

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on November 9th, 2021 at 7:00pm in the City Council Chambers.

Members: Brad Augustin, Josh Bunkers, Brad Bastian, Steve Schmidt

Absent: Jared Firle

Visitors: Nicholas Johnson, City Administrator
Joel Grejtak, Superintendent of Streets and Utilities
Scott Froehlich, Chief of Police
Aaron Walton, City Attorney
Denny Adamski, Police Officer
Paul Zaid, Standard Gazette & Messenger
Jeff Horton, GFW Superintendent
Jim Cuff
Phil Nestande
Kelly Lutgen

The meeting was called to order.

The Pledge of Allegiance was recited.

The agenda was reviewed. Staff requested the addition of two items: a pay application from Phil Nestande for work completed on the storm pond project and a determination of the pay rate for seasonal part-time snow truck drivers. A motion was made by Bunkers and seconded by Schmidt to approve the agenda. 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 Firle 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. October 12th, 2021 Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Approval of Towards Zero Deaths Agreement

A motion was made by Bunkers and seconded by Schmidt to open the public hearing on assessing delinquent utility bills and other items. All voted in favor. None voted against. The motion was carried.

There were no attendees for the public hearing. Johnson stated letters of notice for the public hearing were sent to each property owner letting them know when the public hearing was occurring, the reason for the public hearing, and the amount to be assessed to satisfy due process.

A motion was made by Bunkers and seconded by Bastian to close the public hearing. All voted in favor. None voted against. The motion was carried.

The Council reviewed Resolution 2021-17, a resolution certifying delinquent utility bills and other assessments. A motion was made by Bunkers and seconded by Bastian to adopt the resolution. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2021-17**

Resolution for Certifying Delinquent Utility Bills and Other Assessments

WHEREAS, a proposed list of customers who have delinquent charges, a copy of which is hereby attached as Exhibit A and made a part hereof, is hereby accepted and shall constitute the certification against the parcels named herein.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Fairfax Minnesota, does certify for collection by the Renville County Auditor the delinquent accounts as listed on Exhibit A.

Adopted by the City Council this 9th day of November, 2021.

Attest:

Mayor

City Administrator

Exhibit A – Delinquent Utility Assessments

	2022 DELINQUENT UTILITY ASSESSMENTS			
PARCEL ID	PROPERTY OWNER	AMOUNT		
31-02790-00	Irene Rebulloza	\$ 2,419.25	utilities	
31-03270-00	Tom McDonald	\$ 705.55	utilities	
31-03065-00	Terry Mohr	\$ 948.51	utilities	
31-00820-00	Mark & Nancy Gohnert	\$ 15,703.62	utilities	
31-04020-00	Irene Rebulloza	\$ 737.85	utilities	
31-04035-00	John Eastman	\$ 3,529.26	utilities	
31-02020-00	Maria Avalos	\$ 2,985.34	utilities	
31-01320-00	Myrea Reyes	\$ 1,590.93	utilities	
31-01220-00	Richard Prafke	\$ 247.20	utilities	
31-01400-00	Alan Pietila	\$ 547.50	mowing/utilities	
31-01610-00	Greg Fahey	\$ 73.12	utilities	
31-01875-00	Gary Marti	\$ 368.17	utilities	
31-01630-00	Kay Cooper	\$ 4,162.64	utilities	

31-01605-00	Angel & Blanca Munoz	\$ 375.75	utilities

A hearing was conducted on proposed nuisance abatement for 110 4th Street Southeast. A notice letter stipulating the nuisances existing, methods to cure, and the date and time of the public hearing along with photos was sent to the property owners on October 18th, 2021. On November 2nd elements of the nuisance list yet existed, the cut off date stated in the notice.

The Council reviewed Resolution 2021-18, a resolution of findings of fact and order issued. A motion was made by Bunkers and seconded by Schmidt to adopt the resolution. All voted in favor. None voted against. The motion was carried.

CITY OF FAIRFAX
RESOLUTION NO. 2021-18
A RESOLUTION OF FINDINGS OF FACT AND ORDER ISSUED
UNDER FAIRFAX CITY CODE, CHAPTER 155: NUISANCES
RE: 110 4th Street SE, Fairfax

The City Council of the City of Fairfax hereby makes the following:

FINDINGS OF FACT

Whereas, Fairfax City Code Chapter 155 provides for the prohibition and abatement of public nuisances; and

Whereas, the property at 110 4th Street SE, Fairfax, Minnesota, had been identified as being in violation of City Code section and 155-3 for unlawful accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, lumber, wood, or other material, or the rank growth of vegetation among the items so accumulated, in a manner conducive to the harboring of rats, mice, snakes or vermin, or in a manner creating fire, health, or safety hazards from such accumulation; and

Whereas, the Fairfax Police took photographs of the nuisance items on the above-property, which are attached hereto and made part hereof, which show the nuisance conditions, including the following: Wooden Fencing that is not installed; Items on the ground by the tree in the front yard; Tires in the driveway and throughout the whole yard; 5 gallon pails; Gas cans in the driveway; A window air Conditioner on the ground; Garbage around and on the dumpster; Car jacks in the driveway; Shovels in the yard; A wooden table; Foam pad; Lumber and a ladder on the roof of the garage; Lots of other sized pails and totes; - Chemical containers; Two canoes in the yard; Propane tank; Tiki torches; Push Mowers; - Steel fence leaning against the garage; Steel fence on the roof of the garage; A blue 55 gallon drum in the yard; Wheel barrow; Table with miscellaneous items on it; Yard and gardening tools throughout the yard; and

Whereas, Richard Prafke and Kasee Prafke (hereafter Prafke's) have been identified as the owners of this residential property, located at 110 4th Street SE, Fairfax, Minnesota 55332; Renville County Property ID No. 31-03800-00; and

Whereas, the City Administrator prepared a letter, which was personally served upon the property owners by Police Chief Scott Froehlich on October 18, 2021, notifying them that all of the above-listed items must be abated by November 2, 2021. The letter also gave the owners notice that if the same items were not abated by the given deadline, that the City Council would address the matter at the City Council meeting on November 9, 2021, and possibly take action to have the nuisances abated, with all expenses charged to them and assessed against their property; and

Whereas, the owners failed to abate the nuisances by the deadline given; and

Whereas, the City Council hereby finds that the conditions on the said property: 1) are conditions which unreasonably annoy, injure, or endanger the safety, health, morals, comfort, or repose of a considerable number of members of the public; and 2) the conditions have not been improved since October 18, 2021; 3) that the above-described nuisance conditions will continue to exist on the property unless corrective action is taken by the City.

Be It Resolved, that the City Council of the City of Fairfax, pursuant to Code section 155-5 hereby issues the following:

ORDER

1. Richard Prafke and Kasee Prafke shall abate the above-described nuisance conditions on the residential property, located at 110 4th Street SE, Fairfax, 55332, by November 14, 2021.
2. If the owners fail to abate the nuisance items within the time provided in this order, the City public works crew or hired contractors, shall, with a Fairfax Police Officer on civil standby, as soon as practicable cause the nuisance items to be abated. City staff shall make record of any time and charges incurred by the City in abating, removing, correcting or eliminating the nuisances from this property.
3. Any charges incurred by the City in abating, removing, correcting, or eliminating the nuisance conditions may be collected as provided in Minn. Stat. section 429.101 and City Code section 155-5. Such charges may include any actual costs incurred by the City, including, but not limited to, administrative, legal, and inspection, in connection with the abatement of the nuisance.
4. This Order shall be effective immediately upon the completion of personal service of this Resolution on the property owner, or by posting a copy of this Resolution in a conspicuous place on the property if the property owner cannot be found after attempting personal service.

Said Resolution was passed and adopted by the Fairfax City Council this 9th day of November 2021.

SEAL

Brad Augustin, Mayor

Attest: _____
Nicholas Johnson, City Administrator

MOTION BY: _____

SECOND MOTION BY: _____

Attachments: Photos of Nuisance Items

The Council received a request to subdivide a parcel of land (PID 31-04423-00; 800 Elm Drive; Lot 4, Block 1, Lion's Park Addition). The current parcel is 110 feet wide by 150 feet deep. The proposed split would create two 55 feet wide by 150 feet deep parcels. A motion was made by Bastian and seconded by Schmidt to approve the subdivision of the parcel. All voted in favor. None voted against. The motion was carried.

Phil Nestande was present to discuss with the Council the inability to make the due date of dredging the storm pond. Phil requested an extension to December 31st, 2021 and stated he would be able to complete the work by then. A motion was made by Bastian and seconded by Bunkers to extend the deadline to December 31st, 2021.

The Council heard recommendation from the Personnel Committee in regards to wage adjustments for 2022. The recommendation from the Personnel Committee is a 2.5% general wage increase; and a \$0.25 per hour wage increase for Jim Prax, Ambulance EMT, Election Judges, and First Responder. A motion was made by Bastian and seconded by Schmidt to approve the wage adjustments for 2022. All voted in favor. None voted against. The motion was carried.

The Council reviewed the utility rates for 2022. A motion was made by Bunkers and seconded by Bastian to approve the 2022 rates. All voted in favor. None voted against. The motion was carried.

The Mayor and City Council members evaluated the City Administrator in areas reflecting job knowledge and abilities. Nicholas Johnson was ranked meets expectations in the overall compilation of all categories. Nicholas Johnson was also evaluated on core competencies including City Council relationships, public relations, leadership, fiscal management, personal characteristics and dependability, decision making and problem solving, communication, and

organizational management. Nicholas Johnson was ranked meets expectations in the overall compilation of these categories as well.

Staff reports and financial information was received.

Nicholas Johnson went over the preliminary 2022 Budget with Council.

Nicholas Johnson discussed the potential street project for 2nd Avenue Southeast. The soil boring report indicated a full depth reconstruct would be necessary versus a milling and repave. The Council requested staff proceed with preparation of project.

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

Attest:

Mayor

City Administrator