

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on June 13th, 2023 at 7:00pm in the City Council Chambers.

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

Absent: Steve Schmidt

Visitors: Andrea Merkel, City Administrator
Joel Grejtak, Street & Utility Superintendent
Aaron Walton, City Attorney
Jim Cuff

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

The Pledge of Allegiance was recited.

The agenda was reviewed. A motion was made by Pelzel and seconded by Castillo 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 Pelzel 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. May 9th, 2023 Council Meeting Minutes
 - b. May 23rd, 2023 Council Meeting Minutes
3. Consider Approval of Dayz of Thunder Parade Route, 5K Run Route and 1K Run Route
4. Consider Approval of DGR Engineering Agreement for Professional Services
5. Consider Approval of Claims for Payment

A motion was made by Castillo and seconded by Pelzel to open the public hearing for the variance request for 123 1st Ave SW. No comments were made during the public hearing. Merkel reported that one resident had emailed a question on the location of the proposed garage, and after receiving an answer, did not have any further comments or questions regarding the variance. With no discussion, a motion was made by Castillo and seconded by Schroeder to close the hearing. A motion was made by Castillo and seconded by Schroeder to approve the variance for the proposed garage. All voted in favor. None voted against. The motion carried.

Resolution 2023-6 Recognizing Joel Grejtak and Chad Klages for reaching milestones in years of service to the city was reviewed. A motion was made by Pelzel and seconded by Schroeder to approve the resolution. All voted in favor. None voted against. The motion carried.

City of Fairfax Resolution 2023-6

Resolution Recognizing Employees for Their Years of Service

WHEREAS, the City Council for the City of Fairfax adopted an Employee Recognition Program on December 11th, 2019, and;

WHEREAS, the City Council seeks to recognize those employees who have shown loyalty to providing public service through successive years of service.

NOW THEREFORE, BE IT RESOLVED, the City Council recognizes, thanks, and presents certificates to these employees for their years of service:

- Joel Grejtak – 10 Years of Service as of June 13th, 2022
- Chad Klages – 5 Years of Service as of April 3rd, 2022

Adopted by the City Council this 13th day of June, 2023.

Attest:

Mayor

City Administrator

The council reviewed the second reading of Ordinance 439 Amending Farm Animal Ordinance. A motion was made by Castillo and seconded by Pelzel to approve the ordinance as read. All voted in favor, none voted against, motion carried.

City of Fairfax

Ordinance 439

An Ordinance Amending City Code Chapter 78 Regulating Farm Animals within City Limits

WHEREAS, the City previously adopted ordinances regulating the keeping of farm animals within the City limits, which are now codified as City Code Chapter 78-4;

WHEREAS, the City Council has determined a change to the regulation of farm animals within City limits is desired;

NOW, THEREFORE, THE CITY COUNCIL OF FAIRFAX ORDAINS:

City Code Chapter 78-4 is hereby amended as follows:

Farm animals shall only be kept in an agricultural district of the City, or on a residential lot of at least 10 acres in size, provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this subsection for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, a licensed show or the owner holds a valid permit from the city to keep chickens and complies with all

provisions of the permit.

A. Chickens- Chickens are allowed on any lot with a single-family residence that is issued a permit to do so by the City. The keeping of any other poultry besides chickens, is prohibited.

a. General Requirements

- i. No roosters are permitted, all chickens must be hens. Any rooster kept by mistake, must be removed from the property within 24 hours of discovery
- ii. No more than 4 chickens may be kept at any one lot at any time
- iii. Chicken feed must be kept in containers designed to prohibit access by rodents and other pests
- iv. A run or exercise yard conforming to this subdivision is required.
- v. Chickens must not be kept in such a manner as to constitute a nuisance to the occupants of any adjacent property
- vi. Deceased chickens must be disposed of according to applicable law and must be removed as soon as possible, no later than 24 hours after death.
- vii. Chicken manure is to be contained in a weather and pest proof container and removed weekly or composted as fertilizer. Chicken manure must not be allowed to accumulate in such a way as to cause any unsanitary conditions or odors detectible on another property.
- viii. Chickens kept under this subdivision may not be slaughtered within the city limits
- ix. Chickens must be confined inside a coop or a fenced in run at all times and chickens may not be allowed to range freely.

b. Chicken Permit Requirements

- i. A permit issued by the city is required to keep chickens
- ii. Only one permit allowed per lot. If a single resident wishes to keep chickens at multiple lots a permit must be obtained for each lot
- iii. A permit is valid for 1 year from the date of issuance.
- iv. A maximum of 5 active permits total will be allowed at any one time within city limits.
- v. A permit may only be issued if all of the owners of all adjacent property approve of the application by signing the application form. Adjoining property means all properties within 200 feet of the proposed location of the coop and run proposed in the permit application
- vi. Approval from property owner is required if permit applicant is renting the property proposed on the permit
- vii. Permits are not transferrable and do not transfer with the property, owner or renter
- viii. A permit constitutes a limited license granted to the chicken keeper by the City and in no way creates a vested zoning right
- ix. Site plans and coop designs are to be included with the permit application

- c. As a condition of permit issuance, the applicant is authorizing the City to inspect the chickens and facility during normal business hours. Law enforcement is authorized to inspect the property at anytime necessary to ensure compliance with ordinance requirements.
- d. Coop and Run Requirements
 - i. A separate coop is required to house the chickens. The coop may not be attached to or inside any other structure on the property
 - ii. Only one coop is permitted per lot
 - iii. The coop and run must be located in the rear yard of the property
 - iv. The coop must be setback at least 5 feet from the rear or side property lines.
 - v. The coop must be fully enclosed and have an attached run
 - vi. The maximum height shall not exceed 6 feet
 - vii. The maximum total square feet of the coop and run shall not exceed 120 square feet.
 - viii. Maximum coop size shall not exceed 16 square feet and must have at least 4 square feet per chicken
 - ix. The run size shall not exceed 96 square feet and must have at least 10 square feet per chicken. The run must be fenced in on all sides and include a roof. Neither the run fence or the roof may exceed 6 ft in height.
 - x. The coop must be at least 24 inches off of the ground or placed on a concrete pad.
 - xi. The coop must have sufficiently sized windows to permit natural light and ventilation.
 - xii. Coop designs must meet the basic needs of the chickens, including heat, cooling, food, water and protection from the elements
 - xiii. The coop must be removed within 30 days if the permit is revoked or expired.
- e. Violations
 - i. Any person who violates the provisions of this ordinance shall be guilty of an animal ordinance violation and a fine per the current city fee schedule at the time of the violation
 - ii. If a permit holder has 2 convictions under this ordinance within any permit year, the permit shall be revoked. Upon revocation all chickens must be removed from the property within 48 hours.

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

Attest:

Mayor

City Administrator

The council reviewed the second reading of Ordinance 438 Amending the Sidewalk Repair Policy. A motion was made by Pelzel and seconded by Schroeder to approve the final reading of the ordinance. All voted in favor, none voted against. The motion carried.

City of Fairfax

Ordinance 438

An Ordinance Amending City Code Chapter A328 Regulating Sidewalk Policy

WHEREAS, the City previously adopted ordinances regulating the procedure for making sidewalk repairs, which are now codified as City Code Chapter A328;

WHEREAS, the City Council has determined a change is desired to the current Sidewalk Policy;

NOW, THEREFORE, THE CITY COUNCIL OF FAIRFAX ORDAINS:

City Code Chapter A328-2 – Procedure for Making Sidewalk Repairs is hereby amended as follows:

- A. All sidewalks, curbs and gutters located in the community shall be inspected on a regular annual basis. The Superintendent of Streets and Utilities shall be responsible for coordinating the annual inspection of sidewalks.
- B. Sidewalks should be considered for repair and/or replacement if one of the following criteria is met:
 - 1. Three quarters inch difference or more in elevation.
 - 2. Excessive broken pieces.
 - 3. Excessive cracks or deterioration is present
- C. The sidewalk inspection report shall be filed with the City Clerk-Treasurer and be open to public inspection.
- E. The City Council shall take bids and approve contracts for the construction of new sidewalks.

And City Code Chapter A328-3 – Cost of Repair is hereby amended as follows:

- A. The City shall budget funds on an annual basis to perform the repair and/or replacement of the sidewalks identified as in need of repair. All sidewalk repairs abutting upon residential, commercial, or industrial property shall be paid by the city from the allotted sidewalk budget, until the annual budget is exhausted. Any identified sidewalks that were not either repaired or replaced prior to the budget being spent will be again inspected the following year and given higher priority than newly identified sidewalk projects.
- B. The Superintendent of Streets and Utilities will decide if obstacles should be removed prior or during a sidewalk repair. Obstacles may include trees, water valves, or other

items. The cost of removing the obstacle will be the expense of the city; unless the obstacle is located on private property.

Adopted by the City Council this 13th day of June, 2023.

Attest:

Mayor

City Administrator

The council reviewed a recommendation by the personnel committee to set the part-time police officer wage at step 4 of the police officer wage scale. Merkel informed the council that this change would eliminate the need to continually change the part-time police officer wage and the wage would increase along with other city wages. Wages for this position continue to increase due to a short supply of part-time officers and this change will keep our wage competitive. A motion was made by Pelzel and seconded by Castillo to approve the personnel committee's recommendation to set the part-time police officer wage at step 4 of the police officer wage scale. All voted in favor, none voted against. The motion carried.

The council reviewed an updated quote for the Lenny Linsmeier Memorial project that was approved at Lion's Park in 2021. The updated quote is identical in materials to the original quote that was approved, but reflects updated material and labor costs. A motion was made by Pelzel and seconded by Castillo to approve the updated quote for the project. All voted in favor, none voted against. The motion carried.

The council reviewed two proposal for building inspector services from 101 Development Resources, Inc and Prokore Inspection Services. Merkel outlined the slight differences in the two proposals and stated that both proposals will include less in-person inspections than we have with our current building inspector. The council requested additional clarification on the cost for building plan review and length of contract required with Prokore Inspection Services before accepting either proposal.

The council reviewed an offer from the owner of 127 and 129 Park St S to take ownership of the lots to clean up and use as the city sees fit. The city received 3 bids from MJ Neisen Asphalt, Inc, Sandgren Trucking & Excavating and Got Dirt LLC for the clean-up of the lots if the city were to accept the offer of taking ownership of the lots. The 3 bids were as follows:

MJ Neisen Asphalt Inc - \$74,340
Sandgren Trucking & Excavating - \$85,525
Got Dirt? LLC - \$110,000

A motion was made by Pelzel and seconded by Castillo to accept the gift of the two lots, contingent on there being no liens or judgements against either property. All voted in favor, none

voted against. The motion carried. The council requested additional information on each contractor's availability to clean-up the lots as soon as possible once the city has obtained ownership of the property. Merkel will contact each contractor that submitted a bid regarding their availability to complete the work. The council will formally accept a bid once the property ownership has been transferred to the city.

The council reviewed a quote from Display Sales in the amount of \$3,899 for new banners for the downtown street light poles. Merkel stated that the city's application for a Community Impact Grant from Renville County in the amount of \$1,000 towards the project was awarded. A motion was made by Pelzel and seconded by Schroeder to accept the quote. All voted in favor, none voted against. Motion carried.

In staff reports, Andrea Merkel noted that the pool did open as planned on June 5th. There were no major repairs noted in getting the pool up and running again for the summer. Merkel and pool manager made a few adjustments to the pool hours to create more staffing efficiencies.

Merkel reported the city had one applicant for the seasonal part-time public works position that opened at the end of May. And mosquito treatments will begin this week. There will be a total of 6 treatments over the summer.

Merkel reported that 30 nuisance violation letters have been sent to city residents regarding junk vehicles and other property blight. The owners have 30 days to resolve the issues from the date of the letter, so we are now addressing the properties that have reached the 30 days without resolving the nuisances.

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

Joel Grejtak informed the council that public works employees have been working on street sweeping, applying dust control at Lion's Park and street patching.

In other council member items, Councilmember Castillo noted that she was approached by the Lion's club regarding interest in obtaining the former Smokey Hollow lot if the city acquires the lot in the future. Merkel updated the council that the current owners of the property were given 30 days to clean up the lot from the date of service of the notice. Additional steps maybe taken at the July council meeting if clean-up efforts have not resumed on the property. Councilmember Schroeder inquired about the city's current policy regarding connection fees to the city's natural gas system. Grejtak noted that the policy could be reviewed again.

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:

Mayor

City Administrator