

***Public Services Committee Meeting Agenda
Monday, September 25, 2023, 4:30 p.m.
Fillmore Conference Room – Thurber Building***

- A. Public Services Committee Meeting Agenda, 09/25/2023
- B. Contract for Collection of Garbage, Rubbish, Refuse, or Solid Waste
 - 1. LRS
- C. Shade Tree Ordinance
- D. CCA Liquor License Request

The Public Services Committee met on Monday, August 28, 2023.

Members Present: Pam Bluhm and Dave Frank.

Members Absent: None.

Others Present: Luke Thieke, Michele Peterson, and Beth Carlson.

Fire Department – SCBA Replacement: Fire Chief Luke Thieke informed the committee that Olmsted County is applying for the AFG grant to supply new SCBA's to all of Olmsted County fire departments. If the grant goes through the city will need to pay for 25% of the cost, or roughly \$42,000. This is a very high priority for Chatfield Fire as our SCBA's are no longer manufactured, and support for them is very slim. If the grant does not go through, the SCBA will still need replacement at a total cost of roughly \$175,000.

Fire Department – Tanker Improvements: The Kenworth tanker is due for updates in 2024. The truck is in great shape and needs very few updates. The CIP has roughly \$95000 set aside for upgrading this truck. Proposed upgrades include replacing tires, adding an additional drop tank and holder, and adding auto chains for winter.

Fire Department – New Hire: Recommendation to hire Drew Hurley as a new firefighter. Hurley will replace a member that is leaving in October.

CONTRACT FOR COLLECTION OF GARBAGE, RUBBISH,
REFUSE, OR SOLID WASTE BETWEEN THE CITY OF
CHATFIELD, MINNESOTA, AND ~~VEOLIA ES SOLID
WASTE, INC., D/B/A VEOLIA ENVIRONMENTAL SERVICES~~
LRS RECYCLES,

This agreement, made this ___ day of ~~July, 2012~~, by and between the City of Chatfield, a municipal corporation organized under the laws of the State of Minnesota (“City”) and ~~Veolia-ES Solid Waste, Inc., d/b/a Veolia Environmental Services~~ (“Veolia”) LRS of Minnesota, LLC (“LRS”), WITNESSETH that:

WHEREAS, the provisions of Section 22-26, of Chapter 22, of Part II , Subpart A, Article II, of the *Chatfield Code*, require that a person or entity providing services consisting of collection of garbage, rubbish, refuse or solid waste within the City enter into a contract with the City; and,

WHEREAS, ~~Veolia LRS~~ has submitted to City an application to provide services consisting of the collection and disposal of garbage, rubbish, refuse or sold waste within the City to commercial or industrial accounts; and,

WHEREAS, the City Council has reviewed ~~Veolia’s LRS~~ application to provide such service and found that the information provided therein is complete, and ~~Veolia LRS~~ is qualified to provide such service within the City.

Now therefore, in consideration of the mutual premises set forth, is AGREED between the parties as follows:

1. ~~Veolia LRS~~ agrees that it will provide within the City during the term of this agreement services consisting of the collection and disposal of garbage, rubbish, refuse or solid waste to commercial or industrial accounts, under the terms and conditions set forth in a certain “Application for Collection and Disposal of Commercial Waste” dated May 16, 2012, previously submitted to City, which application is appended to and made a part hereof as “Exhibit A”.
2. ~~Veolia LRS~~ agrees that in providing such service to an individual commercial or industrial customer within City during the term of this agreement, it will comply with all requirements that apply to such service required by the provisions of Chapter 22, of Part II, Subpart A, Article II of the *Chatfield Code*, except for those provisions relating to City approval of rates charged individual customers, and any other provisions which by their nature have no application to ~~Veolia’s LRS’s~~ provision of service to commercial or industrial accounts.
3. This rights of ~~Veolia LRS~~ to provide collection or disposal of garbage, rubbish, refuse or sold waste disposal services in the City under this agreement may not be sold, transferred

or otherwise assigned without prior approval of the City.

- 4. **Veolia LRS** acknowledges that its right to provide certain services under the terms and conditions of this agreement does not permit it to provide services consisting of collection or disposal of garbage, rubbish, refuse or solid waste in the City to an individual account that would be classified as residential under the terms and conditions of the City's existing contract with another provider.
- 5. This agreement shall be in force and effect for a period of three (3) years, and may be extended at any time at an earlier date by the mutual agreement of the parties.

Agreed to between the parties the date set forth above.

CITY OF CHATFIELD

~~VEOLIA ES SOLID WASTE, dba VEOLIA ENVIRONMENTAL SERVICES~~
LRS of Minnesota, LLC

By:

By:

Its Mayor

Its _____

Attest:

Its _____

Its City Clerk

ARTICLE II. SHADE TREE DISEASE

Sec. 32-19. Conflicts.

Where the provisions of this chapter conflict or are inconsistent with any other provision of this Code or with any rule promulgated by the Minnesota Commissioners of Agriculture or Natural Resources, the provisions of this chapter shall supersede, except in instances where the other ordinance or rule is more stringent, in which case the more stringent provision shall apply and control.

(Code 1999, § 3.7; Ord. No. 441, § 1, 2-25-2019)

Sec. 32-20. Purpose.

The city council has determined that health of certain elm, oak and ash shade trees within the city are threatened by fatal tree diseases known as Dutch Elm Disease and Oak Wilt, and the infestation of ash trees (*Fraxius* spp) by an insect pest known as the "emerald ash borer" (*Agrilus Planipemmis*). It has further determined that the loss of these shade trees that are growing upon public or private property that are subject to said diseases or infestation by the aforementioned insect pest, would substantially depreciate the value of property within the city; and impair the safety, good order, general welfare and convenience of the public. Therefore, it is declared to be the city council's intention to control and prevent the spread of these specific tree diseases, or proliferation of the insect pest the emerald ash borer.

(Code 1999, § 3.6.1; Ord. No. 441, § 2, 2-25-2019)

Sec. 32-21. Office of tree inspector established.

The office of tree inspector is hereby created. The powers and duties of the tree inspector as set forth further in this chapter are conferred upon the person appointed and acting as the city director of the department of public works, or such director's designee. The tree inspector shall coordinate, under the direction and control of the city council, all city activities relating to the control and prevention of shade tree diseases known as Dutch Elm Disease and Oak Wilt; and elimination of the insect pest emerald ash borer. The tree inspector shall recommend to the city council the details of a program for the control of such shade tree diseases and eradication of such insect pest and perform such other duties incident to implementation of such program adopted by the city council.

(Code 1999, § 3.6.2; Ord. No. 441, § 3, 2-25-2019)

Editor's note(s)—Ord. No. 441, § 3, adopted Feb. 25, 2019, changed the title of § 32-21 from tree inspector established to office of tree inspector established.

Sec. 32-22. Reserved.

Editor's note(s)—Ord. No. 441, § 4, adopted Feb. 25, 2019, repealed § 32-22, which pertained to the program of plant pest control and derived from the Code of 1999, § 3.6.3.

Sec. 32-23. Nuisance declared.

- (a) The following things are public nuisances if found within the city:
- (1) Any living or standing elm tree or part thereof infected with the fungus that causes Dutch Elm Disease (*Ophiostoma ulmi* or *Ophiostoma novo-ulmi*) or which harbors any of the elm bark beetles (*scolytus multistriatus*, *hylurgopinus rufipes*, or *S. Schevyrewi*);
 - (2) Any dead elm tree or part thereof, including logs, branches, stumps firewood or other elm material from which the bark has not been removed or burned;
 - (3) Any living or dead oak tree or part thereof infected to any degree with oak wilt fungus (*ceratocytis fagacearum*);
 - (4) Any living or dead ash tree (*Fraxinus* spp) or part thereof infected to any degree with the insect emerald ash borer (*Agilus Planipennis*);
 - (5) Any tree creating a public hazard whether the tree is on public or private property, and without regard for any damage to the tree;
 - (6) Any standing dead trees or dead brush.
- (b) No person shall permit any public nuisance to remain on any premises owned or controlled by said person. A nuisance described in this section is subject to abatement by the city as provided in subpart A, chapter 16, of this Code and the costs of such abatement may be recovered by the city as provided therein.

(Code 1999, § 3.6.4; Ord. No. 441, § 5, 2-25-2019)

Sec. 32-24. Inspection and investigation.

The tree inspector shall inspect all premises and places within the city as often as practicable to determine whether any condition described in section 32-23(a) of this chapter exists. The tree inspector shall investigate all reported incidents of the presence in a tree of fungus that causes Dutch Elm Disease or Oak Wilt or infestation of a tree by elm bark beetles or emerald ash borer. In making such an inspection, the tree inspector or authorized agent may enter upon private premises for the purpose of carrying out any duty imposed by this section.

(Code 1999, § 3.6.5; Ord. No. 441, § 6, 2-25-2019)

Sec. 32-25. Abatement.

In the process of abating a nuisance described in section 32.23(a) of this chapter, the tree inspector shall cause the tree that is infected or subject to infestation and its wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy the source of the infection or infestation and prevent the spread of such infection or infestation to nearby trees.

(Code 1999, § 3.6.6; Ord. No. 441, § 7, 2-25-2019)

Sec. 32-26. Procedures for removal of infected trees and wood.

- (a) Tree inspector's investigation, notice, and reports. Whenever the tree inspector finds with reasonable certainty that the infestation exists in any tree or wood in any public or private place in the city, he shall proceed as follows:

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- (1) If the tree inspector finds that the danger of infestation of other trees is not imminent, he shall make a written report of his finding to the city council which shall proceed by:
 - a. Abating the nuisance as a public improvement; or
 - b. Abating the nuisance as provided in subsections (b) and (c) of this section.
 - (2) If the tree inspector finds that the danger of infestation of other trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from the date of mailing of such notice. The tree inspector shall immediately report such action to the city council, and after the expiration of the time limited by the notice he may abate the nuisance.
- (b) City council action.
- (1) Upon receipt of the tree inspector's report required by this subsection, the city council shall by resolution order the nuisance abated. Before action is taken on such resolution, the city council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, the action proposed, the estimated cost of the abatement, and the proposed bases of assessment, if any, of costs.
 - (2) At such hearing or adjournment thereof, the city council shall hear property owners with reference to the scope and desirability of the proposed project.
 - (3) The city council shall thereafter adopt a resolution nullifying or confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.
- (c) Tree inspector's records. The tree inspector shall keep a record of the costs of abatements done under this subsection for which assessments are to be made, stating and certifying the description of the land, lots, or parcels involved, and the amount chargeable to each.
- (d) On or before October 15 of each year the clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this subsection. The city council may then assess and spread the charges or any portion thereof against the property involved as a special assessment, pursuant to the law for certification to the county auditor and collection the following year along with current taxes.

(Code 1999, § 3.6.7)

State law reference(s)—Special assessments to collect certain unpaid charges, Minn. Stat. § 429.101.

Sec. 32-27. Reserved.

Editor's note(s)—Ord. No. 441, § 8, adopted Feb. 25, 2019, repealed § 32-27, which pertained to spraying elm trees and derived from the Code of 1999, § 3.6.8.

Sec. 32-28. Transporting of certain wood prohibited.

No person shall transport within the city, except to an approved disposal site, any bark-bearing elm wood, bark-bearing ash (*Fraxinus* spp) wood that has been infested by the emerald ash borer, or bark-bearing oak wood from a tree infected by the Oak Wilt fungus without having first obtained a permit from the tree inspector.

The tree inspector shall grant such permit only when the purposes of this chapter will be served thereby.

(Code 1999, § 3.6.9; Ord. No. 441, § 9, 2-25-2019)

Editor's note(s)—Ord. No. 441, § 9, adopted Feb. 25, 2019, changed the title of § 32-28 from transporting elm wood prohibited to transporting of certain wood prohibited.

Sec. 32-29. Interference prohibited.

No person shall prevent, delay or interfere with the tree inspector or his agents while they are engaged in performing duties imposed by this section.

(Code 1999, § 3.6.10)

Sec. 32-30. Stockpiling or storing kinds of wood.

The stockpiling or storing of any bark-bearing elm wood, bark-bearing ash (*Fraxinus* spp) wood that has been infested by the emerald ash borer, or bark-bearing oak wood from a tree infected by the oak wilt fungus is prohibited, except during the period of September 15 through April 1 of the following year. Any such wood not utilized by April 1 of that year shall be immediately removed from the city and disposed of in an approved disposal site.

(Code 1999, § 3.6.11; Ord. No. 441, § 10, 2-25-2019)

Editor's note(s)—Ord. No. 441, § 10, adopted Feb. 25, 2019, changed the title of § 32-30 from stockpiling or storing elm logs to stockpiling or storing kinds of wood.



Beth Carlson
City of Chatfield-City Clerk
21 SE 2nd Street
Chatfield, MN 55923

Dear Beth,

The Chatfield Center for the Arts would like to amend its liquor license so that the entire property of the Center would be eligible for the sale, display and consumption of alcohol. Specifically, the CCA would like the licensed premises to include all property within the perimeter of the public sidewalks. This includes all spaces within its buildings and including the parking lot, when that lot is secured in a way that motor vehicles are not allowed to park in the lot.

Defining the licensed area as described above will allow the CCA to use its Courtyard Stage to complement its regular programming. It will also allow the beautiful lawn to be used for art, music and craft fairs. Furthermore, the entire property can complement community events like Western Days, Chillfest and more.

The CCA understands that its liquor license is only for the sale and consumption of alcohol on its premises and will make every reasonable effort to enforce the rules in that regard. Whenever an outdoor event involving alcohol takes place, a special area will be designated as tastefully as possible. In order to maintain a pleasant and inviting environment that complements the community, we intend to designate the area with signs and may install theatre-rope style plastic chain, or something similar, along the perimeter. Personnel will also be present to monitor the event. The use of more imposing structures such as hog panels, fencing and the like will be avoided as much as possible but might be considered for any event that the CCA Board thinks necessary for crowd control. If this request is approved by the City Council, the CCA will provide the City with an updated Certificate of Insurance prior to any outdoor activity.

The CCA Board of Directors appreciates the significance of the Chatfield Center for the Arts relative to a growing and vibrant community, which is the basis of this request. We are excited to continue to grow programming that will benefit the city and everyone who lives in the greater Chosen Valley area. On behalf of everyone at the CCA, I respectfully request approval of this request by the City Council.

Sincerely,

Peter E. Erickson
President