

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on December, 13th, 2022 at 7:00pm in the City Council Chambers.

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

Absent: None

Visitors: Andrea Merkel, City Administrator
Joel Grejtak, Superintendent of Streets and Utilities
Scott Froehlich, Chief of Police
Aaron Walton, City Attorney
Derek Carlson
David Francen
James Schroeder
Jim Cuff
Jill Pelzel
Kjersti Bastian
Jaxon Bastian

The meeting was called to order.

The Pledge of Allegiance was recited.

The agenda was reviewed. Andrea Merkel requested additional items to Claims for Payment and the addition of acceptance of a resignation letter from Alisha Schmidt from the Fire Dept/Ambulance to the consent agenda. A motion was made by Schmidt 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 Bastian 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. November 7th, 2022 Council Meeting Minutes
 - b. November 17th, 2022 Special Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Approval of Toward Zero Deaths Contract for 2023
5. Consider Approval of Westberg Eischens Contract for 2022 Audit Services
6. Consider Approval of resignation letter from Alisha Schmidt from Fire Dept/Ambulance

Councilmember Schmidt made a motion to open the Truth-in-Taxation public hearing. Councilmember Bastian seconded the motion. All voted in favor, none voted against. The motion was carried. Andrea Merkel presented information on 2023 tax levy and final budget revenues

and expenses. No meeting attendees made comment regarding the tax levy or the budget. A motion was made by Bastian and seconded by Firlle to close the hearing. All voted in favor. None voted against. The motion was carried.

Receiving no comments during the hearing, a motion was made by Schmidt and seconded by Firlle to adopt resolution 2022-22 Resolution Adopting the 2023 Final Levy and 2023 Final Budget. All voted in favor. None voted against. The motion carried.

**City of Fairfax
Resolution 2022-22**

State of Minnesota)
County of Renville)
City of Fairfax)

Resolution Adopting the 2023 Final Levy and 2023 Final Budget

Be it resolved by the City Council of the City of Fairfax, County of Renville, State of Minnesota, that the following sums of money be levied in 2023, upon the taxable property in the City of Fairfax, for the following purposes:

General Fund	\$355,392.00
2015A Bond	\$31,085.00
2018A Bond	\$24,454.00
2019A Bond	\$89,069.00
Total Tax Levy	\$500,000.00

Be it further resolved by the City Council that the final 2023 budget is hereby adopted.

The City Administrator is hereby instructed to transmit a copy of this resolution to the Auditor of Renville County, Minnesota.

Adopted by the City Council for the City of Fairfax, Minnesota this 13th day of December, 2022.

Attest:

Mayor

City Administrator

The council reviewed a Resolution of Findings of Fact and Order for Abatement for the clean-up of property located at 110 4th Street SE. Andrea Merkel reported that the resident has been verbally warned and served with a paper copy of the notice, which required clean-up of the nuisance items by December 8, 2022. Merkel reported that the property owner has addressed

some of the nuisance items, but there are still items on the list that have not been addressed as of December 9th. A motion was made by Schmidt and seconded by Firlie to approve the resolution. All voted in favor, none voted against, The motion carried.

CITY OF FAIRFAX

RESOLUTION NO. 2022-23

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: Vehicles without current registration, lumber piled in back yard and on fencing, appliances in the front yard, 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 November 23rd, 2022, notifying them that all of the above-listed items must be abated by December 8th, 2022. 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 December 13th, 2022, 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 November 23rd, 2022; 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 December 20, 2022.
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 13th day of December, 2022.

SEAL

Josh Bunkers, Mayor

Attest: _____

Andrea Merkel, City Administrator

MOTION BY: _____

SECOND MOTION BY: _____

The council reviewed Ordinance 435-Interim Ordinance Establishing Moratorium on the Sale of Edible Cannabinoid Products. Councilmember Schmidt asked if the ordinance, once adopted, would require businesses currently selling these products in the city limits to cease. Andrea Merkel informed the council that since the ordinance is an interim ordinance for the purpose of establishing city requirements for the sale of these products, the council can make changes regarding current sales and future licensing over the 12 months that the interim ordinance is in effect. A public hearing on the ordinance will take place at the January city council meeting prior to adoption.

City of Fairfax

Ordinance 435

**An Interim Ordinance Establishing a Moratorium
on the Sale of Edible Cannabinoid Products**

WHEREAS, Minnesota Statute section 151.72 allows for the sale of certain edible cannabinoid products and allows municipalities to regulate the sale of cannabinoid products within the City;

WHEREAS, the City has significant health and safety concerns regarding the impacts of the sale of edible cannabinoid products within the City and wishes to prevent negative consequences of premature selling of edible cannabinoid products until proper permitting and administrative processes can be developed;

WHEREAS, the City desires to conduct further studies on how to best permit the sale of edible cannabinoid products, similar to the process of permitting liquor licenses.

NOW, THEREFORE, THE CITY COUNCIL OF FAIRFAX ORDAINS:

1. Temporary Restriction. A moratorium prohibiting the sale of edible cannabinoid products extracted from hemp, defined in Minnesota Statute 151.72, is hereby established.
2. Duration. The intent of the City is that this moratorium will be lifted within twelve months, however this moratorium shall be in effect for a period of one year, or until such earlier time as the Fairfax City Council determines the moratorium is no longer necessary.
3. Study. As soon as practicable, the City Administrator shall present options for studies on how to best permit the sale of edible cannabinoid products, similar to the process of permitting liquor licenses.
4. Effective Date. This ordinance shall be effective immediately upon its adoption.
5. Enforcement and Penalty. The City may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

Adopted by the City Council of the City of Fairfax on this 10th day of January, 2023.

Attest:

Mayor

City Administrator

The council reviewed a proposed change to the city's current personnel policy regarding health insurance benefits for full-time city employees. The proposed change would clarify whether or

not an employee would continue to receive the current monthly deposit into a health savings account, if the employee is not enrolled in the city's health insurance plan. A motion was made by Schmidt and seconded by Bastian to approve updating the policy wording to include that employees would continue to receive the Health Savings Account benefit, even if they do not enroll in the city's health insurance plan. All voted in favor, none voted against. The motion carried.

The council reviewed proposed 2023 garbage rate increases from Clobes Sanitation. Clobes Sanitation provided the council with a letter from Redwood/Renville Regional Solid Waste Authority informing the city and Clobes Sanitation of a rate increase in their tipping fees for 2023, which increases Clobes Sanitation's cost of dumping garbage. A motion was made by Bastian and seconded by Firlle to approve the new garbage rates, beginning January 1, 2023. All voted in favor, none voted against. The motion carried.

The council heard an update from Retro Holdings and 333 3rd Ave LLC regarding the progress of converting the former GFW Middle School building into a treatment center facility. Derek Carlson reported that they are working with a new developing partner and asked the council for confirmation that they are still in support of the project and any rezoning that might be necessary for the project to move forward. The council confirmed that they are still in support of the project.

In staff reports, Andrea Merkel updated the council on the progress of the investigation into the October 3rd fire on Park St. The investigation into the fire has not been completed for the building that the fire started in. The demolition of the former Smokey Hollow building has been approved and the repairs to the Lion's Den and Post office are pending the removal of the burned structures. The city did receive an updated response from the US Postal Service that our requests for a temporary post office space continue to be denied. And that the current post office building will be repaired in 3-6 months. Merkel also presented the council with updated city financial information as of November 30th.

Scott Froehlich reported that the police department responded to 105 incidents last month.

In other items, council members Firlle and Bastian were thanked for their service and time dedication to the city council.

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

Attest:

Mayor

City Administrator