

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on August 12th, 2020 at 7:00pm in the Community Center at 300 Park Street South.

Members: Josh Bunkers, John Schaefer, Brad Bastian, Steve Schmidt

Absent: Brad Augustin

Visitors: Nicholas Johnson, City Administrator
Joel Grejtak, Utilities Superintendent
Scott Froehlich, Police Chief
JoAnn Jutz, Standard-Gazette & Messenger
David Euerle, Westberg-Eischens Auditing Firm
Jim Cuff
Ruth Domeier
Jill Pelzel
Denny Adamski

The meeting was called to order.

The Pledge of Allegiance was recited.

The agenda was reviewed. Staff requested the addition of an item to approve advertising and hiring of election judges for the November Election, an item to approve transferring the \$86,792.00 from the Coronavirus Relief Fund to the EDA for disbursement to local businesses, and removing the Budget Workshop from the agenda. A motion was made by Bastian and seconded by Schmidt to approve the agenda with the amendments. All voted in favor. None voted against. The motion was carried.

The consent agenda was reviewed. A motion was made by Schmidt and seconded by Schaefer to approve the consent agenda. All voted in favor. None voted against. The motion was carried.

Consent Agenda:

1. Approval of Consent Agenda
2. Consider Approval of Minutes
 - a. July 14th, 2020 Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Approval to Hire Jordan Bode to Fire-Ambulance

A public hearing was opened to receive public input on the proposed consolidation and combination of the EDA and HRA into a single HRA/EDA entity. There were no attendees for the public hearing. A motion was made by Schmidt and seconded by Bastian to close the public hearing. All voted in favor. None voted against. The motion is carried.

Resolution 2020-14, a resolution consolidating the HRA and EDA of the City of Fairfax, was reviewed. A motion was made by Schmidt and seconded by Schaefer to adopt the resolution. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2020-14**

**A Resolution Consolidating the Housing and Redevelopment Authority with
The Economic and Development Authority of the City of Fairfax, Minnesota**

WHEREAS, on September 22, 1971, by Resolution 4, the City of Fairfax established the Housing and Redevelopment Authority of the City of Fairfax, as authorized by the "Municipal Housing and Redevelopment Act" (now Minnesota Statutes, Sections 469.001 through 469.047);

WHEREAS, on November 7, 1989, by Resolution 24-89, the City of Fairfax established the Economic Development Authority of the City of Fairfax, as authorized by the "Economic Development Authority Act" (now Minnesota Statutes, Sections 469.090 through 469.1082); and

WHEREAS, the City may authorize the Economic Development Authority to exercise the powers of a Housing and Redevelopment Authority pursuant to Minnesota Statutes, Section 469.091;

WHEREAS, the City Council has held a public hearing, after notice duly given and published, and has determined that it is in the best interests of the City to consolidate the Housing and Redevelopment Authority into the Economic Development Authority.

NOW THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City of Fairfax, Minnesota (the "City"), as follows:

1. Consolidation. The Housing and Redevelopment Authority of the City of Fairfax shall be and hereby is consolidated into the Fairfax Economic Development Authority. The combined entity shall be known as the Fairfax Housing and Redevelopment Authority and Economic Development Authority (or Fairfax HRA/EDA).
2. Board. The Fairfax HRA/EDA shall be governed by a board of commissioners, who shall initially consist of the current Fairfax EDA board members.
3. Powers. The Fairfax HRA/EDA shall have all powers available to a housing and redevelopment authority pursuant to the Municipal Housing and Redevelopment Act (Minnesota Statutes, Sections 469.001 through 469.047), and all powers available to an economic development authority pursuant to the Economic Development Authority Act (Minnesota Statutes, Sections 469.090 through 469.1082), as the same may be amended or supplemented.
4. By-laws. The current by-laws of the Fairfax EDA shall initially serve as the by-laws of the HRA/EDA, unless and until duly amended.

Adopted by the City Council this 12th day of August, 2020.

Attest:

Mayor

City Administrator

David Euerle of Westberg Eischens, auditing firm of the City of Fairfax, presented the 2019 audit. A motion was made by Schaefer and seconded by Bastian to approve the 2019 audit. All voted in favor. None voted against. The motion was carried.

Ordinance 424, an ordinance amending Code Section 141 regarding noise, was reviewed. Staff were directed at the previous meeting to include additional language limiting all noise after 10:00pm similar to language present in the existing ordinance. A motion was made by Schmidt and seconded by Bastian to adopt the ordinance. All voted in favor. None voted against. The motion was carried.

Fairfax City Ordinance 424

An Ordinance Amending Code Section 141 Regarding Noise

The City Council of Fairfax Ordains:

Fairfax City Code Chapter 141, Article II shall be repealed and replaced with the following:

Section 1 – General Prohibition

1. No person shall make, or cause to be made, any distinct and loud audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment or diminishes their property values. This general prohibition is not limited by the specific restrictions of this Section.

Section 2 – Music or Sound Producing Device

1. No person shall use, operate, or play any radio receiving set, tape or disc player, musical instrument, phonograph, loudspeaker, sound amplifier, or other device in such a manner as to disturb the peace, quiet, and repose of a person or persons of ordinary sensibilities, except as allowed by city license or permit for civic and/or charitable activities and events.
2. The play, use, or operation of any radio, tape or disc players, musical instrument, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of one city block (300 feet) from the machine or device, or for the purpose of commercial advertising or attracting the attention of the public to any building structure, shall be prima facie evidence of a violation of this section.

- a. Furthermore; commencing from 10:00pm to 8:00am, all such devices shall be reduced in volume and prevented from disturbing the rest and quiet of the neighborhood, regardless of distance.
3. When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner(s) is guilty of the violation, provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.

Section 3 – Parties and Gatherings

1. Prohibition. No person shall congregate at, or participate in, any party or gathering from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at that noisy party or gathering. Furthermore; commencing from 10:00pm to 8:00am, all such parties and gatherings shall endeavor to subdue their volume and prevent it from disturbing the rest and quiet of the neighborhood, regardless of distance.
2. Evidence. The following is prima facie evidence of violation of this section:
 - a. Noise of the volume as to be clearly heard at a distance of a one city block (300 feet) from the structure or building in which the party or gathering is occurring, or in the case of an apartment building, in the adjacent hallway or apartment; and/or
 - b. Any complaint from a person that is verified by an officer.
3. Duty to disperse. When an officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at that party or gathering.
4. Exemption. The following are exempt from violation of this section:
 - a. Activities which are duly authorized, sponsored, or licensed by the city so long as the activity is conducted pursuant to the conditions of the license, permit, authorization, or contract;
 - b. Person(s) who have gone to a party for the sole purpose of abating the violation;
 - c. Church bells, chimes, or carillons;
 - d. School bells;
 - e. Anti-theft devices; and
 - f. Machines or devices for the production of sound on or in authorized emergency vehicles.

Section 5 – Penalties. Any person violating any of the provisions of this Chapter is guilty of a misdemeanor.

ADOPTED AND PASSED by the City Council of the City of Fairfax, Minnesota, this 12th day of August, 2020.

Attest:

Mayor

City Administrator

Ordinance 425, an ordinance amending Code Section 78 regarding animals, was reviewed. The proposed ordinance would increase the number of allowed dogs from two to three. A motion was made by Bastian and seconded by Schmidt to introduce the ordinance. All voted in favor. None voted against. The motion was carried.

The Council reviewed proposals for supplying and installing new playground equipment at Memorial Park. A motion was made by Schmidt and seconded by Bastian to award the project to Minnesota/Wisconsin Playground based upon the equipment proposed. All voted in favor. None voted against. The motion was carried.

<u>Equipment Supplier:</u>	<u>Proposal Cost:</u>
MN/WI Playground	\$68,999.64
Midwest Playground	\$44,292.40
Flagship Recreation	\$63,750.68

The Council reviewed quotes to perform concrete work to install interior sidewalks at Memorial Park to provide ADA accessibility. A motion was made by Schaefer and seconded by Bastian to award the work to Wendinger Building & Remodeling. All voted in favor. None voted against. The motion was carried.

<u>Contractor:</u>	<u>Proposed Cost:</u>
Wendinger Building & Remodeling	\$13,339.50
Northland Lumber	\$14,427.80

Nicholas Johnson requested authorization to purchase new backstops for the basketball court at Memorial Park. A motion was made by Schmidt and seconded by Bastian to approve replacement of the backstops at Memorial Park. All voted in favor. None voted against. The motion was carried.

A motion was made by Bastian and seconded by Schaefer to transfer \$50,000 from the Electric Fund to the General Fund for the purpose of supplementing the funding for Memorial Park improvements. All voted in favor. None voted against. The motion was carried.

Staff requested approval to purchase an additional trash pumps for the Wastewater Department.

Staff requested to purchase a couple smaller trash pumps or another large trash pump. A motion was made by Schaefer and seconded by Schmidt to authorize the purchase of the 8” trash pump from Hydro Engineering in the amount of \$64,500.00. All voted in favor. None voted against. The motion was carried.

Nicholas Johnson requested Council approve transferring the \$86,792.00 of Coronavirus Relief Funds from the City to the EDA for disbursement to local businesses. Johnson would present additional details of the program at the next Council meeting. A motion was made by Schaefer and seconded by Bastian to approve the transfer. All voted in favor. None voted against. The motion was carried.

A motion was made by Schaefer and seconded by Bastian to authorize staff to hire additional election judges for the November Election. All voted in favor. None voted against. The motion was carried.

Staff reports and financial information was received.

A motion was made by Bastian and seconded by Schaefer to adjourn the meeting. All voted in favor. None voted against. The motion was carried.

Attest:

Mayor

City Administrator