

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on April 12th, 2023 at 7:00pm in the City Council Chambers.

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

Absent: Jill Pelzel

Visitors: Andrea Merkel, City Administrator
Scott Froehlich, Chief of Police
Aaron Walton, City Attorney
Jim Cuff
Steve Liebl
Derek Carlson
Chase Hermes

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

The Pledge of Allegiance was recited.

The agenda was reviewed. Andrea Merkel requested the addition of consideration of approval of hiring Alexa Hazelton to the Fairfax Ambulance to the consent agenda and consideration of approval of quotes for building inspector services to the agenda. A motion was made by Castillo and seconded by Schroeder to approve the agenda with the additions. 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 Castillo 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. March 14th, 2023 Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Approval of Designated Entity Contract No. 23-UGPR-47 between the City of Fairfax, MN, Central MN Municipal Power Agency and Western Area Power Administration
5. Consider Approval of Alexa Hazelton to Fairfax Ambulance

A motion was made by Schmidt and seconded by Schroeder to open a public hearing on a liquor license violation by KKH LLC. All voted in favor, none voted against, the hearing was opened. The violation for serving intoxicating liquor past 1 AM without a permit to do so was reviewed by the council. Schmidt was concerned that the violation had occurred over 30 days ago without an update on a scheduled training for employees. No public comment was received on the subject. A motion was made by Schmidt and seconded by Castillo to follow the existing city

ordinance on a first violation, which is a \$500 fine, to be paid within 30 days. All voted in favor. None voted against, motion carried.

A motion was made by Schmidt and seconded by Schroeder to approve temporary liquor licenses for the Fairfax Baseball Association and the Fairfax Dayz of Thunder Committee for various dates this summer. All voted in favor. None voted against, the motion carried.

The council reviewed the current ordinance on farm animals within city limits. The current ordinance only allows chickens in the agricultural zones. Steve Liebl was present to express his interest in having a chicken coop on his property, which is not located in an agricultural zone. An existing ordinance from another city that allowed chickens anywhere within city limits with a permit was reviewed by the council. Schroeder expressed his concerns with existing animal ordinances not being followed. A motion was made by Schmidt and seconded by Castillo to amend the current ordinance to include the option of a permit to have chickens in any zone, with the following permit requirements: a limit of 4 chickens per property, no roosters allowed, a limit of 5 permits total within city limits and agreement of all adjacent properties within 50 feet. The amended ordinance would also be a temporary ordinance for 12 months. Schmidt, Castillo and Bunkers voted in favor, Schroeder voted against. Motion passed. First reading of the ordinance amendment will occur at the May council meeting.

A request to change the current police department response time requirement of 15 minutes was reviewed. The personnel committee's recommendation was to not make any changes at this time. The council followed the personnel committee's recommendation and did not make any changes to the current policy.

The council reviewed resolution 2023-3 Designating Juneteenth or June 19th as a city holiday. A motion was made by Schmidt and seconded by Schroeder to approve the resolution. All voted in favor, none voted against, motion carried.

**City of Fairfax
Resolution 2023-3**

Resolution Declaring June 19th or Juneteenth as Official City Holiday

WHEREAS, on February 2, 2023 the State of Minnesota signed a bill into law establishing June 19th as an official state holiday, effective August 1st, 2023.

WHEREAS, no public business can be conducted on June 19th in the State of Minnesota following the effective date of the law.

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

1. The Council hereby designates the 19th of June, recognized as Juneteenth, as an official city holiday. If the holiday falls on a Saturday, it shall be observed on the preceding Friday. If the holiday falls on a Sunday, it shall be observed on the following Monday.

2. The Council hereby amends the City Personnel Policy to include Juneteenth as an official city holiday.

Passed by the City Council of the City of Fairfax, Minnesota this 12th day of April, 2023.

Attest:

Mayor

City Administrator

The council reviewed Interim Ordinance 435 Banning the sale of Edible Cannabinoid Products within city limits. Merkel informed the council that an existing business had inquired about any updates to the ordinance to allow for the sale of these products. Merkel stated that since the ordinance is an interim ordinance, the council will need to make a decision on allowing the sale of the products by January, 2024. A permanent ban of the sale of these products is still not allowed under the current MN state law. Merkel informed the council that new legislation on the sale of these and similar products could be passed this year that would change the options that a city has for regulating sales of these products once again. The council chose to not make any changes to the ordinance until after the current legislative session ends.

The council reviewed Ordinance 437-Amending Nuisance Abatement Ordinance. The amended ordinance updates the current ordinance to include additional steps to the abatement of nuisance properties that was approved by the council in 2021. Merkel also pointed out that the new ordinance includes a fine structure for repeat offenders of the nuisance ordinance. A motion was made by Castillo and seconded by Schroeder to approve the 1st reading of the ordinance. All voted in favor, none voted against. The motion carried.

City of Fairfax

Ordinance 437

An Ordinance Amending City Code Chapter 155-5 Abatement of Public Nuisances

WHEREAS, the City previously adopted ordinances defining public nuisances and the abatement process of nuisances, which are now codified as City Code Chapter 155;

WHEREAS, the City Council has determined an amendment is desired to Chapter 155-5, the process of abating a public nuisance within city limits;

WHEREAS, The City Council held a public hearing on the amendment of ordinance on the 9th day of May, 2023, duly published and advertised as required by State Law.

NOW, THEREFORE, THE CITY COUNCIL OF FAIRFAX ORDAINS:

City Code Chapter 155-5 Abatement of Public Nuisances is hereby amended as follows:

General. Whenever a public nuisance is reported, an officer charged with enforcement will investigate the report to determine that a public nuisance is being maintained or exists on premises in the City. An incident report, including photos of the public nuisance, will be completed by the officer. Upon receipt of the incident report, the City Clerk-Treasurer will notify, in writing, the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated as follows:

- (1) The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises.
- (2) The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 14 days, within which the nuisance is to be abated; provided the time for abatement shall not exceed 10 days in the case of noxious weeds. The notice shall also state that a hearing before the City Council will occur at the next scheduled City Council meeting should the violation not be abated within 14 days of receipt of the notice.
- (3) If the notice is not complied with and there is no appeal within the time specified, the enforcing officer shall report that fact forthwith to the City Administrator. Upon completion of a hearing before the city council, the City Council will decide whether or not to approve a Finding of Fact and Order authorizing the City to abate the nuisance.
- (4) After the Finding of Fact and Order is approved and issued by the City Council, the City Administrator shall schedule City staff to abate the nuisance at the earliest convenience. City staff are authorized to enter the nuisance property and abate the nuisances described in the incident report.

B. Emergency abatement. When the officer charged with enforcement determines that a nuisance constitutes a serious and imminent danger to the public safety or health, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. The City Clerk-Treasurer shall immediately thereafter notify in writing the owner or occupant of the premises of the action taken. The notice shall be served in person or by registered or certified mail.

C. Costs of abatement. The owner or occupier of a property shall be liable to the City for all expenses incurred in the removal and abatement of the nuisance sited in the incident report. The City shall have the right to recover all such costs, including certifying the costs to the property's real estate taxes.

D. Violations. A property owner or occupier that has failed to abate or remove a nuisance from their property shall be subject to a penalty in addition to an abatement. A nuisance violation shall constitute a separate violation for each notice given to the property owner or occupant.

A violation of this ordinance shall be a misdemeanor. The minimum fine amounts shall be as follows:

1. One Violation within three (3) years: \$250
2. Two (2) violations within three (3) years: \$500

3. Three (3) or more violations within three (3) years: \$1,000

Adopted by the City Council this 9th day of May, 2023.

Attest:

Mayor

City Administrator

The council reviewed the current sidewalk repair ordinance. Merkel stated that the current ordinance does not match a sidewalk policy that was approved by the council in 2020. The current ordinance states that sidewalk repairs are determined by a sidewalk commission and that the cost of any repairs that are determined to be needed are shared by the city 50/50. The sidewalk policy that was approved in 2020 states that the determination of which sidewalks need to be repaired is determined by the street superintendent and that the city pays for 100% of the repairs until the annual budget for sidewalk repairs is exhausted. A motion was made by Castillo and seconded by Schmidt to approve amending the sidewalk ordinance to reflect the new sidewalk policy that was approved in 2020. All voted in favor, none voted against. The motion carried.

The council reviewed two proposals for building inspector services from Wenner Inspections and 101 Development Resources, Inc. Merkel explained the differences between the two proposals in how the city and residents would share the cost of continuing to have a building inspector. Schroeder stated that a resident maybe interested in becoming licensed to provide the service as a third option. The council chose to table the quotes until more information can be collected on the third possibility to potentially work with a local resident.

In staff reports, Andrea Merkel updated the council on the progress of re-opening the pool. The biggest hurdle at this point is hiring enough lifeguards to staff the pool. Merkel also informed the council that she is looking into purchasing new banners for the downtown light poles as the previous banners are in rough shape. She applied for a community improvement grant through Renville County EDA that could cover about a third of the cost of the new banners, if received.

Merkel informed the council that the office copy machine was continually having service issues the past few months. The city did not get a service contract on the machine when it was purchased and one cannot be purchased now that the machine is over 5 years old, so the repairs were getting costly. Merkel obtained two quotes for leasing a new machine. The company that the city currently works with for the existing machine was the lowest cost and they waived the cost of the last few service calls since we upgraded our machine with them. The cost of leasing a new machine for 5 years was the same cost as purchasing a machine. The lease covers all toner and service and we can end the lease at any time for no cost.


The repairs at the community center have been completed and the repairs at the Fire Hall/Police Station are making progress. The repairs should be completed by early summer.

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

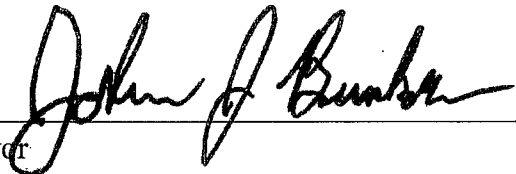
Scott Froehlich reported that the police department responded to 148 incidents during the month of March. Froehlich also reported that he has applied for a grant to purchase 3 new AEDs, two of which would be used in the squad cars. More research will need to be done into grants to purchase body cameras for the police department. The grant that Froehlich was researching seemed to be more complicated than originally thought. There have been numerous complaints of dog waste being left in city parks. The officers have been working on enforcing clean-up and monitoring the parks closer to find out who is causing the issue. The city is also going to put up signs to hopefully stop future issues.

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

Attest:



City Administrator



Mayor