

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on January, 11th, 2022 at 7:00pm in the City Council Chambers.

Members: Brad Augustin, Josh Bunkers, Steve Schmidt, Jared Firle

Absent: Brad Bastian

Visitors: Nicholas Johnson, City Administrator
Joel Grejtak, Superintendent of Streets and Utilities
Aaron Walton, City Attorney
Johanna Jutz, Standard-Gazette & Messenger
Owen Todd, Bolton and Menk
Jim Cuff
Marchell Haines
Gary Radermacher
Kay Radermacher

The meeting was called to order.

The Pledge of Allegiance was recited.

The agenda was reviewed. A motion was made by Bunkers and seconded by Firle 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 Bunkers 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. December 14th, 2021 Council Meeting Minutes
 - b. December 23rd, 2021 Special Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Approval of Resolution Designating Official Depositories
5. Consider Adoption of Resolution Approving Joint Powers Agreements Between the City of Fairfax and the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension
6. Consider Approval of Fire-Rescue Elections Listing

**City of Fairfax
Resolution 2022-1**

Resolution Designating Official Depositories

WHEREAS, Minnesota Statutes set forth the procedure for the deposit of Public Funds and it is necessary for the City Council to annually designate the banks as the official depositories for the City funds and manage the collateral pledged to such funds.

NOW THEREFORE BE IT RESOLVED, that the Fairfax City Council does hereby designate the Frandsen Bank & Trust, First National Bank, and the Minnesota Municipal Money Market Fund as the City's official depositories for the current calendar year.

BE IT FURTHER RESOLVED, that the City Administrator of the City of Fairfax is hereby designated as the approval authority for the acceptance and release of all collateral to be held by the City in conjunction with City funds on deposit with authorized institutions.

BE IT FURTHER RESOLVED, the City Administrator of the City of Fairfax is hereby designated as the authority to designate additional depositories for investment purposes.

Adopted by the City Council this 11th day of January, 2022.

Attest:

Mayor

City Administrator

**City of Fairfax
Resolution 2022-3**

Resolution Approving State of Minnesota Joint Powers Agreements with the City of Fairfax on Behalf of its City Attorney and Police Department

WHEREAS, the City of Fairfax on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Fairfax on behalf of its Prosecuting Attorney and Police Department, are hereby approved.
2. That the Police Chief, Scott Froehlich, or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That the City Attorney, Aaron Walton, or his successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
4. That Brad Augustin, the Mayor for the City of Fairfax, and Nicholas Johnson, the City Administrator, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 11th day of January, 2022.

Attest:

Mayor

City Administrator

A motion was made by Schmidt and seconded by Firlle to open the public hearing to receive public comment on the proposed improvement project for 2nd Avenue Southeast. All voted in favor. None voted against. The motion was carried.

Owen Todd, the City's engineer from Bolton and Menk, presented information on the proposed project for 2nd Avenue Southeast. Afterward, public comment was taken. Jim Cuff, property owner abutting the project, opposed the project. Jim stated the road didn't need to be repaved nor was curb and gutter necessary. He further brought concerns about the slope of the roadway causing additional storm water problems. Owen Todd went over the plan section pertinent to storm water and surface drainage pointing out the design of the road would alleviate issues. Kay and Greg Radermacher, property owners abutting the project, supported the project. They stated the road was in terrible condition and looked forward to the additional improvements to alleviate surface water issues.

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

A motion was made by Schmidt and seconded by Firlle to adopt resolution 2022-4, a resolution ordering improvement and preparation of plans. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2022-4**

Resolution Ordering Improvement and Preparation of Plans

WHEREAS, a resolution of the City Council adopted the 14th day of December, 2021, fixed a date for a Council hearing on the improvement of 2nd Avenue Southeast between 4th Street Southeast and 5th Street Southeast, and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 11th day of January, 2022, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRFAX, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted 14th day of December, 2021.
3. Bolton and Menk is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.

Adopted by the Council this 11th day of January, 2022.

Attest:

Mayor

City Administrator

A motion was made by Bunkers and seconded by Firlle to adopt resolution 2022-5, a resolution approving plans and specifications and ordering advertisement for bids. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2022-5**

Resolution Approving Plans and Specifications and Ordering Advertisement for Bids

WHEREAS, pursuant to a resolution passed by the Council on January 11th, 2022, the city engineer has prepared plans and specifications for the improvement of 2nd Avenue Southeast between 4th Street Southeast and 5th Street Southeast and has presented such plans and specifications to the Council for approval;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRFAX, MINNESOTA:

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper (and in other appropriate construction bulletins as commonplace to advertise) an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for at least 3 weeks, shall specify the work to be done, shall state that bids will be received by the City Administrator until 11:00 A.M. on March 22nd, 2022, at which time they will be publicly opened in the Council Chambers of City Hall by the City Administrator and engineer, will then be tabulated, and will be considered by the Council at 7:00 P.M. on April 12th, 2022, in the Council Chambers of City Hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator.

Adopted by the City Council of the City of Fairfax this 11th day of January, 2022.

Attest:

Mayor

City Administrator

A motion was made by Firlle and seconded by Schmidt to adopt resolution 2022-2, a resolution for official designations. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2022-2**

Resolution for Official Designations

Designation:

Acting Mayor/Mayor Pro-Tem
Emergency Management Director
Official Newspaper
Attorney

Name:

Josh Bunkers
Scott Froehlich
Standard-Gazette & Messenger
Aaron Walton – Civil & Criminal

Council Committees:

Infrastructure
City Facilities & Recreation
Law Enforcement
Personnel

Name:

Jared Firle & Steve Schmidt
Josh Bunkers & Steve Schmidt
Brad Augustin & Brad Bastian
Josh Bunkers & Jared Firle

Council Liaison to Boards:

HRA/EDA
RS Fiber Joint Powers Board

Name:

Brad Augustin
Steve Schmidt

Adopted by the City Council on this 11th day of January, 2022.

Attest:

Mayor

City Administrator

A motion was made by Firle and seconded by Bunkers to adopt resolution 2022-6, a resolution approving amendment of the MMGA agency agreement. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2022-6**

**Resolution Approving Amendment of Agency
Agreement of Minnesota Municipal Gas Agency**

WHEREAS, the City of Fairfax is a member of the Minnesota Municipal Gas Agency (the “Agency”), a municipal gas agency organized under Minnesota Statutes, Sections 453A.01 through 453A.12, and a Minnesota municipal corporation and political subdivision, pursuant to that Agency Agreement dated April 10, 2007 (the “Agency Agreement”); and,

WHEREAS, there have been presented to the City Council copies of a proposed Amendment No. 1 to the Agency Agreement, the form which is attached hereto as Exhibit A (the “Amendment”); and,

WHEREAS, the Board of Directors and Member Representatives of the Agency have approved the Amendment as required by the Agency Agreement.

NOW, THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. That the City of Fairfax approves and concurs in the Amendment; and
2. The City of Fairfax authorizes, empowers and directs the City Administrator to execute the Amendment and all other documents, and to take all other actions, to effect the Amendment.

Adopted by the City Council of the City of Fairfax this 11th day of January, 2022.

Attest:

Mayor

City Administrator

Nicholas Johnson and Aaron Walton discussed the condition of the structure at 113 1st Avenue Southwest. The trailer and connected structure were believed to be in uninhabitable condition after building inspector Bernie Wenner submitted his report. The Council reviewed the report, letters, and photos associated. A motion was made by Bunkers and seconded by Firle to adopt resolution 2022-

FAIRFAX CITY COUNCIL

RESOLUTION 2022-7

IN THE MATTER OF THE PROPERTY LOCATED AT: 113 1st Ave. SW, Fairfax, MN 55332

The City of Fairfax City Council met on January 11, 2022, at 7:00 p.m. and hereby determined the following:

FINDINGS OF FACT

1. Alan Pietila (hereafter Pietila), is an individual with an address of 806 S., Jefferson St., Apt. 8, Redwood Falls, MN 56283.
2. Pietila is the record owner of the real property located at 113 1st Ave. SW, Fairfax, MN 55332, in Renville County, State of Minnesota, with the following legal description: A tract in lot 2, block 10 of Fairfax council replat of the City of Fairfax, described as follows: commencing at the point on the west line and 140 feet north of the southwest corner of said Block 10 of Fairfax Council Replat, thence easterly and parallel to the south line of said Block 10 a distance of 400 feet to the point of beginning, thence southerly and parallel to the west line of said Block 10 a distance of

140 feet to the South line of said block 10, thence easterly along the said South line of Block 10 a distance of 74 feet, thence northerly at right angles and parallel to the west line of said Block 10 a distance of 133.3 feet, thence at right angles westerly to the point of beginning, according to the plat thereof on file and of Record in the office of the County Recorder in and for the County of Renville and State of Minnesota.

PID 31-01400-00

(hereafter “the subject property”).

3. The structure on the subject property is an unoccupied manufactured home with attached garage.
4. The City provided water, sewer, and electric services to the subject property, when such services were utilized.
5. According to City records, the utilities were disconnected in 2017 and 2018. According to the State Seal attached to the home, the age of the trailer is between 1972 and 1976, making it 45 to 49 years old.
6. In September 2021, City Building Official Bernie Wenner viewed the exterior of the property from the street. Mr. Wenner was not able to gain access to the interior at that time. Mr. Wenner sent a letter to the property owner, on September 17, 2021. On September 23, 2021, Mr. Wenner received three phone calls from the property owner in response to the letter. The property owner refused to grant Mr. Wenner access to the property for an interior inspection. Therefore, Mr. Wenner sent a letter to Fairfax City Administrator, Nicholas Johnson dated October 7, 2021, describing his communications with the property owner and explaining his concerns with the property. A copy of Mr. Wenner’s first inspection report is attached hereto as Exhibit A.
7. According to City Staff and reports, the owner of the property has abandoned the property. No one has occupied the property and no improvements have been made to the property since April 2018. From the Mr. Wenner’s initial inspection, it appeared that the manufactured home was allowed to deteriorate, and it is by definition uninhabitable under Minnesota State Building Code.
8. Because the condition of the property and because the owner would not consent to an inspection, with the assistance of the City Attorney, Fairfax Police Chief Scott Froehlich, applied for and received an administrative search warrant to conduct an interior and additional exterior inspection of the property.
9. On November 16, 2021, at 1:30 p.m., Chief Froehlich, and Mr. Wenner entered the property, with the authority of the search warrant. Upon entering onto the property, they observed that brush and trees were overgrown around the exterior. The brush

and trees were causing disruption to the skirting, and allowing possible interference with the utilities.

10. Upon entering the vestibule on the west side of the trailer, Mr. Wenner observed the floor to be structurally unsound. Two people could not safely stand at the door at the same time without danger of collapse. The steps to the vestibule consisted of concrete blocks. The blocks were not set on a foundation and had settled unevenly, making them a tripping hazard.
11. When entering the trailer itself, a large amount of debris littered the floor, including the remains of approximately three dead birds. The dead birds were evidence that the trailer was open to infiltration by animals, and water, which will cause further damage to the structure.
12. The floor throughout the trailer was very spongy. Mr. Wenner felt two people could not stand safely in the same spot. This sponginess was evidence that the floor is severely deteriorated, and would need to be thoroughly inspected and all deteriorated materials removed and replaced.
13. As they walked through the trailer it was observed that heat had only been run to the front of the trailer since the rear section had blankets over the passageway. There was obviously no central heating system for the home, as the home was being heated with portable space heaters, which is a violation of the 2015 Minnesota Mechanical and Fuel Gas Code. The dwelling is considered not habitable under Section 309. 2015 Minnesota Mechanical and Fuel Gas Code Section 309.1, Space-heating systems, provides that interior spaces intended for human occupancy shall be provided with active or passive space-heating systems capable of maintaining a minimum indoor temperature of 68°F (20°C) at a point 3 feet (914 mm) above floor on the design heating day. The installation of portable space heaters shall not be used to achieve compliance with this section.
14. Mr. Wenner observed numerous windows were broken out, which allowed water and birds and possibly other animals to enter. Another animal, possibly a cat, had been eating the trapped birds. There was fiberglass placed in the majority of the windows presumably for heat conservation.
15. Mr. Wenner was given information that the water system in the trailer had frozen. This information was corroborated by seeing in the trailer that an attempt had been made to run PEX piping along the ceiling to the front of the trailer. The plumbing system is not sanitary or safe. There was no potable water supply in the home. If the plumbing is compromised and not functional the dwelling is in violation of the Minnesota State Plumbing Code and is considered not habitable.

16. Mr. Wenner noted that the ceiling in numerous spots was leaking and collapsing. That was evidence that the roof system has been seriously compromised. This problem contributes to making the structure structurally unsafe, and creates an environment for fungal growth as well as compromising the electrical system.
17. Upon exiting and walking around the exterior these items were observed: Skirting at the base of the trailer was missing, allowing for freezing temperatures to enter the base of the trailer. Looking at the power supply to the trailer, at one time it was changed from overhead to underground. The connection from the meter pole to the trailer itself was run on extension cords similar to plugging in an electric stove which is no longer allowed. The electrical system would need a full inspection to determine its condition.
18. On the east side of the trailer a door had been cut in and a breezeway that connected a detached garage had been installed. Mr. Wenner did not enter the garage, but noted bare roof boards where shingles were missing and siding that needed to be replaced.
19. Mr. Wenner concluded that the manufactured home has a rotten floor that will not support the weight of an adult in some areas, it has broken windows, which will allow infiltration of water and snow, the entry vestibule steps appear to be structurally unsound, and the pipe system froze on January 31, 2018. Finally, the roof system has been seriously compromised.
20. It is Mr. Wenner's professional opinion, that the structure meets the definition of hazardous under Minn. Stat. Section 463.15 due to inadequate maintenance and dilapidation, abandonment, unsanitary conditions, the lack of a proper plumbing system, physical damage to the flooring structure, open windows, all of which cause it to be a fire hazard and a hazard to public safety. Mr. Wenner also concluded that it would not be financially feasible to repair the trailer due to all of these defects and the age of the trailer. A copy of Mr. Wenner's second inspection report with photos is attached hereto as Exhibit B.

Based on the above Findings of Fact, the City Council of the City of Fairfax, has determined that the structure on the subject property is hazardous, and pursuant to Minnesota Statutes Section 463.17 hereby issues the following:

ORDER

1. Alan Pietila shall remove the hazardous conditions of the subject property by razing or removing the house and accessory structures, including all materials and debris.
2. Alan Pietila shall accomplish the removal or razing within 60 days from the date he is served a copy of this order. A reasonable extension of time may be provided by the City Council if a plan is presented and accepted by the City Council before the deadline.

3. This Order shall be served upon Pietila, and upon all lienholders of record, in the manner provided for service of a summons in a civil action.
4. The City Attorney is authorized to make a motion for summary enforcement of this Order in the District Court of Renville County unless corrective action is taken, or unless an answer is filed within the time specified in Minnesota Statutes section 463.18.

Dated this 11th day of January, 2022.

SEAL

Brad Augustin, Mayor

Nicholas Johnson, City Administrator

Attachment: Exhibit A, Letter dated 10-07-2021
Exhibit B, Inspection Report dated 11-29-2021

Staff reports and financial information was received.

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

Attest:

Mayor

City Administrator