

# City Council

Friday, May 29, 2020 – 9 am

## SPECIAL CITY COUNCIL AGENDA

This meeting will be held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by watching on Comcast cable channel 16, by streaming on [CCXmedia.org](http://CCXmedia.org), or by calling 1-415-655-0001 and entering the meeting code 281 217 666. Additional information about monitoring electronic meetings is available on the [City website](http://City website). For technical assistance, please contact the City at 763-593-8007 or [webexsupport@goldenvalleymn.gov](mailto:webexsupport@goldenvalleymn.gov). If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration.

### 1. Call to Order

- A. Pledge of Allegiance
- B. Roll Call

Pages

### 2. Additions and Corrections to Agenda

### 3. New Business

All Ordinances listed under this heading are eligible for public input.

- A. Adopt Resolution No. 20-31 Creating Outdoor Service during Local Emergency for COVID 19

3-5

### 4. Adjournment



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# EXECUTIVE SUMMARY

## Physical Development

763-593-8030 / 763-593-8109 (fax)

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### Golden Valley City Council Meeting May 29, 2020

#### **Agenda Item**

3. A. Adopt a Resolution Creating Outdoor Service During Local Emergency for COVID-19

#### **Prepared By**

Jason Zimmerman, Planning Manager

#### **Summary**

On March 17, as part of Governor Walz's response to the COVID-19 pandemic, bars, restaurants, and other retail establishments were ordered closed. As of June 1, the Governor will allow bars and restaurants to reopen in a limited fashion utilizing temporary outdoor service areas with limited capacity and while still observing social distancing.

Golden Valley, along with other communities across the state, has worked to quickly develop a process for businesses to request the use of these outdoor service areas. Under the proposed resolution, interested parties may complete and submit an application that includes a site diagram and other important information to assess the practicality of the proposed outdoor use. Any bar or restaurant wanting to expand the area in which liquor can be served must also complete a liquor license amendment application.

In reviewing any application, staff will place a priority on working to follow the Governor's directive and flexibly accommodate business requests as they strive to regain customers and revenue. However, staff will also work to balance these requests with the potential impacts to adjacent properties and surrounding neighborhoods, and may limit some aspects of operations if they pose a risk of generating nuisance conditions. No fees for any associated permits or licenses will be collected. Applicants will still be required to follow the City's sign code, state building and fire codes, City and State liquor license requirements, and the City's noise ordinances.

All temporary outdoor service uses will expire on 11:59 pm on November 30, 2020, unless earlier terminated by the City Manager or City Council.

#### **Financial Or Budget Considerations**

None

#### **Recommended Action**

Motion to adopt Resolution creating Outdoor Service During Declared Local Emergency for COVID-19.

#### **Supporting Documents**

- Resolution 20-31, Creating Outdoor Service During Declared Local Emergency for COVID-19 (3 pages)

## RESOLUTION NO. 20-31

### RESOLUTION CREATING OUTDOOR SERVICE DURING DECLARED LOCAL EMERGENCY FOR COVID-19

WHEREAS, on March 17, 2020, the Governor's Executive Order 20-04 temporarily limited patronage of local retail establishments and temporarily closed bars and restaurants to on premise customers; and

WHEREAS, the closure has significantly impacted the economic vitality of local retail establishments; and

WHEREAS, the City of Golden Valley recognizes the economic impact the Governor's order will continue to have on local retail establishments; and

WHEREAS, the City of Golden Valley recognizes the need for social distancing and the continued efforts to prevent the spread of COVID-19 and recognizes these practices will be used after patrons are allowed to return to retail establishments; and

WHEREAS, the City of Golden Valley wishes to make temporary changes to business licensing, zoning, and permitting requirements to provide additional options for customer service and seating that meet social distancing and other established prevention measures; and

WHEREAS, on March 16, 2020, the Mayor of the City of Golden Valley declared that the world health pandemic caused by the novel coronavirus constituted a local emergency, and on March 17, 2020 the City Council recognized and extended the local emergency declared on March 16, 2020; and

WHEREAS, the City Council finds that ongoing and immediate action by and through the City Manager and other City staff is necessary to allow local businesses to operate in light of the COVID-19 pandemic and local and State emergencies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN VALLEY, MINNESOTA, that;

1. Retail establishments, including but not limited to bars, restaurants, and other retail stores ("Establishments") may apply for temporary exceptions from City Code to provide temporary outdoor service in response to any social distancing or serving requirements necessary to reduce the spread of COVID-19 or comply with Executive Orders of the Governor's office. These exceptions may include the establishment or expansion of an outdoor service area, including but not limited to an outdoor sales or outdoor seating area ("Temporary Outdoor Service Area"). All temporary exceptions to City Code, as well as the type, location, characteristics, and size of the Temporary Outdoor Service Area shall be approved by the City Manager or their designee in the form of a Temporary Outdoor Service Permit.
2. The City Manager or their designee may administratively issue a Temporary

Outdoor Service Permit in accordance with the requirements listed below. The City Manager or their designee may impose reasonable conditions on any approval they deem necessary to ensure compliance with these requirements.

Temporary Outdoor Service Permit Requirements:

- The area which the Establishments may use as a Temporary Outdoor Service Area shall be limited to parking areas or green spaces owned or lawfully occupied by the Establishment.
  - If the Establishment is not the fee owner of the proposed Temporary Outdoor Service Area, the fee owner of the Temporary Outdoor Service Area must consent to the temporary outdoor use in writing.
  - The Establishment shall prepare a plan to be approved by the City prior to establishing a Temporary Outdoor Service Area, which shall illustrate on-site traffic and operational management.
  - The Temporary Outdoor Service Area shall not impede sidewalk usage, block disabled person parking spaces or routes, or create nuisance conditions for abutting properties or the general public.
  - Temporary tables, tents, and sun shelters may be erected, but any structure requiring State building and fire code permits shall submit plans and all other materials required for such permits along with their Temporary Outdoor Service Permit application.
  - All Establishments shall certify to the City that they have prepared a COVID-19 Business Preparedness Plan that meets all applicable requirements of the United States government and the State of Minnesota.
3. Other than State building and fire code permits and liquor license approvals, no variance, zoning permit, conditional use permit, or other Golden Valley permit or approval otherwise required to erect an outdoor service area under City Code shall be required. To the extent building or fire code permits or liquor license approvals are required, City staff shall process all such applications on an accelerated basis.
4. Liquor license holders who wish to temporarily amend their license to allow for the sale and service of alcohol in the Temporary Outdoor Service Area must meet all requirements of State law and City Code and shall complete an application for a Temporary Liquor License Amendment on a form provided by the City Clerk. Licensees shall submit the completed application and all required attachments with their Temporary Outdoor Service Permit application for review. At a minimum, licensees shall provide a site plan, a plan to contain alcohol in the Temporary Outdoor Service Area, and proof of acceptable insurance coverage covering the Temporary Outdoor Service Area.

The City Council hereby delegates to the City Manager the authority to administratively approve such temporary liquor license amendments, provided however that any such amendment shall only have the effect of temporarily expanding the licensed premises in accordance with all of the terms and conditions

- herein. All such liquor license amendments shall be ratified by the City Council at its next regular meeting and may be suspended or revoked by the City Council at any time.
5. The authority granted herein shall not otherwise allow any use, practice, or operation that is not in compliance with any federal law or regulation (e.g. ADA regulations), Minnesota statutes and regulations, including but not limited to State building and fire codes, and City of Golden Valley liquor licensing regulations, sign regulations, or noise regulations.
  6. The City shall not charge any fees for the permits and licenses described in this Resolution.
  7. Lawful gambling may be conducted outdoors at permitted premises beginning June 1, 2020. Gambling equipment may be sold only in those areas where food and alcohol are allowed to be served and vendors must follow all lawful gambling statutes and rules, including but not limited to guidance related to outdoor gambling issued by the Minnesota Gambling Control Board.
  8. The City Manager may modify or clarify the terms and conditions of this Resolution by subsequent Emergency Administrative Action and those changes may have retroactive effect.
  9. All of the measures described in this Resolution, including but not limited to Temporary Outdoor Service Permits and temporary liquor license amendments, are temporary in nature and shall expire at 11:59 pm November 30, 2020, unless earlier terminated by the City Manager or City Council. This Resolution may be revoked at any time by the City Council. These measures shall not run with the land and shall not constitute a lawful use or occupation of land or premises, nor shall these measures be construed to constitute approval of an expansion of any existing zoning or other non-conformity. The City reserves all rights it may have under applicable law to regulate the repair, replacement, maintenance, improvement, or expansion of any nonconforming uses existing as of the date of this Resolution.

Adopted by the City Council of Golden Valley, Minnesota this 29<sup>th</sup> day of May, 2020.

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Shepard M. Harris, Mayor

ATTEST:

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Kristine A. Luedke, City Clerk