

A regular meeting of the City Council for the City of Fairfax, Minnesota was held on July 11th, 2023 at 7:00pm in the City Council Chambers.

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

Absent: Tina Castillo

Visitors: Andrea Merkel, City Administrator  
Joel Grejtak, Street & Utility Superintendent  
Scott Froehlich, Chief of Police  
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. Merkel requested the addition of the following agenda items:

21. Consider Approval of Resolution 2023-7 Accepting Gift of Real Estate
22. Consider Action on Bids for Clean-up of 127 & 129 Park St S
23. Consider Approval of bids for Street Crack Filling

A motion was made by Schmidt and seconded by Pelzel 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. June 13<sup>th</sup>, 2023 Council Meeting Minutes
3. Consider Approval of Claims for Payment
4. Consider Approval of Temporary On-Sale Liquor License for St. Andrew's Fun Fest
5. Consider Approval of hiring Ashlee Lueders As EMT to Fairfax Fire & Ambulance
6. Consider Approval of Pay Application #4 for the 2<sup>nd</sup> Ave SE Street Project

A discussion was had on whether or not hearings could be held to address 3 properties that had received letters from the city regarding cleaning up nuisance ordinance violations and had not fully resolved the issues as of today. Merkel informed the council that she had sent the 3 properties a notice of the hearing via certified mail, but as of today, none of the 3 letters in question had been successfully delivered. Walton determined that the hearings could not be held since the residents were not properly notified. It was determined that the police department would make attempts to personally deliver the letters before the August council meeting, if the violations are not corrected sooner.

The council reviewed a request for a variance to install a fence at 202 1<sup>st</sup> Ave NE that would be on the property line on 2 sides of the fence. A motion was made by Pelzel and seconded by Schmidt to approve moving forward with the variance and having a hearing on the subject at the August council meeting. All voted in favor. None voted against, the motion carried.

Resolution 2023-8 Recognizing Scott Froehlich for reaching 20 years of service to the city in 2022 was reviewed. A motion was made by Schmidt and seconded by Schroeder to approve the resolution. All voted in favor. None voted against. The motion carried.

**City of Fairfax  
Resolution 2023-8**

**Resolution Recognizing Employees for Their Years of Service**

WHEREAS, the City Council for the City of Fairfax adopted an Employee Recognition Program on December 11<sup>th</sup>, 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:

- Scott Froehlich – 20 Years of Service as of August 20<sup>th</sup>, 2022

Adopted by the City Council this 11<sup>th</sup> day of July, 2023.

Attest:

\_\_\_\_\_  
Mayor

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

Merkel thanked Froehlich for his years of service to the city.

The council reviewed making a change to the current personnel policy regarding response time requirement for the police department. Bunkers noted that the personnel committee has been meeting and discussing this subject for the past few months. The personnel committee's recommendation to the council was to remove the response time requirement from the personnel policy. A motion was made by Schmidt and seconded by Schroeder to remove response time requirement for the police department from the personnel committee. Schmidt and Schroeder voted in favor, Pelzel voted against. Motion carried.

The council reviewed two contracts for building inspector services from 101 Development Resources, Inc and Prokore Inspection Services. A motion was made by Pelzel and seconded by Schmidt to approve the contract with Prokore Inspection Services starting September 1<sup>st</sup>, 2023. All voted in favor, none voted against. Motion carried.

The council reviewed a policy regarding audio and video recording for the police department. A motion was made by Pelzel and seconded by Schmidt to approve the policy. All voted in favor, none voted against. Motion carried.

The council also reviewed a quote for the purchase of new recording equipment for the squad cars that would also include cameras for the officers to wear. A motion was made by Schmidt and seconded by Pelzel to approve the quote and purchase of the new recording equipment. All voted in favor, none voted against. Motion carried.

The council discussed 2024 employee wage adjustments. The personnel committee's recommendation was to increase wages by 1.5% for 2024. Merkel requested feedback on incorporating the positions of pool manager and lifeguard into the 2024 employee pay scale to simplify the process of hiring pool staff. Bunkers requested that the mayor and council pay be reviewed. Merkel will bring a proposed 2024 pay scale to the August council meeting for approval.

The council reviewed the current city ordinances on mobile homes and addressing nuisance properties. After some discussion on both, no changes were made to the current ordinances.

The council reviewed Resolution 2023-7 Accepting Real Estate at 127 and 129 Park St S to be gifted to the city. Walton confirmed that there were no liens or judgements against the properties that would prevent the owner from gifting the lots to the city, besides paying the 2022 property taxes on both lots. Merkel stated that the current owner has agreed to pay all past due property taxes at the closing of the sale. A motion was made by Schmidt and seconded by Schroeder to approve the resolution to accept the gift. All voted in favor, none voted against.

**City of Fairfax  
Resolution 2023-7**

**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 entity has offered to contribute the real property set forth below:

HMK Trading LLC

Legal Description: Lots 10 and 11 of Block 3 of the original plat in the City of Fairfax, Minnesota;

PIDs: 31-00825-00 and 31-00830-00

WHEREAS, the city council finds that it is appropriate and beneficial 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 any use the City of Fairfax deems appropriate.

Passed by the City Council of the City of Fairfax, Minnesota this 11<sup>th</sup> day of July, 2023.

Attest:

\_\_\_\_\_  
Mayor

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

The city again reviewed the 3 bids from MJ Neisen Asphalt, Inc, Sandgren Trucking & Excavating and Got Dirt LLC for the clean-up of the gifted property. The 3 bids were as follows:

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

Merkel noted that she had spoke with all 3 contractors after the June council meeting to confirm their timeline of cleaning up the lots when the ownership has been transferred. All 3 contractors stated they can begin work immediately and estimated clean-up to take 2-3 weeks to be completed. A motion was made by Schmidt and seconded by Pelzel to accept MJ Neisen's bid and to incorporate a deadline for clean-up in a contract with MJ Neisen for the work. All voted in favor, none voted against. The motion carried.

The council reviewed two quotes for crack filling on city streets from MJ Neisen Asphalt Inc and Ground Zero Services as follows:

Ground Zero Services - \$9,907  
MJ Neisen Asphalt Inc - \$7,124

A motion was made by Schroeder and seconded by Schmidt to accept the quote from MJ Neisen Asphalt Inc. All voted in favor, none voted against. The motion carried.

In staff reports, Andrea Merkel stated that the city's 2022 audit has been finalized and the auditors will be at the August council meeting to present the audit information. Merkel also updated the council on the status of the clean-up of the lot at 121 Park St S. The property owner has exceeded the 30-day timeline to resume clean-up and there has been no additional clean-up noted or contact from the property owner. The next step in the process is to obtain a court order to grant the city the ability to finish the clean-up and assess the cost to the property owner.

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

Grejtak informed the council that the utility work by Excel Energy south of town has been completed. The city successfully generated power during two phases of the project to maintain electricity to the city. The city's MNOPS inspection of its natural gas system has also been completed and the inspection went well. CMPAS, the city's electrical cooperative has applied for a \$3.5 million grant on the city's behalf to assist with work to upgrade electrical system components in town. The city crews have been working on spraying weeds. Grejtak also inquired on whether or not the city should look into taking action to recover the cost of moving our natural gas pipeline in Winthrop last fall since MNDOT still has not completed their portion of the project due to their error. Walton stated that he would research the city's options.

Froehlich reported that the new squad car is scheduled to be delivered in September. There were only a few minor issues during Fairfax Dayz of Thunder weekend. Froehlich asked the council for clarification on whether or not he should enforce the ordinance regarding parking RVs on the street when the RV is located on a dead end portion of a street. The current ordinance does not allow RVs to be parked on any city streets, but some residents were given permission to do so in the past if the street was a dead end. The council agreed the ordinance should be followed and to review the ordinance for possible changes at a future meeting.

In other council member items, Councilmember Schmidt stated that an anonymous donor contacted him regarding donating improvements to the Veteran's memorial at Depot Park. He asked the donor to provide a drawing of the proposed improvements for the city to approve since the city owns Depot Park and would be maintaining any improvements. Councilmember Schroeder inquired about whether or not it would be possible to finish some improvements to the fire hall now that one wall and the ceiling was repaired from the mold issue. Merkel stated that the fire department should provide estimates of what they would like and the council can discuss further.

A motion was made by Schmidt and seconded by Schroeder 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