

**COUNCIL MEETING**

**DATE:** December 10, 2013

**TIME STARTED:** 7:00 p.m.

**TIME ENDED:** 9.25 p.m.

**MEMBERS PRESENT:** Mayor Doug Pomplun, Cindy Fahey, Lois Gilles, Todd Kiecker, Brad Augustin

**MEMBERS ABSENT:** none

Staff members present: Clerk Treasurer Administrator Marcia Seibert-Volz, Craig Marti, Supt. St. & Utilities, City Attorney Aaron Walton.

Meeting was called to order by Mayor Doug Pomplun.

**APPROVAL OF THE AGENDA:** Motion by Lois Gilles, second by Cindy Fahey to approve the agenda as presented with the elimination of Pay Est. #4 to Deming in the amount of \$342.00 which was included on the consent agenda in item 7.5. Council polled: Todd-no, Brad-no, Cindy-no, Lois-no, Doug-no. Motion failed. Motion by Cindy Fahey, second by Todd Kiecker to approve the agenda as presented with the addition of the evaluation of the City Administrator and the elimination of Pay Est. #4 for \$ 342.00 to Deming Construction that was included on the Consent agenda item 7.5. Motion carried.

**UNFINISHED BUSINESS:** None.

**PUBLIC HEARING:** The Mayor opened the public hearing in reference to the Truth N Taxation Hearing. No persons were present to address the 2014 budget. The hearing was closed with no comment.

**PRESENTATIONS:** Mark Erickson was present to update the council on the RS Fiber Project. RS Fiber Cooperative formed after Sibley County dropped out. Private Co-operative established and new financing mechanism is being put in place.

**BID OPENING & QUOTES:** None

Motion by Cindy Fahey, second by Todd Kiecker to approve the consent agenda. Motion carried.

- Approval of minutes dated November 12, 2013 & Special Meeting November 20, 2013
- Renewal of Frontier Bar Games of Skill license & 3.2 Beer Off Sale License to Casey's.
- Ambulance Mutual Aid Contracts: Allina Emergency Medical Services-New Ulm, Buffalo Lake Ambulance, Franklin Ambulance, Olivia Ambulance, North Ambulance, Hector Ambulance, Winthrop Ambulance & Sleepy Eye Ambulance.
- Deming Construction Final Pay Est. # 5 for 2012 Sidewalk & Driveway Project \$ 6,656.24.

**Claims:** Motion by Todd Kiecker, second by Cindy Fahey to order paid the following claims presented at the meeting. Motion carried.

4-Square Builders	MAINT SUPPLIES	18.48
5th Street Auto Body	PD car repair	233.45
A&B Business Equipment	COPIER MAINT CONTRACT	82.31
Ameripride Linen Services	LAUNDRY - BAR	366.22
Arctic Glacier	ICE	38.84
Arneson Distributing Inc	BEER & JUICE	766.86
Bernicks Pepsi Cola	ICE MACHINE RENT & POP	1,009.47
Bernie Wenner	BUILDING INSPECTOR	100.00
Bolton & Menk	2012 ST & UTILITY PROJECT	2,685.00
Border States	ELECTRIC CAP OUTLAY	1,171.77
Bound Tree Medical, LLC	AMBULANCE SUPPLIES	259.50
Capital One, F.S.B.	LICENSE FEE - AMBULANCE	405.41
Casey's	GAS	263.78
Central Minnesota Municip	POWER PURCHASED	32,590.86
CenturyLink	phone	1,297.04

Chip Steak & Provision Com	SUPPLIES FOR RESALE	814.70
Chuck Spaeth Ford Inc.	PD 2010 FORD CROWN VIC	98.94
City of Fairfax	GAMES OF SKILL LIC - Utility bills	9,881.95
Clobes Sanitation	GARBAGE CONTRACT & PICKUP	3,514.80
Dave's Full Service	gas bill	560.55
Davis Typewriter Co Inc	SHOP SUPPLIES	18.54
Dawn Bleick	2013 CIP REBATE	50.00
Department of Energy-WAPA	POWER PURCHASED	24,391.26
Display Sales	CHRISTMAS BULBS	40.62
Ecolab Pest Elimination	PEST CONTROL	150.16
Emergency Apparatus Mainte	FD TRUCK PUMP MAINT	2,714.06
F & F Floral	GARLAND & WREATH FOR BAR	164.32
Fairfax Medical Clinic	FD IMMUNIZATIONS	407.10
Fairfax Postmaster	ANNUAL PRESORT MAIL FEE	530.78
Fairfax Standard	PUBLISHING	624.46
Fairfax TV & Appliance	PD DVDS, REPAIRS & MICROWAVE LIQUOR ST	675.67
Farm Merchantile Inc.	SUPPLIES - BAR	1,265.65
First Systems Technology I	EQUIP MAINT - WATER PLANT	475.00
Fobbe Contracting Inc	HYDRANT REPLACEMENT	2,050.00
Frontier Bar	SUPPLIES FOR RESALE	127.71
General Code Publishers	ECODE ANNUAL MAINT FEE	1,195.00
Gibbon Lumber	supplies	9.20
Gopher State One Call	LOCATES	20.30
Harry's Frozen Food	SUPPLIES FOR RESALE	64.50
Hawkins Water Treatment	CHEMICALS	35.00
Heath Consultants Inc.	CALIBRATE GAS SNIFFER	279.54
Heggies Pizza	SUPPLIES FOR RESALE	511.45
Hermel Wholesale	SUPPLIES	893.55
Jahnke Water Inc.	WATER - LIBRARY	5.85
Jim Dandy	SUPPLIES FOR RESALE	61.20
Johnson Bros. Wholesale	LIQUOR	3,449.66
Juicebelly Entertainment	DJ	300.00
Kandiyohi-Renville Communi	FOOD LICENSE - BAR	665.00
Kemske/Oswald	OFFICE SUPPLIES	24.27
Kiecker Plumbing & Heating	REPAIRS - BAR	54.97
L.M.C.I.T.	FINAL WORK COMP AUDIT	1,455.00
Locher Bros. Inc.	BEER	4,979.75
M.R. Paving & Excavating	STREET PATCHING	3,515.00
MES - MIDAM	FD TURN OUT GEAR	41,183.19
MN Department of Revenue	OCTOBER SALES TAX	10,429.00
MN Dept Labor & Industry	PRESSURE VESSEL FEES	50.00
MN Dept. of Health	STATE WATER FEE OCT-DEC	891.00
MN Rural Water Assn.	2014 MEMBERSHIP DUES	225.00
MN Valley Testing Lab.	WASTEWATER SAMPLE TESTING	761.50
Martin Trucking, LLC	FREIGHT	107.67
Mary Liebl	2013 CIP REBATE	50.00
Matheson Tri-Gas Inc	SHOP SUPPLIES	265.38
Maynard's of Fairfax	SUPPLIES FOR RESALE	804.56
Mediacom	CABLE TV & INTERNET - BAR	448.74
Merchant Services	LIQUOR CREDIT CARD FEES NOV	588.54
Mikes Auto Parts	BOBCAT REPAIRS	85.11
New Security Technologies	POLICE EQUIPMENT	327.91
New Ulm Public Utilities	NOVEMBER GAS PURCHASED & TRANSPORTATION	128,208.66
North Ambulance	INTERCEPT 11-12-13	450.00
North Memorial EMS Educati	EMT TRAINING	1,615.00
Northern Lights Dist.	SUPPLIES FOR RESALE	2,810.32
Odor-Tech LLC	NATURAL GAS ODORANT	10,768.47
Oxygen Service Company	AMBULANCE SUPPLIES	39.62
Phillips Wine & Spirits	LIQUOR	170.35
Pitney Bowes Inc.	POSTAGE	519.99
Premium Waters Inc	OFFICE EXP - PD	10.63
RVS Shredding	SHREDDING SERVICE	30.00
Red Feather	SUPPLIES - BAR	73.64
Renville County	LANDFILL FEES	3,140.00
Renville County Auditor-Tr	DITCH ASSESSMENTS	7,171.67
Revtrak Inc	REVTRAK FEES - NOV	567.94
Schwaab Inc.	STAMP	99.93
Southern Wine & Spirits of	LIQUOR	1,630.90
St. Paul Stamp Works Inc	ANIMAL LICENSES	134.22
Steve's Bakery	SUPPLIES FOR RESALE	232.97
Tapper's Beer Line Servic	CLEAN BEER TAPS	32.50

Titan Machinery  
 Tow Distributing Corp.  
 Tyler Technologies  
 US Foods Culinary Equipmen  
 Verizon Wireless  
 Viking Coca-Cola Bo. Co.  
 Weis Oil  
 Xcel Energy  
 Younger & Walton PLLC  
 Payroll Expense

STREET EQUIP REPAIRS	170.72
BEER	2,395.24
2014 MAINTENANCE CONTRACTS	4,613.43
EQUIPMENT - BAR	155.75
TELEPHONE	395.38
POP	207.00
GAS	1,442.01
MISO SCHEDULE 10 & TM1	4,543.83
ATTORNEY FEE	2,000.00
	91,771.02

**LIQUOR COMMITTEE:** Upon recommendation by the Assistant Manager & Manager of the Liquor Store and approval of the Liquor Committee it was determined that Jessica Vigil still in her probationary period is not meeting the expectations required for the bartender position at the Liquor Store. Motion by Lois Gilles, second by Todd Kiecker to terminate Jessica Vigil, probationary employee, at the Frontier Bar & Lounge. Motion carried.

**FINAL PAY ESTIMATE #7 GENERAL CONSTRUCTION:** Following discussion on the liability issue of wage rates paid by General Construction a motion was made by Lois Gilles, second by Cindy Fahey to pay estimate # 7 in the amount of \$ 35,852.65 to General Construction. Motion carried.

**RESOLUTION 2013-13 APPOINTING TRANSMISSION PROJECT COORDINATING COMMITTEE REPRESENTATIVE.** Motion by Todd Kiecker, second by Brad Augustin to approve Resolution 2013-13. Motion carried.

**CITY OF FAIRFAX  
 CITY COUNCIL RESOLUTION  
 NO. 2013-13**

**BE IT RESOLVED** by the City Council of the City of Fairfax, (hereinafter referred to as "City"), as follows:

**Section 1.** In accordance with Section 404 of the Brookings-Twin Cities Transmission Project Agreement (the "Brooking Project Agreement") between the City and Central Minnesota Municipal Power Agency ("CMMPA"), the City hereby appoints Craig Marti as its representative on the Transmission Project Coordinating Committee for the Transmission Project (as the foregoing terms are defined in the Brookings Project Agreement), with the power and authority to take action on behalf of the City within the scope of the powers granted to the Transmission Project Coordinating Committee by Section 404 of the Brookings Project Agreement.

**Section 2:** The appointment of the City's Transmission Project Coordinating Committee representative and the power and authority conferred on the City's representative by Section 1 of this resolution specifically includes the power to vote on behalf of the City with respect to a pending proposal whereby CMMPA may be authorized, by vote of the Transmission Project Coordinating Committee, to proceed with an Elective Increase to CMMPA Percentage Interest (as that term is defined in the Brookings Project Agreement) that would increase CMMPA's Percentage Interest in the Transmission Project from [3.6%] to [3.9%] (the "Proposed Increase").

**Section 3:** The City acknowledges and agrees that if the Transmission Project Coordinating Committee votes, in accordance with the requirements of Section 404(d) of the Brookings Project Agreement, to authorize the Proposed Increase, (a) this will authorize, but not obligate, CMMPA to undertake the actions necessary to contractually commit itself to the Proposed Increase, and (b) if CMMPA does contractually commit itself to the Proposed Increase, the City (without any further authorizing action by the City) will be obligated in accordance with the terms of the Brookings Project Agreement to pay its Participant Share of additional Monthly Transmission Project Costs (as the foregoing terms are defined in the Brookings Project Agreement) resulting from the Proposed Increase, even if the City's representative appointed in Section 1 of this resolution has voted against the Proposed Increase.

**Section 4:** The appointment of the City's Transmission Project Coordinating Committee representative and the power and authority conferred on the City's representative by Section 1 of this resolution will remain in effect until the City delivers written notice to CMMPA that such appointment has been terminated or superseded.

**RESOLUTION 2013-14 2014 BUDGET:** Motion by Lois Gilles, second by Cindy Fahey to approve Res. 2013-14 with the addition to the Storm Sewer Budget of \$ 8,241.00 for 2014 Ditch Assessments. Motion carried.

**RESOLUTION # 2013-14**  
**RESOLUTION APPROVING THE 2014 BUDGET FOR THE CITY OF FAIRFAX.**

**BE IT RESOLVED**, by the City Council of the City of Fairfax, County of Renville, State of Minnesota, that the 2014 budget presented and on file in the Clerk Treas. Administrator's office be approved and the levy be certified to the County Auditor.

**RESOLUTION 2014-15:** Motion by Cindy Fahey, second by Lois Gilles to approve Resolution 2013-15. Motion carried.

**RESOLUTION #2013-15**  
**RESOLUTION APPROVING THE 2013 LEVY, COLLECTIBLE IN 2014.**

**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 for current year, collectible in 2014, upon the taxable property in the City of Fairfax for the following purpose:

Amount levied for General Fund	\$	409,518.00
Amount levied for Debt Service		<u>59,482.00</u>
<b>TOTAL</b>	<b>\$</b>	<b>469,000.00</b>

**WAGE AND EVALUATIONS** Action was tabled until the January meeting.

**PERSONNEL POLICY:** Amendment 14.12 change Holiday for Police Department to actual Holiday not when the Holiday is observed. Quarterly accrual given to council and Exempt employees receiving Comp Time or other additional benefits should be noted on pay plan.

**Ordinance 404A: Second Reading amending Section Chapter 78-2-A & 78-11-A**

**78-2-A. Running at large prohibited.** It shall be unlawful for any person who owns, harbors, or keeps a dog or at or the parents or the guardians of any such person under 18 years of age, to negligently or intentionally permit or fail to prevent the animal from running at large. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the City has posted an area with signs reading "Dogs or Cats Prohibited."

**Chapter 78-11-A. Attack by an animal.** It shall be unlawful for any person who owns, harbors, or keeps any animal, or the parents or the guardians of any such person under 18 years of age, to negligently or intentionally permit or fail to prevent the animal from inflicting or attempting to inflict bodily injury upon any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home without permission.

Motion by Brad Augustin, second by Cindy Fahey to adopt Ordinance 404A amending Chapter 78-2-A & 78-11-A. Motion carried unanimously.

**Auditorium Project:** Tabled until estimates or quotes are available for the mechanical.

**Marcia Seibert-Volz Staff Reports:** Fire Relief Association exempt status. Marcia was directed to check with F.D. on the matter and file a final return if the Fire Department concurs with the decision.

Building Permits: Manuel Rico, 16 2<sup>nd</sup> St. NE, Siding, \$ 3,000.00.

**City Attorney:** Civil Defense Siren. The City Attorney found no state statute or federal law that requires the civil defense siren needs to be heard inside. The siren is intended for warning people outside to take cover. No action was taken on the Civil Defense Siren.

**Craig Marti Report:** Craig presented to quotes for flow meters at the lift station:

North Star Pump	\$ 5,462.00 meter and labor	\$ 1,667.00
First System Technology	\$ 5,579.00 meter and labor	798.00

Motion by Lois Gilles, second by Cindy Fahey to purchase the Meter from First System Technology and approve purchasing a pressure washer budgeted in 2014. Motion carried.

**TREE TRIMMING:** Craig informed Council there is a problem with tree branches hanging down in the street for trucks plowing snow and the payloader. Following discussion, Craig was directed to provide a list to City Administrator to send notices to resident to trim their trees. The letters will be sent in thirty days. Motion by Lois Gilles, second by Cindy Fahey to send tree trimming notices out and allow thirty (30) days to trim. If the City trims the trees after thirty days the charge us set at \$ 125.00 per hour. Motion carried.

Police Chief Report: Chief reported eleven parking tickets were issued. Dog kennel is pending drawing and specs. The Chief requested the part time officers receive 1.5 time for working on Holidays. No action.

**LIQUOR STORE MANAGER:** Motion by Lois Gilles, second by Cindy Fahey to hire Kaitlyn Frederickson as Manager of the Liquor Store effective January 1, 2014, one year probation, and start at step I \$ 21.72. Motion carried.

**Committee Reports:** Police Committee Minutes 12-2-2013  
Liquor Committee minutes 12-6-2013  
Building Committee Minutes 12-6-2013

**Correspondence:** Renville County adoption of Ordinance regulating all-terrain vehicles.

**CITY ADMINISTRATOR EVALUATION:** Pursuant to opening meeting law the questioned was asked. Do you, Marcia, request the meeting be open and not closed? Marcia responded Yes. The Council proceeded with evaluation with each council's response recorded and on file.

Motion by Lois Gilles, second by Cindy Fahey to adjourn. Motion carried. Meeting adjourned at 9:25 p.m.

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Mayor Doug Pomplun

ATTEST: \_\_\_\_\_  
Marcia Seibert-Volz, City Administrator