

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on March 14th, 2023 at 7:00pm in the City Council Chambers.

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

Absent: Josh Bunkers

Visitors: Andrea Merkel, City Administrator  
Joel Grejtak, Superintendent of Streets and Utilities  
Scott Froehlich, Chief of Police  
Aaron Walton, City Attorney  
Jim Cuff  
Jeff Horton, GFW Schools  
Nancy Blumhoefer  
Colleen Schweiss  
Brian Weir  
Dorothy Prax  
Karen Sieverts  
Jim Weinzetl  
Bernadette Boyum  
Johanna Jutz, Standard-Gazette & Messenger

The meeting was called to order.

The Pledge of Allegiance was recited.

The agenda was reviewed. Andrea Merkel requested the addition of consideration of approval of Resolution 2023-3 under agenda item #13 and Resolution 2023-4 under agenda item #18. A motion was made by Pelzel and seconded by Schroeder to approve the agenda. All voted in favor. None voted against. The motion was carried.

The consent agenda was reviewed. Council member Schroeder requested a correction be made to the February 14<sup>th</sup> Council meeting minutes. A motion was made by Pelzel and seconded by Castillo to approve the consent agenda with the correction to the meeting minutes. All voted in favor. None voted against. The motion was carried.

Consent Agenda:

1. Approval of Consent Agenda
2. Consider Approval of Minutes
  - a. February 14<sup>th</sup>, 2023 Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Approval of Frontline Warning Systems Contract
5. Consider Approval to Authorize Opening the Swimming Pool Positions for Hiring and Delegate Hiring to City Administrator

Superintendent of GFW Schools, Jeff Horton gave a presentation to the council on the upcoming April 11<sup>th</sup> building bond referendum vote.

A liquor license violation by KKH LLC was reviewed by the council. Attorney Aaron Walton recommended tabling a decision on any disciplinary action for the violation until a hearing can be held on the subject at the April council meeting. A motion was made by Pelzel and seconded by Castillo to table the violation until the April council meeting. All voted in favor. None voted against, motion carried.

Andrea Merkel informed the council that the Rural Fire Association held their annual meeting on February 24<sup>th</sup>. The association voted to move forward with ordering a replacement fire truck for the current Engine #2 and approved paying for it's 50% of the truck cost. Merkel informed the council that the city will also need to approve paying for the remaining 50% of the purchase cost for the truck to be ordered. The estimated cost of the truck is \$475,000. The Fire Department has applied for a FEMA grant that would pay for 95% of the purchase cost, if awarded. Due to material shortages, the new truck would not be delivered until later 2024 or early 2025. A motion was made by Pelzel and seconded by Castillo to approve the purchase of the new fire truck. All voted in favor. None voted against. The motion carried.

The council reviewed a proposed city fee schedule for approval. Merkel informed the council that the majority of the fees were not new or changed, the fee schedule is just a formal list of fees on one single document to simplify questions regarding fees. The city has also received requests for a formal fee schedule from insurance companies for fire and ambulance claims, making a formal document necessary. Pelzel asked whether the current fee amounts were reviewed for potential updates and whether the golf cart fee was included in the ATV fee. Merkel answered that while making the new fee schedule, she did get copies of other city's fee schedules and our fees and amounts are very similar to many other city's fees. And that the ATV fee did also include the current golf cart fee. A motion was made by Pelzel and seconded by Castillo to approve the City Fee Schedule. All voted in favor. None voted against. The motion carried.

The council reviewed resolution 2023-3 Designating Juneteenth or June 19<sup>th</sup> as a city holiday. Attorney Aaron Walton raised a question of whether or not the actual state designated holiday was June 19<sup>th</sup> or the 3<sup>rd</sup> Saturday in June. The council chose to table the resolution until the wording is clarified to cover the correct day of the holiday.

The council was presented with Ordinance 436 Amending the City Utility Policy for a 2<sup>nd</sup> reading. A motion was made by Castillo and seconded by Schroeder to approve the ordinance. All voted in favor. None voted against, the motion carried.

### **City of Fairfax**

### **Ordinance 436**

### **An Ordinance Amending City Code Chapter A342, Articles 6 & 10 Regulating Utility Policy Billing and Penalties**

WHEREAS, the City previously adopted ordinances regulating utility billing policies and penalties, which are now codified as City Code Chapter A342, Articles 6 and 10;

WHEREAS, the City Council has determined it necessary to amend certain articles relating to utility billing and penalties.

NOW, THEREFORE, THE CITY COUNCIL OF FAIRFAX ORDAINS:

City Code Chapter A342, Article 6, Subd. A – Utility Billing is hereby amended as follows:

Statement for utility charge shall be mailed to each customer within 10 days following the dates of service in which municipal utility service is provided. All utility bills shall be due and payable on the 25th of the month for which the bill is dated, and shall be paid to the City of Fairfax, and if such bill is not paid before the 25th day of the month for which the bill is dated, then it shall be the duty of the Clerk-Treasurer to notify the customer of disconnection and the right to a hearing before the Council. If the 25<sup>th</sup> of the month falls on an observed holiday or weekend, the due date is the 1<sup>st</sup> business day following the holiday or weekend.

AND City Code Chapter A342, Article 10, Subd. A1-Utility Penalties is hereby amended as follows:

Statements for utility charges shall be mailed to each customer within 10 days following the dates of service noted in the statement and on final billing dates. If payment is not made by the due date there shall be added a 10% penalty on the delinquent balance added to the amount due.

AND City Code Chapter A342, Article 10 is hereby amended to include the following Subd. C & D-Reconnections and Failure to Pay Final Bill:

C. Reconnections. The city shall reinstate service upon payment of delinquent bill or acceptable partial payment with acceptable written payment plan plus a reconnection fee of \$100. If service is reinstated outside of 8 am-3 pm Monday-Friday, the reconnection fee is \$150. In cases where utility service is disconnected for a period of time upon customer request, there shall be a reconnection fee of \$100. If payment for reconnection does not occur within fourteen calendar days of date of disconnection, the account will be closed and a final bill issued. Any currently held deposit will then be applied to the outstanding balance on the final bill. The City reserves the right to require a passing electrical inspection by a Minnesota licensed electrical inspector prior to the reconnection of services if the City determines that a reconnection may compromise the health, safety or welfare of the public, electrical workers, or the occupants of the structure to which the service is being provided.

D. Failure to Pay Final Bill. Failure to pay the final bill or arrange an acceptable payment plan by the due date of the final notice will result in the unpaid balance being certified to the Renville County Auditor and/or referred to a collection agency. The city reserves the right to pursue collections of unpaid utility bills using any and all legal means.

AND City Code Chapter A342 is hereby amended to include the following Article 12, Subd. A & B-Payment Plans:

- A. Customers that are unable to pay their utility bill by the due date are encouraged to contact the city office to arrange and sign a mutually agreed-upon payment plan, which has a goal of bringing a utility account current in a timely manner. The city has the right to reject a proposed payment plan if it is determined not to achieve the goal of bringing a customer's utility account current. All payment plans must be in writing, signed by the utility account holder, and approved by city staff to be valid.
- B. If customer fails to comply with any term and/or condition contained within the signed payment plan, the customer shall be removed from the payment plan and will be subject to disconnection of utility service. The city reserves the right to deny all future payment plans to any customer that fails to comply with a valid payment plan.

Adopted by the City Council this 14<sup>th</sup> day of March, 2023.

Attest:

\_\_\_\_\_  
Mayor

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

The council reviewed bids from Northland Lumber and Justin Winch Construction LLC for demolition of interior walls of the police department office and fire hall meeting room to clean mold, replace walls and replace ceiling tiles in both rooms. The council also reviewed bids from Farm Mercantile and Hoffman Electric for materials and labor to replace the lighting in both rooms with LED lighting and update the heating in the fire department meeting room. Merkel updated the council on the progress of obtaining a 2<sup>nd</sup> bid for the construction labor since the February council meeting, but a 2<sup>nd</sup> bid has not been submitted as of today. Pelzel asked Attorney Aaron Walton for clarification on the requirement of receiving 2 bids for this type of project. Walton stated that one bid can be accepted if a reasonable effort has been attempted to obtain a 2<sup>nd</sup> bid. A motion was made by Pelzel and seconded by Schroeder to accept the material and labor bid from Justin Winch Construction and the electrical bid from Farm Mercantile for the electrical repairs. All voted in favor. None voted against. The motion carried.

The council reviewed proposed changes to the lifeguard, water safety instructor and seasonal public works wages from the personnel committee. The proposed wages would increase the lifeguard and water safety instructor wages by \$0.50/hr and increase the seasonal public works wage to \$14/hr. A motion was made by Castillo and seconded by Pelzel to approve the wage increase recommendations. All voted in favor, none voted against. The motion carried.

The council reviewed the current nuisance property ordinance and city staff policy for dealing with nuisance properties for possible changes. Merkel pointed out that there are differences in the wording between the ordinance and the staff policy that was recently approved. Merkel also

informed the council that there have been issues with repeat offenders of the nuisance property ordinance and there is no penalty in our current ordinance other than the cost of clean up of the nuisance. The council asked Merkel to update the current ordinance to include the updated city policy and research other city policies regarding charging fees and bring a proposed updated ordinance to the April council meeting.

A motion was made by Pelzel and seconded by Castillo to approve Resolution 2023-4 Accepting a donation from the Fairfax Fire Department to be used for purchase of Fire Department Equipment. All voted in favor, none voted against. The motion carried.

**City of Fairfax  
Resolution 2023-4**

**Resolution Accepting Donation to the City of Fairfax**

WHEREAS, the City of Fairfax, Minnesota is authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts for the benefit of the City of Fairfax and its citizens pursuant to Minnesota statutes Section 471.17; and

WHEREAS, the following entities have offered to contribute the cash amounts set forth below:

Fairfax Fire Department in the amount of \$40,000 to be used for Fire Department Equipment

WHEREAS, The city council finds that it is appropriate to accept the donations offered.

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

1. The donations described above are accepted and shall be used for the expenses specified by the donor. If no specific expenses are stated, they shall be used for general expenses of the department specified.

Passed by the City Council of the City of Fairfax, Minnesota this 14<sup>th</sup> day of March, 2023.

Attest:

\_\_\_\_\_  
Mayor

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

In staff reports, Andrea Merkel reported that the process of hiring lifeguards for the pool this summer has started. She has received one application and spoken to a few more potential applicants along with most of the 2022 lifeguard staff regarding their intentions of returning in 2023. Merkel also reported that she is working on scheduling a lifeguard training at the pool again this year to simplify the process of training the lifeguards.

Merkel also updated the council on the use of the Renville County Code Red messaging system for snow emergencies. The city has utilized the system the last two snow events and seems to be a good solution. The city can use the messaging system for other notifications, if needed, at no cost to the city. Communication to city residents on signing up for the Code Red system is being planned. There are about 140 residents in the city limits that are currently signed up to receive the notifications.

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

Joel Grejtak reported that the city crews have been busy with snow removal and completing required safety trainings this month.

Scott Froehlich reported that the police department responded to 62 incidents during the month of February. Froehlich also noted that he has received a quote for the purchase of 4 body cameras for the police department via grants that are available. Scott explained that if the department uses body cameras, every officer needs to have one. The city typically has 4 officers on duty during Fairfax Dayz of Thunder, so purchasing 4 cameras would be necessary.

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

Attest:

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Mayor

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City Administrator