

A special meeting of the City Council for the City of Fairfax, Minnesota was held on May 28<sup>th</sup>, 2020 at 8:15am in the Community Center at 300 Park Street South.

Members: Brad Augustin, Josh Bunkers, John Schaefer, Steve Schmidt, Brad Bastian

Absent: None

Visitors: Nicholas Johnson, City Administrator  
Aaron Walton, City Attorney  
Denise Bonsack, Standard-Gazette & Messenger

The meeting was called to order.

The Pledge of Allegiance was recited.

The agenda was reviewed. A motion was made by Bunkers and seconded by Schmidt to approve the agenda. All voted in favor. None voted against. The motion was carried.

The Council reviewed Ordinance 422, an emergency ordinance temporarily suspending certain section of city code to allow outdoor service at bars and restaurants. A motion was made by Schmidt and seconded by Bunkers to adopt the emergency ordinance. All voted in favor. None voted against. The motion was carried.

## **CITY OF FAIRFAX, MINNESOTA**

### **ORDINANCE 422**

#### **AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING CERTAIN SECTIONS OF CITY CODE TO ALLOW OUTDOOR SERVICE AT BARS AND RESTAURANTS**

WHEREAS, the City of Fairfax adopted City Code section 71-7, which makes it “unlawful for any person to consume intoxicating liquors or nonintoxicating malt beverages on the streets or sidewalks of the City of Fairfax”; and

WHEREAS, City Code Chapter 71, Article VI, Article VI contains several sections on alcohol licensing where there are a number of references made to on-premise consumption, and also prohibiting consumption on the streets or sidewalks of the City, including Section 71-33, which provides that the liquor application “shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk”;

WHEREAS, the Executive Orders issued by Governor Tim Walz and the Peacetime State of Emergency declarations issued in response to the COVID-19 pandemic have created an extreme hardships for some local bars and restaurants;

WHEREAS, the Council of the City of Fairfax has determined that the above City Code sections combined with the Governor’s orders and declarations makes it difficult or impossible for some local bars and restaurants to partially reopen, and it is in the best interests of the City to relax certain sections of the City Code on a temporary basis to allow outdoor service at bars and

restaurants on sections or City streets, sidewalks, parking lots, or other green spaces, within limited and defined areas;

WHEREAS, due to the urgent nature of the changes needed to the City Code, the City Council has determined that the usual process for approving an ordinance under Minnesota Statutes section 415.19, and City Code section 22-7 should be waived, and this ordinance shall be passed as an emergency temporary ordinance under Code section 22-7.E., and Minn. Stat. section 462.355.

NOW, THEREFORE, the City Council of the City of Fairfax, Renville County, State of Minnesota, hereby ordains as follows:

1. All provisions of the Code of Ordinances, of the City of Fairfax, that prohibit the serving or consumption of food or beverages, including beverages containing alcohol, on City streets, sidewalks, or parking lots shall be and is hereby is amended effective immediately and continuing for a period of six months, to allow for the licensing and service of bars and restaurants to include sections or City streets, sidewalks, or parking lots, and consumption within limited and defined areas as approved by the City Administrator.
2. A business owner or licensee who wishes to serve food or beverages, including beverages containing alcohol, on City streets, sidewalks, or parking lots shall submit an application, or supplemental application to the City Administrator for approval. The application shall define and include a sketch showing the area where the applicant would like to serve food or beverages, including beverages containing alcohol. The applicant must also provide the City with proof that their liquor liability insurance covers alcohol sales in any expanded outdoor spaces which, under Minnesota law, must be “compact and contiguous” to the main structure. The City Administrator may approve such an application, which must include a sketch of the expanded service areas.
3. This ordinance shall be given prompt and general publicity and that it be filed promptly by the City Administrator.

Approved and passed on this 28<sup>th</sup> day of May, 2020.

---

Bradley Augustin, Mayor

Attest:

---

Nicholas Johnson, City Administrator

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

Attest:

---

Mayor

---

City Administrator