

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on April 12th, 2022 at 7:00pm in the City Council Chambers.

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

Absent: None

Visitors: Nicholas Johnson, City Administrator
Scott Froehlich, Chief of Police
Aaron Walton, City Attorney
Owen Todd, Bolton and Menk
Denise Bonsack, Standard-Gazette & Messenger
Jim Cuff
Joe Nachreiner
Mary Nachreiner
Jim Schroeder
Jeff Marlowe

The meeting was called to order.

The Pledge of Allegiance was recited.

The agenda was reviewed. Staff requested the addition of the 2022 Wellness Agreement to the consent agenda, 2022 Seal Coat Bid Award to the regular business, and a closed session under Minnesota State Statute 13D.05 subd. 3(b) under attorney-client privilege to discuss pending litigation regarding the incident at the Community Center on March 26, 2022. A motion was made by Firle 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 Bastian and seconded by Firle to approve the consent agenda as amended. All voted in favor. None voted against. The motion was carried.

Consent Agenda:

1. Approval of Consent Agenda
2. Consider Approval of Minutes
 - a. March 8th, 2021 Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Adoption of Resolution for the Renville County All Hazard Mitigation Plan
5. Consider Adoption of Agreement Between the City of Fairfax and Countryview for Emergency Shelter
6. Consider Approval of the 2022 Wellness Agreement with SWWC

**City of Fairfax
Resolution 2022-11**

Resolution Adopting the Renville County All-Hazard Mitigation Plan

WHEREAS, the City of Fairfax has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000, and

WHEREAS, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighbouring local units of government and businesses; and

WHEREAS, the Renville County Plan includes a risk assessment including past hazards, hazards that threaten the County, an estimate of structures at risk, a general description of land uses and development trends; and

WHEREAS, the Renville County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the Renville County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Renville County will maintain public participation and coordination; and

WHEREAS, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, the Renville County All-Hazard Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants; and

WHEREAS, this is a multi-jurisdictional Plan and cities that participated in the planning process may choose to also adopt the County Plan.

NOW THEREFORE BE IT RESOLVED that the City of Fairfax supports the hazard mitigation planning effort and wishes to adopt the Renville County All-Hazard Mitigation Plan.

Adopted by the City Council for the City of Fairfax this 12th day of April, 2022.

Attest:

Mayor

City Administrator

Owen Todd of Bolton and Menk presented the bid results for the 2022 2nd Avenue Southeast project. A motion was made by Schmidt and seconded by Firle to adopt Resolution 2022-12, a resolution accepting bid for the 2022 2nd Avenue Southeast project. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2022-12**

Resolution Accepting Bid for the 2022 2nd Avenue Southeast Project

WHEREAS, pursuant to an advertisement for bids for the 2022 2nd Avenue Southeast Project, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

| <u>Bidder:</u> | <u>Amount:</u> |
|----------------------------------|----------------|
| M.R. Paving and Excavating, Inc. | \$236,683.92 |
| Wm. Mueller & Sons | \$314,457.50 |
| Land Pride Construction | \$312,520.55 |

AND WHEREAS, it appears that M.R. Paving and Excavating of New Ulm is the lowest responsible bidder in the amount of \$236,683.92.

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

1. The Acting Mayor and City Administrator are hereby authorized and directed to enter into a contract with M.R. Paving and Excavating of New Ulm in the name of the City of Fairfax for the 2022 2nd Avenue Southeast Project according to the plan and specifications therefore approved by the City Council and on file in the office of the City Administrator.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder shall be retained until a contract has been signed.

Adopted by the City Council for the City of Fairfax this 12th day of April, 2022.

Attest:

Mayor

City Administrator

Mary and Joe Nachreiner addressed the City Council regarding a proposed project to redevelop the 4 Square Builder property into a residential property. The property is currently zoned commercial which would prohibit a residential use. Nicholas Johnson discussed rezoning several

properties in the area from commercial to mixed-use commercial/residential to allow for future flexible use. A motion was made by Bastian and seconded by Schmidt to adopt Resolution 2022-14, a resolution setting a public hearing on the proposed rezoning of parcels. All voted in favor. None voted against. The motion was carried.

City of Fairfax

Resolution 2022-14

**A Resolution Setting a Public Hearing on the Proposed Rezoning of Parcels
Pursuant to Minnesota Statute §462.357**

WHEREAS, the City Council of the City of Fairfax, pursuant to Minnesota Statute §462.357, is required to hold a public hearing to consider the rezoning of parcels described as follows from Commercial C-3 to mixed use Residential R-1/Commercial C-3:

Lots 1, 2, 3, 4, 5, 6, 14, 15, Block 4, of the Original Plat to the City of Fairfax; and

Lots 1, 2, 3, 10, 11, 12, 13, 14, 15, Block 5, of the Original Plat to the City of Fairfax;
and

Lots 1, 2, 3, 8, 9, 10, Block 6, of the Original Plat to the City of Fairfax; and

Lots 12 and 13 of the Fairfax Railroad Lots Plat to the City of Fairfax;

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

The City Council will hold a public hearing on the proposed rezoning described above on the 10th day of May, 2022, in City Hall located at 18 1st Street Southeast at 7:00 p.m., and thereafter the City Council will consider the rezone request.

BE IT FURTHER RESOLVED that the City Administrator is hereby directed to give published, posted, and mailed notice of such hearing as required by law.

Passed by the City Council of Fairfax, Minnesota this 12th day of April, 2022.

Attest:

Mayor

City Administrator

The Council reviewed a resolution to increase the benefit level received by Fire-Ambulance staff under the Minnesota PERA SVF retirement system. A motion was made by Schmidt and seconded by Firlle to adopt Resolution 2022-13, a resolution opting to increase the benefit level of the PERA SVF Plan. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2022-13**

**Resolution Opting to Increase the Benefit Level for Firefighters Who Are Vested in the
Voluntary Statewide Volunteer Firefighter (SVF) Retirement Plan**

The City Council of the City of Fairfax, Minnesota, does ordain:

Whereas, The City previously authorized the fire department to join the Voluntary Statewide Volunteer Firefighter Retirement Plan administered by the Public Employees Retirement Association (PERA); and,

Whereas, The City requested and obtained a cost analysis of increasing the benefit level for firefighters who are vested in the Voluntary Statewide Volunteer Firefighter Retirement Plan from PERA not more than 120 days ago; and,

Whereas, The City understands that Minnesota statute allows an increase in benefit levels if the plan is fully funded, but does not have provisions for a decrease in benefit levels; and,

Whereas, The City highly values the contributions of City Fire-Ambulance-Rescue Department members to the safety and well being of our community and wishes to safeguard their pension investments in a prudent manner.

Now, Therefore, Be it Resolved by the City Council of the City of Fairfax, Minnesota:

1. The City hereby approves an increase in the benefit level for firefighters who have completed at least 5 years of good time service credit as a member of the Voluntary Statewide Volunteer Firefighter Retirement Plan administered by PERA at the \$3,000 benefit level per year of service, effective January 1, 2023; and,
2. The City Administrator and Acting Mayor are hereby authorized to execute all documents necessary to effectuate the intent of this resolution.

Adopted by the City Council this 12th day of April, 2022.

Attest:

Mayor

City Administrator

The Council reviewed quotes for crack filling for the 2022 Seal Coating area. A motion was made by Bastian and seconded by Firlle to accept the quote from MJ Neisen Asphalt in the amount of \$15,810.00. All voted in favor. None voted against. The motion was carried.

| <u>Contractor:</u> | <u>Amount:</u> |
|---------------------------------|----------------|
| Ground Zero – Courtland, MN | \$15,860.00 |
| MJ Neisen Asphalt – Fairfax, MN | \$15,810.00 |

The Council reviewed the bid results for the 2022 Seal Coating project. A motion was made by Firle and seconded by Bastian to approve Pearson Bros. as the low bidder. The City of Fairfax's share of the total bid is \$29,296.52. All voted in favor. None voted against. The motion was carried.

| <u>Contractor:</u> | <u>Amount:</u> |
|--|----------------|
| Pearson Bros. – Hanover, MN | \$199,782.92 |
| Asphalt Surface Technologies – St. Cloud, MN | \$213,319.78 |
| Allied Blacktop Company – Maple Grove, MN | \$233,082.75 |

A motion was made by Firle and seconded by Bastian to appoint Steve Schmidt to the HRA/EDA Board. Steve Schmidt would be giving up his spot as the RS Fiber representative. All voted in favor. None voted against. The motion was carried.

Nicholas Johnson discussed the status of the proposed natural gas pipeline capacity project with Heartland Corn Products. The City would need to obtain bids on the project for Heartland to consider Fairfax's proposal. The recommendation from the Infrastructure Committee was to cancel the project. A motion was made by Firle and seconded by Schmidt to cancel the proposed natural gas pipeline capacity project with Heartland Corn Products. All voted in favor. None voted against. The motion was carried.

Staff reports and financial information was received.

Brad Bastian discussed a citizen concern about the lack of bathroom options at Memorial Park. Steve Schmidt requested information regarding the potential for increasing City Council salaries.

A motion was made by Schmidt and seconded by Firle to close the meeting under Minnesota State Statute 13D.05 subd. 3(b) under attorney-client privilege to discuss pending litigation regarding the incident at the Community Center on March 26th, 2022. All voted in favor. None voted against. The motion was carried.

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

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

Attest:

Mayor

City Administrator