

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

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

Absent: None

Visitors: Andrea Merkel, City Administrator
Joel Grejtak, Street & Utility Superintendent
Scott Froehlich, Chief of Police
Aaron Walton, City Attorney
Jim Cuff
John Clobes
Denny Adamski

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:

15. Consider Approval of Street Patching and Repair Quote from M.R. Paving
16. Consider Approval of Tree Removal Quote

A motion was made by Pelzel and seconded by Schmidt 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. August 8th, 2023 Council Meeting Minutes
3. Consider Approval of Claims for Payment

A motion was made by Schmidt and seconded by Castillo to open a public hearing on a nuisance ordinance violation at 313 1st St SE. 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 2023-15 Findings of Fact and Order of Abatement for 313 1st St SE. A motion was made by Schmidt and seconded by Pelzel to approve resolution 2023-15. All voted in favor. None voted against. The motion carried.

CITY OF FAIRFAX
RESOLUTION NO. 2023-15
A RESOLUTION OF FINDINGS OF FACT AND ORDER ISSUED
UNDER FAIRFAX CITY CODE, CHAPTER 155: NUISANCES
RE: 313 1st Street SE, 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 313 1st Street SE, 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, Mika-Anne Borgen has been identified as the owner of this residential property, located at 313 1st Street SE, Fairfax, Minnesota 55332; Renville County Property ID No. 31-01015-00; and

Whereas, the City Administrator prepared a letter, which was delivered by the Fairfax Police Department on September 1st, 2023, notifying them that all of the above-listed items must be abated by September 8th, 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 September 12th, 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 8th, 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. Mika-Anne Borgen shall abate the above-described nuisance conditions on the residential property, located at 313 1st Street SE, 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 12th day of September, 2023.

SEAL

Josh Bunkers, Mayor

Attest: _____

Andrea Merkel, City Administrator

MOTION BY: _____

SECOND MOTION BY: _____

Attachments: Photos of Nuisance Items

The council reviewed Resolution 2023-14 Adopting the 2024 Preliminary Levy and Budget. A motion was made by Castillo and seconded by Schmidt to approve Resolution 2023-14. All voted in favor. None voted against, the motion carried.

**City of Fairfax
Resolution 2023-14**

State of Minnesota)
County of Renville)
City of Fairfax)

Resolution Adopting the 2024 Preliminary Levy and 2024 Preliminary Budget

Be it resolved by the City Council of the City of Fairfax, County of Renville, State of Minnesota, that the following sums of money be levied in 2024, upon the taxable property in the City of Fairfax, for the following purposes:

General Fund	\$362,881.00
2015A Bond	\$30,251.00
2018A Bond	\$23,259.00
2019A Bond	\$83,609.00
Total Tax Levy	\$500,000.00

Be it further resolved by the City Council that the preliminary 2024 budget is hereby adopted.

Be it further resolved by the City Council that a public hearing be called for the purpose of receiving public comment on the 2024 proposed levy and budget. Said public hearing is set at 7:00pm on the 12th of December, 2023.

The City Administrator is hereby instructed to transmit a copy of this resolution to the Auditor of Renville County, Minnesota.

Adopted by the City Council for the City of Fairfax, Minnesota this 12th day of September, 2023.

Attest:

Mayor

City Administrator

The council reviewed the 2024 Health Insurance Renewal information from Minnesota Healthcare Consortium. The renewal includes a 6.3% increase in health insurance premiums to maintain the same health care coverage for city employees. A motion was made by Schroeder and seconded by Schmidt to approve the renewal. Schmidt, Schroeder, Bunkers and Castillo voted in favor, with Pelzel abstaining. None voted against, the motion carried.

The council reviewed a proposed change to city employee dental insurance coverage from Met Life. Merkel informed the council that the proposed change would increase the cost of providing dental insurance to employees by about \$1300/year and would provide much better coverage for employees than the current dental policy. A motion was made by Schmidt and seconded by Castillo to approve the change to Met Life dental insurance coverage. Schmidt, Schroeder, Bunkers and Castillo voted in favor, with Pelzel abstaining. None voted against, the motion carried.

The council reviewed Ordinance 440 – Amending the City’s Golf Cart and Utility Vehicle ordinance. A motion was made by Schmidt and seconded by Schroeder 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 10th day of October, 2023.

Attest:

Mayor

City Administrator

The council reviewed a contract with the Fairfax Lion's to rent the red shed at Lion's Park during the winter months. A motion was made by Pelzel and seconded by Schroeder to approve the contract. All voted in favor. None voted against, the motion carried.

The council reviewed the current city policy on tobacco use on city property and parks and an ordinance that Renville County is adopting regulating the use of cannabis products in public spaces for recommendations. Walton confirmed that Renville County's policy on cannabis use on public property would apply to the city. The council recommended posting no-smoking signs in parks again and creating an ordinance for the city's tobacco policy so that it is included with the other city ordinances.

The council reviewed current city Ordinance 246 related to the storage and parking of vehicles and equipment. A motion was made by Pelzel and seconded by Schmidt to remove the requirement that vehicles and equipment be parked on an improved surface in a side or rear lot of properties and that the ordinance does not apply to camper shells. All voted in favor. None voted against, the motion carried.

The council reviewed current city ordinance 162 related to the City's Residential Parking Ordinance. A motion was made by Schmidt and seconded by Pelzel to not make any changes to the ordinance. Schmidt, Castillo and Pelzel voted in favor. Schroeder and Bunkers voted against. The motion carried.

A quote for street patching and manhole repair from M.R. Paving in the amount of \$19,040 was reviewed by the council. Grejtak commented on the difficulty of getting a 2nd quote for the type of work needed and that the city has been satisfied by the contractor's work in the past on similar projects. A motion was made by Schmidt and seconded by Castillo to approve the bid to M.R. Paving. All voted in favor. None voted against, the motion carried.

The council reviewed two quotes for tree removal. The quotes are as follows:

Zinniel Tree Service - \$5,100

Southern MN Tree Service - \$2,300

A motion was made by Pelzel and seconded by Castillo to award the bid to Southern MN Tree Service. All voted in favor. None voted against, the motion carried.

In staff reports, Andrea Merkel noted that the new street banners have arrived and were put up last week. Merkel also updated the council that the transfer of the ownership of 129 and 127 Park St S have officially been transferred to the City this past week. The city will need to hold off on clean up of the lots until the end of the month as a condition for an application for a blight

removal grant from Renville County. The city should receive notice on the grant by the end of September and then can proceed with clean up.

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

Grejtak informed the council that the city crew had 2 water main breaks on the same line on the south end of town and we may need to consider replacing the line due to age. The city's tractor broke down this past month and Kibble is providing an estimate on repairs. The city is researching DNR grants for assistance with the cost of tree removal. Grejtak also updated the council on the progress of installing the city's new transformer and noted that a transformer by Casey's was replaced this past month.

Froehlich reported that the department responded to 121 calls in the month of August and that the new squad car has arrived. The equipment for the new squad still needs to be installed. The new body cameras have arrived and will be installed next week. The training for officers to use the body camera equipment is also scheduled for later next week.

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

Attest:

Mayor

City Administrator