

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on January 10th, 2023 at 7:00pm in the City Council Chambers.

Members: Josh Bunkers, Steve Schmidt, Jim Schroeder, Jill Pelzel, Tina Castillo

Absent: None

Visitors: Andrea Merkel, City Administrator
Joel Grejtak, Superintendent of Streets and Utilities
Scott Froehlich, Chief of Police
Aaron Walton, City Attorney
Jim Cuff

The meeting was called to order.

The Pledge of Allegiance was recited.

The oath of office was recited by Josh Bunkers, Jim Schroeder, Jill Pelzel and Tina Castillo.

The agenda was reviewed. Andrea Merkel requested additional items to Claims for Payment and the change of item #10 on the consent agenda to read acceptance of resignation of Jed Lutgen from the EDA board. A motion was made by Schmidt and seconded by Pelzel 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 Schroeder 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 13th, 2022 Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Approval of Resolution Designating Official Depositories
5. Consider Approval of Fire-Rescue Dept. Officer Elections
6. Consider Approval of Resignation of Jed Lutgen as EDA Board Member

Councilmember Pelzel made a motion to open the public hearing for the adoption of Interim Ordinance 435 Establishing Moratorium on the Sale of Edible Cannabinoid Products.

Councilmember Schmidt seconded the motion. All voted in favor, none voted against. The motion was carried. No comments were made during the public hearing. Merkel also noted that she had not received any comments or concerns since the hearing or ordinance notices were published. A motion was made by Schmidt and seconded by Pelzel to close the public hearing.

A discussion was had by the council regarding whether or not the ordinance would apply to existing businesses currently selling these products. It was determined that since the ordinance did not specifically address current businesses ceasing to sell these products, the ordinance

would only apply to any new businesses selling these products after the adoption of the ordinance. Receiving no further comments, a motion was made by Pelzel and seconded by Schmidt to adopt Ordinance 435. All voted in favor. None voted against. The motion carried.

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

A motion was made by Castillo and seconded by Schmidt to approve resolution 2023-2 Certifying Official Designations. All voted in favor. None voted against. The motion was carried.

**City of Fairfax
Resolution 2023-2**

Resolution for Official Designations

Designation:

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

Name:

Steve Schmidt
Scott Froehlich
Standard-Gazette & Messenger
Aaron Walton – Civil & Criminal

Council Committees:

Infrastructure
City Facilities & Recreation
Law Enforcement
Personnel

Name:

Jill Pelzel & Tina Castillo
Jim Schroeder & Steve Schmidt
Steve Schmidt & Josh Bunkers
Josh Bunkers & Jim Schroeder

Council Liaison to Boards:

HRA/EDA
RS Fiber Joint Powers Board

Name:

Steve Schmidt & Jill Pelzel
Jill Pelzel

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

Attest:

Mayor

City Administrator

The council reviewed the 2023 Other Pay plan for council, fire department, ambulance and part-time city employee wages. A motion was made by Pelzel and seconded by Schroeder to approve the 2023 Other Pay Plan. All voted in favor, none voted against. The motion was carried.

The council reviewed a proposed change to the city's current personnel policy regarding the current maximum number of 40 compensatory hours that employees are allowed to accumulate. After a discussion, a motion was made by Pelzel and seconded by Schmidt to change the policy to allow employees to accumulate up to 80 hours of compensatory time, with the condition that compensatory time is used before vacation time for employee time off and that only a maximum of 40 compensatory hours can be carried over to a new calendar year. All voted in favor, none voted against. The motion carried.

In staff reports, Andrea Merkel updated the council on the progress of re-opening the Fairfax post office. The investigation into the cause of the fire has now concluded and the entire area can begin to be removed. This includes the partial wall that is adjacent to the post office building. Andrea spoke with the adjuster for the post office building's insurance company and once this wall is removed, the needed building repairs will be started at the post office. The owners of all of the buildings that were a total loss in the fire have been in contact with local contractors to begin clean-up of the properties.

Merkel also notified the council that the new evidence lockers for the police department were received. The city was able to purchase a lower cost alternative to the previous estimate. Unfortunately, while the evidence lockers were being installed in the police station, a mold issue was discovered in the walls and ceiling. The city's insurance adjuster viewed the damage and our claim was denied due to our policy not including mold coverage and the fact that there was never a claim filed for water damage to the building. Merkel stated that she is in the process of getting an estimate of the extent of work that would need to be done to clean up the mold and will hopefully have more information at the February council meeting.

Merkel updated the council on the process of hiring a 3rd full-time police officer. Scott will begin the process of offering the new full-time position to the current part-time police officers for the city before posting an external job opening. We should know of any interest from current part-time officers by the February council meeting.

Merkel also presented the council with updated city financial information as of the end of 2022.

Joel Grejtak reported on the city's snow removal efforts over the past few weeks with the heavy snowfall. He also stated that there have been issues with residents clearing snow from their properties into the city streets. Council members Schroeder and Pelzel asked if city ordinance information on snow removal could be sent out with the next utility billing to remind residents of the city's current ordinances before citations are issued. Merkel stated that this could be sent with the February utility bills.

Scott Froehlich reported that the police department responded to 111 incidents during the month of December. And that the Fairfax police department ended 2022 with a total of 976 call responses, which was up slightly from 964 in 2021. Froehlich also noted that if there is not interest from the city's existing part-time officers in taking the full time position, the current wait time is 6-8 months to fill a full-time police position.

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

Attest:

Mayor

City Administrator