L	TS-5SX	TP-69	TS-5GL	TS-5GL	
MISC.	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	WPG	UM2-3(DB)	CB-34W,SPG	WPG	WPG	WPG	(3)TM-1,TM-2
MISC.														H1.1					FOS-1,TM-3
GUY														(2)E3-3D,E3-D			(4)E3.3D	(4)E3.3D	
GUY														(6)E5,(3)D6			(12)E5,(4)D6	(12)E5,(4)D6	
NOTE			65.5` AGL				65.5` AGL						XARM 15`	30',25`,20' W	71` AGL	BURY POLE	60',55',50',45' N	55',50',40',35' W	
NOTE													BLW BTM Ø			10% +4'	67` AGL	65` AGL	
NOTE													N.10` BELOW XARM						



REV	DATE	DESCRIPTION
A	3-12-2026	ISSUED FOR PRELIMINARY DESIGN REVIEW
B	3-18-2026	ISSUED FOR MATERIAL PROCUREMENT

DGR ENGINEERING

PROJECT MANAGER:	TWM
DESIGNER:	DSM
PROJECT NUMBER:	422656
PHONE:	(712) 472-2531

POLES: D.F. (U.O.N.)
PHASE CONDUCTOR: 795 ACSR DRAKE, 7500# D.T.H.L.
SHIELD WIRE: 48-FIBER OPGW, 4000# D.T.H.L.
DIST PHASE CONDUCTOR: 477 ACSR HAWK, 5000# D.T.H.L.
NEUTRAL CONDUCTOR: 336 ACSR LINNET, 3800# D.T.H.L.
RULING SPAN: 235 FEET
SAGS: PHASE @ 212°F FINAL S.W. @ -20°F INITIAL
(D.T. APPLIES TO NESC HEAVY CONDITION)

PLAN AND PROFILE
FAIRMONT FES TO WIP
69 KV T-LINE CONSTRUCTION

SHEET 2 OF 2

STAFF MEMO

Prepared by: Betsy Steuber, City Clerk	**Meeting Date:** 11/09/2026	☒ **Consent Agenda Item** ☐ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 6.C.4
Reviewed by: Jason Baker, City Administrator	**Item:** Consideration to Approve an Application and Agreement for Special Assessment Deferral		
Presented by: Betsy Steuber, City Clerk	**Action Requested:** Motion to Adopt Resolution 2026-44 Approving an Application and Agreement for Special Assessment Deferral (520 E. Blue Earth Avenue)		
Vote Required: ☒ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** Approval **Board/Commission/Committee Recommendation:**		

REFERENCE AND BACKGROUND

A property owner has submitted an Application and Agreement for Special Assessment Deferral for the 2026 Blue Earth Avenue Improvement abutting her property located at 520 E. Blue Earth Avenue, Fairmont. Council approval of the application and agreement is requested through Resolution 2026-44.

The assessment deferral is subject to the City's Special Assessment Policy, adopted by the Fairmont City Council on November 18, 2024. The policy generally provides that assessments will not be deferred except under the following circumstances:

1) Hardship (Seniors, Disabled or Military)
2) Undeveloped or Unimproved Property
3) Green Acres

Ms. Newton has been in communication with City Staff and has requested deferral of her assessment under the Hardship Deferment provision (military hardship provision of the City's Special Assessment Policy). The assessment would become payable upon the occurrence of the events outlined in the Application and Agreement for Special Assessment Deferral.

BUDGET IMPACT

SUPPORTING DATA/ATTACHMENTS

Resolution 2026-44
Application & Agreement for Special Assessment Deferral

RESOLUTION NO. 2026-44

STATE OF MINNESOTA
COUNTY OF MARTIN } **SS**
CITY OF FAIRMONT

RESOLUTION APPROVING THE
2026 APPLICATION & AGREEMENT FOR SPECIAL ASSESSMENT DEFERRAL

WHEREAS, an Application and Agreement for Special Assessment Deferral has been received from the following individual for the property listed below:

Faith Marie Newton

Property: 520 E Blue Earth Avenue, Fairmont, MN	Parcel #:	23.039.1000
Assmt Number: 8726001-0-0060	Amount:	$901.20

Street Improvement: Blue Earth Avenue Mill & Overlay – Downtown Plaza to TH 15

WHEREAS, the property owner is requesting deferral of the assessment based on the Hardship Deferment: Military Persons provision of the City of Fairmont Special Assessment Policy; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRMONT, MINNESOTA, that the Application and Agreement for Special Assessment Deferral for the property owner and property listed above is hereby approved.

Adopted by the Council this 9th day of November, 2026.

_____
Lee C. Baarts, Mayor

ATTEST:

_____
Betsy Steuber, City Clerk

Motion by:
Seconded by:
All in Favor:
Opposed:
Abstained:
Absent:

City of Fairmont

Application & Agreement for Special Assessment Deferral

Information on Applicant

APPLICANT'S FULL LEGAL NAME Faith Marie Newton
APPLICANT'S MAILING ADDRESS (STREET ADDRESS, CITY, STATE, ZIP) 520 E Blue Earth Ave Fairmont, MN 56031
APPLICANT'S PHONE NUMBER 507-383-3264

Information on Property

STREET ADDRESS OF PROPERTY 520 E Blue Earth Ave Fairmont, MN 56031
LEGAL DESCRIPTION OF PROPERTY See Exhibit A
PARCEL IDENTIFICATION NUMBER (PIN) 23.039.1000

Deferral Information

REASON FOR DEFERRAL:

- ⊟ Hardship Deferment (Seniors, Disabled, or Military Persons)
- □ Retired as a result of a permanent and total disability
- □ Undeveloped Property

PROJECT YEAR: 2026	**ASSESSMENT NUMBER: 8726001-0-0060**
AMOUNT OF PRINCIPAL TO BE DEFERRED: $901.20	**PROJECT:** Blue Earth Ave Mill & Overlay - Downtown Plaza to TH 15
INTEREST RATE: 5.0%	**TERM: 10 years**

Please initial each statement.

FMN ____ I certify that the information given herein is true and complete to the best of my knowledge. I certify that I own the real estate described above and the property is undeveloped, therefore I am seeking deferral of the assessment.

FMN ____ I hereby agree that if the deferral of this assessment is approved, it will be deferred with interest, compounded annually, until such time as it is deemed that I no longer qualify or the property loses eligibility. Under the City of Fairmont guidelines and Minnesota Statute Sections 429.061, sub. 2, the deferral could be terminated and become payable upon one of the following events:

- Upon the death of the owner if the spouse is not otherwise eligible for deferment
- Upon the sale, transfer or subdivision of any part of the property
- Upon loss of homestead status
- Upon the Council's determination that immediate or partial patment would impose no hardship
- In no event will the assessment be deferred for longer than 30 years from the date of the adoption of the assessment by the City of Fairmont.

Faith Marie Newton, applicant

10/27/26
Date

STATE OF MINNESOTA
COUNTY OF MARTIN } SS

On this 27th day of October, 2026, personally appeared Faith Newton, who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Signature

DARCY J. JONES
Notary Public-Minnesota
My Commission Expires Jan 31, 2027

Drafted by:
City of Fairmont
100 Downtown Plaza
Fairmont, MN 56031

FOR OFFICE USE ONLY

DATE SUBMITTED TO COUNCIL FOR APPROVAL:

ACTION TAKEN: □ APPROVED □ DENIED

CONDITIONS FOR DEFERMENT/REASONS FOR DENIAL:

EXHIBIT "A"

The East Sixty (60) feet of the following: A tract or parcel of land in the North Half of the Southeast Quarter (N 1/2 of SE 1/4) of Section Eight (8), Township One Hundred Two (102) North, Range Thirty (30) West of the 5th P.M. fronting on Blue Earth Avenue and a prolongation or extension of Orient Street in the City of Fairmont, Martin County, Minnesota, and which is described by metes and bounds as follows, to-wit: Beginning at an iron stake seventy three (73) feet South of the Southeast corner of Block Two (2) Young's Addition to the City of Fairmont, thence running South along the produced or extended West side of Orient Street One Hundred Fifty (150) feet; thence running West parallel with Blue Earth Avenue One Hundred Seventy (170) feet, thence running North One Hundred Fifty (150) feet to an iron stake on the South boundary of Blue Earth Avenue, thence running East along the South boundary line of Blue Earth Avenue One Hundred Seventy (170) feet to the place of beginning.

STAFF MEMO

Prepared by: Betsy Steuber, City Clerk	**Meeting Date:** 11/09/2026	☒ **Consent Agenda Item** ☐ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 6.C.5
Reviewed by: Jason Baker, City Administrator	**Item:** Consideration of Temporary On-Sale Liquor Licenses for Martin County Preservation Association d/b/a Red Rock Center for the Arts		
Presented by: Betsy Steuber, City Clerk	**Action Requested**: Motion to Approve Temporary On-Sale Liquor Licenses for Martin County Preservation Association d/b/a Red Rock Center for the Arts for Events to be held on December 6 and December 18, 2026; and January 8, January 9, February 12, March 19, and April 9, 2027		
Vote Required: ☒ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** Approval **Board/Commission/Committee Recommendation:**		

REFERENCE AND BACKGROUND

Martin County Preservation Association, doing business as Red Rock Center for the Arts, has submitted applications for Temporary On-Sale Liquor Licenses for various upcoming events for 2026 and 2027. The events will be held at Red Rock Center for the Arts, located at 222 E. Blue Earth Avenue, Fairmont, on the following dates:

- December 6, 2026
- December 18, 2026
- January 8, 2027
- January 9, 2027
- February 12, 2027
- March 19, 2027
- April 9, 2027

BUDGET IMPACT

SUPPORTING DATA/ATTACHMENTS

Applications for Temporary On-Sale Liquor Licenses

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555

APPLICATION AND PERMIT FOR A 1 DAY TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

Name of organization	Date of organization	Tax exempt number
Martin County Preservation Association DBA Red Rock Center for the Arts	09/2005	41-1728361

Organization Address (No PO Boxes)	City	State	Zip Code
222 East Blue Earth Ave.	Fairmont	MN	56031

Name of person making application	Business phone	Home phone
Blake Potthoff, Acting Executive Director	507-235-9262	

Date(s) of event: 12/06/2026

Type of organization: ☐ Microdistillery ☐ Small Brewer ☐ Club ☒ Charitable ☐ Religious ☐ Other non-profit

Organization officer's name	City	State	Zip Code
Carol Justice, Board Chair	Truman	MN	56088
Pat Winter, Board Treasurer	Sherburn	MN	56171
Al Hurney, Board Vice Chair	Fairmont	MN	56031

Location where permit will be used. If an outdoor area, describe.
Red Rock Center for the Arts, 222 East Blue Earth Ave., Fairmont

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.
Red Rock Center for the Arts, 222 East Blue Earth Ave., Fairmont

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
West Bend, $1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

Fairmont
City or County approving the license

Date Approved

$50 ck# 53116 10/24/26
Fee Amount

12/06/2026
Permit Date

Event in conjunction with a community festival ☐ Yes ☒ No

bsteuber@fairmont.org
City or County E-mail Address

10,487
Current population of city

Betsy Steuber
Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event
No Temp Applications faxed or mailed. Only emailed.
ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. *E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US*

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555

APPLICATION AND PERMIT FOR A 1 DAY TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

Name of organization	Date of organization	Tax exempt number
Martin County Preservation Association DBA Red Rock Center for the Arts	09/2005	41-1728361

Organization Address (No PO Boxes)	City	State	Zip Code
222 East Blue Earth Ave.	Fairmont	MN	56031

Name of person making application	Business phone	Home phone
Blake Potthoff, Acting Executive Director	507-235-9262	

Date(s) of event: 12/18/2026

Type of organization: ☐ Microdistillery ☐ Small Brewer ☐ Club ☒ Charitable ☐ Religious ☐ Other non-profit

Organization officer's name	City	State	Zip Code
Carol Justice, Board Chair	Truman	MN	56088
Pat Winter, Board Treasurer	Sherburn	MN	56171
Al Hurney, Board Vice Chair	Fairmont	MN	56031

Location where permit will be used. If an outdoor area, describe.

Red Rock Center for the Arts, 222 East Blue Earth Ave., Fairmont

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

Red Rock Center for the Arts, 222 East Blue Earth Ave., Fairmont

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

West Bend, $1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

Fairmont
City or County approving the license

Date Approved

$50 ck# 5317 10/20/26
Fee Amount

12/18/2026
Permit Date

Event in conjunction with a community festival ☐ Yes ☒ No

bsteuber@fairmont.org
City or County E-mail Address

10,497
Current population of city

Betsy Steuber
Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

No Temp Applications faxed or mailed. Only emailed.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. *E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US*

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555

APPLICATION AND PERMIT FOR A 1 DAY TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

Name of organization	Date of organization	Tax exempt number
Martin County Preservation Association DBA Red Rock Center for the Arts	09/2005	41-1728361

Organization Address (No PO Boxes)	City	State	Zip Code
222 East Blue Earth Ave.	Fairmont	MN	56031

Name of person making application	Business phone	Home phone
Blake Potthoff, Acting Executive Director	507-235-9262	

Date(s) of event: 01/08/2027-01/09/2027

Type of organization: ☐ Microdistillery ☐ Small Brewer ☐ Club ☒ Charitable ☐ Religious ☐ Other non-profit

Organization officer's name	City	State	Zip Code
Carol Justice, Board Chair	Truman	MN	56088
Pat Winter, Board Treasurer	Sherburn	MN	56171
Al Hurney, Board Vice Chair	Fairmont	MN	56031

Location where permit will be used. If an outdoor area, describe.

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Red Rock Center for the Arts, 222 East Blue Earth Ave., Fairmont

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

West Bend, $1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

Fairmont
City or County approving the license

Date Approved: 01/08/2027 - 01/09/2027

#50 ck# 5319 10/20/26
Fee Amount

Permit Date

Event in conjunction with a community festival ☐ Yes ☒ No

bsteuber@fairmont.org
City or County E-mail Address

10,487
Current population of city

Betsy Steuber
Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

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Organization Address (No PO Boxes)	City	State	Zip Code
222 East Blue Earth Ave.	Fairmont	MN	56031

Name of person making application	Business phone	Home phone
Blake Potthoff, Acting Executive Director	507-235-9262	

Date(s) of event: 02/12//2027

Type of organization: ☐ Microdistillery ☐ Small Brewer ☐ Club ☒ Charitable ☐ Religious ☐ Other non-profit

Organization officer's name	City	State	Zip Code
Carol Justice, Board Chair	Truman	MN	56088
Pat Winter, Board Treasurer	Sherburn	MN	56171
Al Hurney, Board Vice Chair	Fairmont	MN	56031

Location where permit will be used. If an outdoor area, describe.

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Red Rock Center for the Arts, 222 East Blue Earth Ave., Fairmont

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

West Bend, $1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

Fairmont
City or County approving the license

Date Approved

#50 ck#5319 10/26/26
Fee Amount

02/12/2027
Permit Date

Event in conjunction with a community festival ☐ Yes ☒ No

bsteuber@fairmont.org
City or County E-mail Address

10,487
Current population of city

Betsy Steuber
Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

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Organization Address (No PO Boxes)	City	State	Zip Code
222 East Blue Earth Ave.	Fairmont	MN	56031

Name of person making application	Business phone	Home phone
Blake Potthoff, Acting Executive Director	507-235-9262	

Date(s) of event: 03/19/2027

Type of organization: ☐ Microdistillery ☐ Small Brewer ☐ Club ☒ Charitable ☐ Religious ☐ Other non-profit

Organization officer's name	City	State	Zip Code
Carol Justice, Board Chair	Truman	MN	56088
Pat Winter, Board Treasurer	Sherburn	MN	56171
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Red Rock Center for the Arts, 222 East Blue Earth Ave., Fairmont

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
West Bend, $1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

Fairmont
City or County approving the license

Date Approved: 03/19/2027

#50 ck# 5320 10/26/26
Fee Amount

Permit Date

Event in conjunction with a community festival ☐ Yes ☒ No

bsteuber@fairmont.org
City or County E-mail Address

10,487
Current population of city

Betsy Steuber
Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event
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Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
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Name of organization	Date of organization	Tax exempt number
Martin County Preservation Association DBA Red Rock Center for the Arts	09/2005	41-1728361

Organization Address (No PO Boxes)	City	State	Zip Code
222 East Blue Earth Ave.	Fairmont	MN	56031

Name of person making application	Business phone	Home phone
Blake Potthoff, Acting Executive Director	507-235-9262	

Date(s) of event: 04/09/2027

Type of organization: ☐ Microdistillery ☐ Small Brewer ☐ Club ☒ Charitable ☐ Religious ☐ Other non-profit

Organization officer's name	City	State	Zip Code
Carol Justice, Board Chair	Truman	MN	56088
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Red Rock Center for the Arts, 222 East Blue Earth Ave., Fairmont

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

West Bend, $1,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

Fairmont
City or County approving the license

Date Approved: 04/09/2027

$30 - ck# 5321 10/26/26
Fee Amount

Permit Date

Event in conjunction with a community festival ☐ Yes ☒ No

bsteuber@fairmont.org
City or County E-mail Address

10,487
Current population of city

Betsy Steuber
Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

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STAFF MEMO

Prepared by: Betsy Steuber, City Clerk	**Meeting Date:** 11/09/2026	☐ **Consent Agenda Item** ☒ **Regular Agenda Item** ☐ **Public Hearing**	**Agenda Item #** 9.D.1
Reviewed by: Jason Baker, City Administrator	**Item:** Consideration of Dilapidated and Hazardous Buildings located at 112 and 114 W. 4th Street, Fairmont and Ordering Repair		
Presented by: Doug Harstad, Building Official	**Action Requested:** **Motion #1:** Motion to Adopt Resolution 2026-45 Declaring Buildings Located at 112 W. 4th Street, Fairmont, Minnesota as Hazardous And Ordering the Repair or Razing of Hazardous Conditions **Motion #2:** Motion to Adopt Resolution 2026-46 Declaring Buildings Located at 114 W. 4th Street, Fairmont, Minnesota as Hazardous And Ordering the Repair or Razing of Hazardous Conditions		
Vote Required: ☒ **Simple Majority** ☐ **Two Thirds Vote** ☐ **Roll Call**	**Staff Recommended Action:** Approval **Board/Commission/Committee Recommendation:**		

PREVIOUS COUNCIL ACTION

February 27, 2017 - Fairmont City Council approved a motion to accept four properties from the Vaughn Family Estate (514 N. Park Street, 407 Downtown Plaza, 112 W. 4th Street and 114 W. 4th Street) upon receiving clear title.

REFERENCE AND BACKGROUND

In 2019, approximately 2 years following the Fairmont City Council's action to accept the properties abovementioned from the Vaughn Family Estate, an agreement between the City of Fairmont and Vincent C. Vaughn Jr. was executed and recorded with the Martin County Recorder on May 24, 2019. The agreement notated the structures on the properties were dilapidated, hazardous, and in need of demolition. Under the agreement, the City expressed its willingness and ability to demolish the buildings and Vincent C. Vaughn Jr. agreed to probate the estate and convey the properties, and its structures, to the City of Fairmont.

The properties located at 112 and 114 W. 4th Street have been the subject of ongoing staff efforts to address the dilapidated and hazardous building conditions. Several conversations between City Staff and Vincent C. Vaughn Jr. have been held with regards to probating the estate, conveying the property and removing the dilapidated and hazardous structures.

City Building Official Harstad recently conducted inspections of both properties and identified several hazardous conditions. Following the inspections, a notice was issued to the property owner directing correction of the identified concerns.

As of November 6, 2026, there has been no corrective actions taken, nor has the City received communication indicating intent to repair or demolish the structures.

Minnesota Statutes Section 463.15 through 46.21 allows for and establishes procedures for municipalities to address hazardous buildings and properties. The Fairmont City Council is being asked to consider Resolutions 2026-45 and 2026-46 declaring the buildings hazardous and ordering the repair or removal of the conditions in accordance with Minnesota Statutes for both 112 and 114 W. 4th Street, Fairmont, Minnesota.

BUDGET IMPACT

SUPPORTING DATA/ATTACHMENTS

Resolution 2026-45
Resolution 2026-46

CITY OF FAIRMONT
RESOLUTION #2026-45

RESOLUTION DECLARING BUILDINGS LOCATED AT 112 4TH STREET WEST, FAIRMONT, MINNESOTA AS HAZARDOUS AND ORDERING THE REPAIR OR RAZING OF HAZARDOUS CONDITIONS

WHEREAS, evidence has been presented to the City Council of the City of Fairmont, Minnesota, regarding the real property located at 112 4th Street West in the City of Fairmont, Minnesota, Parcel No. 23.040.0300, (the "Property") including the house situated thereon; and

WHEREAS, the Property is owned by Vincent Vaughn Sr., (the "Record Owner"), and is legally described as follows:

> The East Forty-four (44) feet of Lot Six (6) and the East Forty-four (44) feet of the South Forty-two (42) feet of Lot Seven (7), all in Block Eleven (11) of the Original Plat of the Village (now City) of Fairmont, as per map or plat thereof on file and of record in the office of the register of deeds in and for Martin County, Minnesota.

WHEREAS, Vincent Vaughn, Sr., died on December 11, 2009, and probate proceedings pertaining to the estate, including the Property, have not been initiated; and

WHEREAS, Vincent Vaughn, Sr. is survived by two sons, Vincent Vaughn, Jr., and Gregory Stevens Vaughn; and

WHEREAS, pursuant to a Disclaimer recorded in the Office of the Martin County Recorder as Document No. 2016R-431081, the Estate of Joyce E. Vaughn disclaims and refuses to accept any and all property that would pass onto that Estate under Vincent Vaughn, Sr.'s Will, dated August 11, 2000; and

WHEREAS, pursuant to a Disclaimer recorded in the Office of the Martin County Recorder as Document No. 2016R-431592, Gregery Stevens Vaughn disclaims and refuses to accept any and all property that would pass onto him under Vincent Vaughn, Sr.'s Will, dated August 11, 2000, or the Will of Joyce E. Vaughn, dated August 26, 1998; and

WHEREAS, Vincent Vaughn, Jr., the only heir to Vincent Vaughn, Sr., executed an agreement with the City of Fairmont, recorded in the Office of the Martin County Recorder as Document No. 2019R-441029, whereby Vincent Vaughn, Jr. would probate the estate of Vincent C. Vaughn. Sr. and execute deeds to convey real property, including the Property, to the City, in consideration for the City removing the hazardous structures thereon, including on the Property; and

WHEREAS, the above-described agreement is attached hereto as Exhibit A; and

WHEREAS, Vincent Vaughn, Jr. has not probated the estate, which would provide the City with access to the Property and enable conveyance of the Property to the City; and

WHEREAS, pursuant to such agreement, Vincent Vaughn, Jr. has acknowledged that the Property and the structures are dilapidated, hazardous, and need to be demolished; and

WHEREAS, Minn. Stat. Sec. 463.15 defines a hazardous building or hazardous property as any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health; and

WHEREAS, the City of Fairmont has engaged in dialogue with Vincent Vaughn, Jr. regarding the removal of the house on the Property, as the building is hazardous and dilapidated in its current condition, as well as the transfer of the Property to the City; and

WHEREAS, Douglas Harstad, City of Fairmont Building Official, inspected the Property and observed hazardous conditions which are listed in the report and notice letter dated September 1, 2026, which is incorporated herein by reference as Exhibit B, directing Vincent Vaughn, Jr., as the only heir to Vincent Vaughn, Sr., to correct the hazardous conditions; and

WHEREAS, no apparent progress had been made to fix the hazardous conditions; and

WHEREAS, no recent contact has been made with City staff to communicate plans to either repair or raze the house on the Property at this time; and

WHEREAS, the City Council, following notice to Vincent Vaughn, Jr., considered this matter on November 9, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRMONT, MINNESOTA, AS FOLLOWS:

1. That the City Council hereby adopts the above findings within the September 1, 2026 report and notice letter labeled Exhibit B as true and correct. Specifically, the City Council makes the following findings demonstrating the hazardous conditions located on the Property:

    1. The roof has holes in it. The roof is collapsing.
    2. Windows are busted out.
    3. Exterior doors are busted out.
    4. The basement wall on the north side has caved in.

2. That the City Council hereby finds, based on the evidence and testimony presented at the November 9, 2026 Council Meeting, including the report and notice letter of the Building Official, Exhibit B of this Resolution, and the acknowledgement of Vincent Vaughn, Jr. in Exhibit A, that the buildings located on the Property legally described above are hazardous buildings as defined in Minn. Stat. Sec. 463.15.

3. That in accordance with Minn. Stat. Sec. 463.16, the City Council orders the Record Owner of the above-described Property, or the heirs, representatives or agents on behalf of the Record Owner, to either repair or raze the buildings and correct the hazardous conditions on the Property within twenty (20) days after service of this letter. If the buildings are repaired, all repairs must be completed in compliance with all applicable laws, codes and regulations, pursuant to proper permits issued by the City and such other county or state agencies as required. If the buildings are razed and removed from the Property, any excavation must be filled, and the Property left free of debris. Razing and removing of the buildings from the Property shall be completed in compliance with all applicable laws, codes and regulations, pursuant to proper permits issued by the City and such other county or state agencies as required.

4. That a motion for summary enforcement of this Order of the City Council will be made to the District Court of Martin County if corrective action is not taken as ordered within twenty (20) days from the date this Order was served upon Vincent Vaughn, Jr., and within the time otherwise required under Minn. Stat. Sec. 463.17, subd. 2, if this Order is served by publication, unless an answer is served on the City specifically indicating the facts that are in dispute, as provided in Minn. Stat. Sec. 463.18.

5. That in accordance with Minn. Stat. Sec. 463.24, the Record Owner, his heir, Vincent Vaughn, Jr., or any other party with interest in the Property, must remove all personal property and/or fixtures that will reasonably interfere with the repair or razing of the buildings. If the property and/or fixtures are not removed and the City enforces this Order, the City may sell personal property, fixtures, and/or salvage materials at a public auction after three (3) days posted notice.

6. That if the City must take action to enforce this Order as provided herein and under governing law, all enforcement costs, including the cost of either repairing or razing and removal of the hazardous buildings and any associated debris as well as filling in the site following such removal, are the responsibility of the Record Owner and will be specially assessed against the Property and collected in accordance with Minn. Stat. Sec. 463.161, 463.21, and 463.22.

7. That the City Attorney is authorized to serve this Order upon Vincent Vaughn, Jr. of the Property and all lienholders of record, if any.

8. That the City Attorney is authorized to proceed with the enforcement of this Order as provided herein and in Minn. Stat. Sec. 463.21.

Adopted by the City Council of the City of Fairmont on November 9, 2026.

Lee C. Baarts, Mayor

Attested:

Betsy Steuber, City Clerk

EXHIBIT A

AGREEMENT RECORDED MAY 24, 2019

Office of County Recorder
County of Martin, Minnesota
I hereby certify that the within
instrument was filed in this office
for recording on 05/24/2019 10:04 AM
and was duly recorded as Document No.
2019R-441029
Diane Sanders, Martin Co Recorder

REC FEE: 46.00
PAGES: 4

Whereas, Vincent C. Vaughn, Sr. is deceased, and his estate has not been probated as of yet; and,

Whereas, Vincent C. Vaughn, Sr. had owned real property in the City of Fairmont, Martin County, Minnesota, located at 401 and 407 Downtown Plaza, 112 and 114 4th Street, and 514 Park St. N, Fairmont, Minnesota, legally described as:

See Exhibit "A" attached hereto

Whereas, there are dilapidated and hazardous buildings on the properties that need to be demolished; and,

Whereas, the City of Fairmont, wishes to raze the buildings to remove several eye-sores and safety hazards from the community; and,

Whereas, Vincent C. Vaughn, Sr. is survived by two sons, Gregory Stevens Vaughn and Vincent C. Vaughn, Jr. and no other heirs; and,

Whereas, Gregory Stevens Vaughn has disclaimed any and all rights or interests that he may have as an heir in and to the above-described real properties, by Disclaimer dated December 13, 2016, and recorded as Document No. 2016R-4315692, in the office of the County Recorder in and for Martin County, Minnesota.

Now therefore the City of Fairmont, a municipal corporation (hereafter referred to as City) and Vincent C. Vaughn, Jr. (hereafter referred to as Heir), as the sole remaining heir of the estate of Vincent C. Vaughn, Sr., agrees as follows:

1. The Heir agrees that the buildings on the real property described above are dilapidated, hazardous and in need of demolition.

2. The Heir is unable to probate the estate of Vincent C. Vaughn, Sr. at this time.

3. The City is willing and able to raze the buildings on the real property described above, but there does not appear to be an entity to grant permission for the demolition.

4. The Heir agrees to release, discharge, waive and convey to the City, its successors and assigns, all rights of action, either legal or equitable, which the Heir, his heirs, successors and assigns, have or might or may have in using the real property described above and all buildings on the real property.

5. The Heir, on behalf of the estate of Vincent C. Vaughn, Sr. and all its successors, heirs or assigns, agrees and promises that it will not at any time, present or future, sue the City, its employees, agents or contractors for or because of any claim for damages arising out of the demolition or razing of the buildings located on the real estate described above.

6. The City agrees and promises that it will not at any time, present or future, sue the Heir or the estate of Vincent C. Vaughn, Sr. for or because of any claim for damages arising out of the demolition or razing of the buildings located on the real estate described above.

7. As consideration for demolishing the buildings and eliminating the hazardous conditions on the real property described above, the Heir agrees and promises to probate the estate of Vincent C. Vaughn, Sr. and execute deeds conveying the real property described herein to the City, which deeds the City will accept and record for each property when received.

IN WITNESS WHEREOF, the undersigned have executed this agreement.

The Heir of the Estate of Vincent C. Vaughn, Sr.

By _____
Vincent C. Vaughn, Jr.

Date: May 10, 2019

City of Fairmont

By _____
Michael Humpal, City Administrator

Date: 5-13-2019

STATE OF MINNESOTA)
SS:
COUNTY OF MARTIN)

On this 13th day of May, 2019, before me, a Notary Public within and for said county and state, personally appeared Mike Humpal, City Administrator for the City of Fairmont a municipal corporation, who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

PATRICIA J. MONSEN
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2020

Notary Public

2

STATE OF MINNESOTA)
SS:
COUNTY OF MARTIN)

On this 10th day of May, 2019, before me, a Notary Public within and for said county and state, personally appeared Vincent Vaughn, Jr., who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

RANDY RINGQUIST
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2020

Notary Public

DRAFTED BY:

Ringquist Law Firm, Ltd.
By: Randy Ringquist, Atty ID#027270X
105 S. State Street, Suite "B"
Fairmont, MN 56031
(507)235-2529

EXHIBIT "A"

LEGAL DESCRIPTIONS

The East Forty-four (44) feet of Lot Six (6) and the East Forty-four (44) feet of the South Forty- two (42) feet of Lot Seven (7), all in Block Eleven (11) of the Original Plat of the Village (now City) of Fairmont, as per map or plat thereof on file and of record in the office of the register of deeds in and for Martin County, Minnesota. (Parcel No. R23.040.0300)

AND

Lot Four (4), Block Eleven (11), of the Village (now City) of Fairmont, as per the map or plat thereof on file and of record in the office of the Register of Deeds in and for said County and State. (Parcel No. R23.040.0270)

AND

Lot Five (5), Block Eleven (11), except the West 38 feet thereof, of the Original Plat of the Village (now City) of Fairmont, according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for said County and State. (Parcel No. R23.040.0280)

AND

The North 10 feet of the East 44 feet of Lot Seven, and the East 44 feet of the West 88 feet of Lots Six and Seven, all in Block Eleven, of the Original Plat of the Village (now City) of Fairmont, according to the Plat thereof of record and on file in the office of the Register of Deeds in and for said County and State together with all of the rights, privileges and interests in and to an Easement as is recorded in Book M.R. 22, on page 19 thereof, of the records of said County and State. (Parcel No. R23.040.0320)

AND

Lot Four, Block Five, Ward's Addition to the Village (now City) of Fairmont, Martin County, Minnesota, according to the map or Plat thereof on file and of record in the Office of the County Recorder in and for said County and State. (Parcel No. R23.281.0600)

EXHIBIT B

REPORT AND NOTICE LETTER DATED SEPTEMBER 1, 2026

FAIRMONT

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
Phone (507) 238-9461 www.fairmont.org Fax (507) 238-9469

Date: 09-01-26

ORDER TO CORRECT BUILDNG CODE VIOLATION

To: Vicent C Vaughn
327 Lake Park Blvd
Fairmont, MN 56031

From: City of Fairmont
100 Downtown Plaza
Fairmont, MN 56031

Re: 112 4th St W
Fairmont, MN 56031

Dear Vincent,

PLEASE TAKE NOTICE, that upon inspections conducted on August 18, 2026, the above-described property has been found to be in violation of the MN State Building Code as defined by MN Statute §463.15 Subd. 3. During the inspection the Fairmont Building Official, Douglas Harstad, observed the following Building Code violations:

1. The roof has holes in it. The roof is collapsing.
2. Windows are busted out.
3. Exterior doors are busted out.
4. The basement wall on the north side has caved in.

YOU ARE HEREBY ORDERED, pursuant to Minnesota Statutes §463.17, to take the following described action or actions to correct the Building Code violations:

1. Contact City Offices and apply for a Demolition Permit and raze the building and clear the site.

You must comply with this order to correct the above-described building code violations within 30 days of receiving this order. If you do not comply with this order within 30 days, the Fairmont City Council will consider this Order at a public meeting and may adopt a Resolution ordering you to comply with this order. If you do not comply with a Resolution adopted by the Fairmont City Council, the City of Fairmont will bring a motion for Summary Enforcement of this Order in the District Court of Martin County, Fairmont Minnesota.

If you have any questions please contact **Douglas Harstad** at **Fairmont City Hall, 100 Downtown Plaza or phone; 507-238-9461**. Thank you for your prompt attention to this matter.

Sincerely,
CITY OF FAIRMONT
Douglas Harstad
Douglas Harstad
Building Official

Cc: Jason Baker, Fairmont City Administrator













CITY OF FAIRMONT
RESOLUTION #2026-46

RESOLUTION DECLARING BUILDINGS LOCATED AT 114 4TH STREET WEST, FAIRMONT, MINNESOTA AS HAZARDOUS AND ORDERING THE REPAIR OR RAZING OF HAZARDOUS CONDITIONS

WHEREAS, evidence has been presented to the City Council of the City of Fairmont, Minnesota, regarding the real property located at 114 4th Street West in the City of Fairmont, Minnesota, Parcel No. 23.040.0320, (the "Property") including the house situated thereon; and

WHEREAS, the Property is owned by Vincent Vaughn Sr., (the "Record Owner"), and is legally described as follows:

> The North 10 feet of the East 44 feet of Lot Seven, and the East 44 feet of the West 88 feet of Lots Six and Seven, all in Block Eleven, of the Original Plat of the Village (now City) of Fairmont, according to the Plat thereof of record and on file in the office of the Register of Deeds in and for said County and State together with all of the rights, privileges and interests in and to an Easement as is recorded in Book M.R. 22, on page 19 thereof, of the records of said County and State.

WHEREAS, Vincent Vaughn, Sr., died on December 11, 2009, and probate proceedings pertaining to the estate, including the Property, have not been initiated; and

WHEREAS, Vincent Vaughn, Sr. is survived by two sons, Vincent Vaughn, Jr., and Gregory Stevens Vaughn; and

WHEREAS, pursuant to a Disclaimer recorded in the Office of the Martin County Recorder as Document No. 2016R-431081, the Estate of Joyce E. Vaughn disclaims and refuses to accept any and all property that would pass onto that Estate under Vincent Vaughn, Sr.'s Will, dated August 11, 2000; and

WHEREAS, pursuant to a Disclaimer recorded in the Office of the Martin County Recorder as Document No. 2016R-431592, Gregery Stevens Vaughn disclaims and refuses to accept any and all property that would pass onto him under Vincent Vaughn, Sr.'s Will, dated August 11, 2000, or the Will of Joyce E. Vaughn, dated August 26, 1998; and

WHEREAS, Vincent Vaughn, Jr., the only heir to Vincent Vaughn, Sr., executed an agreement with the City of Fairmont, recorded in the Office of the Martin County Recorder as Document No. 2019R-441029, whereby Vincent Vaughn, Jr. would probate the estate of Vincent C. Vaughn. Sr. and execute deeds to convey real property, including the Property, to the City, in consideration for the City removing the hazardous structures thereon, including on the Property; and

WHEREAS, the above-described agreement is attached hereto as Exhibit A; and

WHEREAS, Vincent Vaughn, Jr. has not probated the estate, which would provide the City with access to the Property and enable conveyance of the Property to the City; and

WHEREAS, pursuant to such agreement, Vincent Vaughn, Jr. has acknowledged that the Property and the structures are dilapidated, hazardous, and need to be demolished; and

WHEREAS, Minn. Stat. Sec. 463.15 defines a hazardous building or hazardous property as any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health; and

WHEREAS, the City of Fairmont has engaged in dialogue with Vincent Vaughn, Jr. regarding the removal of the house on the Property, as the building is hazardous and dilapidated in its current condition, as well as the transfer of the Property to the City; and

WHEREAS, Douglas Harstad, City of Fairmont Building Official, inspected the Property and observed hazardous conditions which are listed in the report and notice letter dated September 1, 2026, which is incorporated herein by reference as Exhibit B, directing Vincent Vaughn, Jr., as the only heir to Vincent Vaughn, Sr., to correct the hazardous conditions; and

WHEREAS, no apparent progress had been made to fix the hazardous conditions; and

WHEREAS, no recent contact has been made with City staff to communicate plans to either repair or raze the house on the Property at this time; and

WHEREAS, the City Council, following notice to Vincent Vaughn, Jr., considered this matter on November 9, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRMONT, MINNESOTA, AS FOLLOWS:

1. That the City Council hereby adopts the above findings within the September 1, 2026 report and notice letter labeled Exhibit B as true and correct. Specifically, the City Council makes the following findings demonstrating the hazardous conditions located on the Property:

    1. The roof has holes in it and is collapsing.
    2. Some of the windows are busted out.
    3. Exterior landing is rotted out.
    4. Some of the roof eves are gone.
    5. The windows are in bad shape.
    6. The siding is in bad shape.

2. That the City Council hereby finds, based on the evidence and testimony presented at the November 9, 2026 Council Meeting, including the report and notice letter of the Building

Official, Exhibit B of this Resolution, and the acknowledgement of Vincent Vaughn, Jr. in Exhibit A, that the buildings located on the Property legally described above are hazardous buildings as defined in Minn. Stat. Sec. 463.15.

3. That in accordance with Minn. Stat. Sec. 463.16, the City Council orders the Record Owner of the above-described Property, or the heirs, representatives or agents on behalf of the Record Owner, to either repair or raze the buildings and correct the hazardous conditions on the Property within twenty (20) days after service of this letter. If the buildings are repaired, all repairs must be completed in compliance with all applicable laws, codes and regulations, pursuant to proper permits issued by the City and such other county or state agencies as required. If the buildings are razed and removed from the Property, any excavation must be filled, and the Property left free of debris. Razing and removing of the buildings from the Property shall be completed in compliance with all applicable laws, codes and regulations, pursuant to proper permits issued by the City and such other county or state agencies as required.

4. That a motion for summary enforcement of this Order of the City Council will be made to the District Court of Martin County if corrective action is not taken as ordered within twenty (20) days from the date this Order was served upon Vincent Vaughn, Jr., and within the time otherwise required under Minn. Stat. Sec. 463.17, subd. 2, if this Order is served by publication, unless an answer is served on the City specifically indicating the facts that are in dispute, as provided in Minn. Stat. Sec. 463.18.

5. That in accordance with Minn. Stat. Sec. 463.24, the Record Owner, his heir, Vincent Vaughn, Jr., or any other party with interest in the Property, must remove all personal property and/or fixtures that will reasonably interfere with the repair or razing of the buildings. If the property and/or fixtures are not removed and the City enforces this Order, the City may sell personal property, fixtures, and/or salvage materials at a public auction after three (3) days posted notice.

6. That if the City must take action to enforce this Order as provided herein and under governing law, all enforcement costs, including the cost of either repairing or razing and removal of the hazardous buildings and any associated debris as well as filling in the site following such removal, are the responsibility of the Record Owner and will be specially assessed against the Property and collected in accordance with Minn. Stat. Sec. 463.161, 463.21, and 463.22.

7. That the City Attorney is authorized to serve this Order upon Vincent Vaughn, Jr. of the Property and all lienholders of record, if any.

8. That the City Attorney is authorized to proceed with the enforcement of this Order as provided herein and in Minn. Stat. Sec. 463.21.

Adopted by the City Council of the City of Fairmont on November 9, 2026.

Lee C. Baarts, Mayor

Attested:

Betsy Steuber, City Clerk

EXHIBIT A

AGREEMENT RECORDED MAY 24, 2019

Office of County Recorder
County of Martin, Minnesota
I hereby certify that the within
instrument was filed in this office
for recording on 05/24/2019 10:04 AM
and was duly recorded as Document No.
2019R-441029
Diane Sanders, Martin Co Recorder

REC FEE: 46.00
PAGES: 4

Whereas, Vincent C. Vaughn, Sr. is deceased, and his estate has not been probated as of yet; and,

Whereas, Vincent C. Vaughn, Sr. had owned real property in the City of Fairmont, Martin County, Minnesota, located at 401 and 407 Downtown Plaza, 112 and 114 4th Street, and 514 Park St. N, Fairmont, Minnesota, legally described as:

See Exhibit "A" attached hereto

Whereas, there are dilapidated and hazardous buildings on the properties that need to be demolished; and,

Whereas, the City of Fairmont, wishes to raze the buildings to remove several eye-sores and safety hazards from the community; and,

Whereas, Vincent C. Vaughn, Sr. is survived by two sons, Gregory Stevens Vaughn and Vincent C. Vaughn, Jr. and no other heirs; and,

Whereas, Gregory Stevens Vaughn has disclaimed any and all rights or interests that he may have as an heir in and to the above-described real properties, by Disclaimer dated December 13, 2016, and recorded as Document No. 2016R-4315692, in the office of the County Recorder in and for Martin County, Minnesota.

Now therefore the City of Fairmont, a municipal corporation (hereafter referred to as City) and Vincent C. Vaughn, Jr. (hereafter referred to as Heir), as the sole remaining heir of the estate of Vincent C. Vaughn, Sr., agrees as follows:

1. The Heir agrees that the buildings on the real property described above are dilapidated, hazardous and in need of demolition.

2. The Heir is unable to probate the estate of Vincent C. Vaughn, Sr. at this time.

3. The City is willing and able to raze the buildings on the real property described above, but there does not appear to be an entity to grant permission for the demolition.

4. The Heir agrees to release, discharge, waive and convey to the City, its successors and assigns, all rights of action, either legal or equitable, which the Heir, his heirs, successors and assigns, have or might or may have in using the real property described above and all buildings on the real property.

5. The Heir, on behalf of the estate of Vincent C. Vaughn, Sr. and all its successors, heirs or assigns, agrees and promises that it will not at any time, present or future, sue the City, its employees, agents or contractors for or because of any claim for damages arising out of the demolition or razing of the buildings located on the real estate described above.

6. The City agrees and promises that it will not at any time, present or future, sue the Heir or the estate of Vincent C. Vaughn, Sr. for or because of any claim for damages arising out of the demolition or razing of the buildings located on the real estate described above.

7. As consideration for demolishing the buildings and eliminating the hazardous conditions on the real property described above, the Heir agrees and promises to probate the estate of Vincent C. Vaughn, Sr. and execute deeds conveying the real property described herein to the City, which deeds the City will accept and record for each property when received.

IN WITNESS WHEREOF, the undersigned have executed this agreement.

The Heir of the Estate of Vincent C. Vaughn, Sr.

By _____
Vincent C. Vaughn, Jr.

Date: May 10, 2019

City of Fairmont

By _____
Michael Humpal, City Administrator

Date: 5-13-2019

STATE OF MINNESOTA)
SS:
COUNTY OF MARTIN)

On this 13th day of May, 2019, before me, a Notary Public within and for said county and state, personally appeared Mike Humpal, City Administrator for the City of Fairmont a municipal corporation, who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

PATRICIA J. MONSEN
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2020

Notary Public

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STATE OF MINNESOTA)
SS:
COUNTY OF MARTIN)

On this 10th day of May, 2019, before me, a Notary Public within and for said county and state, personally appeared Vincent Vaughn, Jr., who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

RANDY RINGQUIST
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2020

Notary Public

DRAFTED BY:

Ringquist Law Firm, Ltd.
By: Randy Ringquist, Atty ID#027270X
105 S. State Street, Suite "B"
Fairmont, MN 56031
(507)235-2529

EXHIBIT "A"

LEGAL DESCRIPTIONS

The East Forty-four (44) feet of Lot Six (6) and the East Forty-four (44) feet of the South Forty- two (42) feet of Lot Seven (7), all in Block Eleven (11) of the Original Plat of the Village (now City) of Fairmont, as per map or plat thereof on file and of record in the office of the register of deeds in and for Martin County, Minnesota. (Parcel No. R23.040.0300)

AND

Lot Four (4), Block Eleven (11), of the Village (now City) of Fairmont, as per the map or plat thereof on file and of record in the office of the Register of Deeds in and for said County and State. (Parcel No. R23.040.0270)

AND

Lot Five (5), Block Eleven (11), except the West 38 feet thereof, of the Original Plat of the Village (now City) of Fairmont, according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for said County and State. (Parcel No. R23.040.0280)

AND

The North 10 feet of the East 44 feet of Lot Seven, and the East 44 feet of the West 88 feet of Lots Six and Seven, all in Block Eleven, of the Original Plat of the Village (now City) of Fairmont, according to the Plat thereof of record and on file in the office of the Register of Deeds in and for said County and State together with all of the rights, privileges and interests in and to an Easement as is recorded in Book M.R. 22, on page 19 thereof, of the records of said County and State. (Parcel No. R23.040.0320)

AND

Lot Four, Block Five, Ward's Addition to the Village (now City) of Fairmont, Martin County, Minnesota, according to the map or Plat thereof on file and of record in the Office of the County Recorder in and for said County and State. (Parcel No. R23.281.0600)

EXHIBIT B

REPORT AND NOTICE LETTER DATED SEPTEMBER 1, 2026

FAIRMONT T.M.

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
Phone (507) 238-9461 www.fairmont.org Fax (507) 238-9469

Date: 09-01-26

ORDER TO CORRECT BUILDNG CODE VIOLATION

To: Vincent C Vaughn
327 Lake Park Blvd
Fairmont, MN 56031

From: City of Fairmont
100 Downtown Plaza
Fairmont, MN 56031

Re: 114 4th St W
Fairmont, MN 56031

Dear Vincent,

PLEASE TAKE NOTICE, that upon inspections conducted on August 18, 2026, the above-described property has been found to be in violation of the MN State Building Code as defined by MN Statute §463.15 Subd. 3. During the inspection the Fairmont Building Official, Douglas Harstad, observed the following Building Code violations:

1. The roof has holes in it. The roof is collapsing.
2. Some of the windows are busted out.
3. Exterior landing is rotted out
4. Some of the roof eves are gone
5. The windows are in bad shape
6. The siding is in bad shape

YOU ARE HEREBY ORDERED, pursuant to Minnesota Statutes §463.17, to take the following described action or actions to correct the Building Code violations:

1. Contact City Offices and apply for a Demolition Permit and raze the building and clear the site.

You must comply with this order to correct the above-described building code violations within 30 days of receiving this order. If you do not comply with this order within 30 days, the Fairmont City Council will consider this Order at a public meeting and may adopt a Resolution ordering you to comply with this order. If you do not comply with a Resolution adopted by the Fairmont City Council, the City of Fairmont will bring a motion for Summary Enforcement of this Order in the District Court of Martin County, Fairmont Minnesota.

If you have any questions please contact **Douglas Harstad** at **Fairmont City Hall, 100 Downtown Plaza or phone; 507-238-9461**. Thank you for your prompt attention to this matter.

Sincerely,
CITY OF FAIRMONT
Douglas Harstad
Douglas Harstad
Building Official

Cc Jason Baker, Fairmont City Administrator













Council Member Agenda Request
Received November 2, 2026 for November 9, 2026 Meeting

Agenda Item:10.1

From: Councilmember Lubenow

Subject: Yard Waste Site

Staff Action Requested: The tree dump be burned, as soon as possible and as necessary.

Overview: After receiving another complaint regarding the yard waste site and the lack of available space to unload trees and other yard waste, I am requesting that the matter be placed on the November 9, 2026, City Council agenda for discussion and possible action regarding burning at the yard waste site.

Attachments:

****

Council Action: _____ Date: _____