

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

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

Absent: Josh Bunkers

Visitors: Andrea Merkel, City Administrator  
Joel Grejtak, Street & Utility Superintendent  
Scott Froehlich, Chief of Police  
Aaron Walton, City Attorney  
Jim Cuff  
Kelly Lutgen, Rural Entrepreneurial Venture Program  
Denny Adamski, Fairfax Police Dept  
Sheila Prax, Rural Entrepreneurial Venture Program  
Pam Bishop, Southern MN Initiative Foundation  
Bryan Stading, Rural Entrepreneurial Venture Program  
Jerry Weldy, Fairfax VFW & American Legion  
Jim Weinzetl, GFW Drug Dog Program  
John Peterson, Retro Holdings LLC  
David Francen, Retro Holdings LLC

The meeting was called to order at 7pm by Schmidt.

The Pledge of Allegiance was recited.

The agenda was reviewed. Merkel requested the addition of the following agenda items:

A Presentation by Retro Holdings LLC on redevelopment of former GFW Middle School building

14. Consider Approval of Purchase of Christmas Decorations
15. Consider Approval of Quote for demolition of 121 Park St S

A motion was made by Pelzel and seconded by Castillo to approve the agenda with additions. All voted in favor. None voted against. The motion was carried.

The consent agenda was reviewed. A motion was made by Pelzel 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. September 12th, 2023 Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider approval of MMUA Safety Annual Agreement

A motion was made by Castillo and seconded by Pelzel to open a public hearing on a nuisance ordinance violation at 403 E Lincoln Ave. All voted in favor. None voted against. Motion carried. The council reviewed the ordinance violation and no comments were received. A motion was made by Pelzel and seconded by Schroeder to close the public hearing. All voted in favor. None voted against. The motion carried.

The council reviewed resolution 2023-19 Findings of Fact and Order of Abatement for 403 E Lincoln Ave. A motion was made by Pelzel and seconded by Castillo to approve resolution 2023-19. All voted in favor. None voted against. The motion carried.

## **CITY OF FAIRFAX**

### **RESOLUTION NO. 2023-19**

#### **A RESOLUTION OF FINDINGS OF FACT AND ORDER ISSUED**

#### **UNDER FAIRFAX CITY CODE, CHAPTER 155: NUISANCES**

#### **RE: 403 E Lincoln Ave, 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 403 Lincoln Ave E, Fairfax, Minnesota, had been identified as being in violation of City Code section and 155-3 for unlawful accumulations in the open of discarded household items and debris ; 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; and

**Whereas**, Preferred Properties & Management has been identified as the owner of this Commercial property, located at 403 Lincoln Ave E, Fairfax, Minnesota 55332; Renville County Property ID No. 31-00450-00; and

**Whereas**, the City Administrator prepared a letter, which was delivered by certified mail on September 22nd, 2023, notifying them that all of the above-listed items must be abated by October 4th, 2023. 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 October 10th, 2023, 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, comfort, or repose of a considerable number of members of the public; and 2) the conditions have not been improved since September 7th, 2023; 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. Preferred Properties and Management shall abate the above-described nuisance conditions on the residential property, located at 403 Lincoln Ave E, Fairfax, 55332, upon service or posting of this Resolution.
2. If the owners fail to abate the nuisance items, 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 and a \$250 fine for a first offense of this nature in a 3-year period.
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 10th day of October, 2023.

SEAL

\_\_\_\_\_  
Josh Bunkers, Mayor

Attest: \_\_\_\_\_

Andrea Merkel, City Administrator

MOTION BY: \_\_\_\_\_

SECOND MOTION BY: \_\_\_\_\_

Attachments: Photos of Nuisance Items

The council heard a presentation by Jerry Weldy regarding planned upgrades to the Veteran's Memorial at Depot Park by the local VFW and American Legion. A motion was made by Pelzel and seconded by Schroeder to give approval for the upgrades. All voted in favor. None voted against. The motion carried.

The council heard a presentation by Jim Weinzetl regarding fundraising efforts for a drug detecting dog that would be used in the new GFW K-12 building. Weinzetl requested financial support from the City for the project. The request was tabled to gather more information on the subject.

The council heard a presentation by Kelly Lutgen, Pam Bishop and Bryan Stading regarding the city of Fairfax being selected to participate in Southwest MN Initiative Foundation's Rural Entrepreneurial Venture program. No action by the council was requested.

The council heard a presentation by John Peterson and David Francen from Retro Holdings LLC regarding updates on the redevelopment of the former GFW Middle School building. Peterson and Francen requested to schedule a workshop meeting with the council to further discuss the progress with the project. Peterson and Francen will work with Merkel to schedule a workshop at a later date.

The council reviewed Resolution 2023-16 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for 2<sup>nd</sup> Ave SE Street Improvement Project. A motion was made by Castillo and seconded by Pelzel to approve Resolution 2023-16 with the addition of a 15-year term and 3.5% interest rate for repayment of the proposed assessments. All voted in favor. None voted against, the motion carried.

## **City of Fairfax**

### **Resolution 2023-16**

#### **Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for 2<sup>nd</sup> Ave SE Improvement Project**

WHEREAS, a contract has been let for the improvement of 2<sup>nd</sup> Ave SE between 4th Street SE and 5th Street SE by M.R. Paving and Excavating, Inc. and the contract price for such improvement was \$236,683.92, and the expenses incurred in the making of such improvement amounted to \$42,653.50 so that the total cost of the improvement was \$279,337.42.

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

1. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$259,974.34 and the portion of the cost to be assessed against benefited property owners is declared to be \$19,363.08.
2. Assessments shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January, 2025, and shall bear interest at the rate of 3.50% percent per annum from the date of the adoption of the assessment resolution.
3. The city clerk, with the assistance of the city engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he/she shall file a copy of such proposed assessment in his/her office for public inspection.
4. The clerk shall upon the completion of such proposed assessment, notify the council thereof.

Adopted by the council this 10<sup>th</sup> day of October, 2023.

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Mayor

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City Clerk

The council reviewed Resolution 2023-17 to Schedule Hearing of Proposed Assessments for 2<sup>nd</sup> Ave SE Street Improvement Project. A motion was made by Schroeder and seconded by Pelzel to approve the resolution. All voted in favor. None voted against. The motion carried.

**City of Fairfax**  
**Resolution 2023-17**

**Resolution for Hearing on Proposed Assessment for 2<sup>nd</sup> Ave SE Improvement Project**

WHEREAS, by a resolution passed by the council on October 10, 2023, the city clerk was directed to prepare a proposed assessment of the cost of improving 2<sup>nd</sup> Ave SE between 4th Street SE and 5th Street SE by October 25, 2023, and

WHEREAS, the clerk has notified the council that such proposed assessment has been completed and filed in his/her office for public inspection,

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

1. A hearing shall be held at 7:00 p.m. on November 14, 2023 in the city hall, which is located at 18 1<sup>st</sup> Street SE in Fairfax, MN to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

2. The city clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and they shall state in the notice the total cost of the improvement. The city clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. An owner may at any time thereafter, pay the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

Adopted by the council this 10th day of October, 2023

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Mayor

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City Clerk

The council reviewed Ordinance 440 – Amending the City’s Golf Cart and Utility Vehicle ordinance for the second and final reading. A motion was made by Pelzel and seconded by Castillo to approve Ordinance 440. All voted in favor. None voted against, the motion carried.

**City of Fairfax**

**Ordinance 440**

**An Ordinance Amending City Code Chapter 85 Regulating Bicycles, Skateboards and Recreational Vehicles**

WHEREAS, the City previously adopted ordinances regulating the use of bicycles, Skateboards and Golf Carts, which are now codified as City Code Chapter 85;

WHEREAS, the City Council has determined an addition to the regulation of Utility Vehicles within City limits is desired;

NOW, THEREFORE, THE CITY COUNCIL OF FAIRFAX ORDAINS:

1. City Code Chapter 85 is hereby amended as follows:

The name of City Code Chapter 85 shall be amended to read to Bicycles, Skateboards and Recreational Vehicles.

2. City Code Chapter 85-1 Definitions is hereby amended to include the following definition for Four-Wheel Utility Vehicle and Golf Cart:

A motorized vehicle with: (1) not less than three, but not more than six low pressure or

non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less.

3. City Code Chapter 85-13 is hereby amended as follows:

**Four-wheel Utility Vehicles and Golf carts.**

A. No person may operate a motorized UTV or golf cart on a public street within the City of Fairfax without a permit from the City. Permits may be granted for a period not to exceed one year, and must be renewed annually. As part of issuing a permit, the City shall issue the permit holder a decal that must be placed in a visible location on the vehicle for which the permit was issued. A permit may be revoked at any time if there is evidence that the person granted the permit cannot safely operate the motorized golf cart or UTV on the roadways.

B. The following conditions must be met in order to have a permit granted:

(1) Must be a licensed driver.

(2) Must provide proof of liability insurance for permitted vehicle.

C. Application of traffic laws. Every person operating a motorized UTV or golf cart has all the rights and duties applicable to the driver of any other vehicle. Use of UTVs and golf carts shall be limited to city streets and alleys and are not permitted on county and state roads or city sidewalks.

D. Times of operation. Motorized UTVs and golf carts with headlights and taillights may operate at any time of day. Headlight and taillight use is required between sunset and sunrise and when visibility is less than 500 feet. Motorized UTVs and golf carts without headlights and taillights may only be operated from sunrise to sunset and only when there is sufficient visibility to see persons and vehicles on the roadway at a distance of at least 500 feet.

F. Noise. No person shall operate a golf cart or UTV in a manner so as to create a loud, unnecessary, or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.

Adopted by the City Council this 10<sup>th</sup> day of October, 2023.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator



Schmidt read the results of the Mayor and City Council member's evaluation of the City Administrator. Andrea Merkel was ranked above expectations in the overall compilation of all categories of review. A motion was made by Schroeder and seconded by Pelzel to approve the final performance evaluation. All voted in favor. None voted against. The motion carried.

Merkel and Grejtak informed the council of the results of an interview with Makenzie Klehr regarding her employment application for an EMT position with the Fairfax Ambulance. A motion was made by Pelzel and seconded by Castillo to approve the hiring of Makenzie Klehr as an EMT. All voted in favor. None voted against. The motion carried.

Merkel and Froehlich informed the council of the results of an interview with Nicholas Hacker regarding his application for a part-time police officer position with the City. A motion was made by Schroeder and seconded by Castillo to hire Nicholas Hacker as a part-time police officer, pending a background check. All voted in favor. None voted against. The motion carried.

The council reviewed the city's current snow plowing policy related to the plowing of the alleys in town. No changes were requested to the current policy.

The council reviewed existing city ordinance Chapter 71-9 related to Sunday Liquor License hours of sale. The council requested that Merkel change the current ordinance to align the city's ordinance with the current MN State Statutes that limit the sale of on-sale liquor on Sundays to 8AM-1AM. A draft of the ordinance change will be presented at the November council meeting.

Attorney Aaron Walton informed the council of his resignation as the city's criminal prosecuting attorney, effective today. Walton would continue to serve as the city attorney for civil law matters. Walton recommended hiring Anderson, Larson, Saunders, Klaassen, Dahlager & Leitch PLLP as the city's prosecuting attorney. A motion was made by Pelzel and seconded by Castillo to hire Anderson, Larson, Saunders, Klaassen, Dahlager and Leitch PLLP as the city's prosecuting attorney as of October 11, 2023. All voted in favor. None voted against. The motion carried.

Froehlich presented the council with information on purchasing new tasers for the police department. The current tasers are over 10 years old and recommended to be replaced every 5 years. The proposal was to purchase 3 new tasers for the department. A motion was made by Schroeder and seconded by Pelzel to purchase the tasers. All voted in favor. None voted against. The motion carried.

Merkel presented options to the council for updating the city's Christmas decorations this year. The current banners the City displays for the holiday season in the downtown are over 15 years old and showing their age. Grejtak stated that at least 6 of the current banners would not be able to be put up this year due to damage. Merkel stated that the city does not currently have enough snowflakes for all of the light poles on Highway 19 either. Merkel proposed either replacing the banners at an estimated cost of \$4000 for 35 banners or purchasing additional snowflakes for the highway at an estimated cost of \$650 each. A motion was made by Castillo and seconded by Pelzel to approve purchasing new holiday banners for the downtown area. All voted in favor. None voted against. The motion carried.

The council reviewed a quote from MJ Neisen Asphalt in the amount of \$8,450 to complete the demolition of 121 Park St N. The quote also included returning the lot to grade with back fill. A motion was made by Schroeder and seconded by Pelzel to approve the quote. All voted in favor. None voted against. The motion carried.

In staff reports, Merkel updated the council that the demolition process of 129 and 127 Park St S have officially started this past week. The city was awarded \$15,000 from Renville County EDA for a blight removal grant to assist with the clean-up cost.

Merkel also presented the council with city financial information for the month of September.

Grejtak informed the council that the public works crew has been working on sweeping leaves from the streets and getting winter equipment ready. The water tower inspection was completed this month. A few areas were noted that would need painting touched up. The entire tower will more than likely need to be repainted in the next 5 years and Grejtak reported that he is getting quotes on the project. The change in water pressure during the inspection and cleaning process caused a water main break that was repaired. Grejtak reported that he did apply for the DNR grant for assistance with the cost of tree removal. M.R. Paving should be completing the street patching and manhole repairs in the coming weeks.

Froehlich reported that the department responded to 136 calls in the month of September and that the new squad car has finished having new decals applied. The new squad is still waiting on some equipment for the interior. The 2017 Ford Explorer that was to be traded in with the purchase of the new squad car was purchased by the city of Brownton for \$1500 more than the quoted trade-in price. Froehlich is also getting quotes to expand the city's current security camera system to include cameras in Lion's Parks for additional security.

In council member items, Pelzel asked about the progress of re-installing no smoking signs in the city parks. Grejtak and Froehlich confirmed that the signs are no longer up and the cost of replacement signs are being researched.

A motion was made by Pelzel and seconded by Castillo to adjourn the meeting at 8:44pm. All voted in favor. None voted against. The motion was carried.

Attest:

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Mayor

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City Administrator